

CHAPTER ONE

GENERAL ORIENTATION TO THE STUDY

1.1 Introduction to the study

Recent legislation has mandated a new role and responsibilities for probation officers working with children in conflict with the law in South Africa. United Nations Children's Fund (UNICEF) (2006) asserts that most children in conflict with the law have committed petty crimes or such minor offences as vagrancy, truancy, begging or alcohol use. Some of these are known as 'status offences' and are not considered criminal when committed by adults. In addition, some children who engage in criminal behaviour have been used or coerced by adults. The South African Constitution (1996) ensures the protection of children rights as enshrined in the Bill of Rights. In a bid to fulfill its mandatory obligations in respect of children, the government of the Republic of South Africa (RSA) made a commitment to have children's rights embodied in legislation. The promulgation of the Children's Act 38 of 2005 (as amended) in South Africa seeks to afford children the necessary care, protection and assistance to develop to their full potential and also to fully assume their responsibilities within the community. It is the duty of the probation officers to render therapeutic and rehabilitative programmes suitable for their development.

The Child Justice Act (2008) was implemented in 2010 and one of the highlights in the juvenile criminal justice system in RSA is the specialization of probation officers who assist children in conflict with the law. The Child Justice Act (2008) aims to establish a criminal justice system for children that promotes their rights but also expands and entrenches the principles of restorative justice (by recognizing the victim, offender and community), while ensuring their responsibility and accountability for crimes committed. Meanwhile the Probation Services Act (1991) provides services to offenders of any age who may be eligible for probation services. However, in practice, in the past, probation officers have been actively prioritizing interventions with children in conflict with the law which is in line with South African policy and legislative developments. In terms of the Probation Services Act (1991), the probation officer has a number of responsibilities, namely: prevention, early intervention, statutory intervention and rehabilitation. They further reintegrate offenders back to their families and communities, as well as victims of

crime. However, the implementation of the Child Justice Act, 75 of 2008 in April 2010 which on one hand regard probation officers as playing a big role in its implementation triggered challenges especially because of the reported shortage of probation officers in South Africa (Badenhorst, 2011). On the other hand, the responsibilities of probation officers are clearly outlined in the Act and the expectation is that these responsibilities be carried out effectively in order to address child offending in the country. These challenges provided the context for the study. Against this backdrop, this introductory chapter elucidates the research problem and rationale underpinning the study, the purpose of the research project, the research design and methodology.

1.2 Problem statement and rationale of the study

“Juvenile crime is one of the world’s serious problems” (National Academy of Sciences 2001, p.1). According to Masuku (2004) internationally, a large proportion of crime, and particularly violent crime, is committed by young people. Masuku (2004) further suggest that similar trends are observed in South Africa with the growing concern of young offenders committing serious offences such as murder, robbery, rape and assault. Breetzke (2010, p.1) suggests that “levels of crime in post-apartheid South Africa are remarkably high”. According to Roestenburg and Oliphant (2012, p. 33), in South Africa, harsh realities are experienced by youth and families living in poverty, and this is often considered as a main contributing factor in offending. The instability in the economic, social, and political environment severely impacts on the quality of life of children generally in South Africa.

Roestenburg and Oliphant (2012, p.43) research findings are consistent with Masuku (2004) findings which found that “crimes committed by juveniles appear to be serious and violent as most respondents were arrested for rape (11.3%), housebreaking (11.3%), and theft (11.3%)”. The study by Bayever of Central Drug Authority (2009) revealed that drug consumption in South Africa is twice the world norm and that pupils who use alcohol or drugs are three times more involved with violent crimes.

The Child Justice Act (2008) is a legislative framework which addresses juvenile crime in South Africa. It recognizes the need to be proactive in reducing and combating juvenile crime by

placing an increased emphasis on the prevention measures, effective rehabilitation and reintegration of children in conflict with the law back to the community in order to minimize the potential for re-offending. Juvenile justice aims to reduce incarceration while protecting children from violence, abuse and exploitation. It promotes rehabilitation that involves families and communities as a safer, more appropriate and effective approach than punitive measures. UNICEF (2006) strongly advocates for diversion (directing children away from judicial proceedings and towards community solutions), restorative justice (promoting reconciliation, restitution and responsibility through the involvement of the child, family members, victims and communities), and alternatives to custodial sentencing which include counseling, probation and community service. All of these form integral part of Child Justice Act of 2008 as a response to child offending in South Africa and also to ensure that the rights of children are respected particularly those in conflict with the law.

In addition, the Probation Services Amendment Act of 2002 outlines duties and responsibilities of probation officers. Amongst others is rendering developmental programmes to children at risk of committing crimes or to those who have committed crimes, families, communities and to victims of crimes. These programmes are early intervention, prevention, rehabilitation and reintegration. However, probation officers do not only render services to children in conflict with the law in South Africa, they also compile pre-sentence reports for both children and adults and pre-trial reports for children (Skelton & Tshehla, 2011). This increases their workload which therefore put strain in rendering community interventions. However there have been research studies conducted in South Africa with regard to community-based juvenile offender programs (Roestenburg & Oliphant, 2012), child and youth misbehaviour (Bezuidenhout, 2013) and youth violence (Clark, 2012). Since the promulgation of The Child Justice Act in 2010, no research has been conducted in South Africa regarding the experiences of probation officers working with children in conflict with the law. This was therefore identified as a research gap in the literature search and also during the researcher's social work practice in Gauteng.

1.3 Aim and objectives of the study

The aim of the study was to explore experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region. To achieve the aim of the study, the following specific objectives were identified:

- i) To establish probation officers knowledge and understanding of children in conflict with the law
- ii) To explore experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region
- iii) To elicit recommendations of probation officers on working with children in conflict with the law in Johannesburg Metro Region
- iv) To determine the role of key stakeholders in ensuring adequate service provision for children in conflict with the law

1.4 Research question

What are the experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region?

1.5 Research methodology

The research approach applied in this study was qualitative in nature and a narrative research design was used. It assisted the researcher to get rich data from the participant's real life experiences in their work with children in conflict with the law. A population of probation officers was selected as a sample to help the researcher answer the research question. Non-probability sample of ten probation officers was selected purposefully from DSD, Johannesburg Metro Region. Semi-structured interview schedule was used to collect data. The researcher utilized data triangulation method to ensure trustworthiness of the study and two Magistrates of Children's Court and two Prosecutors were also interviewed in order to get wide range of information from multiple sources. The researcher transcribed interviews verbatim and thematic analysis was used to analyse the data.

1.6 Definition of key concepts of the study

The following definitions were used in the study:

1.6.1 Children in conflict with the law

This term refers to anyone under 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence (Child Justice Act, 2008).

1.6.2 Probation officer

Child Justice Act, (2008) defines probation officer as any person who has been appointed as a probation officer under section (2) of the Probation Services Act, 1991 (Act, 116 of 1991). Meanwhile Probation Services Act (1991) defines probation officers as social workers who carry out work in the fields of crime prevention, treatment of offenders, care and treatment of victims of crime and with families and communities.

1.6.3 Experiences

The term refers to both positive and negative aspects of probation officers' professional abilities to work (deal) with young persons (Volsak, 2000, p. ix).

1.7 Ethical considerations

Strydom (2011) indicate that researchers have two basic categories of ethical responsibility which is human and non-human. The first responsibility refers to human beings who participate in the project. The second responsibility of non-human refers to the discipline of science which ensures the accurate and honest reporting of the research. The following ethical issues were considered during the study to maintain researcher's responsibility, namely: voluntary participation, informed consent, avoidance of harm, coercion and perverse incentives, deception and confidentiality. Participants were given participants information sheet to participate in the study which explained the ethical issues involved in participating in the study. Furthermore, consent forms for participating in the study and for audio taping the interview were also given to participants for them to sign if they agree to participate in the study. Most importantly as a responsibility to the discipline of science, the researcher received ethical clearance to conduct the study. The ethical issues are discussed in detail in chapter three.

1.8 Organisation of the study

This report comprises of five chapters which are outlined below:

Chapter one provides an introduction to the study.

Chapter two provided a literature review of the study and the theoretical framework that informed this study.

Chapter three provide research design and methodology used in the study

Chapter four present and discuss results of the study.

Chapter five gives the summary of the main findings, conclusions as well as the recommendations stemming from the study.

1.9 Conclusion

This chapter introduced the study. The chapter further looked at the statement of the problem and rationale of the study, aims and objectives of the study, research methodology, definitions of key concepts of the study, ethical considerations and finally outlines the organisation of the study.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Crime and violence has come to be perceived by the general public as one of the primary challenges facing contemporary South Africa. Most children in conflict with the law commit crimes because of individual, family and societal-related factors and this subsequently defines the role that probation officers play.

This chapter looks at the factors that make children susceptible to committing crime and the nature of crimes they commit. The chapter further looks at South African responses to address juvenile crime. Moreover, in seeking to understand this phenomenon, the role, responsibilities and experiences of probation officers are outlined. The working conditions of probation officers focusing on social, psychological and historical factors were also looked at in this chapter. Then the chapter concludes by outlining the eco-systems approach which provides a paradigm for understanding how systems and their interactions maintain individual's behavior.

2.2 Crimes committed by children

Children in South Africa commit gruesome crimes ranging from murder, armed robbery to rape. However, not all children commit violent crimes since many of them are also arrested for offences such as possession of dagga, housebreaking and theft but since they are not serious offences, they do not attract the same interest as violent crimes (Booyens, Beukman & Bezuidenhout, 2013). A cross section of Republic of South African case studies to illustrate serious crimes committed by children is presented underneath.

The study by Roesterburg and Oliphant (2012) indicated that 11, 3% children were arrested for committing violent and serious crimes such as rape. Applying eco-systems approach, at a micro level, it can be deducted that the individual behaviour of these child offenders is interlinked with their interaction with parents and peers and as a result they act out what they observe on daily bases (Kirst-Ashman, 2007). At a macro level, the forces that affect these children emanates from the family functioning such as economic, social, cultural and political. Most of them comes from economically disadvantaged families and for them to survive, crime becomes the easiest

solution which is something they observe in the communities they live in and in the country as a whole (Kirst-Ashman, 2007). For instance, rape armed robbery cases are reported daily in different media platforms and children see it as a normal thing. It therefore creates a challenge when these children are referred to programmes for rehabilitation where the problem is not individually motivated but is a societal problem. The following case studies prove that the problem exists from all levels, from micro, mezzo and macro level in South Africa.

The case *S v FM 2013 (1) SACR 57 (GNP)*, the child committed an act of sexual penetration with an 11-year-old girl who, the evidence revealed, suffered from mental disability. The child in conflict with the law accepted responsibility for committing the offence. In another rape incident, Masango (2012, p.192) as (cited in Booyens et al, 2013) mentioned that children filmed a rape in progress at Jules High School in Johannesburg and distributed the images via social networks.

Masuku (2004) study highlighted that housebreaking offences committed by children is at 11.3% and assault with aggravating circumstances is at 10.0% and reason for committing such offences is related to poverty. The following cases give testimony to the study conducted by Masuku (2004) in terms of the kind of offences committed by children that they are mainly motivated by socio-economic factors in order to buy things for the family and/or themselves. The case, *S v Mahlangu and Ndlovu 2010 (2) SA CC70*, the child offender was arrested with an adult and charged with housebreaking with intent to rob and robbery with aggravating circumstances, murder and attempted robbery with aggravating circumstances. In the charge of housebreaking with intent to rob and robbery, the child was found not guilty, but found guilty of housebreaking with intent to steal. Similarly, in the case, *S v TS 2013 (1) SACR 92 (FB)*, a 16 year old child was arrested for housebreaking with intent to steal and theft. He was sentenced to three years compulsory residence in a Child and Youth Care Centre. In the case between the *S v MELAPI 2014 (1) SACR 363 (GP)*, the child was 17 years and two months old at the time of the commission of the offence. He was charged with the offence of murder and sentenced to five years imprisonment. Meanwhile, in the case of *S v CT 2013 JDR 1569 (GNP)*, the child offender was 15 years old. He drowned another child to death by pushing the child under the water five times knowing the child could not swim well. The child offender was sentenced to 5 years in Child and Youth Care Centre.

The case involving *S v LM (FACULTY OF LAW, UNIVERSITY OF THE WESTERN CAPE: CHILDREN RIGHTS PROJECT OF THE COMMUNITY LAW CENTRE AND OTHERS AS AMICI CURIAE) 2013 (1) SACR 188 (WCC)*, the child was 15 years old and was convicted of possession of one 'stop' of dagga.

Based on the statistics provided above by Masuku (2004) and Roestenburg and Oliphant (2012), and the analyses of eco-systems approach, it can be deduced that the commission of these offences were driven by socioeconomic factors even though they are not limited to such factors. They are also linked with peer pressure and a general moral degeneration in society where adults use children to commit crimes. Most significantly, lack of family values affects these young people negatively where they are mostly raised by single parents, usually, women, which results to general lack of parental care due to a number of responsibilities that they are expected to fulfil e.g. preparing food for children and also looking at their children's school work and most of the time this is not happening and it results to emotional deprivation (Hayward & Honegger, 2014). Children therefore seek this from wrong people and end up engaging in criminal activities (Roestenburg & Oliphant, 2012). The cross section of the case studies outlined above has indicated the general violent nature of crimes committed by children in South Africa. The risks associated with child offending have structural components emanating from individual, family to societal level.

2.3 Risks associated with juvenile crime

2.3.1 Individual level

World Youth Report (2003, p. 189) argue that “youth nowadays, regardless of gender, social origin or country of residence, are subject to individual risks but are also being presented with new individual opportunities-some beneficial and some potentially harmful”. Barton (2011) maintains that risk factors are biological or genetic in origin. Risk factors at individual level are psychological or behavioural. These factors include early aggressive behaviour, rebelliousness and alienation. Roestenburg and Oliphant (2012) and Guerra (2013) research studies indicate that juveniles in conflict with the law experience behaviour that manifests in aggression, attention deficiency and frustration. This is supported by Tremblay and Learquand (2001) who articulate

that the best social behaviour characteristic to predict delinquent behaviour before age 13 appears to be aggression.

Ward et al. (2012) reveals that South Africa has high proportions of children exposed to risks for neurological damage in early life such as prevalence of fetal alcohol spectrum disorders, underdeveloped children, domestic violence and child maltreatment and these can all alter neurochemistry and result in aggression. These children may have learning disabilities that might cause them to disconnect from school and increase possibility of delinquent behaviour if not identified or addressed accordingly (Ward et al., 2012). The literature consistently indicates that school commitment and academic performance are linked to developmental outcomes. Meanwhile low commitment and poor performance are consistently identified as risk factors. International studies conducted by Hayward and Honegger (2014) indicate that regardless of gender, having a learning disability, low standard scores test, low attachment or commitment to school and low academic aspiration are associated with youth offending. Similarly, low academic success and limited education were found to be prevalent among female youth gang. Protective factors which can ameliorate risks factors include assertiveness, social problem solving skills and self-esteem which can be instilled by families as the primary institution of socialization. However if the problem starts way before the child is born, that poses a serious challenge which points to family and community education programmes which will help reduce the identified risk factors. In other words, prevention programmes plays a significant role in trying to reduce individual risks factors.

2.3.2 Family level

Barton (2011) posits that the family represents the most salient social context for children; consequently the literature identifies a number of risk factors within the family. Through attachment and modeling, the family exerts a profound effect on children's behaviour. National Academy of Sciences (2011) and Clark (2012) studies suggests that the risk for juvenile crime may be exacerbated by exposure to family violence or poor parenting practices, dysfunctional families and neighborhoods. The findings of the National Academy of Science (2011) are consistent with Barton (2011), Roestenburg and Oliphant (2012) and Lutya (2012) findings which revealed that nearly all reviews noted inconsistent or harsh discipline practices, parental

criminality, child maltreatment, lack of parental involvement and divorce as risk factors. Booyens et al, (2013) confirm that poor family affection and cohesion, a high degree of family conflict and a permissive parenting style are connected with children's problematic behaviour.

Juvenile offenders have often been victimised themselves in childhood and begin to victimize others as they grow older. At times, their offending behaviour places them in much riskier situations, which invite victimization (Lutya, 2012). The behaviours and circumstances that lead to law-breaking are often similar to those leading to victimization. Those who are isolated resort to bullying and/or offending in order to feel accepted (Booyens et al, 2013, p.195). Palmary (2007) study reveals that the causes of criminality amongst children are the ineffective discipline and poor monitoring of young people. In addition, children's involvement in school bullying has been associated with inconsistent and harsh discipline in the family. The findings of the Palmary (2007) are consistent with Burton (2013) which revealed that levels of corporal punishment, a more systemic form of violence, despite being a criminal offence, do show a very worrying slight increase from 47.9% in 2008 to 49.8% of pupils in 2012 who reported that they were caned or spanked. The international evidence (Burton, 2013) shows that corporal punishment increases, not decreases, the risk of anti-social behaviour in and outside the classroom. Booyens et al, (2013) indicate that bullying can be physical, emotional and/or sexual. With the onset of the electronic era, a new type of bullying emerged, namely cyber bullying. In South Africa the primary means for cyber bullying is via mobile phones as more children have access to these than to computers.

International study by Hayward and Honegger (2014) and Roestenburg and Oliphant (2012) suggests that the reason for juvenile offending could be as a result of emotional deprivation, family violence, lack of support from parents, and unhealthy nurturing. Maschi, Schwalbe and Ristow (2013) found that probation officers provide valuable emotional support and guidance that lowers parental anxiety and strengthens parental capacity. The involvement of parents in children's lives serves as a resource to them for emotional support whenever they need it. Every child needs the holistic support from his or her family and the lack of it could result to antisocial behaviour such as committing crime in order to address this lacking need. Barton (2011) mentions that warm relationship with pro-social parents who are involved in their children's

lives and who provide consistent monitoring and discipline as perhaps the strongest protective factor.

Roostenburg and Oliphant (2012) study indicates that poor and single parent families were more likely to produce stressful living conditions that lead to criminal behavior. Due to the circular nature of behavioral patterns in families, these juveniles were more likely to react to the destructive communication and behavior they experience themselves. This finding is consistent with that of Tshitereke (2013) and Lutya (2012) findings which found that the majority of children live in overcrowded households that are classified poor, where almost half of them live in informal dwellings with mothers only, most of their fathers are absent in their lives and others mainly orphans and teenage mothers live with their grandparents and survive on social grants. Teenage mothers have limited opportunities of getting employment, so with poverty and single parental unemployment prevalent, children of teenage mothers become part of the financial hardships (Lutya, 2012).

The socioeconomic conditions of these parents profoundly impact on the opportunities of children, it dictates their destinies. The majority of disadvantaged children are black African and coloured children who live in adverse conditions, (Tshitereke, 2013). In order to change their adverse conditions they engage in criminal activities and make it their destinations. In addition, Mandisa (2007) state that children in single parent families become angry and rebellious because they believe they were deprived from positive relationship with parents as well as role model. Single parent families are responsible for everything in the household as a result they feel systemic overload and a lack of adequate attention to emotional needs of children. Palmary (2007) argue that in South Africa most single parent families are headed by women who have more children to feed, clothe and nurture, their income is far below that of their male counterparts. These are often households where stress is high, as a result of poverty, long working hours, and meeting the demands of children. This makes providing for the emotional needs and effective supervision much more difficult. Juveniles who lack emotional affection were more likely to join a gang to meet this emotional need (Hayward & Honegger, 2014). Barton (2011) and Kronberga (2014) study revealed that the strongest protective factor for

children from single parented families is a strong bond to extended family members which encourages social moral and positive attitude to the world in general.

2.3.3 Societal level

According to Barton, (2011) and Guerra (2013, p.15) poverty is one of the most frequently cited correlates of delinquency. The availability of drugs and weapons, exposure to violence, high crime rate and lack of social cohesion are risk factors for delinquency at social level. Hayward and Honegger (2014) indicate that potential risk factors include living and growing up in a low-income neighborhood with higher availability of marijuana, and living within high youth crime rates areas with the latter two found to be significant regardless of gender. According to Booyens et al. (2013) young children are experimenting with drugs more than ever in the history of South Africa, and this appears to be widespread throughout the racial, cultural and economic sections of our society. In South Africa, a significant number of children as young as 10 are addicted to drugs such as dagga and heroin. Maree (2013) argues that there is a link between drug use and crime, with alcohol and drugs being found to make children more inclined to crime in comparison to adults. Nandipha (2013) also indicated that according to the South African Police Service's figures, 60% of crimes nationally are related to substance abuse and nyaope users constitute a substantial number of users. In 2012, in Gauteng alone, 25 949 drug-related crimes were recorded and of great concern was that nyaope users were typically between the impressionable ages of 13 and 19. The situation requires collaboration and partnership amongst all stakeholders so as to create jobs that would help improve socio-economic situations in the country and consequently prevent children from engaging in criminal activities.

Tshitereke (2013) indicated that Statistics South Africa revealed that nearly 60% of South Africa's children receive social grants and nearly 35% live in households where no one is employed. This forces them to subsist on those social grants. The impact of unemployment is discouraging in that the high rate of vulnerable children in South Africa has negative implications for the country's desired economic growth rates, overall competitiveness and social cohesion.

Communities with high collective efficacy stand a better chance of maintaining social control which helps protect against child offending. Fraser (as cited in Barton, 2011) argues that community norms broadly affect child offending through the formal laws and policies. For example, community that vigorously pursues enforcement of age limits for the purchase of alcohol might be expected to have lower child offending rates. Ward et al, (2011) argue that the general attitude towards violence in society might consider violence legitimate to resolve disputes or conflicts. Norms may influence violence through shaping behaviour of possible perpetrators or the behaviour of others present in the situations that are conducive to violence, and whose complicity or opposition to the use of violence might serve as a fuel or constraint. In South Africa service delivery or public protest has become normal. Tabane (2013) mentioned that recently Khutsong community opted to mob justice to fight against gangsters who were robbing and stabbing people and also involved in drugs and violence. The children are involved most of the time in these violent protests. This justifies that people have normalize violence in addressing problems that they have in their communities. Children who also experience family violence at home regard it as normal and seemingly assume to do the same to other people. For example, if the child comes from a family where a member of a family is involved in criminal activities the child stands a better chance of getting into criminal behaviour.

Roestenburg and Oliphant (2012) and Clark (2014) reveal that at social level, immediate environment (community) and the country's conditions are considered a significant contributing factor to children committing crime. Socioeconomic conditions, political instability and climate are described to have a contributing role in the occurrence of juvenile crime. For instance, the availability of weapons in a community may turn a break-in or theft into an armed robbery, thereby contributing to a more severe offence. During the apartheid era, most crime tended to be viewed as politically inspired as a result socioeconomic conditions in juvenile delinquency was mostly ignored (Mandisa, 2007). The impact of the past is still relevant in South Africa today as most families are struggling with poverty which is linked to poor education. The limited opportunities for education and employment and the presence of racial discrimination resulted in risk factors for child offending whereas the presence of opportunities for education and employment provides protection from delinquency.

Socioeconomic circumstances that are part of the legacy of apartheid did not change and many juveniles remained caught up in criminal justice system. Mandisa (2007) research study supports the notion that persistently poor socioeconomic conditions in communities contributes to juvenile crime in a variety of ways. Ward et al (2012) concede evidence suggests that violence occurs at a higher rate in societies with high levels of economic inequality. In South Africa, violence seems to have increased alongside an increase in inequality, high unemployment and income poverty. One Young World (2014) admits that economic challenges and severe structural and systematic entrenchment of violent society have resulted in a dangerous disregard for life and the human rights South African society.

Furthermore, poor socio-economic conditions in communities such as unemployment have been reported to contribute to juvenile crime (Abrams et al., 2005; Carr & Van Diver, 2001; Currie & Covell, 1998; Lattimore et al., 2004 & Mandisa, 2007). Unique circumstances in the South African context which contribute to a breakdown of social morals include poverty, unemployment and human immunodeficiency virus/acquired immuno deficiency syndrome (HIV/AIDS), as well as high crime rates (Roestenburg & Oliphant, 2012). Mkhabela (2013) indicate that the situation has worsened as HIV/Aids began to claim lives of the economically active generation, particularly women between the ages of 24 and 40 years old. Southern Africa has been the largest contributor to HIV and Aids-related orphan-hood and the vulnerability. These are some push and pull factors which impact on young people and their trajectory towards offending. In an attempt to ensure that these problems are addressed the government of South Africa had to come with a response to juvenile offending.

2.4 South Africa's response to child offenders

Different countries have responded in diverse ways in dealing with the issue of child offenders (Skelton & Tshehla, 2008). The South African Constitution ensures the protection of children rights as enshrined in the Bill of Rights. In South Africa, the department of social development (DSD) has adopted a 4 level approach to assist child victims, child offenders and those at risk of offending. As a response to the increase in juvenile offending in South Africa, the child justice act (CJA) (2008) was implemented in 2010. One of the highlights of the juvenile criminal justice

system in South Africa is the specialization of probation officers who assist children in conflict with the law.

a) The Children's Act 38 of 2005

The Children's Act (2005) was promulgated in South Africa and it seeks to afford children the necessary care, protection and assistance to develop to their full potential and also to fully assume their responsibilities within the community. According to Skelton and Tshehla (2008) Children's court exists in terms of the Children's Act, 2005, and it does not form part of criminal justice system. Special provisions have also been outlined in this Act, with reference to children in conflict with the law. For example, Sec 191(1) and (2) (h) child and youth care centres are secure residential care centres mandated to receive children in conflict with the law who are awaiting trial and sentencing. In addition, they are further expected to offer therapeutic programmes which are suited for their development. It remains the responsibility of the probation officer to render such programme to these children placed in a child and youth care centre.

b) The Child Justice Act

The Child Justice Act (2008) aims to establish a criminal justice system for children that promotes their rights but also expands and entrenches the principles of restorative justice (by recognizing the victim, offender and community), while ensuring their responsibility and accountability for crimes committed. It recognizes the need to be proactive in reducing and combating juvenile crime by placing an increased emphasis on the prevention measures, effective rehabilitation and reintegration of children in conflict with the law back to the community in order to minimize the potential for re-offending. Thus the Act seeks to balance the interests of children and those of society, with due regard to the rights of victims. In ensuring this, the Act outlines duties for probation officers which are to assess all children alleged to have committed an offence before appearing in the preliminary inquiry. The purpose of the assessment among other things is to establish whether the child is in need of care and protection, the child's age for the establishment of proper measures to be taken and the prospects for the diversion of the matter if the child accepts responsibility.

c) The Probation Services Act 116 of 1991

The Probation Services Act (1991) provides services to offenders of any age who may be eligible for probation services. However, in practice, in the past, probation officers have been actively prioritizing children in conflict with the law which is in line with policy and legislative developments. Child Justice Act (2005) defines probation officer as any person who has been appointed as a probation officer under section (2) of the Probation Services Act, 1991 (Act, 116 of 1991). Meanwhile Probation Services Act (1991) defines probation officers as social workers who carry out work in the fields of crime prevention, treatment of offenders, care and treatment of victims of crime and with families and communities. For the purpose of the study, the latter definition will be used to explore experiences of probation officers working with children in conflict with the law. In terms of the Probation Services Act (1991) the probation officer has a number of responsibilities towards offenders and their families and communities, as well as victims of crime. These responsibilities are as follows: prevention, early intervention, statutory intervention and rehabilitation and reintegration.

2.5 Responsibilities of probation officers

(i) Prevention and early intervention

In the context of this study and according to the Children's Act (2005), prevention programmes are programmes designed to serve the purposes of preserving a child's family structure, promoting appropriate interpersonal relationships within the family and preventing the abuse or inadequate supervision of children and prevention of other failures in the family environment to meet children's needs. The White Paper for Social Welfare (1997, p. 59) state that probation officers are required to render integrated developmental programmes on crime prevention and restorative justice for young persons in conflict with the law that will address the social and economic factors which contribute to crime. Volsak (2000) explains programmes offered by probation officers at the prevention level target young people, their families and communities to prevent re-offending, which may lead to placement of children away from home. These programmes include parenting skills and child development programmes in communities. Lancaster County (2009) further mentions that probation officers coordinate with schools, agencies, employment/training programs and other services within the community. The aim is to

get everybody involved in an attempt to address the problem through community awareness programmes.

Prevention programmes serve as a conscious effort to protect the community's interest through imparting useful life skills for children and families and restore social cohesion. Mkhabela (2013) referred to the chief executive of the Mandela Children's Fund comment where she stressed that services that focus on prevention and early intervention as well as on the family and community as a whole should also be prioritized to ensure a more impactful and sustainable use of resources. Therefore probation officers are crucial in the community, in relation to secondary prevention, in terms of helping juvenile offenders live productively and act responsibly within the community. In a whole prevention programmes provide skill development technique designed to impart positive living, learning, and working skills for juvenile offenders. Thus ensuring the safety and security of the community and the rehabilitative needs of the juvenile are best met and the interest of the public is best served (Blair County Juvenile Probation, 2009).

(ii) Statutory intervention

During statutory intervention the probation officer and the multi-disciplinary team that was involved at assessment and referral stages decide that the case of a child in conflict with the law is not suitable for out of court diversion (Volsak, 2000). For example, if the child in conflict with the law has committed a serious offence like murder or rape, the case is referred to prosecution for further consideration. The probation officers have the task to screen, select, and assess children in conflict with the law awaiting trial. They also prepare pre-sentence reports, present them to court and undertake supervision of sentenced child offenders (Justice and Solicitor, 2012). It is necessary for the probation officer at this level to make a clear recommendation in their report having explored all the other relevant sentence options under legislation. Community involvement is also an important component at this stage because many programmes that are explored are community-based. The role of the probation officer becomes very critical in that sentencing recommended by the probation officer should be developmental so as to allow the child to be admitted to a rehabilitative programme designed to help the child realize the harm caused to the victim. The Probation Department operates a commitment program where

offenders who have demonstrated their risk to public safety may be detained for over a year while receiving services designed to negate further delinquency (Justice and Solicitor, 2012).

(iii) Rehabilitation

According to Volsak (2000) and Children's Act (2005) children in conflict with the law, wherever possible should be kept in their families and in the communities, but at the same time the safety of the community should also be considered. This refers to both those children awaiting trial and those at the sentencing stage. If, according to the probation officer, magistrate and prosecutor, it appears that the child in conflict with the law cannot be diverted or await trial at home because of threat to either himself and to society, then the child can be placed in a secure care facility to participate in a rehabilitation programme to understand the impact of harm caused. Asian and Pacific Conference of Correctional Administrators (APCCA) Newsletter (2002) and Clark (2014) explain that the rehabilitation programme involve: deterring juvenile offenders from committing further crimes, correct their delinquent values and behaviour, help them develop socially acceptable behaviour and respect for law, equip them with social and life skills to enhance their problem solving capacity and provide them with opportunities to learn the necessary skills for reintegration into society and prevent stigmatization of the child.

The programme is based on the principle of restorative justice. Justice and Solicitor (2012) posit that restorative justice is a critical aspect in addressing juvenile offending as it emphasizes the fundamental fact that crime damages people, communities, and relationships. If crime is about harm, then the justice process should emphasize repairing the harm, builds on traditional positive community values and on effective sanctioning practices, including victim-offender mediation, reparative boards, family group conferencing, community service, restitution, victim and community impact statements, and victim awareness panels (Justice and Solicitor, 2012). It is the duty and the responsibility of the probation officers to promote victim and community involvement for restoration, offender accountability and integration, and improved conflict resolution interventions (Volsak, 2000). The involvement of all stakeholders allows the child to rehabilitate and be reintegrated back to the family and community.

(iv) Reintegration

United Nations (2006, p. 1) point out that “social reintegration is not an issue that can be resolved by legislation and institutions alone...families of child offenders, immediate circle of friends and the community have a fundamental role to play in assisting offenders return to society and support them rebuild their lives”. This is to say having strong family support is one of the most important factors that contribute to successful rehabilitation. Probation officers play a significant role in helping children in conflict with the law rebuild their relationships with their families, with accessing skills development institutions or finding a job and encouraging professional treatment for problems such as drug addiction and in general enabling a positive life strategy (United Nations, 2006). Unfortunately, due to factors that include lack of human resource e.g. probation officers, the social reintegration of child offenders are often a low priority in practice as they are mainly bogged down on paperwork thus surrender the value of doing community work (BBC News, 2011). According to September (2013), there are inadequate numbers of social workers, those we have work hard often under trying conditions, they are not paid well, neither are their continuing professional development needs systematically catered for. While there is a need, and must absolutely have, a well-trained and qualified highly motivated professional social workforce, this is just the must have, the real work is within families and communities. For community intervention to take place, human resource particularly probation officers need to be increased. Lack of skills training, educational facilities, and organisation collaboration to ensure efficient use of resources and sports and recreation in communities hinder the process of reintegration significantly and contributing to reoffending (Palmary & Moat, 2002).

2.6 Experiences of probation officers working with children in conflict with the law

Probation officers offer a wide range of social services to children in conflict with the law which include supervision, counseling and family services. However, it has also been noted that they experience challenges which include: incompetent policing, high caseloads, and shortage of probation officers, safety concerns, as well as lack of juvenile detention facilities.

Probation officers supervise and counsel children in conflict with the law who have been sentenced to a community-based organisation and also those who have been incarcerated. The probation officers have an opportunity to positively influence the young people that they work with. Through regular meetings with child offenders and their families, probation officers monitor these children and make sure they comply with terms of the sentence.

Probation officers also perform administrative duties as expected of the profession. This includes record keeping based on interventions and report writing for the court e.g. pre-trial report. The justice committee report said staff in England and Wales took overly administrative approach to their work. A survey of probation officers done in 2008 found they were in contact with offenders for only 24% of their working day and the rest of their time was spent on the computer, in the meeting, or writing letters and reports (BBC News, 2011). This indicates that so much probation officers' time is bogged down in paperwork thus surrender the value of engaging directly with child offender's to make them think differently about their behaviour.

Torbet (1996) study revealed that probation is the “catch basin” of the juvenile justice system and is being confronted with increasing and more dangerous caseloads. Volsak (2000) study revealed that probation officers are overloaded and are also required to render integrated developmental programmes on crime prevention and restorative justice to young persons, their families and communities. Torbet (1996) explain that the biggest issue facing the field of juvenile probation is on-the-job safety. Palmary and Moat (2002) state that one of the problems facing South Africa is that few drug rehabilitation programmes accept young people into their programmes. Most rehabilitation centres specify that people in the rehabilitation facility need to be over 18 years old. This is problematic when young offenders, who are economically or physiologically dependent on drugs, are given a community sentence during which time they may need help with a drug problem (Badenhorst, 2011). Probation officers working in these conditions are expected to place more emphasis on rehabilitation that will give young people skills to manage the situation they find themselves in yet these facilities aimed at helping these people are scarce. As a result it leaves probation officers vulnerable and unsafe given these working conditions.

Juvenile probation is dangerous. Almost one-third of the survey respondents reported that they had been assaulted on the job at some point in their careers. Balancing juvenile probation officers' safety and the safety of the public with probationers' needs is a major challenge. Some juvenile offenders have drug addiction problems and are very aggressive. Probation officers visit families who are angry, emotionally unstable or criminals themselves (Badenhorst, 2011). As a result, probation officers find it difficult carrying out their duties and it is better for children placed in juvenile detention facilities.

According to Tabe (2012) the lack of juvenile detention facilities in Cameroon is a serious challenge in that the number of institutions for the reformation and re-education of juveniles in the country today is insufficient to accommodate an increasing number of juvenile delinquents. They also find placement of children in need of care and protection as a major challenge due to lack of facilities. This is a predicament that is also being experienced in South Africa. According to Nkosi (2012) government has failed to transform reform schools and schools of industry in accordance with the Children's Act. The Department of Basic Education was supposed to transfer these schools to The Department of Social Development from April 2010 to April 2013 so that they are used to accommodate children in need of care and protection. This process is far from completion. This is a serious challenge in cases where probation officers need to place needy juveniles to such institutions given the shortage of the available secure care centres. This makes the conditions in which probation officers work under very difficult.

2.7 Working conditions of probation officers

Probation officers are faced with diverse working conditions factors which contribute to the high proportion of juvenile offending in South Africa. These factors are: Psychological, Social and Historical. These conditions present challenges in terms of the providing effective changes in children who have offended.

2.7.1 Psychological factors

Palmary and Moat (2002) point out that research with young offenders has found that many of them were victims of violence or abuse when they were younger. Bullying in schools does seem to be one of the responses that some children adopt in response to being victims themselves. Children who are exposed to violence may learn that violence is an acceptable way to express

discontent, and that it is a way of escaping their social and economic conditions (Mandisa, 2007). In South Africa the culture of violence is internalized as a result of the violent legacy of apartheid (Palmary and Moat, 2002), for instance, service delivery protests are violent and young people participates in those protest. These are the psychological conditions in which probation officers carry their work with children in conflict with the law.

2.7.2 Social factors

Roestenburg and Oliphant (2012) explained that increased vulnerability on single parent family constellations and child headed household due to HIV Aids deaths and crime can be associated with poverty and unemployment. Socioeconomic circumstances that are part of the legacy of apartheid did not change and many juveniles remained caught up in criminal justice system. Mandisa (2007) research study supports the notion that persistently poor socioeconomic conditions in communities contributes to juvenile crime in a variety of ways. Youth offenders often come from poverty stricken homes or communities. An impoverished child may regard crime as an acceptable way toward ensuring personal and family survival which is referred to as entitlement. Beside family systemic problems, peer group pressure has been described as one of the most contributing factors of crime in the social environment and it plays an important role in initiating and maintaining criminal activities (Mandisa, 2007). Palmary and Moat (2002) argue that in South Africa it is important to consider ineffective discipline and poor monitoring of young people as causes of juvenile offending. Meanwhile the involvement of children in schools bullying has been associated with inconsistent and harsh discipline in families. Diverse social factors (past and present) affect young people's behaviour and these are the realities or conditions in which probation officers work under in their attempt to help children behave in a socially acceptable manner.

2.7.3 Historical factors

The research conducted by Palmary and Moat (2002) shows that in South Africa young black men remain the primary perpetrators of crime and violence. It further highlighted that very few black youth have escaped unscathed from the effects of apartheid which resulted in family dysfunction, poor quality education and lack of safety. These conditions define the conditions probation officers work under and these conditions have historical background which still today has a direct and indirect impact on young people's behaviour in South Africa. Mandisa (2007)

and Roestenburg and Oliphant (2012) studies concede that in South Africa 27% of youth are marginalized while a further 43% of young people could be defined as being at risk of engaging in anti-social behaviour. The conditions in which probation officers work under has historical background. These historical facts do not make it easy for probation officers to render their work. Most children who commit crime come from poverty stricken families or dysfunctional families which can be traced back to the era of apartheid. Therefore probation officers intervention need should take note of the past history when addressing the current problem.

2.8 Theoretical framework: Eco-Systems Approach

Unlike most behavioural and psychological, ecological theories focuses on inter-relational interactions between systems and stress that all existing elements within an ecosystem play an equal role in maintaining balance of the whole (Hepworth, Rooney, Rooney, Strom-Gottfried & Larsen, 2006). The study will be based on eco-systems approach which is embedded in holistic thinking that provides a paradigm for understanding how systems and their interactions maintain individual's behavior. This theory provides better understanding of the range of experiences a probation officer deals with and holistic service provision when they interact with children in conflict with the law.

Hepworth, et al (2006) is of the view that applying an ecological approach can be best understood as looking at persons, families, cultures, communities, and policies and to identify and intervene upon strengths and weaknesses in the transactional processes between these systems. The intervention of probation officers should not focus on children in conflict with the law alone but rather in all systems affecting the child in environment in an attempt to understand how individuals are influenced by environmental systems. Kirst-Ashman (2007) posits that social workers intervention should be at three assessment levels: micro, mezzo and macro. At micro level the focus would be at the individual behaviour of child offenders and their interaction with parents and peers (Kirst-Ashman, 2007). Thus at mezzo level the intervention should focus mainly on the provision of counseling to families of children in conflict with the law and educate parents about child behaviour management techniques and also to improve peer relationships (Kirst-Ashman, 2007). At macro level the focal point is on forces that affect children in conflict with the law and family functioning such as economic, social, cultural and

political (Kirst-Ashman, 2007). Bronfenbrenner (1979) added chrono-system level which encompasses change or consistency over time not only in the characteristics of the person but also of the environment in which that person lives. The focus is on the changes over the life course in the family structure, socioeconomic status, employment, place of residence and the ability in everyday life. Situating the study within this theoretical framework help understand the dynamics of probation officers experiences in their intervention with children in conflict with the law from all levels affecting individual's behaviour.

2.8.1 Principles of the eco-systems approach

i) Interdependence

The social ecological model holds that the multiple components of a social context are interrelated and influence the other parts. Changes in one part may produce changes in other parts of the context (Visser, 2007). For example if a juvenile offender gets arrested the whole system gets affected in some way. Probation officers intervention focuses on the family to maintain family stability through educational programmes to assist the family understands the link between the child behaviour and the impact it has on the systems in which the child is connected. The family is linked with relevant resources aimed at helping the system to function optimally.

ii) Distribution of resources

Hepworth, et al (2006) elucidate that in a social ecological model, all communities have different sets of resources. These include money, time, human resources and political support. One can understand community functioning by analysing the definition, distribution, utilization and development of these resources. Intervention can affect the way resources are created and defined as well as the way they are distributed. How a community spends the funds at its disposal may also indicate which issues are considered important in that community. For instance, if a community spends most of its available resources on efforts to combat juvenile crime, this could be seen as an indication that crime is a priority for this community. Prioritizing crime in this way will mean that resources may be available for other community needs, such as parenting skills or substance abuse. Probation services should consider what community deems

as a real need and help by linking community with resources that will assist them handle this social ill and be able to adapt e.g. parenting skills programme or skills development programme in the community and community awareness programmes.

iii) Adaptation

Adaptation refers to the process by which people cope with available or changing resources in their environments. Any environment promotes certain behaviours and constrains others (Visser, 2007). Juvenile crime is triggered by a variety of factors such as domestic violence, unemployment and substance abuse to mention a few. If the child grows up in a poverty stricken home, chances are that the child might engage in criminal activities to adapt in their environment due to the loss or lack of survival resources. It is often the loss of resources that triggers adaptive responses (Kirst-Ashman, 2007). Therefore, when a child commits crime, there are various ways to assist the child adapt to the situation. In other words children in conflict with the law behave the way they do in order to adapt to the situation they experience in their families or communities. Through programmes such as re-integration programmes, crime awareness campaign, they help communities have a different view in their belief system and understand the situation that led to the child behaviour and learn new strategies that will assist them succeed in handling communal problems like juvenile crime.

iv) Succession

According to Visser (2007), environments are not static, but change continuously. Succession refers to the orderly process of community change as a way of adapting to new situations. A community's history may affect the way in which it will respond to new situations. For example, South Africa has a violent history where under apartheid public order policing was associated with use of force. Furthermore, in South Africa service delivery protests are violent in nature. A community that has successfully managed to weather earlier crises is more likely than other communities to handle new crises (Visser, 2007). Probation officers interventions take cognisance of the environmental factors from the past to the present and link the behaviour of child offenders. In the past young people were marginalized and the majority of them are still marginalized and poor and child offending is used as a way of adapting to the situation. However, South African government has come up with different mechanisms to respond to

juvenile crime which did not happen in the past. For instance diversion and prevention programmes for children in conflict with the law and those at risk of committing crime.

2.9 Conclusion

This chapter reviewed literature looking at the crimes committed by children and also factors that makes children vulnerable to committing crime focusing on individual, family and societal factors, as well as South African responses to address juvenile crime. The chapter further reviewed the role, responsibilities, working conditions of probation officers and experiences of probation officers seeking to understand this phenomenon. In addition, the eco-systems approach which provides a paradigm for understanding how systems and their interactions maintain individual's behavior was also reviewed. Finally, the principles of the eco-system approach which holds that the multiple components of a social context are interrelated and influence the other parts were looked at to get an understanding of child offending behaviour and the influence it has on the interrelated parts concerning the child offender and how probation officers intervenes. The following chapter presents the research design and methodology that informed the study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents research methodology that was employed in the study. It further presents limitations of the study, ethical issues which were taken into considerations during the research process, sampling procedure, data analysis, and data collection, trustworthiness of the study as well as the pretesting of the research instruments.

3.2 Research approach

Qualitative research approach was applied in this study as it endeavored to provide a deep description of the experiences of probation officers working with children in conflict the law in Johannesburg Metro Region. According to Greenstein (2003) and Bak (2004) qualitative design in social research is based upon the need to understand human and social interaction from the perspectives of insiders and participants in their interaction. One of the major distinguishing characteristics of qualitative research, according to Babbie and Mouton (2007) is the fact that the researcher attempt to understand participants in terms of their own definitions of their world, the focus is on the insider-perspective as opposed to the outsider perspective and thus giving one an in-depth account, insight and a richer content as well as understanding into the life-worlds of probation officers. Utilising a qualitative approach allowed the researcher to identify the similarities and differences that occur in each participant during the interviews. This is considered as a useful tool to build rapport with the participants before one attempt to unpack the way these individuals relate to the world (Babbie & Mouton, 2007).

Babbie and Mouton (2007) noted that qualitative research primarily focuses on making sense of human experience within specific contexts rather than concentrating on predicting behaviours. Particularly, in utilising a qualitative approach, the research attempted to understand the probation officers experiences working with children in conflict with the law and how they construct themselves from a subjective, detailed and holistic perspective. This provided valuable insight in their different experiences working in this field and thus, as highlighted by Babbie and

Mouton (2007) pointed out the complexities, richness and diversity of their lives that can only be captured by them having described what they perceived to be happening in their everyday lives as probation officers which are seldom seen or heard, incorporating the context in which they operate, as well as their frame of reference.

The exploratory design was considered more suitable for this study compared to the explanatory design which requires the formulation of a hypothesis and also aimed at providing explanations of events in order to identify causes (Bak, 2004). In exploratory research, there are no hypotheses to test, but only the broadest research questions to examine especially in situations where the researcher wants to examine a new interest, or when the subject under study is relatively new, like in this particular study (Babbie & Mouton, 2007). That was the reason why this particular design was chosen for this study because the researcher's interest was not on identifying causes, but rather on getting a better understanding of the experiences of probation officers working with children in conflict with the law.

3.3 Research design

In carrying out the research study, narrative design was used. Schwandt as cited in (Fouche and Schurink, 2011, p. 313) explain that "this approach is based on the assumption that the life world of a person can best be understood from his or her perspective, and thus the focus is on individual subjective definition and experience of life". The researcher's aim was to explore the individual perspective of probation officer's experiences working with children in conflict with the law. Babbie (1992) define exploration as the attempt to develop an initial understanding of some phenomenon and the precise measurement and reporting of the characteristics of some population or phenomenon under study.

Narrative design allowed participants to construct the unfolding of their experiences in their work with children in conflict with the law (Fouche & Schurink, 2011). The life world of the participants was understood from their perspective as they were able to give subjective experience in working with children in conflict with the law. Through the use of this design, participants were able to share their subjective experiences with the researcher. Some of the experiences shared were that participants work in a challenging environment. It is challenging

because there is general lack of resources to carry out their duties, inadequate government rehabilitation centres for children with drugs problem and they are exposed to psychological effects because of dangerous nature of their work. Moreover, participants highlighted weak policy implementation as a serious problem which emanates from lack of training on the Child Justice Act 2008, lack of understanding of policies and abuse of system by guardian and child offenders and ultimately compromise the quality of their work. These are but some of the experiences experienced by participants in their work with children in conflict with the law.

3.4 Population and sampling

Terreblanche et al. (2006) define population as a larger pool from which sampling elements are drawn and to which findings can be generalized. Population encompasses all the elements that make up researchers unit of analyses. The unit of analysis for the study is probation officers. In other words probation officers are, as Strydom and Delpont (2011) put it composed of elements that contain the most characteristics, representative or typical attributes of the population that serve the purpose of the study at best. Probation officers have experience in working with children in conflict with the law. Purposive sampling was used in this study because the researcher wanted to target particular set or category of individuals for the investigation of a particular interest (Greenstein, Roberts & Sitas, 2003, p.87). Probation officers were the target of investigating their experiences in working with children in conflict with the law. Non-probability was chosen as a sampling technique where the samples are gathered in a process that does not give all the individuals in the population equal chances of being selected (Du Plooy, 2009, p. 116). Terreblanche (2006) posits that non-probability sampling refers to any kind of sampling where the selection of elements is not determined by the statistical principle of randomness. The researcher use people who volunteer to participate in the research.

Johannesburg Metro Region has a total of 35 probation officers of which 15 were selected as a sample. The probation officers were selected because they played a huge role in engaging with children in conflict with the law. Maree (as cited in Strydom & Delpont, 2011) state that clear identification and formulation of pre-selected criteria for the selection of respondents is, therefore of cardinal importance. The criteria that a probation officer should have at least 1years'

experience was mainly to ensure that participants have an experience in the field of probation in order to be able to answer the research questions.

In this study data triangulation was used as an addition strategy to collect data from stakeholders on their phenomenon of interest. Kennedy (2009) state that data triangulation attempts to gather observations through the use of a variety of sampling strategies to ensure that a theory is tested in more than one way. Multiple sources of data were collected in the same study with two Magistrates of Children's Court and two Prosecutors. The aim was to corroborate evidence collected through multiple sources of information in the study rather than a single evidence or data point in the study. This process was valid because the researcher relied on multiple forms of evidence (Creswell & Miller, 2000). The aim was to get view points and experiences that can be verified against others and ultimately a rich picture of the attitudes, needs or behaviour of those under scrutiny (probation officers) were constructed based on the contributions of a range of people (Shenton, 2004).

3.5 Research instrumentation

Semi-structured interview schedules were used in this research to elicit participants' views on the questions that were asked. According to Greeff (2011), this method is much more flexible in that it allows the researcher to follow up interesting avenue emerging from the interview and participants are able to give a complete picture. The researcher used an interview schedule with pre-determined and tentative questions to facilitate the interview. The researcher ordered questions in the following: the first part of the question was mainly about the demographic information of participants which was not included in the interview schedule. The second part was about the research questions which were open ended to allow open discussion with no restriction. In this way the participants were able to share more closely thus introducing issues the researcher had not thought of. Greeff (2011) further state that in this way participants are perceived as expert on the subject and should therefore be allowed maximum time to tell their story. The last part of the questions was to ask a permission from the participants for a follow up interview should the need arise.

The study utilized two different sets of semi-structured interview schedules, one being for main participants (probation officers) and the other for key informants (prosecutors and children's court magistrate). The main reason for utilising two different interview schedules was that the research was mainly about experiences of probation officers working with children in conflict with the law. Key informants were only used as sources of validating data because even though they are not probation officers, but they also work with children in conflict with the law. It was for this reason that the interview schedules used were different. The researcher used semi-structured interviews because the individual interviews allowed for greater flexibility and probing on the part of the interviewer and qualifying responses on the part of the participants.

3.5.1 Pre-testing the research instrument

Pre-testing of the interview tool helped the researcher improve the dependability of the research tool and to find out how long the interview was going to take and also to obtain feedback regarding any potential problems concerning the interview schedule (Babbie, 2004, p. 261). As a result, the outcome of the pre-test helped improve researcher's decision to make necessary alterations and changes where potential problems were identified in the interview schedule. Pre-testing of the interview schedule was conducted with one probation officer who did not form part of the study.

3.6 Data collection

Data collection is important for gathering information and/or knowledge that is relevant for the study undertaken. Data collection refers to a process used to gather information and/or knowledge about the social world (Legard, Keegaan & Ward, 2003). Data gathering is a significant tool and method when conducting research to gather appropriate material through different methods. In-depth individual interviews were used as the data collection tools. It allows the researcher to elicit information in order to achieve understanding of the participant's point of view or situation (Greeff, 2011). Interviews are often described as a form of conversation but differ from normal everyday conversations as there is a clear purpose (Legard, Keegaan & Ward, 2003). The researcher encountered some challenges during data collection. Some participants cancelled appointments in the last minute and asked for a postponement citing that they had to go

to court. This affected the planned duration of data collection as it went beyond six weeks as a result of the aforementioned reason. Other participants who had postponed could not honour the rescheduled appointments which resulted in the researcher interviewing 10 probation officers instead of the targeted 15. On the ones that agreed to the interview, few of them had other urgent commitments to attend to. In terms of the key informants, one cancelled the appointment citing busy schedule and this resulted to the researcher looking for another magistrate which also meant the delay in gathering data.

All participants were given information sheets that explained the purpose and procedures of the research on the first day when the researcher met the participants. Some participants signed the consent forms confirming their participation and agreed the dates for the interviews. Others did not sign the first day and requested to take the forms home and bring them on the date of the appointment. As for the key informants, they all signed the consent forms the first day the researcher met them. In order to effectively address the aim and objectives of this study, interview schedules were administered to participants on an individual, face-to-face basis. The individual interviews with key informants and probation officers were estimated to last for approximately 45-60 minutes. The interview times varied according to participants.

Some interviews lasted for 20 minutes and few went beyond an hour but the majority of the interviews were within the projected time of 45-60 minutes. In order to enhance reliability of data collection, all interviews were conducted by the same researcher who had full knowledge of the schedule (Greeff, 2011). The researcher was able to listen and observe research participants gestures while conducting the interview. Most of the participants, particularly main participants, were intimidated by the fact that the interviews were recorded. The researcher had to start and stop to allow the participant to calm down as they were nervous and stumbling. Research participants were able to share their experiences freely with the researcher and used the experience as a tool to express their views and feelings. Few of the main participants mentioned that they use the opportunity to vent out their frustration and mentioned that it was more of a debriefing session for them given their working conditions. Legard et al. (2003, p141) note that “structure flexibility permits topics to be covered in the order most suited to the interviewee, to allow responses to be fully probed and explored and to allow the researcher to be responsive to

the relevant issues raised spontaneously by the interviewee”. This flexibility allowed the researcher to probe further on the responses provided by research participants and also to get clarity when necessary.

Follow up interviews are conducted until saturation of data (Greeff, 2011). In the case of the researcher in this study, there were no follow up interviews conducted. Even though the participants had given the permission for follow up interviews, however the researcher was running against time given the challenges encountered with some of the participants who cancelled appointments resulting to delays in finishing data collection on time. The other reason is that, the researcher was able to gather most of the information during the initial interview which meant there was no need for a follow up interview. The interviews were conducted at a place and time that was conducive to the research participants. Most participants preferred the morning appointments in their offices because of work commitments or suitability. Some probation officers agreed on time and when the researcher arrives, they were either busy on the phones and/or forgotten about the appointment. This resulted in delays which affected the next appointment. The researcher had no option but to respect the respect participants as it is one of the ethical issues that the researcher need to comply with and for the participants to be free to share information during interview at the time and place suitable to them. Individual interviews were tape-recorded with permission from participants. This assisted the researcher collect raw data and have non-distorted firsthand information from participants. Having interviews recorded ensured non-distortion of information but report in their exact words. However, the transcription of data was a challenge in that some participants were not clearly audible and this took the researcher a lot of time.

The researcher received ethics clearance from the University of Witwatersrand prior to collecting data. The researcher also got a permission to conduct the study from The Department of Social Development. Also data collection, the researcher spoke to the supervisor responsible for the probation section and she was given a permission letter from Social Development.

3.7 Data analysis

Data analysis refers to the process of bringing order, structure and meaning to the mass of collected data (Schurink, Fouche & De Vos, 2011). It is an on-going process throughout the data collection process (Dawson, 2002). Schurink, Fouche and De Vos (2011) further observe that the purpose of data analysis is to reduce data to an intelligible and interpretable form. Data was analysed using thematic analysis and eco-systems intervention assessments levels such as micro, mezzo, macro and chrono-system levels to group collected data into appropriate levels.

This is a method for identifying, analysing, and reporting patterns (themes) within data (Braun & Clarke, 2006). According to Bernard (2010) thematic analyses focus on identifying and describing both implicit and explicit ideas within the data, that is, themes. Codes were developed to represent the identified themes and linked to raw data as summary markers for later analysis. Ryan (1998) concede that such analyses may or may not include comparing code frequencies, identifying code co-occurrence, and graphically displaying relationships between codes within the data set. Reliability is of greater concern with thematic analysis than with word-based analyses because more interpretation goes into defining the data items as well as applying the codes to chunks of text (Bernard, 2010).

In order to enhance dependability of the data analysis, the researcher followed the systematic steps adapted from Braun and Klerk (2006). The first step was for the researcher to familiarise himself with the data collected. The researcher engaged with the data to the extent that the depth and breadth of the content became familiar. Engaging with data meant the researcher had to read the same data repeatedly and get absorbed to it. The main reason for reading data repeatedly was to search for meanings and patterns and that required active reading so as to get meaning and patterns from the raw data to generate codes.

The second step was to generate initial codes. Starks, Brown and Trinidad (2007) articulate coding as the means by which specific statements are analysed and categorised into meaningful clusters. This phase involves the production of initial codes from the data. Codes identify a feature of the data (semantic content or hidden) that appears interesting to the analyst, and refer

to “the most basic segment, or element, of the raw data or information that can be assessed in a meaningful way regarding the phenomenon. The researcher coded and categorised the same statements from different participants and grouped them together. According to Dawson (2002) this is called content analysis where the researcher systematically works through each transcript assigning codes like words or numbers to specific characteristics within the text. Grouping the similar statements was to help the researcher come up with the themes.

The third step was searching for themes which began once all data had been initially coded and ordered. The researcher had a list of the different codes identified across the data set. This phase re-focused the researcher at the broader level of themes and it involved sorting the different codes into potential themes which was mainly guided by the objectives of the research, and organizing all the relevant coded data extracts within the identified themes (Starks, Brown & Trinidad, 2007). The researcher used the table to put together all the similar codes in order to come up with the themes.

The forth step was to review themes. In this phase the researcher checked if the themes work in relation with the coded extracts and the entire data set, generating a thematic ‘map’ of the analysis (Braun & Klerk, 2006). The researcher checked the link between the identified themes and the codes and related it back to the original data before the themes were generated and named as themes for the study.

The fifth step was to define and name themes. The researcher engaged in an on-going analysis to refine the specifics of each theme. It was important that the researcher further analyse themes so as to tell the overall story and also be able to generate clear definitions and names for each theme. The processes of defining and naming themes lead to the production of the report (Bernard, 2010).

The sixth and last step was producing the report. This is the final opportunity for analysis, selection of vivid, compelling extract examples, final analysis of selected extracts, relating back to the analysis of the research question and literature, producing an academic report based on the analysis.

3.8 Ethical considerations

Ethical issues come to the fore where human participants are involved. It was therefore critical that the following ethical principles were taken into consideration:

3.8.1 Voluntary participation

Participants were informed that participation in the study is voluntary and that they had the right to withdraw from the study at any point without incurring any negative consequences. In this respect, Lowenberg, Dolgoff and Harrington (2000) highlight the importance of voluntariness of the client as consent is meaningful only when it is given freely.

3.8.2 Informed consent

According to Lowenberg et al. (2000, p. 95) “the professional ethics rule of informed consent is derived from the moral principle of autonomy”. In order to be able to make an autonomous decision to participate (informed consent) or to refuse to participate (informed refusal) in a study, “the participant should understand the risks and benefits of the study”. For this reason, potential participants were provided with information detailing the project procedure. This information enabled participants to make informed decisions regarding participating or not participating in the study.

3.8.3 Avoidance of harm or non-maleficence

Bak (2004) posit that the goal of ethics is to ensure that no harm befalls research participants as a direct or indirect consequence of the research. Babbie as cited in (De Vos, 2011) explain that in social research harm is mainly emotional in nature, although physical injury cannot be ruled out completely. The researcher organized free counseling for the study participants in case the need arise during the process of the research project. The details of the person were as follows: Mr. Barney Rulash, Senior Social Worker (DSD), Contact details: tel. 011 820 0367/082 082 1446, Address: 40 Catlin Street, Germiston, 1400. The proposed research made every effort to abide by ethical standards.

3.8.4 Coercion and perverse incentives

Any kind of coercion and issuing of perverse incentives is seen as a breach of ethical conduct and is deemed to be unethical research (De Vos et al, 2011). For this reason there was no undue incentives provided to those who consented to form part of the study and prospective participants were neither intimidated nor compelled to take part in the research.

3.8.5 Deception

Terre Blanche, Durkheim and Painter (2006) espouse the view that deception is fundamentally wrong and should be avoided wherever possible through careful consideration of alternative research designs. They also emphasize the fact that researchers should avoid and minimise harm and wrongs to research participants. Consequently, participants were not deceived in any way regarding the true purpose of the study.

3.8.6 Confidentiality

Confidentiality was respected and discussed with the potential participants prior to their participation in the research. In ensuring that anonymity was respected, participants were given an opportunity to choose pseudonyms. Only the researcher was aware of the identity of participants particularly in individual interviews. Participants were also requested to give their permission to tape record the interviews. All tape records are kept in a locked safe accessible to the researcher only for two years and after that it will be destroyed. These procedures are consistent with the ethical principle of confidentiality which affirms an explicit promise by the worker/practitioner to reveal nothing about an individual except under conditions agreed to by the client (Loewenberg et al., 2000).

3.8.7 Trustworthiness of the study

According to Shenton (2004) there are four criteria that should be considered by qualitative researchers in pursuit of a trustworthy study. These criteria are: credibility, transferability, dependability and Confirmability. Credibility is one of the most important factors in establishing trustworthiness. The researcher adopted research methods well established both in qualitative investigation in general and in information science in particular (Shenton, 2004). The researcher used data triangulation method to collect data from a sample of individuals to serve as

informants and research procedure was followed. Probation officers were main participants and Magistrates of Children's Courts and prosecutors were key informants. In addition, data triangulation permitted the researcher to discover which dimensions of a phenomenon were similar and which, dissimilar, across settings, which changed over time and which differed by group membership. It further allowed one type of data to elaborate the findings of another by providing richness and detail (Kennedy, 2009). Data collected from prosecutors and magistrates helped increase credibility in the study where results were similar and the researcher got different perspectives, better and more stable view of reality based on this wide range of informants (Shenton, 2004).

Transferability is concerned with the extent to which the findings of one study can be applied to other situations (Shenton, 2004). The researcher cannot guarantee transferability given the difference in context and the size of sample in qualitative research. However the results are trustworthy in that they were elaborated and validated by key informants and previous research studies. If the methods applied in this research were to be applied to a different situations the results might be the same taking into account difference in context and life realities.

According to Shenton (2004) dependability refers to the technique to show that, if the work were repeated, in the same context, with the same methods and with the same participants, similar results would be obtained. Dependability was ensured by the researcher by explicitly showing the methods of data coaction, sampling procedure and data analysis employed in the study. Other researchers using the same methods would find the results dependable.

Confirmability emphasizes the need to ask whether the findings of the study could be confirmed by another (De Vos *et al.*, 2005). Meanwhile, Shenton (2004) explain that the concept of confirmability is the qualitative investigator's comparable concern to objectivity. The researcher used data triangulation method to ensure that the results of the study are as a result of the experiences and ideas of participants and not that of the researcher. One of the reasons for using triangulation was to reduce the effect of investigator bias (Shenton, 2004). The researcher also explained in the report the reasons for favouring the chosen approach over others and also gave detailed explanation for methodology used to ensure that confirmability is maintained.

Table 3.1 Summary discussion of the trustworthiness of the study

Trustworthiness criteria	Application in study
Credibility	Employed data triangulation method using probation officers (main participants), magistrates of children's court and prosecutors (key informants) to elaborate data findings.
Transferability	Study findings can be applied in a different context. Study used various sources of information to ensure transferability
Dependability	Different methods of data combination employed
Confirmability	Data triangulation: To ensure maintenance of study Confirmability

3.9 Limitations of the study

The main limitation of the study was to end up interviewing 10 probation officers instead of the planned 15. This happened as a result of participant's failure to honour appointments as agreed. This compromised the population size thus impacting on the generalizability of findings despite the employment of data triangulation method as a backup method for reliability. Therefore findings cannot be generalized in a qualitative method because of the population size and the location of the study (Johannesburg Metro Region).

Participants were interviewed in the place suitable to them. Some were interrupted by their colleagues and clients during the interview. This resulted to the loss of thoughts on the participant's side and the interviewer had to rewind the tape so as to regain the lost thought. This did not only interrupt thoughts but it also resulted in the delay of the interview.

Probation officers spend most of their time in courts or doing investigations. This affected the researcher in terms of scheduled appointments for interviews. Appointments were not guaranteed as a result. This was a limitation in that the researcher ended up finishing data collection later than it was originally planned. The researcher was forced to make more than two appointments in case the researcher encountered the same problem over and over again.

3.10 Conclusion

This chapter outlined the research design and methodology that was used in the study. It also elucidated the sampling procedure adopted, method of data collection, data analysis, the ethical issues, and trustworthiness of the study as well as the limitations of the study. In the next chapter, the results and discussions that emanated from this study are presented and discussed.

CHAPTER FOUR

DATA ANALYSIS AND INTERPRETATION

4.1. Introduction

This chapter discusses the findings of the study on the experiences of probation officers working with children in conflict with the law. The results are discussed and presented in the order of the objectives of the study.

4.2 Aim and objectives of the study

The aim of the study was to explore experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region. In order to answer the main research question, the study sets out the following objectives:

- To establish probation officers understanding of children in conflict with the law
- To explore experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region
- To elicit recommendations of probation officers on working with children in conflict with the law in Johannesburg Metro Region
- To determine the role of key stakeholders in ensuring adequate service provision for children in conflict with the law

4.3 Demographic details of participants

Fourteen people participated in the study. The following table indicates the distribution of the sample across the different demographics.

Table 4.1 Sample demographic distribution

Sample	Race	Gender	Age					Total
			20-25	26-30	31-35	36-40	40+	
Probation Officers	Black	Male			2			2
		Female	3	1	2	2		8
Prosecutors	Black	Male					1	1

		Female				1		1
Magistrates	Black	Male					1	1
	White	Male					1	1
Total			3	1	4	3	3	14

Amongst the fourteen participants, four of them were key informants and ten were main participants. In total there were nine females and five males. Out of fourteen participants, thirteen were black and only one was white. Four of the participants were below the age of thirty, seven were between the ages of thirty one and forty, and only three were above forty years.

4.4 Presentation of themes

The researcher put into categories the data from all interviews that describe similar ideas and themes. The researcher further compared the data within categories to look for variations. In table 4.2, a summary of the themes and sub-themes emanating from the research is presented.

Table 4.2 Themes and sub-themes of probation officer's experiences working with children in conflict with the law

Themes	Sub Themes
1. Probation officers understanding of working with children in conflict with the law	1.1 Poverty 1.2 Substance abuse 1.3 Peer pressure
2. Experiences of probation officers working with children in conflict with the law	2.1 Challenging work environment 2.1.1 Psychological effects 2.1.2 Lack of resources 2.1.3 Inadequate government rehabilitation centres 2.2 Weak policy implementation 2.2.1 Lack of training on the CJA 2.2.2 Lack of understanding of policies 2.2.3 Abuse of system by guardian and child offender

	2.3 Rewarding work experience 2.3.1 Job satisfaction 2.3.2 Motivation
3. Recommendations of probation officers on working with children in conflict with the law	3.1 Improve communication amongst all stakeholders 3.2 Improve infrastructure in order to equip children with appropriate skills 3.3 Training of officials and provision of support structures to improve working conditions
4. The role of key stakeholders in ensuring adequate service delivery	4.1 Statutory 4.2 Rehabilitation 4.3 Reintegration

4.5 Discussion of themes

The discussion of the study will be situated on four main themes which emanate from the objectives of the study. The discussion of these themes follows the order of the objectives of the study, namely: probation officers understanding of working with children in conflict with the law, the experiences of probation officers working with children in conflict with the law, recommendations of probation officers on working with children in conflict with the law, and the role of key stakeholders in ensuring adequate service delivery. The themes were derived from the objectives of the study and each theme has its sub-themes explored in detail.

4.5.1 Probation officers understanding of working with children in conflict with the law

The first objective of the study was to establish probation officers' understanding of working with children in conflict with the law. This study found the understanding of probation officers to be that children engage in criminal activities because of various reasons, namely: poverty, peer pressure and substance abuse. These factors are discussed in details underneath.

4.5.1.1 Poverty

The findings of this study revealed poverty as one of the main contributing factors in child offending. Participants indicated that poverty is mainly caused by unemployment. Most parents cannot afford basic needs such as proper shelter, clothing and food. Participant also pointed out that poverty is rife amongst child headed and single headed families. Children from child headed families often lose out on educational development and become forced to commit crime to survive. Single parent families who have many children whom they cannot afford to maintain and usually the father does not contribute towards the child's maintenance resulting in failure to meet children's basic needs. Therefore children from these households end up committing crime in order to meet some of these needs. Participant stated,

“Most of the problems emanate from the unstable family background. You find that a child is raised by a single parent in most instances the mother. The father is not there, does not contribute towards maintenance, the mother on her own cannot cope and the mother maybe, has a number of children all from different fathers and then there is friction within the family. Some children feel they are not favoured compared to the other, others do not necessarily feel that way but their basic needs are not met. For that reason they decide to go commit petty offences like theft that is the first problem”
(Mhlanga, key informant 2).

It can be concluded that children from poor household usually lack proper shelter, clothing, food and they often do not finish school. Due to lack of proper shelter, children often reside in cramped accommodation where the family shares a one room shack which compromises privacy. This exposes children to sex and sometimes they will start doing what they have observed to other children thus committing rape crime. Shortage of housing does not only exposes children to sex but also affects the dignity of parents. Lack of adequate food may lead to children committing petty offences such as shoplifting. Children from poverty stricken families who drop out of school end up on the street, not having meaningful things to do. As a result they become bored and engage in unlawful activities such drug abuse and housebreaking. Roestenburg and Oliphant (2012) study add that poor and single parented families were more likely to produce stressful living conditions that lead to criminal behavior. The findings by Mandisa (2007) and

Palmary (2007) study are consistent with the findings of this study and that of Roestenburg and Oliphant (2012) which found that single parents, often women whose income is far below that of their male counterparts, are responsible for everything in the household.

4.5.1.2. Substance abuse

Almost all participants mentioned drugs as one of the most serious problem in South Africa today. The study revealed family dysfunction, community and school as the major contributing factors in children abusing substances. Most of these children come from families where their parents use substances such as alcohol and they get exposed to it. The study further indicated that in the communities and schools, substances such as nyaope are easily accessible to children and the drug syndicates operates in these communities. Participants highlighted that the law enforcement agencies knows about it and they do nothing. Therefore the environment in which these children come from expose them to the abuse of drugs thus propels them to commit violent crimes such as robbery in order to maintain their drug addictions. Two main participants concede that:

“From my experience, the family background, most of our children come from disorganized families...I am talking about the families that are characterized by the use of alcohol and the abuse of different substances especially nyaope, and the bulk of our children are coming from these families” (Nobuhle, main participant 2).

“You find that parents are also abusing drugs and the community even at school so the child is exposed to drugs from the family, community and school. Even the drug syndicates are available in the community and the police are aware and they do not do anything about it. So there is no point of going to school and do programmes if the child will go back to the same community” (Zodwa, main participant 3).

The study indicated that substance abuse is a problem and it affects families, children, communities and law enforcement agencies. The abuse of substances by family members causes the family to be dysfunctional. Children from such families model the behaviour of their family members by abusing drugs. As a result they become drug addicts and start engaging in anti-social behaviours by committing serious offences such as armed robbery. The easy accessibility

of drugs such as nyaope and alcohol in communities is a cause for concern. Communities find it difficult controlling children that are abusing drugs and this affects peace and stability in the community and also in schools. Children get influenced by their friends who are addicted to drugs and they eventually get involved and get arrested for being in possession of or using drugs. The availability of drug syndicates in communities is an alarming concern in that the law enforcers are expected to protect people from potential harm that comes with abusing drugs yet they are failing to effectively deal with them. The findings of this study found nyaope to be amongst the most used drug and this result correlate with Nandipha (2013) study which also found that 60% of crimes nationally are related to substance abuse and nyaope users constitute a substantial number of users.

4.5.1.3 Peer pressure

The study discovered peer pressure as playing a significant role in children offending. Participants revealed that peer influence more often than not is caused by the environment where children live. Most children spend most of their time with friends and some of these friends are involved in drugs. Children often conform to peer-pressure because they want to have a sense of belonging to the group something that they might be lacking at home. Children that need help with drug problem come back to the same environment where drug consumption is high and uncontrollable and get influenced again. Others come from poor socio-economic background which makes it difficult for them to accept that their families are unable to afford certain things for instance, label clothes and they then influence each other to commit crime such as theft in order to get what they want for themselves or their families. Therefore socio-economic environment contributes significantly in children committing crime in order to conform to their peer's standard. The participants validate that:

“The one that I know for sure is mostly peer pressure and also the environment where children lives also contribute in children wanting to commit crimes” (Sis V., main participant 6).

“Children don’t spend most of the time in the house, they spend most of the time outside the house and that is why most of the children are abusing drugs. They learn from

(abontanga), the friends and all that, and it becomes a problem” (Lucky, main participant 1).

Most children live in circumstances that expose them to negative peer-influence. They lack parental guidance which allows them to spend most of their time with friends. They also get influenced by their peers in order to belong and at times they commit crime to prove to their peers that they are part of the group. In addition, children commit offences because of economic reasons where the family is struggling financially, the children influence each other with an aim of changing their individual or family economic situation. This finding supports the study by Mandisa (2007) that peer pressure is one of the most contributing factors of crime in the social environment and it plays an important role in initiating and maintaining criminal activities. Socio-economic factors are usually the main reasons children get influenced by other children as they want to do something that will change their family economic situation.

4.5.2 Experiences of probation officers working with children in conflict with the law

The second objective was to explore experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region. Probation officers have diverse experiences in their field of practice. This theme has four sub-themes which explain the experiences of probation officers working with children in conflict with the law. The subthemes also comprise of sub-topics which plainly explore probation officers experiences. The first subtheme is challenging work environment, which encompasses psychological effects, the lack of resources, work breakdown structure and inadequate government rehabilitation centres. The second sub-theme is limited training and development which consist of lack of training on the Child Justice Act and the lack of understanding of policies. Rewarding work experience is the third sub-theme which contains job satisfaction and motivation to work as a probation officer. Finally, the theme looks at weak policy implementation which comprise of abuse of system by guardian and child offenders.

4. 5.2.1 Challenging work environment

The environment in which the probation officers work under is often very traumatic and there are no support services structures available to assist probation officers carryout their jobs effectively

and efficiently. The lack of resources makes it difficult for probation officers to render services to clients. Lack of resources makes probation officer's job very difficult given that they need resources for effective implementation of policies. Lack of government rehabilitation centres is a major challenge for probation officers.

a) Psychological effects

The study pointed out that probation officers work with different types of people and offences in their field of practice. The environment in which they work under is very challenging psychologically and emotionally. They work with victims of rape and murder and most of the time this affects them psychologically. Moreover probation officers get robbed whilst doing their work. In the same way some get subjected to all forms of abuse such as sexual harassment and assault whilst at work. Generally, the environment in which probation officers work under is traumatic and emotionally stressful in such a way that others take their frustrations out on their families. Beside the traumatic, frustrating and challenging environment probation officers work under, they do not get any counseling or debriefing service from their supervisors or get sent to programmes designed to assist them to do their jobs effectively. Main participants sustain that:

"We do not get debriefing which is a huge problem and there is a lot of trauma that goes with experience in terms of children that we work with as we work with murder, rape, kidnapping and anything at the end of the day there is no debriefing that we get. It also impact on us emotionally and psychologically and we tell the management and they promise to get somebody to talk to us but it never happens and now we don't even tell them because we know nothing is going to happen. You just take it out on your family after work" (Zodwa, main participant 3).

"If I can share one experience I had in 2008 I actually opened a case against one of the children for sexual harassment and assault. The child was rowdy and abusing anyone and anybody imagine I was a staff member and I was subjected to that boy's abuse" (Nobuhle, main participant 2).

Based on the results of the study, it can be concluded that the conditions in which probation officers work under have long term negative psychological and emotional effects. They work

with clients who are very aggressive and dangerous often because they abuse drugs. Participants indicated that they were sexually harassed by one of the children and assaulted. They were also robbed whilst on duty which indicates the lack of job safety. Probation officers see pictures of murdered people and rape victims especially children which is significantly traumatic. Participants pointed out that despite these traumatic experiences, they get no counseling services or debriefing sessions to help them cope with traumatic experience. As a result, it negatively affects their family relationships in that sometimes they take work related stress and frustrations out on their family members. It also affects their work performance because their work is emotionally demanding and lack of support structures is discouraging. Generally it affects the work relationship between the management and employees because they feel their wellness is ignored. This study finding supports the study by Badenhorst (2011) and Torbet (2011) that some juvenile offenders are very aggressive and probation officers visit families who are angry, emotionally unstable or criminals themselves and the biggest issue facing the field of juvenile probation is on-the-job safety.

b) Lack of resources

The study highlighted lack of capital and human resources as having an effect on service delivery and it increases the work load on the current staff. Lack of government vehicles, lap tops, and photocopying machines is also a problem which affects service delivery. The shortage of vehicles compromise proper investigations because probation officers get told that there are only two cars available for the whole section. The whole section use one photocopying machine and it is not in a proper working condition as they shook it before printing a report. The nature of probation officers job requires them to spend most of their time out of office, lap tops help them to type reports even if they are in court waiting to testify. Sometimes probation officers wait for longer hours in court and in that time if they had lap tops they would be able to type reports instead of wasting the half the day doing nothing. A shortage of probation officers increases the work load and sidelines other crucial services that could benefit clients. Therefore lack of resources hampers the quality of service provision. Main participant and key informant stipulate that:

“Resources such as photocopying machines are not working yet we need to print reports and take them to court, and you get told the government vehicles are not available. How are you expected to work and they will tell your section has two cars only. You get to court late and the magistrate will throw tantrums at you and the management is aware of all these challenges and the machines have been broken since last year June. We have to shake a printer to print one page imagine how many of us and how many reports” (Tintswalo, main participant 4).

“They need to give probation officers proper support and provide them with enough manpower, vehicles to travel around, and proper working facilities” (Van Niekerk, key informant 4).

The study revealed shortage of human resource as resulting to probation officers being overloaded with work as they are expected to render integrated services to individuals, families, groups and communities. Probation officers are one of the key stakeholders in the implementation of the Act. Lack of this key resource jeopardise the rendering of quality and effective service to families, communities and children in conflict with the law. Lack of resources make probation officers to be seen as unprofessional, incompetent and being unable to render services expected of them. Failure to render services as expected effectively renders the implementation of the Act ineffective because it does not address what it aims to achieve. As a result, the child offending will continue. Therefore for probation officers to be seen as competent and professional in their work, they need enough resources in order for them to carry out their duties effectively. This study supports previous research studies by the BBC news (2011) and September (2013) finding that due to lack of human resource e.g. probation officers, the social reintegration of child offenders are often a low priority in practice as they are mainly bogged down on paperwork thus surrender the value of doing community work. Badenhorst (2011, p.17) further indicates that “the shortage of probation officers is as a result of the shortage of social workers generally”. This has a negative impact on the implementation of the act and it violates the rights of children in conflict with the law.

c) Inadequate government rehabilitation-centres

Almost all participants highlighted the shortage of government rehabilitation centres as the main problem and there is high demand for rehabilitation due to the high volumes of people who abuse substances. This study showed that there is only one government rehabilitation centre in Gauteng Province and it is very far. Parents, particularly the ones that come from poor families find it difficult to visit their children to give them emotional support because they do not have money to travel such a long distance. The study further revealed that due to high demand, the waiting period is three months and this creates problems because the waiting period is long as a result children end up reoffending and also relapse back to drug. Thus improving this infrastructure will help address drug problem as it has been seen that the majority of people use government rehabilitation centres. Participants illustrate that:

“In our case we rely on Dr. Fabian and Florence Rebeiro Rehabilitation Centre which caters for the whole of Gauteng province. You first apply and it takes about three months and the child would be in the township continuing with drugs and at the end of the day it does not help the child. The lucky ones are those who have medical aid and who are able to pay for their rehabilitation. This Rehabilitation Centre also explained in court the problem they experience due to the high volumes of people that they receive which makes it difficult for them to admit everybody in time” (Tintswalo, main participant 4).

“Dr. Fabian and Florence Rebeiro Rehabilitation Centre is far and most parents do not have money to go there which makes it difficult for them to visit” (Zodwa, main participant 3).

It can be concluded that the shortage of government rehabilitation centres contributes to the continuous consumption of drugs and commission of offences. Government rehabilitation centres are mainly used by the poor population who does not have means to pay for the rehabilitation of their children in private centres. The rehabilitation centre receives a high volume of admission applications from people who need assistance with drug rehabilitation and they only have limited space to admit people. As a result, others are placed on the waiting list for three months. Whilst waiting they end up going back to drugs because of the delays in acquiring assistance in time. This therefore means children will continue using drugs and putting their lives

at risk of being harmed through mob justice system especially if they are known to be stealing from their communities. This study supports findings by Palmary and Moat (2002) that one of the problems facing South Africa is that few drug rehabilitation programmes accept young people into their programmes. Only one government rehabilitation centre admit children with drug problem for the whole of Gauteng Province. However the results of this study refutes Badenhorst (2011) study finding that most rehabilitation centres specify that people in the rehabilitation facility need to be over 18 years old. None of the participants mention age limit for admission in the rehabilitation centre that they use.

4.5.2.2 Weak policy implementation

Training is a very imperative aspect towards the development of probation officers as it assists in the rendering of proper service to clients and also contributes to the effective implementation of policies that guides their intervention with clients. Weak policy implementation is as a result of lack of training which limits probation officers understanding in their general interventions when carrying out their duties. This theme would discuss the lack of training on the Child Justice Act by probation officers, lack of understanding of policies that guide their intervention with clients and abuse of system by guardian and child offender. The theme will therefore reflect on the impact this has on the general implementation of the Child Justice Act 2008.

4.5.2.2.1 Lack of training on the Child Justice Act

The majority of participants specified lack of training on the Child Justice Act as a challenge because they had to implement the policy that they had no understanding on. Due to the lack of training on the Act, the quality of participants work was poor and they feel this could have contributed to children re-offending. Participants had to rely on the assistance of their colleagues to guide them on how probation officers work which was not sufficient. It also affected their self-esteem in that they compiled poor reports which were ultimately questioned in court and they become discouraged. Despite the fact that some of the participants indicated that lack of training helped them to be innovative but in general it had negative effect on the successful implementation of the Act. Participants stated that:

“You learn it while you busy making mistakes and learning everyday also communicating with colleagues. No one will train you. Colleagues assisted me greatly and I think this is

the only way to work in probation otherwise you cannot work. In court there are those who take advantage of you and put you in the box just to embarrass you but I took it in a positive way because it was my opportunity to learn. It destroys you because tomorrow you will not want to go back to that court. You become shy to look at the people thinking what are they going to say, but as time goes by you get to understand that okay they attacked me in the box but not me as a person but my work because it needs upgrading” (Tintswalo, main participant 4).

“I never receive any training regarding probation. I only receive training last year where I attended two trainings. It impacted negatively to receive training late because I had to implement something that I didn’t have knowledge on. I had to familiarize myself with everything, sometimes we try and help children without more understanding and that is why some of them end up re-offending but if we can understand child justice act thoroughly I think everything would be done properly” (Maluleke, main participant 8).

Lack of training affects the quality of intervention with clients and subsequently leads to the poor implementation of the Act. Due to the fact that probation officers work in a multi-disciplinary team in court, poor or lack of understanding of the act affects their self-esteem in that they are seen not to be on par with the rest of other professionals in court in terms of their understanding of the Act. Moreover, it affects the profession of social work as a whole in that other professions will look down upon the social work profession if probation officers do not come across competent in the presentation of their work. Especially because probation officers are regarded as one of the key implementers of the Act and the expectation would be that they received proper training prior the implementation of the Act. Therefore limited training and development also rob clients of quality service delivery particularly children in conflict with the law that are supposed to benefit from the integrated intervention programmes rendered by probation officers. The Child Justice Act (2008) outlines duties for probation officers among others to establish whether the child is in need of care and protection, the child’s age for the establishment of proper measures to be taken and the prospects for the diversion of the matter if the child accepts responsibility. On the contrary, the findings of this study revealed that probation officers do not know the Act that guides their intervention with children in conflict with the law.

4.5.2.2.2 Lack of understanding of policies

The study showed that there is lack of understanding of policies that are used by probation officers particularly during sentencing of children in conflict with the law. Participants suggested that the policies that are used with children in conflict with the law depend on the court in which the child is appearing. Participants stated that when children appear in High court, sentencing differs from that of District courts. The study further points out those probation officers do not have the knowledge of the Act that guides their practice. As a result lack of understanding of policies would have a detrimental effect on the child as the courts rely heavily on the recommendation of the probation officers when sentencing children in conflict with the law. Participant explains that:

“We combine Child Justice Act and Criminal Procedure Act. When the child appears in the Preliminary Inquiry we use the Child Justice Act but if the case involving the child is in High Court we use the Criminal Procedure Act which is more or less the same. However the difference would be that in terms of the child we look at the maturity and circumstances around the commission of the offence and when sentencing the sentencing cannot be life sentence because the child is still young and has a potential to change” (Zodwa, main participant 3).

It can be concluded that participant’s understanding of policies is lacking in that they confuse the application of Child Justice Act and Criminal Procedure Act in matters involving children in conflict with the law. The lack of policy understanding confirms that probation officers are not sure about the policy sentencing options they should apply when sentencing a child. This is due to the fact that they use Criminal Procedure Act in matters involving. The study also revealed that sentencing work differently depending on the court the child is appearing. Therefore proper understanding of policies is crucial in order to apply them effectively and lack of it increases likelihood of poor service delivery. This finding contradicts The Child Justice Act, (2008) which set up a child justice system where children suspected to have committed crime, will not be dealt with in terms of the normal criminal procedure which is used for adults, but the child justice process will be followed. The Act seeks to assist children suspected of committing crime to

become productive members of society by engaging with the child in restorative justice measures, diversions and other alternative sentencing options.

4.5.2.2.3 Abuse of system by guardian and child offenders

The study revealed that guardian take advantage of the system's loopholes for their own benefits by using children. Adults use children to commit crimes such as housebreaking on their behalf because they know that children would be considered for diversion programme if they admit to the commission of offence. Participant also point out that in other instances, the child would be arrested together with an adult and charge sheets get separated because the adult appears in criminal court and the child appears in Child Justice Court. The adult will shift the blame and say the child committed the offence. As a result, it becomes difficult to prove that the adult committed the offence if the child acknowledges responsibility. This theme was reported by both the key informants and main participants who stated that:

“Some adults use these children to commit crime because children would not be arrested. For instance they make them commit crimes such as housebreaking because they understand the system. They know that children would not be treated as adults” (Sis V., main participant 6).

“There is another trend that I have noticed recently. The children commit these offences with an adult because adults know that children won't be arrested and they will be diverted to National Institute for Crime and Reintegration of Offenders (NICRO) to attend programmes if they accept responsibility. So they sent those children to go and commit crime on their behalves. But if it's an adult and the child, we separate the charge sheet and most of the time adults blame the child saying it was not me but the child. So if the child acknowledge responsibility, how do you prove that this other person committed the offence” (Thandi, key informant 3).

It can be concluded that adults and children are aware of the Child Justice Act 2008 limitations and they use them to their advantage thus putting the children's life at risk. The child could be shot dead if found committing housebreaking or end up with a criminal record in case the offence committed was serious. Grooming the child into criminal behaviour could also result in

the child choosing crime as the way to survive. The Act had good intentions but some adults are using it for their own benefits. So amendment needs to be effected on the Act to prevent these people from exploiting children and address the gaps and come up with solutions on what should happen with the adults that use children to commit crime. According to Child Justice Act (2008), section 34(1), every child who is alleged to have committed an offence must be assessed by the probation officer. The purpose of an assessment is to determine whether the child has been used by an adult to commit the crime (CUBAC) in question as indicated in section 35(h) of the Act. However Child Justice Act does not make any specific provision as to what should be done to the adult who used the child to commit the crime.

4.5.2.3 Rewarding work experiences

The sub-theme discusses the satisfaction of working with children in conflict with the law and the motivation that lead to probation officers choosing to work with these children. The theme consists of job satisfaction and motivation for working with children in conflict with the law.

4.5.2.3.1 Job satisfaction

The study discovered that most probation officers regard job satisfaction as helping children change their behaviour and become better people in their communities. Participants get personal satisfaction when they get acknowledgement from the community that their interventions brought about change in the child's life and the child is now well behaved particularly because they do not get recognition at work. Participants also regard job satisfaction as seeing children not re-offending but going back to school and apply the skills learned to become better people. So participant's satisfaction is derived from the positive influence that they impart on children and it gives them courage that people have the capacity to change. Participants declare that:

“There are benefits in working with children in conflict with the law because there was this child who was here in the centre and he is now working as a pastor for a particular institution and this shows that people have the capacity to change” (Maluleke, main participant 8).

“The highlights, I think for me it is always when a child comes in to the system and undergoes programmes and the matter gets finalized and the child goes back to school

and does not re-offend. Unfortunately with us in the social sciences it will take a life time to see a real impact because you cannot say if you do not offend in two years it means you are okay, the child may offend in the third year and you like okay what is the problem now but again if they do not come back again in the system I think for me that is the highlight” (Nobuhle, main participant 2).

It can be deduced that probation officers derived job satisfaction from positive intervention outcomes with children in conflict with the law. Some of the things that are highlighted as job satisfaction include: being appreciated in the community, seeing the child completing the programme and go back to school and not re-offend, contributing in a child’s life changing decision making and also seeing a person becoming a respected figure in the community. The finding encourages probation officers to continue doing their jobs despite the conditions they work under. It is evident that there are people that benefit and appreciate services rendered to individuals, families and communities. BBC News, (2011) finding is consistent with this study finding that probation officers supervise and counsel children in conflict with the law who have been sentenced to a community-based organisation and also those who have been incarcerated. The probation officers have an opportunity to positively influence the young people that they work with.

4.5.2.3.2. Motivation

The findings of the study illustrates that the majority of probation officers were motivated by the fact that probation service is more like a specialized field and leaned towards justice. It is a challenging field and they get to learn a lot of things in their interaction with different officials from different backgrounds. Some of the probation officers were on the Department of Social Development scholarship which means upon their degrees completion, they must work for the Department. In that way they don’t get to choose preferred field but still they don’t regret the fact that they got placed in the probation field. The study also revealed that one of the participants was employed as a social auxiliary worker and got placed at probation section and is doing everything probation officers do. This theme was disclosed by participants who noted that:

“I didn’t have a choice. I was employed as social auxiliary worker and got placed at probation section and I do what probation officers do” (Zodwa, main participant 3)

“I did not choose to work with children in conflict with the law, I had a scholarship with the Department and I was placed but then I don’t regret it. Social work is very broad, I think this is a very specialized field, although you are a social worker, it is more on the side of justice. So I have learnt a lot you know, I think I far prefer it amongst fields of social work and I prefer this one compared to social work adoption and other fields” (Nobuhle, main participant 2).

The study established that participants are motivated by the fact that probation field is challenging and interesting compared to other fields of social work mainly because of its specialty set up. It exposes them to the justice system which contributes to their academic development in that they get to learn how justice system operates. Participants indicated that they had The Department of Social Development scholarship which means they were expected to come and work for them upon completing their degrees so they did not choose to work as probation officers but were placed in the probation field. However they are happy that they were placed in probation field because of its challenging nature. It keeps them motivated to think about their intervention technics or methods which will contribute positively to the life of children in conflict with the law. This study finding supports the Probation Services Act (1991) that the Act gives probation officers powers and duties amongst others, to render assistance to offenders in complying with probation conditions in order to improve their social functioning. The findings of this study also correlates with the findings of the study by United Nations (2006) which found that probation officers plays a significant role in helping children in conflict with the law rebuild their relationships with their families, with accessing skills development institutions or finding a job and encouraging professional treatment for problems such as drug addiction and in general enabling a positive life strategy.

4.5.3 The role of key stakeholders in ensuring adequate service delivery

This theme emanates from the study objective to determine the role played by key stakeholders in ensuring adequate service provision for children in conflict with the law. The particular focus was mainly on statutory, rehabilitation and reintegration intervention services which will be discussed in detail in this theme.

4.5.3.1 Statutory

The findings of the study revealed that at statutory intervention, probation officers are one of the key stakeholders because they compile pre-sentence reports and give recommendations on where the child should be detained in a CYCC, for example Bosasa. The recommendation of the probation officers is based on the careful assessment of the risks involved should the child be released to the care of the guardian. Institution social workers play a crucial role because they render developmental programmes to the children in conflict with the law and also involve their parents or guardians in the programme. The nature of the offence plays a huge role in determining the placement of the child. Prosecutors and magistrates of children courts also play a crucial role at this stage in deciding on the placement. Therefore the development of the child takes precedence regardless of the offence committed because the focus is bringing about change on the child's behaviour. Participants stated that:

“Basically we send children who have committed serious offences to Bosasa or Dr. Fabian and Rebeiro Rehabilitation Centre especially those who have a drug problem, but probation officers and the institutions that keep these children play a big role because the courts request pre-sentence reports and we are expected to compile those reports for courts. Some of these children are with their families attending programmes” (Mpho, main participant 7).

The placement of children in conflict with the law in CYCCs is mainly to educate children about the harm caused to the victim so that upon release they should be able to behave in a socially acceptable manner. Some children commit serious offences such as armed robbery or rape under the influence of drugs, for others it is through peer group pressure. Therefore assessment is crucial because it helps identify the cause of the behaviour and focus the intervention. Community involvement is also an important component at this stage because many programmes that are explored are community-based. Volsak (2000) findings are consistent with this study finding that the role of the probation officer becomes very critical in that sentencing recommended by the probation officer should be developmental so as to allow the child to be admitted to a rehabilitative programme designed to help the child realize the harm caused to the victim.

4.5.3.2 Rehabilitation

The study finding shows that at this level all key stakeholders play different roles and all those roles are geared towards the protection and the development of the child. Police services arrest children and bring them to court where parents, probation officers, magistrates and prosecutors all decide on the outcome of the matter and refer to the suitable service provider such as National Institute for Crime and Reintegration of Offenders (NICRO) or Don Mattera CYCC which render programmes such as Basic Life Skills Programme depending on the needs of the child. Consequently, when all stakeholders effectively play their roles, service delivery gets achieved. Participants highlighted that:

“At statutory level we work mostly with South African Police Service (SAPS), magistrates from children’s court, prosecutors and parents. If the child is a child in need of care and protection, we convert the matter to the places of safety such as Don Mattera” (Sis V., main participant 6).

“It’s us probation officers, parents, magistrates, prosecutors and it also depends on the charge for instance if it’s shoplifting, or those petty crimes we send them to NICRO, Khulisa or South African National Council on Alcoholism (SANCA) (especially those arrested for possession of dagga) for diversion” (Mpho, main participant 7).

The study revealed that at this stage various stakeholders such as probation officers, prosecutors, magistrates and parents are all involved deciding the outcome of the case against the child. All parties are allowed to express their views before the decision is taken whether to refer the child for diversion or convert the matter if the child is in need of care and protection. This process is very important because it looks at the best interest of the child to ensure proper service delivery. The involvement of all stakeholders allows the child to rehabilitate and be reintegrated back to the family and community. This study finding is supported by APCCA Newsletter (2002) study which revealed that rehabilitation programme involves equipping children with social and life skills to enhance their problem solving capacity and provide them with opportunities to learn the necessary skills for them to be reintegrated back into society.

4.5.3.3 Reintegration

The findings of the study showed that due to lack of human resource, probation officers are not involved in the reintegration of children back to their families and communities. They have high caseload which includes compiling of reports such as pre-trial and pre-sentence reports. Participants also indicated that in their office they are divided into sections and one of these sections is responsible for community programmes such reintegration services. Assistant probation officers are responsible for this section. Participants further pointed out that they refer cases to this section but they do not communicate about the problem areas that need to be addressed when they get to these communities. Therefore addressing the shortage of human resource will assist in having more probation officers that will commit to community interventions. Participants uncovered that:

“The problem is that we do not sit down with the people responsible for programmes to talk about the problems that affect people in the community that needs to be addressed. But the sad part is that we refer cases to them yet we do not know what do they do with them at the end of the day” (Tintswalo, main participant 3).

“It is the responsibility of the probation officer to do reintegration services but it is not happening due to work load so we do not have time to do these services because we are forever expected to be in courts presenting other cases. This becomes the responsibility of Assistant Probation Officers to do reintegration services” (Sizakele, main participant 9).

It can be decided that lack of human resource in the form of probation officers deprive communities of services that would help them deal effectively with crime. Assistant probation officers do not have the same qualifications as probation officers in community work. Probation officer possesses skills on linking communities with resources such as Skills Development Programmes and organisations in their communities that can work together with these communities in the development of their children. Therefore lack of human resources results in probation officers surrender community programmes which are vital strategies in reducing crime and instead they focus on writing reports. This study supports the findings by BBC News (2011) that unfortunately due to factors that include lack of human resource e.g. probation officers, the

social reintegration of child offenders are often a low priority in practice as they are mainly bogged down on paperwork thus surrender the value of doing community work.

4.5.4 Recommendations of probation officers working with children

This stems from the study object to elicit recommendations of probation officers on working with children in conflict with the law in Johannesburg Metro Region. Under this theme the following sub-themes will be discussed in detail: improved communication amongst all stakeholders, improve infrastructure in order to equip children with appropriate skills and training of officials and provision of support structures to improve working conditions.

4.5.4.1 Improved communication amongst all stakeholders

The study indicated that there is a general lack of communication amongst stakeholders working with children in conflict with the law including parents who are crucial stakeholders. Parents often rejects their children and want them to be taken to places of safety and it is the responsibility of the probation officer to guide or educate parents about the process of placing the child especially because removing children away from their families should be the last resort. The study further indicates poor communication between probation officers and institution social workers. Probation officers remain case managers however it seems as if they only communicate to institution social workers when the child is supposed to go to court. This is surprising though because one would expect that probation officers would maintain communication with the social workers in the institutions so that they know the child's progress in the institution. It remains the responsibility of the probation officer to ensure that children are not kept for a longer period in temporal placements. They are expected to communicate regularly with the institution social worker about the progress in getting an alternative placement. The reason cited by probation officers for poor communication is high work load which prevent them from following up on children placed in Child and Youth Care centres. So, effective communication is crucial for all stakeholders working with children in conflict with the law.

“Parents sometimes they say they don’t want these children anymore and that is a measure problem because facilities like these are not meant to keep children it is only a

temporal relief that is given to the family so the family have to be present every step of the way” (Nobuhle, main participant 2).

“I would say there is not enough communication between Probation Officers and social workers in the institutions as I said due to high volume of our workload. Sometimes children attend programmes in the institution and stop. As a probation officer you would not know that the child has stopped attending because the social worker in the institution will not call the probation officer to say your client only attended one session, you only find out three months later when you go to court. The problem would be why we were not notified about the attendance of the child. So there is a lack of communication” (Sizakele, main participant 9).

4.5.4.2 Improve infrastructure in order to equip children with appropriate skills

The study revealed that skills development programme is a necessity to allow children to acquire skills which will enable them to get employment upon release back to their communities. Participants suggested that institutions should have integrated services that will provide diverse skills such as carpentry. Having skills like carpentry will enhance children’s self-confidence and increase chances of employable should they be looking for a job and ultimately distance themselves from criminal activities. The findings further discovered a need to have main stream schools in Child and Youth Care Centres, which will assist these children, continue with their education without interruption. Some of the children stay in these centres for a longer period when they get released back to their families, the school requires them to go back to the last grade they were doing. More often children would be older to be in that grade and they decide to drop out of school. School dropout is regarded as one of the contributing factors in child offending. Therefore having main stream schools in these institutions will help minimise school dropout and re-offending. The study found lack of resources as the main problem which needs improvement to ensure proper implementation of the Child Justice Act. Human resource is a problem that affects the implementation of the Act. There is general lack of probation officers which makes it difficult to implement all interventions such as community work as required by the Act. Participants explained that they admit children who need the services of a psychologist

or psychiatrist and there is no budget allocated to pay for such services. Participants declared that:

“We need institutions that will provide integrated services, in a sense that they should be able to handle drug related issues, offering skills such as carpentry which will equip them to become better when they get released from those institutions back to their families, formal schooling and treatment” (Sizakele, main participant 9).

“Infrastructural improvement is crucial in this area because probation officers don’t work alone, they work with all other stakeholders and they can get all the support but get frustrated when they actually want to place these children be it in detention centres or rehabilitation centres because they are just like nonexistent given the number of people who need these services. I had a child in 2010 that had a mental challenge and he had to be taken to a psychologist or psychiatrist as the act provides but there was no money to pay for such services and there is no budget to pay those people” (van Niekerk, key informant 4).

4.5.4.3 Training of officials and provision of support structures to improve working conditions

The study discovered lack of training as the major problem which has a direct impact on the general understanding of policies. Due to lack of training, probation officers fail to implement the Act effectively. The quality of their work, especially pre-sentence reports is often not good and this put their work or competency under scrutiny when they testify in courts. Some of the probation officers are new from the University and they go with their seniors to observe and this is not enough for them to do quality work. As a result, when their work gets questioned it affects their self-esteem and they get demoralized. Therefore, providing training is important for official’s development, effective service delivery to clients, and it also encourages participants to be confident when carrying out their duties.

Participants pointed out that the conditions in which they work under are very dangerous. They work with offenders who are abusing drugs and often present violent behaviour such as sexual

harassment. They also get robbed whilst doing their job. Participants further mentioned that when conducting investigations they interview rape victims and also get exposed to pictures of dead people. Participants highlighted that their working conditions are generally traumatic and they do not have support structures such as counseling or debriefing where they would be able to ventilate their frustrations and challenges they experience in practice. This does not only affect their work output but also their families because when they get home they take out their frustrations on their families. Therefore, the provision of support structures such as supervision, resources and/or Employment Assistance Programmes as well as will help improve the working conditions of probation officers.

“I didn’t get training but we could go with senior probation officers when they went to court to see what a probation officer does and we were allocated cases and that was it”
(Sizakele, main participant 9).

“You know what we need training and debriefing where we would be able to ventilate our frustrations and talk about our challenges, because you will talk about your challenges with the supervisor who is also frustrated by her supervisor. I don’t know what the use of Employment Assistance Programmes (EAP) is and if they want us to do our jobs well let them bring Employment Assistance Programmes people to us to help us”
(Zodwa, main participant 3).

4.5.5 Conclusion

The findings generated by the study revealed that probation officers understand poverty, peer pressure and substance abuse as main contributing factors to child offending. On the experiences of probation officers working with children in conflict with the law, the study revealed that the environment in which probation officers work is challenging. There is limited training and development even though there is rewarding work experience in terms of bringing about change in the children they work with, they experience weak policy implementation because of the loopholes on the Act. On the role of key stakeholders in ensuring adequate service provision to children in conflict with the law, the study revealed that children get referred to community based rehabilitation centres and those that have committed serious offences or have substance

abuse problem get referred to rehabilitation centres and Child and Youth Care Centres. Reintegration services are mainly done by assistant probation officers because probation officers have high case load. Recommendations made by probation officers on working with children in conflict with the law were as follows: improved communication amongst all stakeholders, improve infrastructure to equip children in conflict with the law with appropriate skills and training of officials and provision of support structures to improve working conditions.

CHAPTER FIVE

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter provides the aim and objectives of the study, summary of key findings as per the objectives of the study, the conclusions of the study, recommendations for The Department of Social Development, policy and future research and concluding remarks.

5.2 Aim and objectives of the study

The aim of the study was to explore experiences of probation officers working with children in conflict with the law, in Johannesburg Metro Region. In order to answer the main research question, the study sets out the following objectives:

- To establish probation officers understanding of children in conflict with the law
- To explore experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region
- To determine the role of key stakeholders in ensuring adequate service provision for children in conflict with the law
- To elicit recommendations of probation officers on working with children in conflict with the law in Johannesburg Metro Region

5.3 Summary of key findings

The study pursued to explore the experiences of probation officers working with children in conflict with the law. The summary of key findings is presented in line with the objectives of the study. These key findings are presented under each objective underneath.

5.3.1 Probation officers understanding of children in conflict with the law

The study discovered that probation officers understand poverty, peer pressure and substance abuse as the main contributing factor to child offending. Most of these children come from poor families where no one is employed. Others come from child headed families and single parent

families where they are struggling to meet basic needs. As a result, they resort to crime to meet their basic needs.

The study further revealed peer pressure as the other contributing factor to child offending. Children spend most of their time with friends and some of these friends are involved in drugs. Children often conform to peer-pressure because they want to have a sense of belonging to the group something that they might be lacking at home.

Substance abuse is identified as the common contributing factor in child offending. Most of these children come from families where their parents use substances such as alcohol and they get exposed to it. In the communities and schools, substances such as nyaope are easily accessible to children and the drug syndicates operate in these communities and police officials are not doing anything about it.

5.3.2 Experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region

The study revealed that probation officers work in a challenging environment. They work with aggressive and violent clients and victims of rape which is very traumatic. The study further revealed that there are no support structures available to help them cope with psychological effects of their work.

The lack of resources was identified as one of the measure problem because it affects service delivery to clients. There is shortage of state vehicles, lap tops and printing machines and this directly affect service delivery negatively. There is also a general lack of human resource which results to lack of community intervention particularly reintegration programmes.

The study further revealed lack of government rehabilitation centres as a major challenge for probation officers because they rely mainly in one Government Rehabilitation Centre (Dr. Fabian and Rebeiro Rehabilitation Centre) in the whole of Gauteng Province. Probation officers wait for longer period to get children with drug problems admitted in the centre. As a result, children revert back to using drugs.

The findings of the study revealed weak policy implementation as a problem that affects the implementation of the policy. The study showed that adults commit offences with children and shift the blame to children and when children takes responsibility, the court find it difficult proving that the adult committed the offence and this is seen as sign of weak policy implementation.

Lack of training on the Child Justice Act was also identified as having a direct consequence on the lack and/or poor understanding of policies. The study revealed that despite the challenges experienced by probation officers in working with children in conflict with the law, they find their work experience rewarding especially when they see a child change their offending behaviour. They take this as a motivation that at least they have brought about a positive change in a young person's life.

5.3.3 Recommendations of probation officers on working with children in conflict with the law

The study revealed that there is a need for improved communication amongst all stakeholders working with children in conflict with the law to ensure quality service delivery to these children particularly, probation officers and institutions social workers. The study also revealed that skills development programme is a necessity to allow children to acquire skills which will enable children to get employment upon release back to their communities. This can be done by improving infrastructure aimed at equipping children with appropriate skills. The study further identified training and support structures as the most significant need for official's development in order for them to be able to effectively carry out their duties. Support structures mainly referring to counseling or debriefing services given the conditions in which probation officers work under.

5.3.4 The role played by key stakeholders in ensuring adequate service provision for children in conflict with the law

The findings of the study showed that due to lack of human resource, probation officers are not involved in the reintegration of children back to their families and communities. They have high caseload which includes compiling of reports such as pre-trial and pre-sentence reports. Study

also indicated that probation officers are divided into sections and one of the sections is responsible for community programmes such reintegration services. Assistant probation officers are responsible for this section. The study further discovered that they refer cases to this section but they do not communicate about the problem areas that need to be addressed when they get to these communities.

5.4 Conclusions of the study

The findings generated by the study showed that poverty, peer-pressure and substance abuse remains the main contributing factors to child offending in South Africa. Similar findings are found in research studies conducted by Roestenburg and Oliphant (2012), Maree (2013) and Luya (2012). Most of the children who commit crimes are mainly from impoverished families where they cannot afford to meet their basic needs because no one is employed. As a result they commit crime in order to have their basic needs met. However others commit crimes due to peer influence from their communities and schools. Drugs are easily available in communities and law enforcement agencies seem to be failing to deal with substance abuse effectively. Children influence each other into committing crimes or using substances. Other children do not only get influenced by their peers but they observe abuse of substances from their families and start using it as well.

The study findings outlined a number of challenges probation officers experience when working with children in conflict with the law. Challenging work environment where probation officers are confronted by dangerous caseload and their job is not safe. They work with children who are aggressive and exhibit violent behaviour. Torbet (1996) and Badenhorst (2011) also found that the biggest problem facing juvenile probation is on the job safety and probation officers visits families with juvenile offenders who are using drugs and are very aggressive.

The study also revealed lack of human resource as a major problem because probation officers surrender community intervention programmes and focus mainly on compiling court reports. Similar findings were found in the (BBC News, 2011) that probation officers focus their attention on report writing for courts e.g. pre-sentence a report thus neglecting the value of engaging directly with child offender's to make them think differently about their behaviour.

Inadequate government rehabilitation centres remains a problem in Johannesburg Metro where probation officers rely on one rehabilitation centre for the whole of Gauteng. The study found this to be one of the major problems given the majority of children using drugs, particularly nyaope. If the problem of rehabilitation centres is not addressed, substance abuse problem will remain a problem in South Africa.

The study revealed the general lack of training and development on the Child Justice Act which ultimately translate to poor understanding of policies. The study further revealed that adult offenders commit offences with children and shift the blame to children because they know if the child accepts responsibility they cannot prove that the adult indeed committed the offence. Even though probation officers did not get training, however they get motivated by the fact that they are presented with the opportunity of positively influencing children that they work with and this provide them with job satisfaction.

The study revealed a need to improve communication amongst stakeholders working with children in conflict with the law in order to address child offending. Improving infrastructure was identified as a crucial intervention where children will be equipped with appropriate skills that they can use upon release back to their communities and play an active role in their communities. Training of officials remains a significant need for effective service delivery. However, the training of officials needs to be accompanied by the provision of support structures in order to improve working conditions. The conditions in which probation officers work under requires that their psychological needs be taken care of through counseling services. This does not motivate them to render services to children in conflict with the law.

The study revealed that the implementation of prevention, rehabilitation, statutory and reintegration programmes is not happening even where it is happening, it is poorly structured.

5.5 Recommendations for:

5.5.1 Social Development

Training and development is the most significant empowerment for official's academic development. Most probation officers indicated that they did not get training on the Child Justice Act prior starting work. This created a problem for them as individuals and also sacrificed the proper implementation of the Act. It is therefore recommended that probation officers get training on the Child Justice Act.

Probation officers work in a challenging environment with aggressive and violent children who use drugs and this affects them psychologically. These recommendations are also found in (Badenhorst, 2011& Torbet, 1996) studies. It is recommended that they get support in the form of counseling or debriefing sessions to help them cope with the challenging environment they work under.

Resources play a significant role in carrying out duties. Without resources there would be no work. It is therefore critical that the Department address this need urgently in order for probation officers to be able to render services to clients effectively, for instance state vehicle and human resource which, through shortage of probation officers, community intervention services gets neglected. The study by Volsak (2000) recommended that because probation officers are overloaded and are also required to render integrated development programmes on crime prevention on young persons, families and communities, they need more human resources to meet this requirement.

5.5.2 Policy implementation

There is a loophole on Child Justice Act 75 of 2008 in that children are used by adults to commit crimes on their behalf because they know if they take responsibility they would be diverted to rehabilitation centres to attend diversion programmes. They also know that even if they commit an offence with the child, if the child accepts responsibility, the state would have no proof that the adult committed the offence. It is recommended that the policy makers consider amending the Act in terms of section 35(h) and be specific on what should be done to adults who use children to commit crime.

5.5.3 Future research

It is recommended that future research focus on the role of probation officers in implementing prevention and early intervention strategies and/or programmes in communities as these interventions seems not to get much needed attention from probation officers.

5.6 Concluding remarks

During the process of exploring experiences of probation officers working with children in conflict with the law, the researcher became aware of the factors that contribute to child offending in Johannesburg Metro Region. It was realized that poverty, peer pressure and substance abuse contributes significantly in child offending. This study has confirmed the challenging work environment in which probation officers are exposed working with children in conflict with the law. Providing support structures to address psychological effects, improving resources and providing more government rehabilitation centres will have a positive impact in working conditions of probation officers. The study has further confirmed weak policy implementation and rewarding work experience. Such findings speak to lack of training on Child Justice Act 2008 and understanding of policies. In spite of the challenges, probation officers have a positive influence on child offenders. The inherent lack of communication amongst stakeholders, infrastructure to equip children with appropriate skills needs immediate attention if child offending were to be addressed effectively. It is evident from the study that services to children in conflict with the law in South Africa use community development as a focal point. Therefore, early intervention and prevention strategies as well as community integrated programmes should be used as the main intervention strategies to enhance proper development. Focusing on statutory and rehabilitation only has failed to yield positive results as it is mainly clinically oriented. Rehabilitation should include developmental skills which will empower children to be self reliant when they get released back to their families or communities.

REFERENCES

- ACCPA Newsletter No. 15 December 2002. *New Rehabilitation Programme for Young Offenders*. Retrieved (9 July 2012) from <http://www.apcca.org/pubs/newsletter>
- Agnew, R. (2000). *Of crime and criminality*. London: Pine Forge Press.
- Babbie, E. (2004). *The practice of social research*. (Eds). Belmont, CA: Wadsworth.
- Badenhorst, C. (2011). *Overview of the implementation of the Child Justice Act, 2008 (Act 75 of 2008)*. Good intentions, questionable outcomes. Van Schaik Publishers: Pretoria.
- Bak, N. (2004). *Completing your thesis: A practical guide*. Van Schaik Publishers: Pretoria.
- Barton, W.H. (2011). Juvenile Justice Policies and Programs. In *Social Policy for Children and Families: A Risk Resilience Perspective*, edited by Jenson M.J. and Fraser, M.W. second edition. Thousand Oaks, CA: Sage Publications, pp. 306-352
- BBC News. *Probation staffs 'spend just 24% of time with offenders'*, 27 July 2011. Retrieved (28.06.2012) from <http://www.bbc.co.uk/news/news-politics-14302891>
- Bernard, H. R. (2010). *Analyzing qualitative data: Systematic approaches*. Thousand Oaks, CA: Sage.
- Bernard, H. R., and Ryan, G. (1998). Text analysis: Qualitative and quantitative methods. In H. R. Bernard (Ed.), *Handbook of methods in cultural anthropology* (pp. 595–645). Walnut Creek, CA: Altamira Press.
- Bezuidenhout, C. and Joubert, S. (2006). *Child and youth misbehavior in South Africa: A holistic view*. Van Schaik: Pretoria
- Blair County Juvenile Probation (2009). *Network of care*. Hollidaysburg: PA http://blair.pa.networkofcare.org/mh/services/agency.aspx?pid=BlairCountyJuvenileProbationOffice_763_2_0
- Blake, N. (2004). *Designing social research*. London. Polity

- Booyens, K., Beukman, B. and Bezuidenhout, C. (2013). The nature and extent of child youth misbehaviour in South Africa, In Bezuidenhout, C. *Child and youth misbehaviour in South Africa: A Holistic Approach*. (Eds). Van Schaik Publishers: Pretoria. pp. 31-67
- Braun, V. and Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3 (2). pp. 77-101
- Breetzke, G. D. Modeling violent crime rates: A test of social disorganization in the city of Tshwane, South Africa. *Journal of Criminal Justice* 38 (2010) pp.446–452
- Bronfenbrenner, U. (1979). The ecology of human development: Experiments by nature and design. Cambridge, MA: Harvard University Press.
- Burton, P. *Cracking the whip won't stop the violence ravaging schools*: 08 Nov 2013 10:08- Retrieved from <http://mg.co.za/author/patrick-burton>
- Child Justice Act, No.75 of 2008. Pretoria, South Africa: Government Printers
- Clark, J.N. (2012). Youth violence in South Africa; the case for a restorative justice response, *Contemporary Justice Review: Issues in Criminal, Social and Restorative Justice*, 51:1, 77-95, <http://dx.doi.org/10.1080/10282580.2011.653521>
- Clay, R. (2008). Helping youth offenders return to communities. *Substance abuse and mental health services administration News*, 16 (3). Retrieved from http://www.samhsa.gov/SAMHSA_News/VolumeXVI_3/article1.htm
- Constitution of the Republic of South Africa, No. 108 of 1996. Pretoria, South Africa: Pretoria
- Creswell, J.W., and Miller, D.L. (2000): Determining Validity in Qualitative Inquiry, *Theory into Practice*, 39:3, 124-130
- Davis, L. (2003). *The prevention and control of youth misbehavior in South Africa*. In Bezuidenhout, C. and Joubert, S. (Eds.), *Child and youth misbehavior in South Africa. A holistic view*. Van Schaik Publishers: Pretoria

Dawson, C., (2002). *Practical research methods, a user-friendly guide to mastering research techniques and projects*. United Kingdom: How to books Ltd, 3 Newtec Place.

De Vos, A.S., Strydom, H., Fouche, C.B. and Delport, C.S.L. (2005). *Research at grassroots for the social sciences and human service profession*, (3rd Ed.) Pretoria: Van Schaik Publishers: Pretoria.

Du Plooy, G. M. (2009). *Communication research: Techniques, methods and applications* (2nd Ed.). Cape Town: JUTA.

Fouche, C. B. and Schurink, W. (2011). Qualitative research design, In De Vos, A. S., Strydom, H., Fouche, C. B and Delport, C.S.L. *Research at Grass Roots: For the Social Sciences and Human Service Professions*. (Eds). Van Schaik Publishers: Pretoria. pp. 307-327

Gauteng Department of Social Development, (2007). Child Justice. *Community law centre*: University of Western Cape.

Greeff, M. (2011) Information Collection: Interviewing, in De Vos, A. S., Strydom, H., Fouche, C. B. & Delport, C.S.L. *Research at Grass Roots: For the Social Sciences and Human Service Professions*. (Eds) Van Schaik Publishers: Pretoria. Ppp.390-405

Greenstein, B., Robert, B. and Sitas, A. (2003). *Qualitative Research Methodology's in Greenstein. R. Research Methods Manual*. University of the Witwatersrand: Johannesburg

Guerra, N.G. (2013) Macroeconomic Factors, Youth Violence, and the Developing Child, In Rosenfeld, R., Edberg, M., Fang, X., Florence, C.S. *Economics and Youth Violence: Crime, Disadvantage, and Community*. (Eds) New York University Press: New York and London. pp. 255-277

Hayward, R.A. and Honegger, L. (2014). Gender Differences in Juvenile Gang Members: An Exploratory Study, *Journal of Evidence-Based Social Work*, 11:4, 373-382, <http://dx.doi.org/10.1080/10911359.2014.897110>

Hepworth, D. H., Rooney, R. H., Rooney, G. D., Strom-Gottfried, K. and Larsen, J. A. (2006). *Direct Social Work Practice: Theory and Skills*. (7th Ed).Thompson: Brooks/Cole

Hinton, W. J., Sims, P. L., Adams, M. A. and West, C. (2007). Juvenile Justice A System Divided. *Criminal Justice Policy Review Volume 18*, 4: pp. 466-483

Jenson, J. M., and Fraser, M. W. (2011). *Social Policy for Children and families. A risk and a resilience perspective*. (2nd Ed.). Washington DC, USA. Sage Publishers Inc.

Justice and Solicitor General: Annual Report 2012-2013-Alberta Justice.
http://justice.alberta.ca/programs_services/about_us/Publications%20Library%20%20About%20Us/JSG-AnnualReport2012-2013.aspx/DispForm.aspx?ID=59

Kirst-Ashman, K.K. (2007). *Introduction to Social Work & Social Welfare: Critical Thinking Perspective*. (2nd Ed).Thompson: Brooks/Cole

Kronberga, I. (2014). Centre for public Policy. Early intervention: *theoretical background and best practices vs. situation in Lavita*. Development Centre for Children. Animus Sofia: Providus

Legard, R., Keegaan, J. and Ward, K. (2003). In-depth Interviews, in Lewis, J. and Richie. J. (Eds) *Qualitative Research Practice: A guide for social science students and researchers*. London: SAGE Publications.

Lietz, C.A., Langer, C.L., and Furman, R. (2006). Qualitative Social Work. Establishing Trustworthiness in Qualitative Research in Social Work: *Implications form a Study Regarding Spirituality*. Sage Publications. Downloaded from <http://qsw.sagepub.com/content/5/4/441> on March 28, 2011

Lowenberg, F. Dolgoff, R., and Harrington, D. (2000). *Ethical decisions for social work practice*. Sixth Edition. Itasca, Illinois: F.E. Peacock.

Lutya, T.M. (2012). The Importance of a Stable Home and Family Environment in the Prevention of Youth Offending in South Africa. *International Journal of Criminology and Sociology*, 2012, 1, 86-92: University of Pretoria

Mandisa, T. (2007). Home and family circumstances of young offenders: An examination of social workers views. *British Journal of Community Justice*, 5(3), 63–80.

Maree, A. (2013). Criminogenic risk factors for youth offenders. In Bezuidenhout, C. *Child and youth misbehaviour in South Africa: A Holistic Approach*. (Eds). Van Schaik Publishers: Pretoria. pp. 68-95

Maschi, T., Schwalbe, C. and Ristow, J. (2013). In Pursuit of the Ideal Parent in Juvenile Justice: A Qualitative Investigation of Probation Offenders' Experiences with Parents of Juvenile Offenders, *Journal of Offender Rehabilitation*, 52:7, 470-492, <http://dx.doi.org/10.1080/10509674.2013.829898>

Masuku, S. (2004). *Office of the President. Youth views on crime in the Nelson Mandela metro*. Published in Crime Quarterly No 9, 2004

Mkhabela, S. *Protecting orphaned children*: 29 Nov 2013 00:00 - Retrieved 2014-07-12 from <http://mg.co.za/author/advertising-supplement>

Nandipha, K. Hacking murders: Drugs or Satanism? : 04 Jun 2013 11:53 – Retrieved from <http://mg.co.za/author/khuthala-nandipha>

National Academy of Sciences (2001). *Juvenile Crime, Juvenile Justice. Panel on Juvenile Crime: Prevention, Treatment and Control*, Committee on law and Justice, and Board on Children, Youth and Families, national research Council, and Institute of Medicine

Niksic, S. *Balkans grapple with exploding youth crime*: 28 May 2008 06:00 - Retrieved 2012-05-13 from <http://mg.co.za/author/sabina-niksic>

Nkosi, B. *Between a hammer and a hard place*: 11 May 2012 10:57 -Retrieved 2012-05-13 from <http://mg.co.za/author/bongani-nkosi>

Palmary, I. (2007). *Youth position paper. Prepared for the Crime Prevention Alliance, Child Safety Project*. Johannesburg, South Africa: Centre for the Study of Violence and Reconciliation. Retrieved from <http://www.csvr.org.za/docs/youth/youthpositionpaper.pdf>.

Parker, F. *Why South Africa is so violent*: 09 Nov 2010 00:00 - Retrieved 2012-05-13 from <http://mg.co.za/author/faranaaz-parker>

Pelser, E. *Learning to be lost: Youth Crime in South Africa*. Discussion paper for the HSRC Youth Policy Initiative, Reserve Bank, Pretoria. 13 May 2008. Pretoria

Pringle, C. (2010). *A special kind of war zone: Violent crime in South Africa*. URP: <http://www.consultancyafrica.com/index.php?option=comcontent&view=article&id=628>. Retrieved on the 1/0515/2011

Probation Service Amendment Act, No. 35 of 2002. Pretoria, South Africa: Government Printers

Roestenburg, W and Oliphant, E. (2012). Community-Based Juvenile Offender Programs in South Africa: Lessons Learned, *Journal of Community Practice*, 20:1-2, 32-51. <http://dx.org/doi.org/10.1080/10705422.2012.644226>

Roestenburg, W. and Oliphant, E. (2012). Community-Based Juvenile Offender Programs in South Africa: Lessons Learned, *Journal of Community Practice*, 20:1-2, 32-51

Ryan, G. (1998). *Data management and analysis methods*. Thousand Oaks. CA: Sage

S v CT 2013 JDR 1569 (GNP)

S v FM 2013 (1) SACR 57 (GNP)

S v LM (FACULTY OF LAW, UNIVERSITY OF THE WESTERN CAPE: CHILDREN RIGHTS PROJECT OF THE COMMUNITY LAW CENTRE AND OTHERS AS AMICI CURIAE) 2013 (1) SACR 188 (WCC),

S v Mahlangu and Ndlovu 2010 (2) SA CC70

S v MELAPI 2014 (1) SACR 363 (GP)

S v TS 2013 (1) SACR 92 (FB)

Saine, M. (2005). *Protecting the Rights of Children in Trouble with the Law: A Case Study of South Africa and Gambia*. Pretoria

September, R. *Sharing the responsibility for SA's children*: 29 Nov 2013 00:00- Retrieved 2014-07-12 from <http://mg.co.za/author/advertising-supplement>

Shenton, A.K. (2004). *Strategies for ensuring trustworthiness in qualitative research projects*: Division of Information and Communication Studies, School of Informatics, Lipmann Building, North Umbria University, Newcastle upon Tyne, 8ST, UK. pp. 63-75

Skelton, A and Tshehla, B. (2008). *Child Justice in South Africa*. Monograph 150, September 2008

Skelton, A. and Badenhorst, C. (2011). *The Criminal Capacity of Children in South Africa. International Developments & Considerations for Review*. Community Law Centre: University of Western Cape

South Africa. Department of Welfare. (1997). *White Paper for Social Welfare*. Pretoria: Government Printer.

Starks, H. Brown, T. Trinidad, S. *Choose your method: A comparison of phenomenology, discourse analyses, and grounded theory*. Qualitative Health Research. 2007,17:1372-1380.doi:10.1177/1049732307307031

Tabane, R. *Khutsong: Brutality prevails when hope is lost*: 08 Nov 2013 00:00 - Retrieved 2014-07-12 from <http://mg.co.za/author/rapule-tabane>

Tremblay, R. E., and LeMarguard, D. (2001). Individual risk and protective factors. In *Child Delinquency: Development, Intervention, and Service Needs*, edited by R. Loeber and D.P. Farrington. Thousand Oaks, CA: Sage Publications, pp. 137-164

Tshitereke, C. *Improving the lives of SA's children*: 29 Nov 2013 00:00 - Retrieved 2014-07-12 from <http://mg.co.za/author/advertising-supplement>

Vandi, S.P.K. (2007). *Protecting the rights of children in conflict with the law: A comparative study of the administration and practice of juvenile justice in South Africa and Sierra Leone*. Hungary: Central European University

Volsak, N. (2000). *Challenges Facing Probation Officers Working with Young Persons in Conflict with the Law*: Rhodes University

Wakefield, L. and Odaga, V. (2011). *The activities of the Child Justice Alliance during 2011*: Retrieved 23 October 2011 from www.childjustice.org.za

Ward, C. L., Berg, L., Boonzaier, F., Crawford-Brown, S., Dawes, A., Foster, D., Matzopoulos, R., Nicol, A., Seekings, J., van As, A. B., and van der Spuy, E. (2012). Issues in Medicine. Violence, violence prevention, and safety: *A research Agenda for South Africa*. April 2012, Vol. No. 4 SAMJ

Winter, K. (2011). *Building Relationships and Communicating with Young Children: A practical guide for social workers*. London and New York

APPENDICES

APPENDIX A: PARTICIPANT INFORMATION SHEET FOR MAIN PARTICIPANTS

Good day,

My name is Muntuwenkosi Sibisi and I am a Masters student registered for MA Social Development at the University of Witwatersrand. As part of the requirements for the degree, I am conducting the research on the topic: “Experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region.” I wish to invite you to participate in the study. If you agree to participate, the interview will be 45-60 minutes interview and you will be asked to consent to tape recording of the interview. You will also be asked about your experience or intervention with children in conflict with the law. Note that your participation is voluntary and you will not be forced to participate in the study. If you agree to take part I shall arrange to interview you at a time and place suitable to you. You have the right to withdraw from the study at any given time if you wish to do so. You are free to decline answering questions you feel uncomfortable answering. If you withdraw from the study there will be no negative consequences for you.

With your permission, the interview will be tape recorded. Only the researcher will have access to the tapes. The tapes will be destroyed two years after completion of the study. Please be assured that your name and personal details will be kept confidential and no identifying information will be included in the final research report.

The researcher has organized someone to provide counselling should the need arise during the process of the research project. The details of the person are as follows: Mr. Barney Rulash, Senior Social Worker (Department of Social Development), Contact details: tel. 011 820 0367, 082082 1446, Address: 40 Catlin Street, Germiston, 1400. The proposed research will make every effort to abide by ethical standards.

You can contact me on the following details should you have questions.

Cell: 079 5098 825

Tel: 011 820 0491

Emails: muntu02@gmail.com

: Muntuwenkosi.Sibisi@guateng.gov.za

Thank you for taking the time to consider participating in the study.

Yours Sincerely

Muntuwenkosi Sibisi

APPENDIX B: PARTICIPANT INFORMATION SHEET FOR KEY INFORMANTS (magistrates and prosecutors)

Good day,

My name is Muntuwenkosi Sibisi and I am a Masters student registered for MA Social Development at the University of Witwatersrand. As part of the requirements for the degree, I am conducting the research on the topic: “Experiences of probation officers working with children in conflict with the law in Johannesburg Metro Region.” I wish to invite you to participate in the study. If you agree to participate there will be 45-60 minutes long interview and you will be asked to consent to tape recording of the interview. You will also be asked about your experience or intervention with children in conflict with the law. Note that your participation is voluntary and you will not be forced to participate in the study. If you agree to take part I shall arrange to interview you at a time and place suitable to you. You have the right to withdraw from the study at any given time if you wish to do so. You are free to decline answering questions you feel uncomfortable answering. If you withdraw from the study there will be no negative consequences for you.

With your permission, the interview will be tape recorded. Only the researcher will have access to the tapes. The tapes will be destroyed two years after completion of the study. Please be assured that your name and personal details will be kept confidential and no identifying information will be included in the final research report. The researcher has organized someone to provide counselling should the need arise during the process of the research project. The details of the person are as follows: Mr. Barney Rulash, Senior Social Worker (Department of Social Development), Contact details: tel. 011 820 0367, 082082 1446, Address: 40 Catlin Street, Germiston, 1400. The proposed research will make every effort to abide by ethical standards.

You can contact me on the following details should you have questions.

Cell: 079 5098 825

Tel: 011 820 0491

Email: muntu02@gmail.com

: Muntuwenkosi.Sibisi@guateng.gov.za

Thank you for taking the time to consider participating in the study.

Yours Sincerely

Muntuwenkosi Sibisi

APPENDIX C: CONSENT FORM FOR PARTICIPATING IN THE STUDY

I hereby consent to be interviewed. The purpose and procedures of the study have been explained to me. I understand that my participation is voluntary and that I may refuse to answer any question that I am uncomfortable with. I also understand that I may withdraw from the study at any given time without any negative consequences. I understand that my responses will be kept confidential. I also understand that confidentiality/anonymity will be maintained at all times in the final report.

NAME OF PARTICIPANT-----

DATE-----

SIGNATURE-----

APPENDIX D: CONSENT FORM FOR AUDIO TAPING OF THE INTERVIEW

I hereby consent to tape recording of the interview. I understand that confidentiality/anonymity will be maintained at all times and that the tapes will be destroyed two years after any publication arising from the study or six years after completion of the study if there are no publications.

NAME OF PARTICIPANT-----

DATE-----

SIGNATURE-----

APPENDIX E: INTERVIEW SCHEDULE WITH MAIN PARTICIPANTS

Demographic Information

Sample	Race	Gender	Age				
			20-25	26-30	31-35	36-40	40+
Probation Officers	Black	Male					
		Female					

1. What is your understanding of children in conflict with the law?
 - a. According to you, who is a child in conflict with the law?
 - b. Do you think the legislation and policies that we have in the country are adequate in protecting these children? Explore: if yes, how? If no, what can be done to strengthen them? The level of training received prior to starting work?
 - c. What motivated you to choose to work with children in conflict with the law?
 - d. What are some factors that put children at risk of offending?
2. What are your experiences of working with children in conflict with the law in Johannesburg Metro Region?
 - a. What kind of assistance do children in conflict with the law require? Explore: statutory, rehabilitation, reintegration etc.
 - b. What would be the consequences if these children are not assisted timeously? Explore: consequences for the child? Family? Community?
 - c. In your experience, what do you think are challenges in your work with children in conflict with the law?
 - d. How have you managed to cope with some of these challenges in the past?
 - e. What have been the highlights of working with children in conflict with the law?
3. What is the perceived role played by key stakeholders in ensuring adequate service provision for children in conflict with the law?
 - a. Which key stakeholders do you work with and in what capacity?

- b. How can the collaboration among key role players be strengthened so that they can contribute more when assisting this group of children?
- 4. What is your recommendation(s) for working with children in conflict with the law in Johannesburg Metro Region?
 - a. What can be done to strengthen your intervention with children in conflict with the law?
 - b. What support structures should be put in place for social workers/probation officers working with children in conflict with the law?
 - c. How can key role players contribute towards this group of children?

Is there any other information you think would be useful for me to know, regarding children in conflict with the law, which I have not asked you about; and which you would like to give to me?

Thank you for participating in this research study
Muntuwenkosi Sibisi

APPENDIX F: INTERVIEW SCHEDULE WITH KEY INFORMANTS

Demographic Information

Sample	Race	Gender	Age				
			20-25	26-30	31-35	36-40	40+
Prosecutors	Black	Male					
		Female					
Magistrates	Black	Male					
	White	Male					

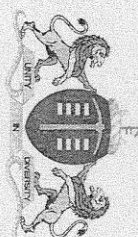
1. Can you briefly describe your job for me, as it relates to children in conflict with the law?
Explore: how long have you been working in this area for?
2. What legal frameworks have been put in place to ensure improved services to children in conflict with the law in South Africa? Explore: implementation of the legislation, policies etc.
3. What are some difficulties that these group of children face in South Africa? Explore: how can they be helped, from a statutory perspective, to lead more productive lives?
4. Can you share with me some challenges you have faced whilst working with children in conflict with the law?
5. What have been some challenges in the job that you do with these young people?
6. Could you please describe the relationship that you have with probation officers working in your court? Explore: what do you think are some of the challenges they face in working with children in conflict with the law? How can they be supported to do the job more effectively?

Is there any other information which you think would be useful for me to know, regarding children in conflict with the law, which I have not asked you about; and which you like to give to me?

Thank you for participating in this research study

Muntuwenkosi Sibisi

APPENDIX G: PERMISSION LETTER



GAUTENG PROVINCE SOCIAL DEVELOPMENT REPUBLIC OF SOUTH AFRICA

Internal Memo:

Enquiries : Refilwe Makapela
011 355 7676 ; Cell No. 082 469 3131
Sub-directorate Research and Policy Co-Ordination
Dir.: Research and Demography
CD: Development and Research

Dear Muntuwenkosi Sibisi

RE: YOUR APPLICATION TO CONDUCT RESEARCH WITHIN THE DEPARTMENT

Thank you for your application to conduct research within the Gauteng Department of Social Development.

Your application on the research on *"Experiences of Probation Officers working with children in conflict with the law in Johannesburg Metro Region"* has been considered and approved for support by the Department as it was found beneficial to the Department's vision and mission.

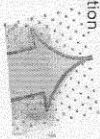
The approval is subject to the Departmental terms and conditions as endorsed by you on 08/08/2012

May I take this opportunity to wish you well for the research.

Looking forward to a value adding research and a fruitful co-operation.

With thanks,


MRS. SHOKITHABALA
HEAD OF DEPARTMENT



DATE... 11/9/2012

APPENDIX H: ETHICAL CLEARANCE



Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON MEDICAL)

H120811 Sibisi

CLEARANCE CERTIFICATE

PROTOCOL NUMBER H120811

PROJECT TITLE

Experiences of Probations Officers working with children in conflict with the Law in Johannesburg Metro Region

INVESTIGATOR(S)

Ms. M Sibisi

SCHOOL/DEPARTMENT

Human and Community Development

DATE CONSIDERED

17 August 2012

DECISION OF THE COMMITTEE

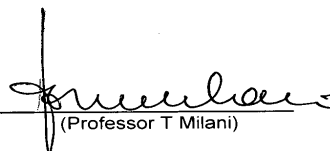
Approved Unconditionally

EXPIRY DATE

31 August 2014

DATE 17 October 2012

CHAIRPERSON


(Professor T Milani)

cc: A. Warria

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10005, 10th Floor, Senate House, University.

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**


Signature

07.11.2012
Date

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES