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Exploring intervention experiences of social workers working with child sex offenders

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EXPLORING INTERVENTION EXPERIENCES OF SOCIAL WORKERS WORKING WITH CHILD SEX OFFENDERS

A RESEARCH REPORT PRESENTED TO

THE DEPARTMENT OF SOCIAL WORK

SCHOOL OF HUMAN AND COMMUNITY DEVELOPMENT

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MASTERS OF ARTS IN SOCIAL DEVELOPMENT

BY

ONICA DIAMOND

MARCH, 2016

DECLARATION

I hereby declare that this is my own original and unaided work. It has not been submitted previously for any degree or examination at any other university.

_____ _____

Onica Diamond **Date**

DEDICATION

This study is dedicated to all the passionate, hard-working social workers offering quality services to children within our society.

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ABSTRACT

The cases of children involved in criminal activities are on the increase all over the world, including in South Africa. Offering services to all children and youth, whilst upholding the rights of children, is one of the fields of practice in social work. South Africa has adopted a restorative approach that aims to rehabilitate and return children in conflict with the law back into their communities. At the heart of applying restorative approaches as intervention with children in conflict with the law are social workers. The study attempts to explore the experiences of social workers regarding their intervention strategies with young sexual offenders.

The study applied a qualitative approach and narrative research design. Non-probability purposive sampling was used to select 12 research participants from organisations that facilitate diversion programmes for child sex offenders. To ensure trustworthiness of the research, three prosecutors were also interviewed. Semi-structured interview schedules were utilised to conduct in-depth telephonic interviews with the participants. The data was transcribed verbatim and analysed using thematic analysis. The main finding which emerged from the study was that social workers' challenges with diversion are mainly associated with external factors such as poor parental co-operation. The study concludes that diversion contributes to reducing the level of recidivism with child sex offenders and is a necessary form of intervention for children in conflict with the law.

Key words: Children in conflict with the law, Diversion, Rehabilitation, Sexual offences, Child sex offenders, Social workers

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LIST OF ACRONYMS

AIDS	Acquired Immune-Deficiency Syndrome
CBO	Community based Organisation
CBT	Cognitive- Behavioural Treatment
CYCC	Child and Youth Care Centre
DIME	Diversion Into Music Education
DOH	Department of Health
DSD	Department of Social Development
DOJ & CD	Department of Justice and Constitutional Development
FGC	Family Group Conferencing
HIV	Human Immuno-Deficiency Virus
ICPD	International Conference of Population and Development
IFSW	International Federation of Social Workers
NGO	Non-Government Organisation
NICRO	National Institute for Crime Prevention and Reintegration Offenders
NPA	National Prosecuting Authority
OCJC	OneStop Child Justice Centre
RJ	Restorative Justice
SACSSP	South African Council for Social Service Professionals
SAPA	South African Press Association
SAPS	South African Police Services
SPARC	Support Programme for Abuse Reactive Children
TRC	Truth and Reconciliation Commission
TTBC	The Teddy Bear Clinic for Abused Children
VOM	Victim Offender Mediation
UNODC	United Nations on Drug and Crime

CHAPTER 1:
INTRODUCTION TO THE STUDY

1.1 INTRODUCTION TO THE STUDY

Sexual offences are a serious issue all over the world. South Africa is no exception to the level of sexual offences committed daily. However, sexual offences are not only committed by adults. Sexual offences committed by children are increasing. Intervention with child sex offenders is a critical and specialised field. The practice of social work is highlighted as "the practical and appropriate application of knowledge, skills and values to enhance the well-being of individuals, families, groups, organizations and communities in their social context" (Patel, 2008, p. 206). Social workers provide prevention, early intervention, and rehabilitative programmes to children who have committed sexual offences. Intervention programmes with child sex offenders in South Africa are extensively influenced by the principles of restorative justice. There is, however, limited research on the experiences of social workers that provide the intervention to child sex offenders. In this study the researcher's intention is to explore intervention experiences of social workers working with child sex offenders.

1.2 BACKGROUND AND RATIONALE OF THE STUDY

Africa is viewed as the most violent continent (McIlwaine, 1999), with South Africa being one of the countries with the highest crime rates globally (Adar & Stevens, 2000; Clark, 2012). Literature indicates that some of the crimes being reported in South Africa include murder, robbery, common assault, and sexual crimes (Crime Stats South Africa, 2015). However, crimes of a sexual nature have been reported in countries facing civil war and unrest as a weapon of war (Hargreaves, 2001; Hughes & Foster, 1996; Henry, Ward & Hirshberg, 2004; Abrahams, 2004). In South Africa sexual crimes have further been reported as a form of gender monitoring and control (Wood, Maforah & Jewkes, 1998; Fox, 2003); as a way to express and assert masculinity (Large, 2009; Okumu, 2004); and to enforce femininity (Martin, Kelly, Turquet & Ross, 2009; Wesley, 2013; Asokan, 2012). Although it is not always a true reflection on perpetrators, violence against women and children is continuously reported as perpetrated by men (Collier & Walgrave, 2008). This reflection can be said to fit in with the concept of hegemonic masculinity (Collier & Walgrave,

2008; Naude, 2010), which is often associated with characteristics of control, domination, competiveness, aggression and the devaluing of women.

The most prevalent and violent crimes reported in South Africa are sexual crimes (Wyatt, Guthrie & Notgrass, 1992; Nicholson & Jones, 2013). In addition, gender-based violence is also on the increase (Jefthas & Artz, 2007; Wood et al., 1998) and cases of sexual offences are increasingly being reported (Okumu, 2004; Fox, 2003), with rape being the most serious sexual offence (Mathe, 2007). In the past, criminal offending was mostly associated with adults as perpetrators (Spies, 2006) and with children as victims (Leoschut & Bonora, 2007). However, literature indicates that crimes are also being committed by young people against both adults and children (Pillay, 2006; Clark, 2012). Offences being committed by young people include status offences, violent crimes and sexual crimes. Sexual crimes include rape, sibling sexual abuse, sexual assault, as well as child-on-child sexual abuse (Booyens, 2003; Pillay, 2006; Omar, 2010; Oliphant & Pavlic, 2012).

Social work practice with child justice has its complexities and it is dependent on the criminal justice system as well as the social welfare system (Dugmore, Pickford & Angus, 2006; Carr, 2012). Currently, South Africa takes on a restorative approach when intervening with young offenders. In holistically recognising child sexual offences, South Africa has made tremendous improvements in developing, updating and/or amending its Sexual Offences Act **(**No. 32 of 2007**)**, Children's Act **(**No. 38 of 2005**)** and the Child Justice Act **(**No. 75 of 2008**)** in such a manner that they still uphold the best interest of the child offender. The different pieces of South African legislation highlight the key role that a social worker and social work interventions play in ensuring that the rights of child offenders are promoted and their development is not hampered. In addition, restorative justice programmes have been heralded and adopted in South Africa as alternative ways to resolve conflict. However, it is evident that studies on the modes of intervention relating to sexual offences are still limited in South Africa (Jefthas & Artz, 2007; Van Niekerk, 2006; Leoschut & Bonora, 2007). Comprehension of the young sexual offender and the development of appropriate intervention are overlooked by academic scholars and mental health practitioners, including social workers. Research and intervention approaches often apply a punitive measure towards alleged and convicted perpetrators (Janse Van Rensburg, 2010) whilst overlooking the complexity of social and environmental challenges faced by the offender, as well as administrative

challenges relating to the implementation of the programmes (Swanzen & Harris, 2012; Van Niekerk, in Spies, 2006).

Social workers have skills that enable them to "promote, restore, and maintain the social functioning of individuals; apply knowledge on human rights and social justice in action; provide social worker services to protect populations at risk; as well as implement the social development approach in social work services" (Patel, 2008, p. 266). This study hopes to explore the experiences of social workers facilitating rehabilitation programmes to child sex offenders. Through this, recommendations from the study may enhance the implementation of such diversion programmes and enhance social work practice with child offenders.

1.3 AIM AND OBJECTIVES OF THE STUDY

The aim of this research study is to explore the experiences of social workers that facilitate diversion programmes for child sex offenders. In order to reach this aim, the following objectives were formulated:

i. To explore social workers' understanding of child sexual crimes and child perpetrators.
ii. To explore the challenges faced by social workers facilitating diversion programmes for child perpetrators.
iii. To explore the perceived successes highlighted by social workers who facilitate diversion programmes for child perpetrators.
iv. To explore the social workers perceived impact of diversion on the general wellbeing of the child sex offender.

1.4 RESEARCH QUESTION

How do social workers experience intervention with children who have committed sexual offences?

1.5 RESEARCH METHODOLOGY

The study utilised a qualitative explorative research approach. Application of this approach allows for the researcher's intention to explore the experiences of social workers who facilitate diversion programmes for child sex offenders. The type of research design applied was the narrative research design. Semi-structured interviews were used to telephonically conduct in-depth interviews with 12 social workers and three key participants. Data was analysed using thematic analysis.

1.6 THEORETICAL FRAMEWORK

The social systems model influenced the researcher's approach to social work practice and the current study. Social systems theory focuses its existence on the notion that individuals cannot exist independently. According to Teater (2010, p. 17) the focus of this theory is "on the development and transformation of systems and the interaction and relationships between them." It is essential to recognise that the factors causing the child to be in conflict with the law are multi-levelled in nature. As a result, social workers' interventions with child sex offenders need to reflect a multi-sectoral and multi-systemic approach. In practice, when intervening with children in the diversion programme, the social worker should consider and incorporate all systems affecting the child.

Literature has indicated that there are several contributing factors to violent behaviour (Kirst-Ashman, 2003) and it is with these factors in mind that intervention should be designed appropriately. Applying the concept of restorative justice allows the social worker to understand that the nature of the problem is not always limited to the child alone, but that it has external influences too. It is thus the role of the social worker to further provide services that ensure the integration of the child back into society, with the recognition that the child is dependent and related to a system. These systems may include the child's family, peers, school or community. Reverting back to the systemic model and developing the relations and interactions between the child's existing systems improves the wellbeing of the child, their integration into society, and possibly reduces the level of recidivism.

1.7 KEY CONCEPTS OF THE STUDY

Diversion refers to the diversion of a matter involving a child away from the formal court procedures in a criminal matter (Child Justice Act 75 of 2008).

Social worker refers to an individual that has undergone a formal qualification in the field of social work and has registered with the South African Council for Social Service Professionals (SACSSP). This further refers to a person who is registered or deemed to be registered as a social worker in terms of the Social Service Professions Act, 1978 (Act No. 110 of 1978; Children's Act 38 of 2005). The global definition of a social worker relates to "a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work" (International Federation of Social Workers, 2014, para 2).

Social service professional includes probation officers, development workers, child and youth care workers, youth workers, social auxiliary workers and social security workers who are registered as such in terms of the Social Service Professions Act (No. 110 of 1978).

Probation Officer refers to any individual who would have been appointed by the Minister to a) exercise the powers and to perform the duties conferred or imposed by or under the Probation Services (Act 116 of 1991); b) shall be an officer of every court established under the Magistrates' Court (Act 32 of 1944) and; c) may be appointed under the Childrens' Act (Act 38 of 2005).

Child refers to anyone below the age of 18 (Constitution of the Republic of South Africa, 1996; Childrens' Act, 2005).

Sexual act means an act of sexual penetration or an act of sexual violence (Sexual Offences Act 32 of 2007).

Sexual Offence refers to any offence in terms of rape; compelled rape; sexual assault; compelled sexual assault; compelled self-sexual assault; incest; bestiality; sexual act with corpse; conspiracy,

or incitement of inducing another person to commit sexual offence (Sexual Offences Act 32 of 2007).

Restorative Justice means an approach to justice that aims to involve the child offender, the victim, the families concerned, and community members to collectively identify and address harms, needs and obligations through accepting responsibility, making restitution, taking measures to prevent a recurrence of the incident, and promoting reconciliation (Child Justice Act 75 of 2008).

Preliminary Inquiry is an informal pre-trial procedure which is inquisitional in nature, and may be held in court or any other suitable place in order to consider the assessment report of the probation officer (Child Justice Act 75 of 2008).

1.8 ETHICAL CONSIDERATIONS

The researcher understands the importance of conducting research in an ethical manner. Prior to the commencement of the study, as well as during the research process, the researcher made significant efforts to consult matters pertaining to ethics. The ethical considerations that were considered in this study included: voluntary participation; informed consent; confidentiality; anonymity; and the principle to do no harm. In order to ensure the participants' voluntary participation, participants were informed that their participation is entirely voluntary. Participants were also informed that they may refuse to answer questions that they are not comfortable with and that there would be no negative consequences should they choose to withdraw from the study. Furthermore, the researcher made a key point to provide each participant with a participant information sheet that outlined the aims and procedures to be adhered to in the study. Informed consent was obtained from all prospective participants prior to the commencement of the data collection with each participant. In addition, participants were informed beforehand and assured that the data and transcripts will be kept confidential by ensuring that personal information cannot be linked to any particular participant. All participants were informed that their identities would not be disclosed and that their responses would not be able to be linked to their identities in the research report. The researcher also made positive efforts to ensure that the participants were not harmed in any way in or by the research process.

1.9 SUMMARY OVERVIEW OF THE CHAPTERS

Chapter 1: Introduction and background of the study

In this chapter the researcher provided an overview of the study. Here the researcher provided the rationale of the study, the intended objectives, as well as the overview of the entire research report. The systemic social theory captures the theoretical framework of the study. Limitations of the study are surrounded by researcher bias and lack of generalisation of the study. The ethical considerations of the study are summarised.

Chapter 2: Literature Review

This chapter represents the literature review and the theoretical framework based on the generalist perspective systems theory in detail. The literature review focuses on the social issue of child sex offenders; South Africa's response to the phenomena; as well as the relevant mode of intervention for child sex offenders. Diversion will be outlined as a mode of intervention influenced by the principles of restorative justice.

Chapter 3: Research Methodology

This chapter discusses the research methodology expanding on the qualitative research approach. The focus is on the process undertaken to conduct the study. This chapter reflects on data collection, data analysis, and the manner in which the researcher can ensure trustworthiness.

Chapter 4: Presentation of research findings

In the fourth chapter the researcher will present the key findings and sub-themes of the study. These are presented with relation to theory and existing research studies.

Chapter 5: Conclusion and recommendations

In this final chapter the researcher presents a summary of the findings. The researcher will conclude on the study and provide recommendations based on the research findings.

1.10 CONCLUSION

In this chapter the study was introduced and the overview of the study was provided. The foundation of the research study rests upon the generalist systemic theoretical framework. The study takes on a qualitative approach and aims to explore the intervention experiences of social workers working with child sex offenders. The following chapter will present a theoretical overview.

CHAPTER 2:
LITERATURE REVIEW

2.1 INTRODUCTION

Sexual offences are a serious and growing phenomenon all over the world (Parker, 2009; Harris, Smallbone, Dennison & Knight, 2009). African countries have experienced the plight of social issues including the Human Immuno-Deficiency Virus / Acquired Immune-Deficiency Syndrome (HIV/AIDS), poverty, homosexuality, as well as gender-based violence (Reid & Walker, 2005). Such social issues have expanded to the level of children and youth. Children committing sexual crimes become an on-going social battle (Woodward, Sloth-Nielsen & Mathiti, 2008), as well as an existing and continuous phenomenon (Roestenburg & Oliphant, 2012).

This chapter explores the phenomenon of crime focusing largely on crime in South Africa and its impact on society, as well as on children, with a major emphasis on sexual offences. The legislative overview will provide a summary on what legislation supports children in South Africa, as well as the manner in which intervention should commence. In this chapter the researcher will further explore the issue of sexual offences which will include a summarised comprehension of what sexual offences are; characteristics of a sexual offender; and factors which lead children to commit sexual offences. A developmental approach to social work in South Africa is one of the approaches to take on social issues, without the exclusion of child sex offences (Patel, 2008). Intervention with child sex offenders therefore needs to integrate all elements pertaining to the child. Therefore the researcher will also address intervention with child sex offenders in South Africa and, most importantly, reflect on intervention with child sex offenders within the systems approach implemented by social workers.

2.2 CRIME AND SEXUAL OFFENCES

Many African countries suffer several social issues, including poverty, HIV/AIDS, and crime (Roestenburg & Oliphant, 2012; Reid & Walker, 2005; WHO, 2015; Nwannekanma, 2015). According to the United Nations Office on Drugs and Crime (UNODC, 2013a) crime is reported as a hindrance to development. Types of crimes committed towards humanity include murder,

robbery, common assault, and sexual crimes (Crime Stats SA, 2015), with sexual crimes being the most prevalent in Africa. Types of sexual crimes occur in the form of rape, sexual violation, and sexual violence against children. This may significantly have a negative impact on society. Causality factors with relation to the perpetrator of such crimes are numerous, ranging from religious beliefs to cultural practices (The NewEconomy, 2014). Cultural beliefs particularly in patriarchal communities have illustrated an example of justification for sexual and gender-based violence (Okumu, 2004), and as a result more women and girls become victims of sexual crimes (Wyatt et al., 1992; Delport & Vermeulen, 2004), as most violent crimes are committed by men (Naude, 2010). One perpetuating factor relating to sexual and gender-based crimes in South Africa emerges as an act of gender monitoring and control. According to Abrahams (2004, p. 4) "violence has become normative and to a large extent accepted… [as a manner for] men to assert their masculinity." Olayanju, Naguid, Nguyen, Bali and Vung (2013, p. 103) further express that "patriarchal relations are the order of the day in most African countries and these expose a lot of women to partner violence." It is extended with the generalised perception that men are being 'themselves' when they commit crimes, especially those of an abusive nature towards women and children (Theodore & Basow, 2013). Similarly, both heterosexual masculinity (Theodore & Basow, 2013) and traditional masculinity (Large, 2009) are associated with the cultural pressure on males to be masculine in traits and heterosexual in practice (Collier & Walgrave, 2008). The perceived idea in action may bring about acts of violence in order for them to reaffirm their own heterosexuality (Wesley, 2013) and social positioning in society (Theodore & Basow, 2013).

Sexual gender-based violence does not only emerge through intimate relationships (Olayanju et al., 2013) and in patriarchal communities where men use rape as a means to assert power (Jewkes et. al., 2006; Harkins & Dixon, 2010), but has also emerged largely in countries facing war (Hughes & Foster, 1996; Harkins & Dixon, 2010; Nwannekanma, 2015). According to Henry et al. (2004, p. 535) "sexual violence against women represents a horrifying social reality that continues to pervade contemporary war environments" and with great misfortune has been so for a long time (Hargreaves, 2001). Rape in war occurs at varying degrees. Rape as an act of war may be associated with genocides as a means to display the destruction of a village (Harkins & Dixon, 2010). Rape in wartime also takes form as a means of instilling slavery (Hughes & Foster, 1996; Okumu, 2004); as a self-given reward after battle (Okumu, 2004); to disintegrate communities

(Ginn, 2013); and as a means to humiliate and demoralise the 'enemy' (Baaz & Stern, 2013). In addition, rape and acts of gender-based violence emerge through gang practices. According to Horvath and Kelly (2009, cited in Harkins & Dixon, 2010, p. 89) gang rape is "intuitively associated with acts of multiple perpetrator rape by members of street gangs". In practice this may include the conditioning of member or members committing rape in order to be accepted as a member(s) or gang members (particularly female gang members) being 'sexed' in to the gang. The practice of being 'sexed' into a gang does not only refer to females having sex with multiple members of the gang (Harkins & Dixon, 2010), but may also refer to male gang members' practice in order to 'enhance' the strength and luck of the gang (Harkins & Dixon, 2010).

Without exception, South Africa is widely reported as one of the countries to have the highest crime rates globally (UNODC, 2013b; Adar & Stevens, 2000; Clark, 2012; Asokan, 2012; Jewkes et al., 2006). According to Jefthas and Artz (2007, p. 48) "South Africa holds the dubious distinction of being at the top on international ranking for reported incidents of rape and sexual violence."

South Africa is experiencing significant levels of crime and gender-based violence. Rape as one of the sexual offences is a growing social issue in South Africa (rapecrisis, 2014). However, as the awareness of the social issue of sexual offending grew, South Africa has made extensive efforts in significantly recognising the extent of sexual crimes and has attempted to implement suitable intervention. The Sexual Offences Act (No. 32 of 2007) intends to prevent the exploitation of vulnerable groups through sexual crimes. The Sexual Offences Act came into operation in December 2007, and emerged with favourable amendments. For example, where rape was defined as "a male having unlawful and intentional sexual intercourse with a female without her consent" (Snyman, 1991, cited in Gallinetti, 2005, p. 212), today's definition of rape is inclusive of both genders as perpetrators and/or victims, and is not solely limited to penetration into the vagina. The amended Act is detailed in a manner that does not only redefine the concept of rape, but also extensively defines concepts such as 'penetration'. Such inclusions not only recognised the number and differing types of sexual offences, but the manner in which several sexual offences went unpunished.

The issue of crime in addition to sexual and gender-based violence illustrates the potential depth of social issues within society. The issue of gender-based violence fully highlights the depth of social issues communities are faced with. Various beliefs and practices further contribute to the perpetuation of sexual crimes in and amongst societies. Children growing up in societies with such issues become vulnerable. The level of vulnerability can be extended to children becoming prey to such crimes, or being at risk of becoming future offenders. With the above issues highlighted, the issue of sexual crimes and children will thus be discussed.

2.3 CHILDREN WHO COMMIT SEXUAL OFFENCES

2.3.1 Sexual Crimes Committed by Children

In the past, criminal offending was mostly associated with adults as perpetrators (Spies, 2006) and children as victims (Leoschut & Bonora, 2007). However, there are several cases being reported of crimes being committed by young people (Pillay, 2006; Clark, 2012). Offences being committed by young people include: status offences such as truancy and alcohol consumption; violent crimes such as murder, physical assault, gang violence and hate crimes; and sexual crimes which include rape, sibling sexual abuse, sexual assault, and child-on-child sexual abuse (Booyens, 2003; Pillay, 2006; Omar, 2010).

The issue of children committing sexual offences is a growing phenomenon. In a study conducted in Ireland, Slattery, Cherry, Swift, Tallon and Doyle (2012, p. 81) report that "one in every four cases of child sexual abuse was perpetrated by a child under the age of 17." In the year 2000, USA statistics indicated a 28% increase for juvenile rape cases and a 32% increase for other sexual offences perpetrated by children (Sahlstrom & Jeglic, 2008). Other international studies have also indicated that intra-familial sexual assaults against children are often committed by adolescent siblings (Worling, 1995). The issue of children committing sexual offences in South Africa is equally alarming. The number of cases of children committing sexual crimes on other children is also on the increase (Mathe, 2007). A report by Childline indicates that 42% of sex crimes against children in South Africa are committed by other children (Omar, 2010). The following examples illustrate the type of cases reported in the media of children committing sexual offences in South Africa:

- In the New Age Newspaper (Myeni & Sapa 2012), April 2012, it was reported that a 13 year old boy was involved in the gang rape of a 17 year old mentally impaired Soweto girl.
- In November 2013, a 17 year old was arrested after grabbing and raping a 4 year old boy in full view of his peers (Sapa, 2013).
- A 10 year old boy was sexually assaulted in a mosque by three teenagers and a 23 year old man (news24.com, 2014).
- In Johannesburg an 11 year old boy was raped by two other minors at Doornkop (Sapa, 2014).
- In August 2015, six pupils (between the ages of 7 and 10) were suspended from school for the gang rape of two 7 year old girls (eNCA, 2015).
- An 8 year old experiences rape twice – first by two boys from her school (average age 16 years), and then by a 12 year old boy from her community (Moloto, 2015).
- Two boys (aged 10 and 14) were referred for assessment to probation officers while they were suspended from school for allegedly raping three girls (aged 7, 8 and 9 years) (Makhubu, 2015);
- Four Northern Cape schoolboys have been charged with rape and assault after the attack of their fellow pupil (eNCA, 2015).
- In rural KwaZulu-Natal, four teenage boys were arrested for cases of compelled rape and assault after forcing 10 young boys to sodomise one another (Wicks, 2016).

2.3.2 Characteristics of a Child Sex Offender

The typical characteristics of child sex offenders cannot be pinned down. Child sex offenders are considered a heterogeneous group (Van Wijk, Vreudenhil, Van Horn, Vermeiren, & Doreleijers 2007), and cannot be categorised based on their individual characteristics (Burke, 2012). Child sex offenders do not commit sexual offences as a result of one specific factor, but may as a result of several factors (Harris & Bezuidenhout, 2010; Oliphant & Pavlic, 2012). However, children are generally considered to be vulnerable and are most likely to become victims and/or perpetrators of sexual crimes because of their lack of maturity (Petersen, Bhana & McKay, 2005). An adolescent and youth's level of immaturity may lead them to make incorrect decisions (Swanzen & Harris, 2012; Macleod, 2011), and makes them vulnerable to social and environmental risk factors (Wolfe, Wekerle, Reitzel-Jaffe & Lefebvre, 1998). It is with this in mind that factors influencing sexual

offences committed by children need to be explored. It is crucial to observe the context in which children develop in order to comprehend why they possibly commit offences, in particular those of a sexual nature. Children develop and are influenced by family, school, communities, culture, religion, availability and access to resources, as well as the existence or absence of child-friendly policies (Ward, 2007; Bissell, Boyden, Cook & Meyer, n.d.). Through these systems, children may be exposed to a number of risk factors. Risk factors that may lead to children committing sexual offences can be classified into four primary sectors: societal factors; developmental factors, environmental factors, and technological factors. These risk factors are discussed below:

a) Societal factors

South Africa has a history of inequality influenced by Apartheid (Clark, 2012). This long socio-political history has influenced the nature, causes and prevalence of crime within the country. South Africa's large cities, such as Johannesburg, Durban and Cape Town, have the vast extremes of wealth and equally dangerous townships (Clark, 2012). However, high crime rates are not only limited to the townships. South Africa's history and current social classifications have left the majority of the country's population (youth) vulnerable to committing crimes (Van Niekerk, 2006).

Unemployment and poverty levels in South Africa are also high, again leaving the country's youth vulnerable (Clark, 2012). As noted in Van Niekerk (2006, p. 103) "many young people in disadvantaged communities have grown up in situations of disadvantage and have been exposed to continuous and institutional violations of human rights." These same young people grow up in difficult circumstances with crime prevalent within the communities.

Further societal factors making youth vulnerable to committing offences is the prevalence of HIV/AIDS. HIV/AIDS has left children vulnerable and being raised by other family members due to the loss of their biological parents (Van Niekerk, 2006). The societal factors combined create a continuous cycle. As reflected in Clark (2012, p. 80) "the causes of poverty are multiple and include unemployment, the country's open borders policy and HIV/AIDS." South Africa's societal factors can leave young people feeling trapped and

frustrated due to the inability to change their circumstances (Jefthas & Artz, 2007). Due to the nature of their societal upbringing, children may find themselves committing sexual crimes.

b) Developmental factors

Children belong to systems, such as a family. When these systems fail them, social problems may arise (Simons, Wurtele & Durham, 2008). In some instances children who commit sexual offences evidently come from dysfunctional families (Dent & Jowitt, 2003). A child with poor family interactions is more likely to partake in misbehaviour (Booyens, 2003). South African families depict several dynamics, such as absent biological fathers; unemployment; or children being left poorly / inadequately supervised due to parents seeking employment (Madu & Pelzer, 2000). Poor levels of parental supervision create opportunities for poor social development, and therefore opportunity for the child to commit crimes (Gerdes, Gourley & Cash, 1995). Those that grow up with both parents are also at risk when exposed to domestic violence (Van Niekerk, 2006). Child sex offenders have also been identified as having been sexually abused before (Ladwa-Thomas & Sanders, 1999); having experienced severe abuse, neglect and/or violence (Dent & Jowitt, 2003); or having been subjected to severe violent trauma (Maschi & Schwalbe, 2012). As a result children then begin to act out the abusive behaviour that has been inflicted on them. Previous studies conducted indicate the relationship between childhood trauma and violent offences (Dent & Jowitt, 2003; Martin, Eljdupovic, McKenzie & Colman, 2015; Gould, 2015). Further studies in South Africa (Omar, 2010) and internationally (Van Wijk et al., 2007) have indicated the association between a history of sexual abuse and physical abuse as a typological characteristic of a child sex offender.

Psychosocial theories support the argument of development as a causality factor. It claims that antisocial behavioural traits are established in childhood and emerge further in one's adult life (Joubert, 2003). According to this theory, the personality traits of a high-risk child such as low educational achievements, low self-esteem and hyperactivity indicate the potential high risk personality of a sex offender (Joubert, 2003; Morenz & Becker, 1995). On the contrary, some children who are pseudo-socialised may also have tendencies to

commit sexual offences. Harris and Bezuidenhout (2010, p. 29) classify these children as "offenders who appear to be confident and boastful, and use coercion or bribery too often against younger children". Children with behavioural problems and truancy are also viewed as high risk for committing sexual crimes, with one of the indicators being poor school performance (Morenz & Becker, 1995). As stated in Booyens (2003, p. 26), "the poorer the school achievement, the higher the risk of becoming involved in criminal behaviour." Personality disorders and psychopathology (Morenz & Becker, 1995) alongside early exposure to overt sexual behaviour (Jespersen, Lalumiere & Seto, 2009; Simons et al., 2008) and pornography are other developmental factors that may lead children to commit sexual crimes (Simons et al., 2008; Booyens, 2003; Van Niekerk, 2006; McCroy, 2011; McIlwaine, 1999). In light of the review above, one personality trait does not define a child sex offender. However, research has indicated that children who commit sexual offences would have one or more of the expected personality traits (Harris & Bezuidenhout, 2010).

c) Environmental factors

Children may be lured in by environmental factors and end up committing sexual offences. When children experience peer pressure (Wolfe et al., 1998; Booyens, 2003) or gang influences (Harkins & Dixon, 2010), they may be pressured to commit sexual crimes such as jackrolling (an act of abduction and sexual abuse) (Abrahams, 2004) and streamlining (where young men arrange for his friends to have sex with his girlfriend) (Abrahams, 2004; Jewkes et al., 2006). This group of child sex offenders are often in need of finding their sense of belonging. Peer pressure and gang activities often sway them to commit sexual crimes in order to prove themselves and get accepted in their societal and/or peer groups (Harris & Bezuidenhout, 2010). The sexual crime is therefore more an act relating to group pressure than it is about sexual arousal (Höing, Jonker & Van Berlo, 2010). In the occurrence of such incidents, drug and alcohol use is also often an additional factor (Booyens, 2003; Jewkes et al., 2006) influencing children to commit sexual offences.

d) Technological Factors

Early and easy exposure to media-related material is an additional contributing factor to children committing sexual offences. As indicated in Van Niekerk (2006, p. 103) "media constantly reinforces a message that sexual expression should be free and unfettered by values, faithfulness and self-control." Literature indicates that some children who have been incorrectly and prematurely exposed to sexual-related media end up committing sexual offences out of sheer ignorance (Omar, 2010) and with only the intention to 'experiment' (Harris & Bezuidenhout, 2010). Exposure to the internet has also been reported to put children at risk of being victimised (Charles, 2013), as well as becoming potential offenders.

The above factors seek to illustrate some of the reasons why children would commit sexual offences. Although there is not a clear, single response, there is a set of contributing factors that, when a child is exposed to them, may increase the risk of the child perpetrating a sexual crime(s). For one child it may be exposure to one factor, and for the next child it may be a combination of factors, indicating that child sex offenders are a heterogeneous group (Harris et al., 2009). Nonetheless, both the child and society are likely to experience a negative impact as a result of child sex offences.

There are several factors that lead children to commit offences. Children who do commit sexual offences can be classified across some or all of the related and stated factors. However, that which is evident through literature is that children being vulnerable to their systems (family and society) and continuous exposure to traumatic events create a negative influence in their lives and may perpetuate delinquent behaviour.

2.4 LEGAL FRAMEWORK

As a response to child sex offences, South Africa has made efforts to put in place appropriate modes of intervention strategies. Policies and legislation are at the forefront in order to try and respond to the social issue of child sex offenders. Legislation has thus influenced social work practice and intervention with child sex offenders. The United Nations is a key influence on South Africa's Constitution and legislation. In developing its current policies, South Africa has participated in the

signing of international instruments pertaining to the rights of children. Some of the instruments particularly significant in contributing to the South African Constitution and relevant legislation pertaining to the rights of children include the following: The Universal Declaration of Human Rights (1984); the United Nations Convention of the Rights of the Child (1989); The European Convention of Human Rights (1950); African Charter on the Rights and Welfare of Children (1990); and The African Charter on Human and People's Rights (1981).

The United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child both primarily set precedence on the protection and treatment of children, as well as children's rights (Schäfer, 2011). The influence of ratified international instruments has also come into effect on legislation pertaining to children in conflict with the law. Reflections on the rights of children in conflict with the law emerge mainly through the United Nations Standard Minimum Rules on the Administration of Juvenile Justice (Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty Rules, adopted in 1990 (Gallinetti, 2009). The section below aims to present the significant policies and legislations pertaining to children in conflict with the law in South Africa. This will include the following: The Constitution of the Republic of South Africa (1996); The Children's Act (No. 38 of 2005); The Sexual Offences Act (No. 32 of 2007); and The Child Justice Act (No. 75 of 2008).

2.4.1 The Constitution

Section 28 of the Constitution of the Republic of South Africa, 1996, speaks holistically on the rights of a child in South Africa. The section emphasises that the rights of a child, including but not limited to, the right to be identified: i.e. the right to a name and nationality (Section 28 (1a)); the right to be protected from an uncaring family environment (Section 28 (1b)); protection from maltreatment, neglect abuse or degradation (Section 28 (1d)); protection from exploitation and child labour (Section 28 (1e)). The Constitution also speaks to the rights of children in conflict with the law. It is in Section 28 (1g) where there is reference to the notion that every child in conflict with the law has the right "not to be detained except as a last resort."

The Constitution as a guiding document towards the establishment of all other legislation creates a further emphasis that "a child's best interest are of paramount importance in every matter

concerning the child" (Section 28(2)). The Constitution further influences legislation and guides the interventions that social workers and other professionals need to apply when engaging with children in conflict with the law.

2.4.2 The Children's Act (No. 38 of 2005)

The Children's Act speaks largely to the rights of children and the protection of their wellbeing. The Children's Act looks at children as a vulnerable group, the role of the social worker, as well as other professionals, and the assurance of the protection of these rights. Section 6 and 7 of the Act highlights the General Principles pertaining to any action relating to a child. With a solid foundation from the Constitution, the Children's Act highlights the child's right to be treated with dignity, fairness and without any discrimination. Section 7 further highlights the concept of the "best interest of the child". Various factors relating to the child need to be considered in the application of 'best interest of the child'. These factors may include the relationship between the child and family; the attitude of the parents towards the child; as well as the child's development. This ensures that all actions taken on behalf of a child are considered carefully and fairly. Although not directly linked to the Criminal Justice System, the Children's Act sets a precedence for the adherence and protection of children's rights in South Africa. It further recognises that children may become victims of their environment, significantly recognising contributing factors towards children committing offences.

2.4.3 Sexual Offences Act (No. 32 of 2007)

The objective of the Sexual Offences Act as indicated by the Department of Justice and Constitutional Development (DoJ & CD) (2016) is "to protect victims, especially women, children and people living with mental disabilities that have been raped or have been victims of sexual crimes/offences". Historically, the definition of rape was controversial and gender biased (Jamel, 2010). This created a challenge in relation to the prosecution of the crime. The Sexual Offences Act as it stands has redefined rape without bias to gender, offender or penetrated organs. Sections 3-14 of the Act define sexual offences such as rape, compelled rape, sexual assault, and compelled sexual assault. Sections 15-22 specifically speak to sexual offences against children. Section 15 and 16 of the Sexual Offences Act refers to statutory rape and statutory sexual assault. The application of Sections 15 and 16 of the Act implies that two children engaging in 'experimental'

sexual intercourse, within the specified ages, were at risk of being prosecuted (Minnie, 2009). The two sections within the Act were the result of numerous children being referred for the diversion for committing sexual offences.

On 11 November 2010, two boys (aged 14 and 16) and one girl (15 years) were charged and referred to the diversion programme due to Sections 15(2) and 16(2) of the Sexual Offences Act 32 of 2007 (Van Wyk, 2010). This then spoke to the criminalisation of children between the ages of 12 and 16 partaking in consensual sexual activities. In August 2011, seven Giyani school children were charged at the Giyani Magistrate's Court also for partaking in underage sex (City Press, 2011). Section 15(2) and Section 16(2) of the Sexual Offences Act (No. 32 of 2007) lead to several children being referred for diversion on the charge of partaking in 'underage sexual activity'. However, since October 2013, the two sections were declared unconstitutional and repealed as many children were unnecessarily exposed to the criminal system, which may or may not include the trauma of being arrested and detained (*Teddy Bear Clinic for Abused Children and Another v Minister of Justice and Constitutional Development and Another, 2013)*. The Sexual Offences Act however is the central point relating to defining sexual offences, irrespective whom the offender may be.

2.4.4 The Child Justice Act (No. 75 of 2008)

The Child Justice Act aims to outline appropriate procedures pertaining to children in conflict with the law (McGregor, 2010). Its values are influenced by the South African Constitution as well as international instruments ratified. The procedural requirements in the Child Justice Act include a compulsory preliminary inquiry when dealing with children in conflict with the law. This is an opportunity for the magistrate to establish an appropriate mode of intervention prior to the plea (Anderson, 2003). In such cases the magistrate can decide to divert the matter for the most suitable outcome for the child. The Child Justice Act is based on the principles of restorative justice and can aim to ensure that children are not exposed to the punitive and traumatic justice system, such as prison (Omar, 2010). The Act (Section 77 (1b)) further advocates for alternative intervention to detention. Detaining of children should be the last approach and should they be detained it should be for a short period (Swanzen & Harris, 2012). The Child Justice Act highlights clearly the processes and procedures that should occur in dealing with children in conflict with the law.

The Child Justice Act advocates for decisions pertaining to children in conflict with the law to be in the best interest of the child (McGregor, 2010). For example, Section 2(d) of the Child Justice Act advocates for the diversion of cases of children in conflict with the law as this approach brings about rehabilitation and retribution (McGregor, 2010).

The Child Justice Act has established the basic procedures to be followed in dealing with children in conflict with the law. The two pieces of legislature combined emphasise the processes and procedures, including arrests, assessment and diversion referrals. The epitome of all matters is the rights of the child. The guiding principles of the Child Justice Act see primary precedence on the manner in which children in conflict with the law should be treated. While other key stakeholders have a significant role to play regarding children in conflict with the law, probation officers are often at the focal point of ensuring that the relevant procedures are followed for the young offender's rights to be protected.

The guidelines further ensure that the child's constitutional rights are observed. These include children being "treated in a manner which takes into account his or her cultural value and beliefs" (Section 3(e)). The guidelines also encourage children to have parental and/or family support throughout the process. Processes being followed accordingly further ensure that probation officers can advocate the correct and appropriate intervention for children in conflict with the law. To follow are the key processes that should be implemented when dealing with children in conflict with the law, including children who have committed sexual offences. These processes are primarily implemented by probation officers (and/or social workers) working with child sex offenders and provide the base on the objectives of the study. These processes include what should occur when a child has been accused and/or arrested; the screening and assessment of the child; and then the referral for diversion.

2.4.4.1 Process in dealing with children in conflict with the law

a) Arrest

Section 20 of the Child Justice Act (No. 75 of 2008) refers to the issue of arrest in relation to children in conflict with the law in the following manner:

In the instance of a children being arrested, it is imperative that the child is appropriately informed of the allegations against him or her. The child also needs to be informed of his or her rights. In addition, the child's caregiver, parent or legal guardian needs to be informed about the child's arrest. In the situation where the officer is unable to inform the relevant caregivers, then the presiding officer in the preliminary inquiry needs to be informed accordingly.

Pending the arrest, the officer must inform the probation officer of the arrest in the prescribed manner. The probation officer is a skilled qualified social worker backed by the Court to assist with children in conflict with the law (Chute, 1923). Furthermore, any children who have been arrested and who remain in custody, must be taken to the appropriate Magistrate's Court having jurisdiction as soon as possible, but not later than 48 hours after the arrest.

b) Screening and Assessment

Assessment is a process of formally collecting data (Holtzhausen, 2012a). One of the key roles of a probation officer is to "investigate circumstances of an accused with a view to reporting to the court on his treatment and committal to an institution, as well as the rendering of assistance to his family" (Probation Services Act 116 of 1991, Section 4(1a)). It is further noted in Section 4B of the Probation Services Act that "any arrested child who has not been released shall be assessed by a probation officer as soon as reasonably possible, but before his or her first appearance in court." The Probation Services Amendment Act of 35 of 2002, Section 1(a) significantly contributes to the definition of assessment as:

> "A process of developmental assessment or evaluation of a person, the family, circumstances of the person, the nature and circumstances surrounding the alleged commission of an offence, its impact on the victim, the attitude of the alleged offender in relation to the offence and any other relevant factor."

Several aspects are included in the process of assessment. The probation officers' assessment process often contains a systematic approach. The child's micro

(characteristics), mezzo (family and peer relationships) and macro (community) aspects are explored to determine cause, risk and intervention (Holtzhausen, 2012a).

Assessment should explore the reason the child has committed the offence; the needs of the child; and the appropriate level of intervention (Perrault, Paiva-Salisbury & Vincent, 2012). In part, the purpose of assessment is to determine the child's background and refer to the Children's Court if he/she is in need of care and protection, in accordance with the Children's Act (Gxubane, 2008). The process of assessment will also assist the probation officer to determine the child's age (if unknown) and determine the child's history of arrests; convictions; or pending diversion outcomes (Reyneke & Reyneke, 2011). The probation officer can thus appropriately secure the relevant processes relating to the age of the child and the child's criminal capacity.

Sections 7-11 of the Child Justice Act refer to criminal capacity. This is an aspect that needs to be kept in mind when the probation officer conducts the assessment. The sections refer to the criminal capacity of children under the age of 14 years – where a child under the age of 10 years is viewed to not have any ability to consciously commit a criminal offence. The concept of criminal capacity further reflects on the child's ability to differentiate the differences between right and wrong, and thereafter, have the comprehension and ability to act in accordance to that understanding (Holtzhausen, 2012b). Further stipulated in the Child Justice Act, a child who is 10 years or older but under the 14 years of age is presumed by the court to lack criminal capacity. This has a primary influence on who can therefore be referred for diversion.

c) Referral for diversion

It is in Chapter 8 of the Child Justice Act where diversion is described. This chapter looks at the objectives of diversion, and looks at the considerations of diversion. Diversion may be applied for the child who is alleged to have committed a Schedule 1 offence. Where Schedule 1 offences are less serious crimes and Schedule 3 the most serious offences, as viewed by the Court. In the instance of a Schedule 3 offence, such as rape according to the

Act, it is the Director of Public Prosecution which may indicate for the matter to be diverted.

Although the Child Justice Act advocates diversion for all children it is not oblivious to the seriousness of crimes committed. The Act classifies offences under 3 schedules, varying in degrees of seriousness. Schedule 1 crimes are viewed as less serious offences. These include offences such as malicious damage to property, common assault, possession of drugs (in a small quantity), or petty theft. Schedule 2 crimes include robbery with aggravating circumstances, housebreaking, culpable homicide and public violence. Schedule 3 offences are viewed as the most serious offences. Schedule 3 offences include rape, murder, possession of firearms and ammunition, and corruption (Omar, 2010). Although all children may be considered for diversion the Act makes provision for all factors to be considered when dealing with children. Aligned to the principles of restorative justice, the Act ensures that minimum norms and standards are applied. This in turn means that the type of offences committed, the child's social and developmental status, as well as their perception of the situation all need to be explored.

Pending the probation officer's assessment and presentation of the child and case to the prosecutor in the preliminary inquiry, the probation officer can recommend diversion for the child at hand. The case can thereafter be postponed for six weeks for the child to attend the diversion programme. The probation officer should determine and refer the child to the diversion programme that is most relevant (Reyneke & Reyneke, 2011). While young sex offenders are a heterogeneous group, assessments conducted by probation officers and/or social workers tend to classify certain factors from one offender to another with similarities (Christiansen & Vincent, 2013). Assessments are critical in identifying potential risk factors of the young sex offender (Boer, 2013), and ensuring the appropriate intervention is aimed at the appropriate individual. As articulated in Christiansen and Vincent (2013, p. 509) "effective classification can save institutions time and money if the juvenile offenders who require extended attention are the ones who receive it." The assessment is a tool used to gather all the relevant information regarding the children and their background in order to establish the appropriate intervention, as well as the child's potential

risk factors relating to reoffending (Reyneke & Reyneke, 2011). The purpose of assessments is also to ensure that children do not end up reoffending. The assessment process evaluates developmental, social and environmental factors that could have led to offending, but also utilise the same key elements in order to ensure reduced levels of recidivism in the long term (Holtzhausen, 2011; Reyneke & Reyneke, 2011).

The Child Justice Act (Section 53) proposes three levels of diversion. Level 1 diversion presents a short-term level of intervention and is often the outcome of a minor situation or crime. An example of Level 1 diversion is a compulsory school attendance order (Swanzen & Harris, 2012). Level 2 diversions are often referrals to an intensive programme, such as a behavioural modification diversion programme. These run for a longer duration and are specific and facilitated by specialists. Level 3 diversion is only for children who are over the age of 14 years and where criminal capacity has been assessed. The children would be referred for diversion because the court would believe that they would be sentenced for a period longer than 6 months if trailed (Swanzen & Harris 2012). Although sexual offences are schedule 3 offences, there is the exception of children being referred for diversion programmes.

The **Minimum Norms and Standards of diversion** intend to look at the best interest of the child. These are highlighted in Section 55 of the Child Justice Act. These standards also refer to programme design (Section 55 (2)) and ensuring that children are able to access services that are suitable in skills development; accessible and contextualised to their needs in relation to background. It is also worth noting that the Public Prosecution may only refer children for a diversion programme which is accredited (Section 56). This is intended as a quality assurance process.

Legislation in South Africa recognises that children belong to and are part of a system. As emphasised by Ward (2007, p. 12), "interactions between systems can exert significant effects on child development." The Children's Act and the Child Justice Act recognise the social, cultural, economic and developmental needs of children and the impact that offending has on the child as an offender, as well as society as a whole. For instance, while poverty does not cause violence, it

does set a platform for its existence (Ward, 2007) which might consequently push a child to commit a crime. The Child Justice Act further recognises that underlying issues affecting the child are equally important to address as the consequences of crimes. Therefore at the core of the Child Justice Act is identifying with intervention that can correct the mistakes made by the children instead of incarcerating them. Such interventions are dependent on the concept of Restorative Justice.

2.5 UNDERSTANDING RESTORATIVE JUSTICE

The process of restorative justice does not solely magnify the crime itself, but also includes those who have been affected by the offence (Umbreit, Vos, Coates, &, Lightfoot, 2006). In literature pertaining to restorative justice, Howard Zehr stands out significantly. According to Zehr (2002, p. 37) restorative justice is "a process to involve those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible."

The practice of restorative justice dates back as far as the 1970s. However, as a documented approach to crime and social issues it is a fairly new concept. Restorative justice approaches have also had some controversies and have not been well received in all countries. In South Africa the practice of restorative justice has a significant marking as it began to excel at the same time when South Africa went through a historical transformation from Apartheid (Skelton, 2002). Many contributors to the field of restorative justice make a connection between the practice of restorative justice and the application of the Truth and Reconciliation Commission (TRC) in South Africa. The TRC hearings were established to facilitate a national healing process for victims of political violence during Apartheid (Umbreit & Armour, 2011; Roche, 2006). The TRC obtained testimonials from victims, mediated the process of offenders taking responsibility for their actions, and helped facilitate a healing process for the victims (Janse van Rensburg, 2010). The chairperson of the TRC, Bishop Desmond Tutu, also believed the application of the TRC was in line with the concept of restorative justice (Skelton, 2002; Anderson, 2003).

The historical element of restorative justice allows for a general comprehension of where rehabilitative programmes emanate from. Restorative justice intervention, such as diversion for child sex offenders, is no exception. The process and intention of the TRC has encouraged South Africans to take responsibility for their actions, as well as teach individuals to forgive. The TRC depicts the foundation and application of restorative principles in South Africa. In its application, diversion is not an exception. This similarly speaks to the principles of restorative justice, which will be discussed below.

2.5.1 The Principles of Restorative Justice

The concept of restorative justice revolves around the offender taking responsibility for the offence committed and the offender being re-integrated back into society safely (Roche, 2006). It further aims to identify that the crime has been committed towards an individual and not only a breach towards the State and its criminal process (Umbreit et al., 2006). Although differing in its implementation, restorative justice is outlined by a set of key principles (Skelton & Batley, 2008). The principles of restorative justice are critical in the implementation of restorative justice interventions, including diversion, for it is the integration and application of these principles that creates a foundation of restorative justice practices. The principles of restorative justice are highlighted as follows: a) offenders taking responsibility; b) community re-integration and protection; c) prevention of reoffending; d) reduce the justice system's heavy caseload; and e) provide for the victim's needs.

a) Offenders taking responsibility

The concept of restorative justice aims to establish peace and development (Janse van Rensburg, 2010). In order for the offenders to learn from their mistakes and reach a point of restitution, they need to accept responsibility for their offences (Janse van Rensburg, 2010). Taking responsibility for the crime against the victim and community at large allow for the intervention to be inclusive on the same level (Neser, 2001; Mbambo, 2005).

b) Community re-integration and protection

Re-integrating the offender safely into the community allows for the protection of the offender, as well as reducing the likely-hood of perpetuating crimes (Umbreit & Armour,

2011). The crime committed is not only towards the individual, but is also toward the community (Janse van Rensburg, 2010). An example of the application of this principle is community service, where the offender is engaged in existing organisations or projects in the community and contributes positively (Mbambo, 2005). The community's involvement through the restorative justice process is therefore empowering to both the individual and the community (McAliden, 2006).

c) Prevention of reoffending

The principles of restorative justice, as stated in Neser (2001, p. 46), aim to "create an opportunity for the offender to lead a crime-free life in future." Restorative justice offers an opportunity for the offender to experience a positive and futuristic outlook on life.

d) Reduce the justice system's heavy caseload

Some courts of the criminal justice system receive numerous cases. The process of restorative justice allows for the escalation of the caseload in court to be managed and reduced (Neser, 2001), especially in dealing with those classified as minor offences. This means the healing and restitution process can begin sooner for the victim and offender respectively.

e) Provide attention to the victim's needs

In view of restorative justice, crime is not only committed against the country, but is also committed against an individual (Umbreit et al., 2006). The process of restorative justice allows the offender the opportunity to empathise with the feelings of the victim. According to Swanzen and Harris (2012, p. 7) "through restitution, the offender can demonstrate that he/she accepts the consequences of his/her actions, put actions to the words of repentance and express gratitude for the reconciliation offered." Restorative justice encourages work with victims in order to empower them and reach their needs towards a point of healing, where possible (Umbreit et al., 2006). In application this may include an opportunity for the existence of a direct/indirect dialogue between the offender and the victim (Umbreit & Armour, 2011; Mbambo, 2005).

The principles of restorative justice highlight what is unique to the approach of restorative justice as opposed to a punitive justice system. It further highlights the role and need for its existence. South Africa's Constitution tries to secure the rights of all citizens. Having a high number of court cases not being attended to in court, for instance, could infringe on both the victim and the offender's rights to a speedy and fair trial. Seemingly, children could be lost in the justice system as opposed to being re-integrated into society. As a result, the principles of restorative justice guide the practice and ensure that lives are protected.

2.5.2 Restorative Justice as a Response to Children in Conflict with the Law

The practice of restorative justice for young people in the justice system is applied with the assumption that restorative justice can bring about restoration in societies (Carr, 2012). Restorative justice has paved the way for the rights of children in conflict with the law to be protected. According to Swanzen and Harris (2012, p. 5) "those advocating for child rights and fair treatment for child offenders were thus in a position to promote restorative justice as a more 'child friendly' paradigm." As further reflected in Shapland, Robinson and Sorsby (2011, p.3) "much of the development of restorative justice as a response to offending, has been with young offenders, with practice often featuring diversion from the formal criminal justice procedures to restorative justice processes." This therefore allows children to be protected from the harsh environment of correctional facilities.

Currently South Africa aims to primarily**,** though not exclusively, take on a restorative approach when intervening with children in conflict with the law. Restorative justice "prompts rehabilitations and as consequence falls with a positivistic criminological analysis" (Dugmore et al., 2006, p. 36). The Child Justice Act (No. 75 of 2008) in its proposed application advocates for restorative justice for children. The primary and commonly used types of restorative justice programmes include: Victim Offender Mediation (VOM); Family Group Conferencing (FGC); and diversion. As an example, a collaborative programme, iChoose, run by the Department of Health (DoH) and the Department of Social Development (DSD) managed to divert 939 children and youth and 118 adults, of which nine reoffended (valuedcitizens.co.za, 2014). With the large number of children committing crimes, age-appropriate intervention is required. An overview of the types of restorative justice programmes is address below:

a) Victim Offender Mediation (VOM)

It refers to an organised dialogue often facilitated by one or two mediators (Umbreit & Armour, 2011). In Swanzen and Harris (2012, p. 11) VOM is described as "a facilitated reconciliatory mediation or meeting between the victim and the offender". The objective of VOM is for the parties to come together and have the opportunity to communicate their feelings and needs with each other (Neser, 2001; Umbreit & Armour, 2011).

For the victim, mediation can provide an opportunity to put a face to the perpetrator, receive and/or accept an apology, understand the 'reasons' behind the crime, and also feel involved in the justice process (Neser, 2001; Umbreit & Armour, 2011). However, the victim may have strong negative emotions or fear and may not find the mediation valuable (Neser, 2001). In other situations, part of the justice process may be so lengthy that by the time the mediation is scheduled the victim may have already dealt with their emotions and going through mediation may reopen old wounds (Neser, 2001). However, the offender may be keen to partake in VOM as it may provide an opportunity for them to attempt to repair the harm caused and to apologise (Umbreit & Armour, 2011), although often the offenders fear the response they might receive from the victim and may therefore choose not to partake in the VOM (Neser, 2001).

b) Family Group Conferencing (FGC)

Umbriet and Armour (2011, p. 143) describe FGC as an "approach to planning and decision making about youth crime and youth care that involves the wider family network in partnership with governmental institutions and other community agencies." FGC is very much similar to VOM, with the exception that it includes a larger group of individuals (Neser, 2001). The approach also makes use of collective efforts to restore the position of the victim, and ensure the development of the offender (Swanzen & Harris, 2012).

c) Diversion

Another significant mode of restorative justice is diversion. Often diversion is implemented by social workers in conjunction with other professionals, although it emanates from the prosecutor's decision to refer a case for diversion (Mukwevho, 2001). Its intention is to

deflect the children away from the formal court system and avoid the stigmatisation and traumatic experiences of the criminal justice system (Skelton, 2003; Swanzen & Harris, 2012). The purpose of diversion aims to encourage accountability in child offenders (Steyn, 2005). In addition, diversion offers psycho-social support to the child offender. This occurs in the form of life-skills being offered to the child or the reintegration of the child with the family and/or community (Davis & Busby, 2006). Diversion further aims to reduce the likelihood of the child falling further and deeper into the criminal justice system (Davis & Busby, 2006). Social workers are at the core of implementation pertaining to diversion. Today, the National Institute for Crime Prevention and Reintegration of Offenders (NICRO) is recognised as the largest and longest operating organisation to implement restorative justice in South Africa (Janse van Rensburg, 2010; Steyn, 2005; Mukwevho, 2001). Diversion programmes emerge with the intention to improve the lives and wellbeing of the children. Existing diversion programmes from various organisations include: developmental life skills and life centre models; peer/youth mentorship; wilderness/adventure therapy; vocational skills training; restorative justice programmes; counselling and therapeutic programmes; family based programmes; creative art programmes; combination programmes; and pre-trial community service (Mbambo, 2005).

Previous research done indicates the potential valuable outcome diversion programmes could have on challenges that children in conflict with the law face (Clark, 2012), although the outcome is highly dependent on its administration and implementation (Swanzen & Harris, 2012). There has been a significant growth in the number of cases being referred for diversion in South Africa (Davis & Busby, 2006). However, the classification of Schedule offences makes the referral of child sex offenders to diversion programmes challenging. By definition, children who have committed sexual offences are not eligible for diversion due to the seriousness of the crime. However, when dealing with young sex offenders diversion is highly advocated for as a means to not only protect the child in conflict with the law, but also as a means to reduce reoffending (Draper, Errington, Omar & Makhita, 2013; Janse van Rensburg, 2010; Woodward et al., 2008). South Africa is working towards extending the number of child sex offences referred for diversion. It has been noted in previous research that children who have committed sexual offences could

better benefit from intervention, such as diversion, instead of punishment as some of the children who are committing sexual offences were sexually abused previously and did not receive appropriate intervention at the time of their abuse (Da Costa, Spies & Coetzee, 2014). This concept further links to the Child Justice Act regarding criminal capacity. In a recent interview the Chairman of Parliament, Johnny de Lange, indicated that it was time for some rape cases to be more frequently considered for diversion (Legalbrief, 2014), however this was dependent on the improvement of diversion programmes. For the purpose of the study diversion programmes for young sex offenders will focus on the developmental life skills and life centre model. The type of programme "includes a wide range of life skills education covering topics such as personal awareness and growth… sexuality… crime awareness and crime prevention, gender sensitivity and many more" (Mbambo, 2005).

As a response to the social issue of children committing sexual offences, South Africa's legislation has adopted the concept and practice of restorative justice. This in response has promoted and advocated for diversion programmes. While this may manifest from the DOJ & CD, the responsibility of implementing diversion programmes rests with the DSD.

2.6 INTERVENTION WITH CHILD SEX OFFENDERS

2.6.1 The Challenge with Children Committing Sexual Offences

The issue of child sex offenders is extensive (Bezuidenhout, 2008). Child sex offences have a negative impact on the victim, the families and the child offender, as well as on society (Skelton, 2003; Oliphant & Pavlic, 2012). Victims of sexual offences are likely to suffer the same challenges whether the offender was an adult or a child (Skelton, 2003; Van Niekerk, 2006). Based on differing circumstances, the victim may suffer physical injuries which may be traumatic to deal with. In addition, the impact of sexual assault may be just as traumatic (Bezuidenhout, 2008). The victim of sexual offence may have to deal with issues of loss and powerlessness; anger; and low self-esteem (Spies, 2006). The level of abuse as well as the age of the victim may trigger inappropriate sexual behaviour in the victim. Younger children may begin to inappropriately act-out sexual behaviours, and the older children may begin to use sexual promiscuity as an "attempt

to prove to themselves that their sexuality can be their own" (Spies, 2006, p. 57). This may leave the child in a vulnerable stage and continuously contribute to social issues within society.

Families of both the victim and the offender will also suffer negatively. As reflected by Bezuidenhout (2008, p. 178) "the parents of the victim may experience emotional problems associated with fear and stress because of the nature of the assault, especially if the victim is a child." Seemingly, the family of the offender may suffer lashes and ostracism from the community members (Bezuidenhout, 2008).

The offender may be a victim of circumstances as identified above. This may also progress into delinquent behaviour for some children. The incident may bring about fear and confusion (Bezuidenhout & Tshiwula, 2008) especially with children that are acting-out due to their own incidents of sexual victimisation. Even when referred for Diversion, offenders may experience ostracism from the family or society (Bezuidenhout, 2008), and may struggle to change their circumstances and environment positively.

The prevalence of sex offences is a severe issue in South Africa. Not only does it affect the wellbeing of communities, but it has an impact on the economy, as both prevention and intervention services are funded by the state. As articulated in Bezuidenhout, (2008, p. 179) "erecting and maintaining such centres is costly while establishing and maintaining a sound police function which deals with sexual violence also requires finance and specially trained individuals." The establishment and maintenance to ensure the rights and wellbeing of both victims and offenders can be a costly exercise.

Without appropriate intervention, children would be vulnerable. Victims of abuse would continue to perpetuate the issue and become offenders themselves. Families would be broken, leaving numerous children displaced. Offenders would end up incarcerated and converted into hardened criminals by the Justice System. And communities would be broken further continuing the cycle of social issues. It is therefore at the core of prevention and early intervention programmes that significant changes can take effect, as these will protect the victims, address the needs of potential offenders, and repair broken communities.

2.6.2 Social Work and Child Sex Offenders

2.6.2.1 Role of the social worker

As the new democratic South Africa grew and improved post-1994, the practice of restorative justice also developed. More programmes for children in conflict with the law were introduced. According to Woodward et al. (2008, p. 69) "the major impetus for this growth in alternative programmes came from non-governmental and voluntary agencies." These agencies became renowned for facilitating reputable intervention programmes for children in conflict with the law. Today intervention with children in conflict with the law becomes a collaboration between governmental departments as well as non-government organisations (NGOs). In South Africa, this collaboration strongly manifests as a partnership between the DSD and the DOJ to provide suitable diversion programmes for the purpose of intervention, prevention and as sentencing options (Holtzhausen, 2012b). This established collaboration between the DOJ, DSD and NGOs has provided prosecutors with confidence to refer more cases for diversion every year (Woodward et al., 2008). As a result, the need for programmes to be accessible, particularly in smaller towns and rural areas outside of main cities, has increased. NGOs and Community Based Organisations (CBOs) have thus volunteered their efforts to spread their services (Roestenburg & Oliphant, 2012). Although several NGOs and CBOs have experimented with intervention for children in conflict with the law, the DSD has made efforts to award accreditation. This created alignment with the outlined norms and standards of diversion and ensured that quality services are provided to the children.

Social workers provide intervention for children in conflict with the law from the onset. It is the probation officer that "will carry out assessments of every child who comes into conflict with the law, making recommendations about the prospects for diversion, as well as about the release of placement of the child" (Skelton, 2003, p. 194). When referred to attend a diversion programme, it is again the role of the social worker to provide intervention as per the diversion norms and standards.

2.6.2.2 Intervention in context

Intervention with the child sex offender is however a challenging field that requires specialisation (Van Niekerk, 2006). The child sex offender needs to receive appropriate intervention relating to

the offence, while their needs as children still need to be met (Da Costa et al., 2014). "Work with the child sex offender may make demands of an individual that has perseverance, is knowledgeable, skilled and patient" (Van Niekerk, 2006, p. 107), as the core of providing any intervention with the child sex offenders requires the understanding that there may be challenges that may be experienced. Building a rapport with the offender is a process that may take time, particularly if children deny the offence. On the contrary "the therapist may also have to deal with further disclosures of incidents of abuse that were not revealed" (Van Niekerk, 2006, p. 108). The therapist may also have to intervene with the family of the offender, and/or the victim and their family through interventions such as victim offender mediation or family group conferencing.

Several intervention programmes for child sex offenders are primarily based on the Cognitive-Behavioural Treatment (CBT) approach, as well as the Multi-Systemic Therapeutic (MST) approach. The CBT approach is widely used and more popular than the MST approach. CBT aims to increase self-esteem and resilience, correct cognitive distortions, and decrease inappropriate sexual behaviour (Gomez, 2009; Brandes & Cheung, 2009; Gillis & Gass, 2010). The approach largely takes place in a group setting, where interpersonal skills can be enhanced and re-integration into the community is simplified (Gillis & Gass, 2010). A South African organisation reflecting CBT intervention with child sex offenders is illustrated in a programme at the Teddy Bear Clinic for Abused Children (TTBC) together with Fight With Insight.

The TTBC "facilitates a 12 week diversion programme, SPARC (Support Programme for Abuse Reactive Children) for children and youth who have committed a sexual offence" (Draper et al., 2013, p. 520). Together with the therapeutic intervention, SPARC children are offered boxing as an alternative treatment. The impact of the programme brought about improved interpersonal skills in the participants and helped reduce recidivism. As stated in Draper et al. (2013, p. 525), the evaluation of the programme "supports the use of CBT combined with an alternative treatment… to bring about personal and social development."

The MST approach focuses on the child within a system overview. The approach seeks to include the environmental factors associated with the child such as family, school and their immediate community (Gomez, 2009). There is room for a MST approach in South Africa because of its

negative history and the high prevalence of social problems (Roestenburg & Oliphant, 2012). The objective of a multi-systemic approach would be to enhance decision-making skills and change behaviour (Gomez, 2009), while strengthening the family and/or community (Roestenburg & Oliphant, 2012). One such approach is enforced at Diversion Into Music Education (DIME).

The DIME programme in Cape Town "aims to empower young offenders by enhancing their capacity and skills, aid them in achieving successful reintegration into the community and provide them with positive personal, social and cultural opportunities" (Woodward et al., 2008, p.72). DIME uses music as an approach to develop resilient youth who have enhanced cultural tolerance and understanding (Woodward et al., 2008). Such a programme provides a positive impact on children through music. According to Woodward et al. (2008, p. 82) the programme had a "positive impact on behaviour" with a recidivism rate reduced down to 0% within a year.

According to Carr (2012, p. 597), "the range of type of social worker practice with young people in juvenile justice system is determined by the nature, structure and intersection of the criminal justice and welfare system." The integrated values and principles of restorative practices together with social work practice provide an advantage for a child sex offender in the manner he/she will receive intervention (Umbreit & Armour, 2011). This therefore creates a situation of quality intervention and ensuring that children thrive.

2.6.2.3 Intervention and recidivism

Intervention with sex offenders is a difficult and specialised field (Tierney & McCabe, 2002; Draper et al., 2013). Child sex offenders and offences have a negative impact on the individual, their family and the society at large. Lack of intervention perpetuates uninformed practices of dominance in relationships (Petersen et al., 2005) such as the belief that domestic and sexual violence is a norm and symbolises love (Wood et al., 1998). In addition, intervening with child sex offenders allows for the child to take on a sense of accountability and responsibility, as a lack of accountability and responsibility may "perpetuate more serious forms of sexual violence in adulthood" (Chung, O'Leary & Hand, 2006, p. 14), and may place the child at risk of reoffending (Tierney & McCabe, 2002; Fanniff & Becker, 2006). According to Boyd, Hagan and Cho (2000, p. 139), "nearly half of adult convicted rapists and child molesters committed their first offence

between 8 and 18 years of age." Certainly, "without significant intervention to turn the tide and stem the continuing cycle of violence, South Africa's youth face a bleak future" (Jefthas & Artz, 2007, p. 51).

As stated in Zankman and Bonomo (2004, p. 141) "adolescents are embedded in a socio-ecological context that is crucial to examine in order to fully understand their development and treatment." Literature further indicates that children who plan their lives and set goals are more likely to succeed than those who do not (Boer, 2013; Zankman & Bonomo, 2004). In addition, children who had positive social support from friends and adults (parents, teachers, priests, etc.) also displayed reduced levels of recidivism (Boer, 2013).

There are certain factors that link to the success and importance of diversion. One way of measuring the level of impact diversion has on the child and society is through the assessment of the levels of recidivism. Irrespective of the contributing factors causing young people to commit sexual crimes, one of the key elements of a restorative approach towards intervention is to ensure that these children do not reoffend. There are contradictory studies regarding sex offender and recidivism (Nisbet, Wilson & Smallbone, 2004; Zankman & Bonomo, 2004). However, that which is consistent regarding sex offenders and children is that young sex offenders reoffend at lower rates than adult sex offenders (Christiansen & Vincent, 2013; Waite, Keller, McGarvey, Wieckowski, Pinkerton & Brown, 2005). Literature further indicates that recidivism rates for young sex offenders are often lower than for non-sex offenders (SA ePublication, 2008). These rates, however, do not exclude the offender committing another offence that is non-sexual (for instance theft) (Christiansen & Vincent, 2013). This nonetheless resonates positively with the need for restorative intervention.

South Africa's history has provided a platform for dealing with vulnerable children in creative ways. The key objective is to make an impact and reduce the level of recidivism of a major social problem. Social workers are the heart of applying the various modes of change with the child sex offenders and the community at large. Restorative Justice and its relating principles provide the platform for such interventions to exist in South Africa, with the consideration of holistic elements pertaining to the child (ranging from the self to the greater community). This is essential as

"parents and family have a long term impact, influence and contact with the child long after the supplication of the diversion programme" (Zankman & Bonomo, 2004, p. 142). This creates a platform for the systemic approach to indicate its application, which will be discussed below.

2.7 THEORETICAL FRAMEWORK: THE SYSTEMS APPROACH

The social systems model influences the researcher's approach to social work practice. General systems theory is described by Lesser and Pope (2007, p. 8) as "a set of rules for analysing how systems operate and relate to one another." Social systems theory focuses its existence on the notion that individuals cannot exist independently. The nature in which individuals; their society; and services available co-exist and integrate is central to the systems theory. Looking at individuals within a society, this means that systems are better suited to support individuals with the essential resources, if and when individuals are able to recognise the key elements that exist within the system (Wulczyn, Daro, Fluke, Feldman, Glodek & Lifanda, 2010). The key characteristics of a system therefore refers to an individual and all its supporting and existing components (Teater, 2010).

In the past, the systems theory in social work used to only focus on the micro-level of individuals (Wulczyn et. al., 2010). The advancement of this framework has been met with positivity as it has managed to expand by recognising the person alongside with their environment (Lesser & Pope, 2007). In social work practice this has had a positive effect as it is the role of the social worker to "focus attention on different aspects of the environment" (Coulshed & Orme, 2006, p. 54). Social work intervention can be most efficient when it recognises that systems are interlinked (see Figure 2.1), and that what happens in one aspect of the system will affect the other part of the system (Coulshed & Orme, 2006). Understanding these systems creates a core for the reason behind the child committing an offence, as well as establishing the most suitable intervention. This can be achieved by "the social worker *gathering* information about the many systems involved in the situation (including the individual's past and present biological, cognitive, and psychological functioning; the family; wider social networks, and other relevant sociocultural systems)" (Lesser & Pope, 2007, p. 9). This can therefore allow for social workers to provide extensive and well-informed assessments, reviewing the child; their background; and circumstances leading to the

offence, and enable them to formulate comprehensive intervention strategies (as illustrated in Figure 2.1).

Teater (2010, p.18) clearly elicits that "different parts or elements of a system do not function in isolation but function by depending on and interacting with each other to complete the system as a whole." In order for one's wellbeing to be met holistically, all individual, social and societal components ought to interlink. The child's vulnerability emanates from several aspects which can be highlighted systematically (Da Costa et al., 2014). The factors affecting and influencing the child's vulnerability may be linked or associated with family, culture, religion, education or available resources. These factors create the child within their system as one large component. It is therefore essential for all aspects to be reviewed before commencing with intervention.

This further highlights the role of the social worker in working with children in conflict with the law. Social workers should attend to social problems at a systemic level through their intervention (Vimont, 2012). When intervening with the child it is the role of the social worker to ensure the child receives holistic, relevant and appropriate intervention. As indicated in Holtzhausen (2004, p. 103) social work intervention with children in conflict with the law emanates from "a body of knowledge which provides insights and understanding of offending behaviour, contributing factors of crime theories and models of deviance…the criminal justice system, roles, tasks and effectiveness of intervention." In order to achieve the rendering of a thorough and relevant service towards children in conflict with the law, social workers working within the field conduct thorough assessments in order to establish and recommend the most appropriate and suitable intervention. The social systems approach allows for those intervening with children in conflict with the law to "consider all aspects pertaining to the child, (i.e. individual, family, community and society" (Plummer & Njuguna, 2009, p. 526). In addition, the role of the social worker in applying a system's theoretic framework is to focus on a multi-level mode of intervention.

There are several contributing factors to violent behaviour (Kirst-Ashman, 2003) and it is with this in mind that intervention ought to be designed appropriately. Applying the concept of restorative justice allows the social worker to understand that the nature of the problem is not always limited to the child alone, but that it also has external influences. By recognising that the factors causing

the child to be in conflict with the law might be multi-levelled in nature, social workers' response calls for the interventions to be multi-sectoral and multi-systemic as well (Zankman & Bonomo, 2004). When intervening with children in the diversion programme, it is essential that the social worker incorporate all systems affecting the actual child. It is the role of the social worker to further integrate the child back into society, with the recognition that the child is dependent and related to a system such as family, community, or school. Social workers decisions about intervention are best met when a social worker "focuses attention on a system most in need of change, and most likely to affect a positive change in the overall situation" (Lesser & Pope, 2007, p. 9).

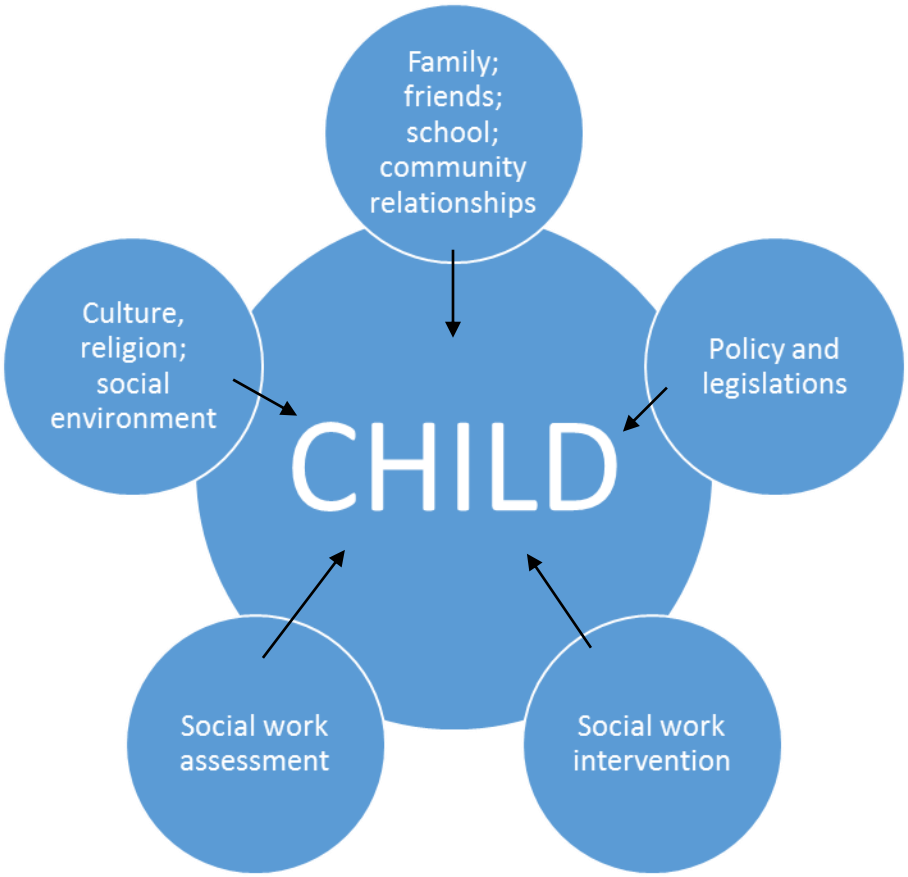

Figure 2.1: Systemic approach to child sex offenders

2.8 CONCLUSION

The above chapter explored the issue of crime in South Africa and its impact on society, as well as on children. Thereafter comprehensions of what sexual offences are were summarised.

Characteristics of a sexual offender as well as factors that lead children to commit sexual offences were explored. What is evident is that children may easily become vulnerable to their environments and circumstances leading them to commit sex offences. As a response to this societal issue, policies and legislations were summarised in view of the rights of children and the protection of children in conflict with the law from a South African perspective. The Child Justice Act (No. 75 of 2008) was summarised, providing the platform on restorative justice in practice. The principles of restorative justice were described in detail, with the different types of restorative practice models highlighted. Of major significance is diversion as a mode of restorative justice that focuses on addressed intervention with child sex offenders in South Africa. At the heart of intervention and applying diversion programmes to curb the issue of child sex offenders are social workers. Intervention with child sex offenders within the systems approach upheld the theoretical framework.

CHAPTER 3:
RESEARCH METHODOLOGY

3.1 INTRODUCTION

This chapter focuses on the research methodology underpinning the study. The chapter includes the rationale for the research approach, as well as an explanation on the research design. The research population in addition to the research sample is also clearly indicated. The chapter further offers an overview on the research instruments utilised within the research. The research and data collection procedures, as well as the manner in which data was analysed is included in the chapter. Finally the ethical considerations are indicated and the limitations of the study are outlined.

3.2 RESEARCH APPROACH

The study utilises a qualitative explorative research approach. Qualitative research "begins with assumptions and the use of interpretive or theoretical frameworks that inform the study of research problems addressing the meaning individuals or groups ascribe to a social or human problem" (Creswell, 2013, p. 44). Qualitative research therefore provides the researcher with a platform to explore the research problem within its own context and environment. A qualitative approach refers to "research that elicits participant accounts of meaning, experience or perceptions" (Fouche & Delport, 2011, p. 65). The perspectives of the participants' particular situation becomes the focal point of the study, providing the researcher with meaningful relevance towards the key assumptions. This therefore justifies a qualitative approach towards this study as qualitative research methods are further "likely to tap the deeper meanings of particular human experiences, and generate theoretically richer observations that are not easily reduced to numbers" (Rubin & Babbie, 2010, p. 34). Qualitative research can further be deduced as "a research method… that allows research procedures to evolve as more observations are gathered, and that typically permit the use of subjectivity to generate deeper understandings of the meanings of human experiences" (Rubin & Babbie, 2010, p. 34).

The researcher intends to explore the experiences of social workers working with child sex offenders. Within context, the researcher "keeps a focus on learning the meaning that the participants hold about the problem or issue" (Creswell, 2013, p. 47). Within its qualitative

approach, the study pursues an explorative research approach. This type of approach is "conducted to gain insight into a situation, phenomenon, community or individual" (Blaikie, 2000, cited in Fouche & De Vos, 2011 p. 95). According to Rubin and Babbie (2010, p. 41) "much of social work research is conducted to explore a topic- to provide a beginning familiarity with it." Application of this approach allowed for the researcher's intention to explore the experiences of social workers who facilitate a diversion programme for child sex offenders. Through a qualitative explorative approach the researcher had the opportunity to maximise exploration of the phenomenon, as participants own written and spoken words were explored (Fouche & Delport, 2011).

3.3 RESEARCH DESIGN

The study pursued a narrative research design. Narrative research is a form of inquiry in which the researcher studies "the life experiences of an individual and how they unfold overtime" (Creswell, Hanson, Plano & Morales, 2007, p. 239).

The narrative design was used in order for the researcher to explore and understand the stories shared by social workers facilitating diversion for child sex offenders within the specialising organisations in South Africa. As the main aim of a narrative research design is to explore and describe (Fouche & Schurink, 2011), this further allowed the researcher to explore how the experiences of social workers influence their intervention for children in conflict with the law. It also allows for the researcher to explore and comprehend the challenges, as well as highlights of the social workers within the field.

One common criticism surrounding narrative research design is circulated around the question of whose story ends up being reported (Creswell, 2013). However, in order to address this criticism, the researcher reflected the experiences of participants holistically and not selectively, as this could create the risk of reflecting on the experiences out of context. Another challenge with narrative design is bias reflections. As reflected in Creswell (2013, p. 76) "the researcher needs to discuss the participants' stories as well as be reflective about their own personal and political background, which shapes how they 'restory' the account." The researcher was able to avoid this by remaining

objective at all times. The researcher further correlated the experiences of the social workers with the prosecutors, further ensuring a true and inclusive reflection of the narrated stories.

3.4 POPULATION AND SAMPLING

According to Royce (2011, p. 193) a research population refers to "all the individuals you want to learn from." The population relevant to the study are social workers within organisations which facilitate diversion programmes for children in conflict with the law.

The researcher purposely selected social workers from organisations that render sexual offence diversion to children. Participants had to have a minimum of 2 years facilitation experience with child sex offenders. The description of the organisations and purpose of selecting the particular organisations are described below:

a) Khulisa Social Solutions is an NGO that renders services to socially vulnerable individuals. Among the various services rendered the organisation has restorative justice, conflict resolution and peace-making programmes. These programmes take on the principles of restorative justice, offering victim offender mediation as well as community conferencing and circles (Khulisa Social Solutions, 2013). Although Khulisa has an office in eight of the nine South African Provinces, not all offices render diversion programmes for child sex offenders. At the time of the study, some of the social workers had not been trained in diversion for child sex offenders. As a result, only one social worker from Khulisa was interviewed.
b) The South African National Institute for Crime Prevention and Reintegration of Offenders (NICRO) is one of the leading and accredited organisations offering diversion programmes for children in conflict with the law, and has offices in all nine provinces in South Africa (NICRO, 2013). NICRO Head Office identified 6 social workers that facilitated diversion for child sex offenders and met the criteria. However, at the time of the study NICRO was restructuring its offices as well as its sexual offence diversion programme. As a result only three social workers were interviewed from NICRO, one of which was interviewed as a pilot study.

c) The Teddy Bear Clinic for Abused Children (TTBC) is an NGO that offers medico-legal and psychosocial support to children who have been victims of abuse. However, they also have a specialised Support Programme for Abuse Reactive Children (SPARC) which is "designed to divert young sex offenders away from the criminal justice system" (TTBC, 2013). At the time of the study, the TTBC had 11 social workers, including the social work managers. However, not all 11 social workers facilitate the diversion programme or had the relevant working experience. Only five social workers were interviewed from the TTBC.

d) Childline South Africa is an NGO that offers assistance to children, caregivers and stakeholders. They are renowned for offering toll-free crisis and telephonic services nationally (Childline South Africa, 2013). Not all Childline offices have personnel that offer face-to-face services to clients. There are also limited offices that render diversion to child sex offenders. Childline KZN does have social workers that facilitate diversion for child sex offenders. At the time of the study two social workers were identified, and only one social worker was willing to participate.

e) Governmental (DSD) and Probation Officers – One Stop Child Justice Centre (OCJS) & Secure-Care Child and Youth Care Centre (CYCC). The One-Stop Justice Centres are a government approach to children in conflict with the law. Social workers at OCJS render probation services as well as facilitate diversion programmes. Two social workers from Probation services were interviewed.

   The Secure Care Child and Youth Care Centre is a facility for children in conflict with the law who are awaiting trial (Gauteng Province Social Development, 2014). Social workers provide psychosocial support as well as diversion programmes for children admitted within the Centre. Only one social worker was interviewed from the Secure Care Child and Youth Care Centre.

According to Durrheim (1999, p. 44) sampling involves "decisions about which people, settings, events, behaviours and/or social processes to observe." Specific to this study, purposive sampling was used. Purposive sampling refers to "a deliberate process of selecting respondents based on their ability to provide the needed information" (Royce, 2011, p. 204). The study utilised purposive

sampling as the researcher intended to explore experiences of specific social workers who facilitate diversion programmes for child sex offenders. The above-mentioned organisations were purposely selected and those with the relevant working experience facilitating diversion for child sex offenders were invited to participate. From the total population, 12 social workers were interviewed for the study. The selection criteria for study participants included current registration with the SACSSP as a social worker; having a minimum of two years' working experience in facilitating the diversion programme for child sexual offenders; and willingness and availability during data collection.

To obtain the sample, the researcher made contact with the organisations' head offices. In addition, the researcher sent the provincial area managers a written document (Appendix A) outlining the purpose of the study and requesting their participation in the study. The researcher thereafter organised with the area manager of each province, via emails and telephone, for the area manager to provide the names of the social workers who work in the diversion programme. Once having secured the names and contact details of the social workers, the researcher made telephonic contact with each social worker individually and requested their participation in the study. Social workers that were willing to participate were provided with the research questions beforehand. The researcher thereafter made an appointment with each participant at a date and time most convenient to them; this is beneficial as it allows the researcher to obtain as much information as possible from each participant (Burke & Miller, 2001). At times set appointments were not honoured by the participants for various reasons, and the researcher had to reschedule. The participants would inform the researcher that they had urgent work related appointments which they needed to attend to, and thus were unavailable to honour the appointment. Some participants fell ill for a lengthy period and were unavailable for some time to participate.

3.5 RESEARCH INSTRUMENT

Semi-structured interview schedules were applied in this study. Semi-structured interviews are useful in qualitative explorative research (Bless & Higson-Smith, 2000). A semi-structured interview schedule is used in order "to gain a detailed picture of a participant's beliefs about, perceptions or accounts of, a particular topic" (Greeff, 2011, p. 351). In order for the researcher

to be able to obtain insight into the experiences of social workers working with child sex offenders, semi-structured interviews were applied (Appendix D). Different semi-structured interviews were utilised in order to obtain the views of the key participants (Appendix E). The interview schedules were used because "it forces the researcher to think explicitly about what they hope the interview might cover" (Greeff, 2011, p. 351). The advantage of applying semi-structured interviews rotates around the researcher's ability to obtain information, experiences or perceptions from participants that were relevant to the study, yet allowing free narratives to occur from participants.

The semi- structured research instrument further ensured that important data that is intended to be collected is captured. Semi-structured interviews act as a guide to ensure that all data that is essential towards the study is collected. However, by not restricting participants from expressing themselves freely, additional accounts and experiences were further obtained.

The advantage of semi-structured interviews is that they eliminate the potential of ambiguous questions being formulated and reduce questions being misinterpreted (Bless & Higson-Smith, 2000). Meticulous care was taken in order to formulate the interview schedules and literature provided guidance to ensure that questions were clear, not misleading, and lacked ambiguous and provoking connotations.

The interview schedule included questions that were neutral and non-threatening. It also avoided jargon and ambiguous questions to increase precision of responses, yet reduce confusion. Open-ended questions allowed participants to express themselves freely. Judgmental and biased questions were also avoided in order for the participants to express themselves freely, without influence.

3.5.1 Pre-testing of instrument

A pre-test of the research instrument was conducted in order to enhance the validity of the research instrument. According to Strydom and Delport (2011, p. 395), "by testing the nature of questions in an interviewing schedule in the pilot study, the qualitative researcher is able to make modifications with a view to quality interviewing during the main investigation." The pilot test was conducted with one social worker who fitted the criteria and who was not included in the final

study. According to the pre-test participant all questions were clear and relevant. Nevertheless, amendments to the data tool were made as a result of feedback provided by the reader of the proposal. A recommendation by the reader of the proposal was made to include the demographics of the clients study participants worked with. This was a valid contribution as it has been noted that demographical backgrounds such as age and gender may have an influence in the manner individuals perceive social issues (Terre Blanche & Durrheim, 1999). The recommendation was implemented accordingly.

3.6 DATA COLLECTION

In qualitative research, an interview refers to "the mode of data or information collection" (Greeff, 2011, p. 342). In this study, telephonic interviews were conducted, with the exception of the pilot study participant and one other participant who were the only participants available that lived within close proximity to the researcher. The purpose of using telephonic interviews was for the researcher to be able to "collect data from a geographically disparate sample" (Greeff, 2011, p. 352). The researcher is based in Bloemfontein (Free State Province) and conducted interviews with participants from the following areas: Durban (KwaZulu-Natal Province), Cape Town (Western Cape Province), Johannesburg (Gauteng Province), and Rustenburg (North West Province).

The process of collecting data was conducted in the following manner: firstly the researcher telephonically contacted organisations known to facilitate sexual offences diversion for children. Research co-ordinators, provincial managers or office managers provided permission to the researcher to conduct the study within the organisation. It was made clear in a formal letter sent to the organisation that participants still had the right to choose to participate in the study. Secondly, pending obtained permission to conduct the study within the organisations, the individual in charge within the organisation identified social workers known to them that had facilitated child sex offender diversion. This was a challenge as managers were not always forthcoming regarding individuals within their organisations that conducted diversion. In one organisation, the manager informed the researcher that she did not have any social workers that were facilitating child sex offender diversion, and in another instance a manager within the organisation informed the social workers that they were not allowed to participate in the study. In

both instances, the reason behind the lack of willingness for social workers to participate was not provided. Where names and contact details were given, the researcher thereafter contacted the prospective participants telephonically or via email to ascertain their interest in participating within the study and establish a suitable time to conduct the interview. Participants that had indicated interest in participating in the research study were emailed the introduction letter (Appendix A), as well as the consent form (Appendix B). Lastly the participants provided the researcher with a suitable time to have the interview, as well as their preferred contact details.

The following procedure was conducted in order to obtain research interviews with key participants: the researcher contacted the Magistrate's Court telephonically, and made face-to-face contact with the senior public prosecutor in charge of sexual offences. The senior prosecutor was informed by the researcher that she needed to interview three prosecutors in order to triangulate her study. A letter was sent to the prosecutor who then identified the prosecutors who would be most relevant in relation to their experience. The researcher made telephonic contact with the prosecutors and explained the purpose of the study. Once the participants had agreed to participate in the research, letters were emailed to the participants explaining the purpose of the study. The participants were thereafter emailed the introduction letter, as well as the consent forms and interview schedule. An appointment was made for the interview at the convenience of the participant. Participants provided the researcher with a preferred telephone number and preferred interview time.

The researcher conducted once-off in-depth interviews (ranging between 45 minutes and 90 minutes) which enabled her to take a lead in the interview, yet still have an opportunity to allow for the participant to contribute their views beyond the structured questions in the guidelines (Greeff, 2011). Interviews were conducted with both the social workers and prosecutors in the same structure. The advantage of interviews is that they "are particularly good at producing data which deal with topics in depth and in detail" (Denscombe, 2010, p.192). However, it has been noted that the key element in successfully collecting data relies on the manner in which the interview is conducted. The researcher made use of telephonic interviews with all research participants and key participants.

In qualitative research, telephonic interviews are strongly criticised. One of the challenges identified with telephonic interviews is with the notion that the researcher may lose out on building a rapport and miss important cues during an interview (Sturges & Hanraham, 2004; Carr & Worth, 2001). However, the researcher anticipated the potential challenge and tried not to be too quick with a follow-up question during long pauses taken by the participants. In addition, although the researcher made use of email to communicate the research questions to the participants, the researcher also made telephonic, pre-interview contact with the participants. The purpose of making prior contact was to introduce the researcher to the participants in order to try and reduce the lack of rapport (Burke & Miller, 2001).

Another possible problem with telephonic interviews is with the challenge of maintaining telephonic reception (in particular, mobile and internet connection) during the interviews (Carr & Worth, 2001; Burke & Miller, 2001). Although this became a problem with some of the interviews, the researcher always made sure to have more than one way of re-establishing contact with the participants. This included landline telephone details, mobile device numbers and the use of Skype.

The advantage of telephonic interviews, however, is that one is able to take detailed notes during the interview without losing contact (Burke & Miller, 2001). The researcher was able to take notes while still maintaining the interview. The researcher was therefore able to move around the interview questions swiftly or return to a particular question that needed clarification. The telephonic interviews were also recorded by means of a recording application from an iPhone. All interviews were conducted with the participants' informed (written and verbal) consent (Appendix B) to participate, as well as their written and verbal consent to be recorded (Appendix C). The interviews were facilitated at a time that was convenient to the study participants. The duration of the interviews ranged between 45 minutes and 90 minutes. All recordings of interviews were saved and later transcribed.

Nonetheless, semi-structured interviews have been identified to have certain disadvantages. Interviews are time-consuming (Leedy, 2005; Bless & Higson-Smith, 2000). This affected the availability of participants and at times their willingness to participate. Obtaining working

professionals to avail themselves for a long duration in order to participate in research requires a patient approach. In order to address this weakness the researcher structured interview questions which were limited, yet suitable for data collection. The researcher also allowed participants to provide a time most convenient to them. Participants were also informed in advance of the potential duration of the interview, to allow them to sufficiently prepare for the interview. In order to further curb the potential challenge of time, the participants were provided with the interview questions ahead of the scheduled appointment.

3.7 DATA ANALYSIS

According to Creswell (2013, p. 180) qualitative data analysis consists of "preparing and organising the data for analysis, then reducing the data into themes through a process of coding and condensing the codes, and finally representing the data in figures, tables or a discussion." In qualitative research, data analysis strategies differ slightly. The general process argued my most authors regarding data analysis includes coding of data, categorising coded data into themes, and providing a comparison (Creswell, 2013). At large, data analysis strategies will only differ in the different steps of analysis.

In the current study, the researcher applied thematic analysis as a method of data analysis. According to Carey (2012, p. 222) thematic analysis focuses on "identifying themes and patterns regarding individual or, more often, group attitudes, behaviour or values." This method of data analysis was applied because it allows for a "realistic method to report experiences, meaning and the reality of participants" (Braun & Clarke, 2006, p. 81). As further emphasised in Guest, MacQueen and Namey's (2012, p. 16) thematic analysis "primary concern is with presenting the stories and experiences voiced by study participants as accurately and comprehensively as possible." Thematic analysis is viewed as a process to seek and identify themes or common trends found within a set of interviews (DeSantis & Ugarriza, 2000).

In application of thematic analysis, the researcher first had to familiarise herself with the data. In order to achieve this, the researcher initially transcribed all audio recordings of the interview verbatim (Vaismoradi, Turunen & Bondas, 2013). Transcribing interviews was a time consuming process which nonetheless provided the researcher with the advantage of familiarising herself with

content of the data. The researcher thereafter compared written notes obtained during the interview with the transcribed data to ensure all essential elements were captured. During the transcription phase, one is able to begin the process of informally identifying key themes (Braun & Clarke, 2006).

The second phase of the data analysis entailed generating initial codes. Coding was data-driven, where "themes will depend on the data" (Braun & Clarke, 2006). The researcher went through each data item manually, while writing notes and identifying prospective themes that could be coded. All potential themes were thus coded on the data and a list was compiled. Thereafter the researcher began searching for themes. According to Carey (2012, p. 223) searching for themes "may include research participants' experiences or opinion. May include fragments of ideas or experiences that otherwise might appear meaningless if viewed alone." The list of codes was classified and grouped accordingly. The researcher made use of mind maps to search for and organise the themes. The researcher reviewed the aim and objectives of the study and further shuffled around the data across the mind maps to formalise themes and sub-themes.

Refining the candidate themes was the next phase. The researcher read through the selected and thematically classified transcripts to establish the flow of the data. The themes and transcripts were also matched against the objectives of the study and existing literature.

Coherently classifying, defining and naming the themes was the final phase. According to Braun and Clarke (2006, p. 22) this entails "identifying the 'essence' of what each theme is about… and determining what aspects of the data each theme captures." The named and final identified themes are thus presented within the study. As a result, the collected data can be presented in relation to the key objectives and further in association to other research studies conducted (Strydom & Delport, 2011).

3.8 ETHICAL CONSIDERATIONS

The researcher understands the importance of conducting research in an ethical manner. As mentioned by Durrheim and Wassenaar (1999, p. 65) "the essential purpose of ethical research planning is to protect the welfare and rights of research participants." The ethical considerations

that were considered in this study included: anonymity; voluntary participation; informed consent; confidentiality; and the principle to do no harm.

a) **Anonymity**

The participants were informed that their identities would not be disclosed and that their responses would not be able to be linked to their identity in the research report (Durrheim & Wassenaar, 1999, p. 68). As a result, the researcher replaced the participants' names with codes in the final research report. In further maintaining anonymity, participants were offered the opportunity to opt to use pseudonyms (Strydom & Delport, 2011). The participants were assured that their identities would remain anonymous (Welman, Kruger & Mitchell, 2005).

b) **Voluntary participation**

Participants were informed that their participation is entirely voluntary; they may refuse to answer questions that they are not comfortable with and there will be no negative consequences if they should choose to withdraw from the study. Similarly, there will be no rewards, monetary or otherwise, if and when they agree to participate. It is essential to provide participants with information regarding the purpose of the study, so they may make an informed decision regarding participation (Strydom & Delport, 2011; Terre Blanche & Durrheim, 1999). Participants were therefore provided with a letter of consent (Appendix B) pertaining to participating in the interview.

c) **Informed consent**

Informed consent (Appendix B) was obtained from all prospective participants. The researcher made a key point to provide each participant with a participant information sheet (Appendix A) that outlined the aims and procedures to be adhered to in the study. As expressed in Denscombe (2010, p. 332), "when consent is in writing it acts as a way of formally recording the agreement to participate and confirming that the participant has been informed about the nature of the research." Participants were informed that they would come to no harm while participating in the study and that they were free to withdraw from

the study at any time with no repercussions. Participants were further assured that should they wish to withdraw from the study, the data collected would immediately be destroyed.

d) **Confidentiality**

Confidentiality indicates "the handling of information in a confidential manner. It also reflects to the continuation of privacy" (Strydom & Delport, 2011, p. 119). Participants were informed beforehand that the data and transcripts will be kept confidential (by ensuring personal information cannot be linked any participant) and locked in a private cupboard for a period of five years on completion of the study, or two years pending publication. Recorded data would be kept in a password controlled online database and would also be kept for a period of five years on completion of the study, or within two years pending publication. Participants were also informed that only the researcher and supervisor would have access to the data.

e) **Do no harm**

The researcher made positive efforts to ensure that the participants were not harmed in any way in the research process. Royce (2011, p. 60) clearly indicates that "researchers have a responsibility to identify and to minimize harm or risk of harm that might befall the research subjects." Participants were informed that should they feel overwhelmed in any way and require debriefing (even after the interview), the researcher will stop the interview and immediately refer them for free counselling (with their consent) to Annemarie Coetsee (Tel: 051 430 3311).

3.9 TRUSTWORTHINESS OF THE STUDY

In qualitative research, rigor and trustworthiness of the study are of paramount concern. This looks at the level at which the study is able to reduce bias and reflect maximum objectivity (Rubin & Babbie, 2010). There are various strategies that are utilised in qualitative research to validate trustworthiness. These are the reflected as follows:

a) Credibility

Credibility refers to the researcher's ability to "ensure that the subject has been accurately identified and described" (Schurink, Fouche & De Vos, 2011, p. 420). This is to ensure

the validity of the study. The researcher included verbatim quotations from the participants in order to ensure accurate perceptions of the participants relating to the study. The researcher made an effort to ensure all notes were captured after the interviews. The researcher also transcribed the recorded interviews herself, as soon as possible after the data was collected. In addition, in order to further enhance the validity of the study and establish credibility, data triangulation was applied. According to Rubin and Babbie (2010, p. 89) data triangulation involves "using several measurement alternatives" and sexual offence prosecutors from the National Prosecuting Authority (NPA) were also interviewed for the study (Appendix E). Conducting interviews with another source allows the researcher to establish collaboration between the sources (Rubin & Babbie, 2010; Punch, 2005) and thus increase credibility. The researcher had interviews with three key participants in order to triangulate the data collected.

b) Transferability

Transferability refers to the ability and possibility of the study to produce similar findings within a different context (Denscombe, 2010). Transferability puts "the onus on the research consumers to make judgment as to whether the findings seem applicable to their situation or population of concern" (Rubin & Babbie, 2010, p. 233). The data collection method utilised by the researcher was executed in reference to literature relating to research and data collection. This, combined with a sufficient literature review, allows the study to be transferable.

c) Dependability

Dependability looks at whether the "research process is logical, well documented and audited" (Schurink et al., 2011, p. 420). In order for the researcher to show dependability, data was analysed and documented based on consistent themes that emerged. This was continuously correlated with literature, triangulated with key participants' interviews, and compared with other studies conducted to ensure that the data was logical. The researcher also conducted a pre-test of the study in order to validate the research instruments. This created a platform for the researcher to adjust the research instrument to suit the literature, as well as to ensure the validity and relevance of the questions. All interviews were

conducted by the researcher and the same data collection methods were utilised to ensure all data collected was dependable.

d) Conformability

Conformability refers to the notion of objectivity. As argued by Denscombe (2010, p.301) "the issue of objectivity concerns the extent to which qualitative research can produce findings that are free from the influence of the researcher who conducted the enquiry." The researcher made an effort to remain objective and not be biased throughout the process of data collection and analysis. In order to achieve this, the researcher engaged less with literature during the data collection phase in order to avoid being subjective and influencing the research interviews.

Leedy and Ormrod (2005, p. 149) clearly articulate the following regarding conformability: "a good interviewer is, above all, a good listener who lets people say what they want to say in the way they want to say it", thus ensuring that one does not complete the participants' sentences or put words in their mouths, and ensuring that the participants were expressing their own views. The researcher made an effort to listen to the participants thoroughly without interrupting. The researcher allowed for lengthy silent pauses and provided the participants time to express their views without interruptions.

Table 3.1 below summarises the process of ensuring trustworthiness in the study.

Table 3.1: Summary strategy on trustworthiness of the study

STRATEGY	**APPLICATION**
a) Credibility	Data triangulation Use of verbatim quotations
b) Transferability	Correct application of data collection methods
c) Dependability	Same procedure followed in collecting data All data collected by one researcher Coding and transcribing done by one researcher
d) Conformability	Objectivity during data collection

3.10 LIMITATIONS AND DELIMITATIONS OF THE STUDY

a) Researcher's Judgment

Purposive sampling may provide a limitation pertaining to the generalisation of the study. The researcher may have been biased in relation to selecting the organisations that were relevant to the study. Considerations relating to the inclusion of organisations may be limited and subjective to the researcher's knowledge.

b) Sampling

Due to the nature of the research sample of only 12 participants a limitation of the study is that results cannot be generalised (Mouton, 2001, p. 150). The sample size is not a generalisation of the entire population of social workers that render sexual offences diversion programmes.

c) Data Collection

Telephonic interviews are also a limitation of the study. Due to the nature of telephonic interviews (even though the interviews were conducted at a time most convenient for the participant) some participants may have also feared expressing their views about the programme wholeheartedly for fear of being heard by whoever was possibly in their presence at the time of the interview (family or colleagues). In order to address this challenge/limitation, the researcher encouraged the participants to find a space and time that was most suitable (when the interview appointment was being made).

Furthermore, as indicated in Van Vuuren and Maree (1999, p. 283), "the amount of information that can be gathered over the telephone is limited due to the resistance to long telephone interviews." Owing to the interviews being telephonic, it is possible that some participants did not express their experiences wholeheartedly, particularly with participants whose interviews were conducted out of office hours, with a concern about other engagements. Therefore a limitation to the study is that information may not have been obtained to its maximum.

In addition, the use of telephonic interviews had limitations because the researcher was unable to physically see the participants. The researcher would have been unable to detect distress from a participant until it was audible. This could have ethical implications to reduce any potential to do no harm to participants.

d) Telephonic rapport

With telephonic interviews, the nuance of face-to-face interaction was lost and it was harder establishing and maintaining a rapport (Greeff, 2011). In order to address this, the researcher organised an introductory telephone conversation with the participants before the date of the actual interview. Network connectivity also interfered with the process of the interview (Greeff, 2011). Although the researcher established alternative contact details (such as Skype address, cell phone number and landline number) in order to utilise the best mode for the interview, network interferences meant the interview flow and rapport was interrupted.

In addition, although telephonic interviews were conducted, consent forms were signed by participants in writing. The participants scanned and emailed their signed forms or alternatively faxed their forms to the researcher. The participants were not requested to co-sign their forms as this may have been a contradiction to the ethical considerations.

3.11 CONCLUSION

This chapter outlined the research methodology underpinning the study. A qualitative explorative research design was explained and justified. The research population in addition to the research sample was also clearly indicated. The chapter further offered an overview on the research instruments utilised within the research. The research and data collection procedure, as well as the manner in which data was analysed was included in the chapter. Ethical considerations were outlined as well as the trustworthiness of the study. Finally the limitations of the study were identified.

CHAPTER 4:
PRESENTATION AND DISCUSSION OF FINDINGS

4.1 INTRODUCTION

This chapter documents the research findings that emerged from the interviews. The chapter includes the profile of the participants as well as the presentation of the themes. Data was analysed through thematic analysis. Analysed themes are presented in table form and the results will be presented and discussed with in-text verbatim references.

4.2 AIM AND OBJECTIVES

The aim of the research is to explore the experiences of social workers facilitating child sexual offence diversion programmes. The objectives of the research study are as follows:

i) To explore social workers' understanding of child sexual crimes and child perpetrators.
ii) To explore the challenges faced by social workers facilitating diversion programmes for child perpetrators.
iii) To explore the perceived successes highlighted by social workers who facilitate diversion programmes for child perpetrators.
iv) To explore the social workers' perceived impact of diversion on the general wellbeing of the child sex offender.

4.3 DEMOGRAPHIC PROFILE OF PARTICIPANTS

Table 4.1: Participant Demographical Summary

Participant	Gender	Overall Social Work working experience (in years)	Experience with Child Sex Offences (in years)
A	Female	18	9
B	Female	3	3
C	Female	5	2
D	Female	5	5
E	Male	2	2
F	Female	17	15
G	Female	7	4
H	Female	4	4
I	Male	5	5
J	Male	6	6
K	Female	28	14
L	Female	43	25

The participants in this study consisted of 12 social workers that have worked with children in conflict with the law and have facilitated child sex offender diversion. The 12 social work participants were purposefully selected by virtue of the organisations that provide Child Sex Offender diversion, at which they are employed. The working experience of the social workers ranged between 2 and 25 years. The majority of the participants were female and black. This is summarised in Table 4.1 above.

Three prosecutors were interviewed as key participants to validate and triangulate the study. All three prosecutors are experienced in working with sexual offences. All the prosecutors were working at the NPA and had between 3 and 7 years' experience with child sex offences. One prosecutor was male, and the other two were female.

4.4 PRESENTATION OF THEMES

The data was coded and analysed according to the themes that emerged. The themes were classified according to the research objectives and are presented by content and relevance, rather than frequency. The themes of the study are summarised in Table 4.2 below:

Table 4.2: Presentation of themes and sub-themes

THEMES	SUB-THEMES
1. Understanding the child sex offender	1. Defining the child sex offender 2. Sexual crimes committed by children 3. Factors causing children to commit sexual offence
2. Challenges experienced by social workers	1. Lack of resources 2. Insufficient multi-sectoral integration of services 3. Lack of parental/caregiver co-operation
3. Highlights of diversion	1. Successful outcomes as a result of diversion 2. Decreased level of recidivism
4. Impact of diversion	1. Addresses psychosocial needs 2. Diversion as community prevention programme

4.5 DISCUSSION OF THEMES

The key findings of the study will be presented and discussed in relation to the objectives of the study. The introductory theme relates to the understanding of the child sex offender. This theme refers to the first objective of the study to explore social workers' understanding of child sexual crimes and child perpetrators. The second key theme of the study refers to the second objective of the study, which is to explore the challenges faced by social workers facilitating diversion programmes for child perpetrators. Within the third key theme the successes of diversion as perceived by the participants are presented. Lastly, the impact of diversion on the child is presented. Sub-themes that emerged from the study in relation to the key theme relate to the manner in which diversion addresses the psychosocial needs of the child; diversion as a community prevention programme; as well as the manner in which diversion decreases the level of recidivism. The key findings of the study as summarised above are hereby discussed.

4.5.1 Understanding the Child Sex Offender

Within the study, participants were asked to describe their understanding of a child sex offender. From this question three sub-themes emerged. Firstly, respondents provided their definitions of a child sex offender. Secondly, based on their working experience, types of sexual crimes committed by children were explored. Thirdly, factors causing children to commit sexual crimes were highlighted. An exploration of the type of sexual crimes committed by children as well the factors leading children to commit sexual offences provide an understanding of child sex offenders.

4.5.1.1 Defining the child sex offender

The key findings from this research study indicate the participants' understanding of a child sex offender. Participants were able to provide a concise definition of a child sex offender. Within the definition of a child sex offender is the understanding of who qualifies as a child. Initially most participants (6 of 12) were able to provide a concise definition of a child sex offender, which closely resonates with literature. The explanations of a child sex offender are related to the concept of a child (by classification of age) and thereafter explaining the action that occurs in relation to the sexual offences. Participants further indicated the difference in characteristics for every child that committed a sexual offence. Furthermore, the findings highlighted that some of the participants felt that children should not be classified as sex offenders, but were better classified as children that were reactive. The participants reflected the difficulty or 'discomfort' they had with classifying children as offenders. The participants perceived children as victims of their circumstances who were thus acting out through inappropriate sexual behaviour. These findings are illustrated as follows:

> *"It could be any kind of child. It's not that there are typical characteristics which… are standing out there to say that child fits the profile of a child sex offender. But what I think the important thing to understand is that it is a child that has unmet emotional needs and is crying for help."* ***(Participant K)***

> *"These are the children who commit sexual offences, like sexual harassment, inappropriate touch of each others' private parts – either at home or at school. And the child that engage in sexual activity."* ***(Participant D)***

"…she was a reactive child. She was a victim herself and she was enjoying seeing other children sexually abusing each other. The other one was sexually abused by her uncle for a long time. The case was reported but the guy was acquitted. She was starting to react negatively towards the whole thing. But the other two, the cases were reported… and instead became sexually active…" ***(Participant J)***

The findings indicate that child sex offenders are a heterogeneous groups (Omar, 2010). These findings further support previous research and literature pertaining to the child sex offender sometimes acting out as a victim of his or her own history of abuse (Omar, 2010; Booyens, 2003; Da Costa et al., 2014).

Typically a child sex offender is assumed to be male. Figures 4.1 and 4.2 below indicate the typology of child sex offenders engaged with by the participants including gender, age and racial demographics. The children that the participants have worked with are presented below in Figure 4.1 and 4.2 in order to summarise the nature of cases experienced by the participants.

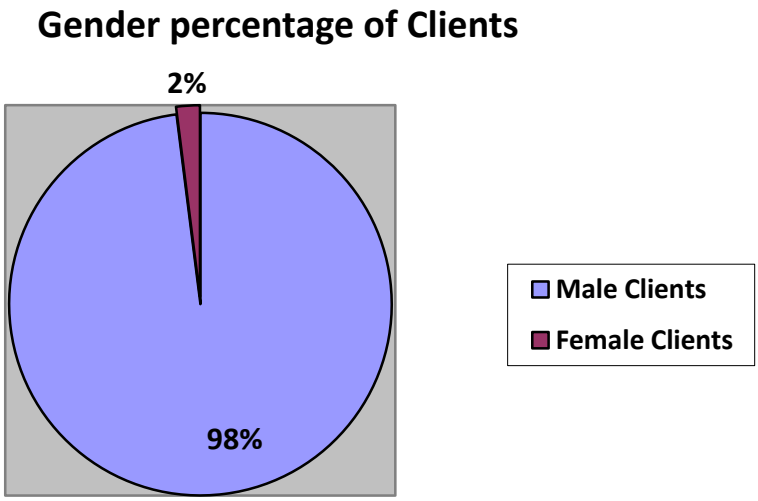

Figure 4.1: Gender percentage of clients as indicated by participants

All participants indicated that they had worked with a high percentage of male clients that had been referred for the sex offender diversion programme. These findings reflect the gender

stereotypes relating to sexual offences (Naude, 2010; Nwannekanma, 2015). Some participants had not worked with any female child sex offenders, while other participants (5 of 12) indicated that they had experience with female child sex offenders, but on a very low scale. This is significant as the field of female child sex offenders is limited and has not yet been exhausted in research (Da Costa, Spies & Coetzee, 2014).

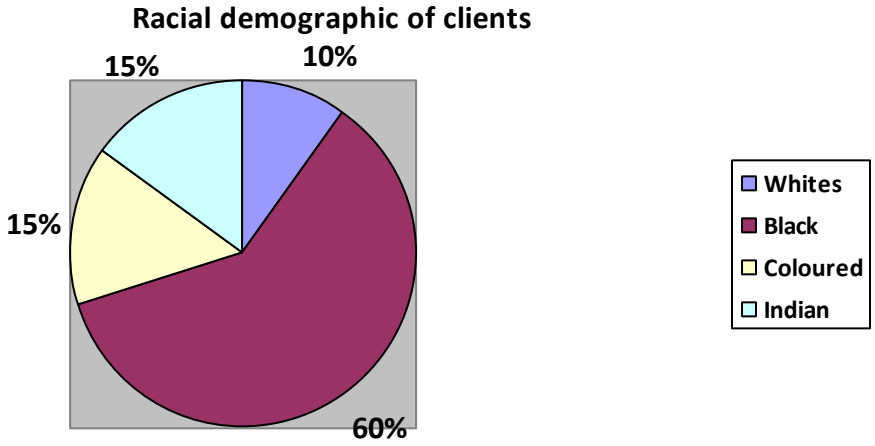

Figure 4.2: Racial demographics of clients worked with by participants

As indicated in Figure 4.2 above, a large percentage of clients that participants had worked with were blacks. Not all participants have worked with Indians, coloured and whites. These demographics, however, are subjective and representative of the areas in which the participants are working from.

The above figures further correspond with literature that child sex offenders differ on several variables including offences, victim profile, family background, gender and race (Gomez, 2009). Research has identified child sex offenders as having been abused before (Ladwa-Thomas & Sanders, 1999). As a result children then begin to act out the abusive behaviour that has been inflicted on them. The study supports the notion associated with previous studies that children who have been abused may themselves become abusive. Previous studies in South Africa (Johannesburg) and internationally (Pittsburg) have indicated the association between a history of sexual abuse and physical abuse as a typology for a child sex offender (Omar, 2010; Van Wijk et al., 2007).

Defining children as sex offenders was 'uncomfortable' for a few (3 of 12) of the participants, who viewed defining a child sex offender similar to 'labelling' the child. The concept of associating a child with an offence became further evident when participants associated the term child sex offender with children of a specific age. Such notions are supported by South Africa's legislature (Child Justice Act 75 of 2008) as well as other studies (Ladwa-Thomas & Sanders, 1999) which refers to the age of criminal capacity. As further support to age and committing sexual offences is the South African Sexual Offences Act, which classifies the legal age one can consent to sex as 16. This therefore indicates that children below the age of 16 cannot make sound decisions regarding sexuality.

The study indicates the challenge of the classification of child sex offenders. Although in accordance with South Africa's Child Justice Act (No. 75 of 2008) children below the age of 10 do not have criminal capacity, it is not to say that acts of a sexual nature do not take place. The child sex offender typology is classified based on varying factors (Venable, 2015), as indicated above. These are inclusive to family background, history of victimisations, developmental issues and social and environmental issues (Burke, 2012). Both the study and literature indicate that child sex offenders are a heterogeneous group (Gomez, 2009). The above findings therefore indicate the differences the participants presented in order to define child sex offenders.

4.5.1.2 Sexual crimes committed by children

In relation to sexual crimes committed by children, the findings indicate the type of crimes committed by children that participants have worked with. Participants have reflected that children commit most sexual crimes classified in the Sexual Offences Act. The common sexual crimes committed by children were identified as rape and sexual assault, as well as possession, participation and distribution of pornographic material.

The figure below (Figure 4.3) summarises the type of sexual crimes committed by children, according to participants. The most common sexual crime committed by children is rape, where 7 of 12 participants made mention of it. Cases of sexual assault were mentioned by 6 of the 12 participants. Five of the 12 participants referred to receiving cases of sexually reactive children

and personally did not classify the act as a particular crime. Pornography as a crime (4 of 12) included the child participating in the making of pornography, the distribution of pornography, or the possession of pornography. Statutory rape was indicated by 2 of the 12 participants, where sexual exploitation, incest, and the crime of flashing were each mentioned once by different participants.

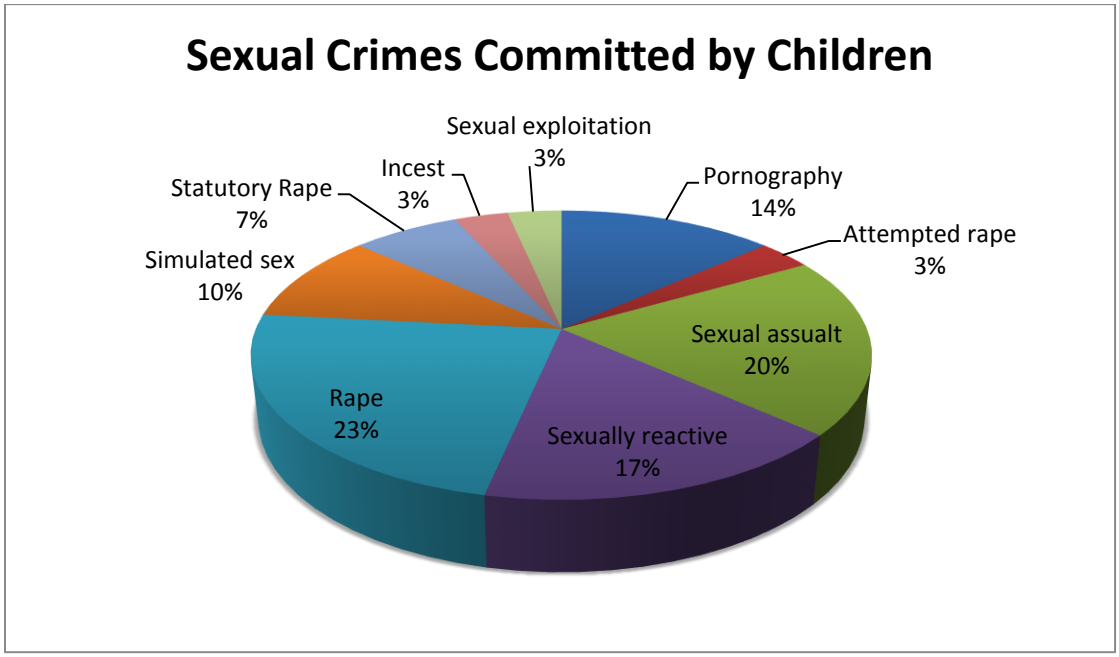

Figure 4.3: Types of sexual crimes committed

All three of the key participants mentioned rape and sexual assault as the primary crimes committed by children. The reflections of the participants when asked about the type of crimes committed by children are as follows:

> *"There is no crime I haven't worked with in terms of what is in the Sexual Offence Act. Rape, sexual assault, possession of child pornography, sexual exploitation, pimping girls… everything. If you look any of the crimes listed in the Sexual Offences Act… I've come across children who have committed all of them."(**Participant L)***
>
> *"And rape. They do rape, these boys. Whether you are old or young. And especially gang rape. Yah we do work with some of the accused. Some of the accused are*

minors. It's shocking. There is this case... I think the oldest is 16 against one girl. It's 5 boys. There is a case currently in court. There are 13 boys, from last year. Yah, 13 boys against 3 girls." ***(Key participant P3)***

The issue of children committing sexual offences in South Africa is not uncommon. A report by Childline indicates that 42% of sex crimes against children in South Africa are committed by other children (Omar, 2010). It is thus evident that reports on the type of sexual crimes committed by children are still true today, as indicated in the current study. Participants indicated that children had the 'capacity' to commit all sexual crimes classified in the Sexual Offences Act (No. 32 of 2007). Rape was the most common sexual crime participants had worked with. With South Africa being one of the countries with the highest sexual offence rate, this is not an exaggerated finding (UNODC, 2013b).

4.5.1.3 Factors causing children to commit sexual crimes

There are numerous factors that can be attributed to the causality of children committing sexual crimes. Participants were asked to reflect on factors that cause children to commit sexual crimes and the majority of the findings indicate that children are strongly influenced by their environment.

Factors contributing to children committing sexual offences as identified by participants include the issue of victimisation (9 of 12); lack of parental supervision (8 of 12); and environmental issues such as poverty, unemployment and peer pressure (10 of 12).

History of victimisation was described as one of the contributing factors towards children committing sexual offences by 9 of the 12 participants. Literature indicates that children commit sexual crimes due to a number of factors (Roestenburg & Oliphant, 2012). As identified, these factors range and are included at the micro, mezzo and macro social level of the child (Roestenburg & Oliphant, 2012). The differing causalities indicated that child sex offenders are a heterogeneous group (Harris et al., 2009), as well as the notion that one cannot draw a linear cause-and-effect synopsis towards child sex offences. Figure 4.4 below summarises the etiological distribution leading to child sex offences as expressed by participants.

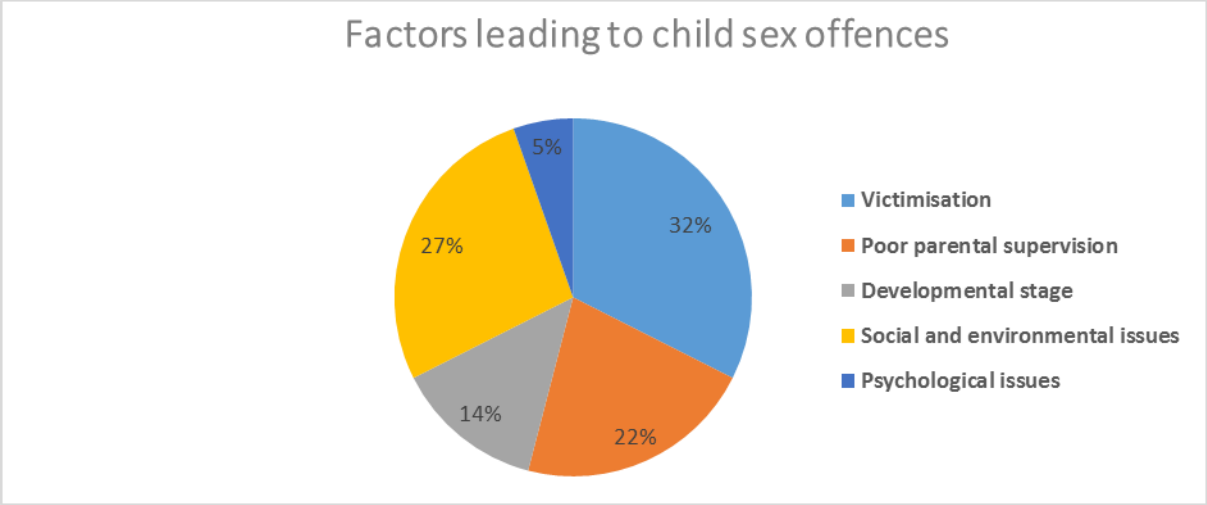

Figure 4.4: Etiologic distribution for child sex offences

The above figure illustrates the differing factors leading to child sex offences. In corresponding support the findings are thus illustrated below. With regard to sexual victimisation the following was reflected:

> *"History of victimisation – whilst we know that research has indicated that victims of…. I mean sexually abused victims are likely to become a sexual victimiser. However… the history of victimisation is not only subject to sexual abuse, but even physical abuse, where children might have been victims of physical abuse."* ***(Participant K)***

In relation to parental supervision, the following quotation significantly indicates the findings:

> *"I think the majority of boys have absent fathers. And I have one-on-one with the parents. We try to encourage them to even bring in uncles or fathers from the neighbourhood, who can be a set of role-models to these kids. Because some of the female parents, the mothers are struggling to really put the rules down… and some of them were misbehaving to an extent that the mother doesn't know what to do. The only support that she was getting was from our side. Because now, this child has committed a crime, and needs to be with us for the next four months… I would try*

*to encourage the parents to even give the kids household chores, because one of the challenges with parenting is that if you are a boy, you don't give them household chores, and they end up roaming around cause there are no responsibilities given to them at home."(**Participant J)***

Reflecting on peer-pressure as a contributing factor, the following indicates the findings:

*"I think they fall under that category of being influenced by their peers. I think the main thing that makes them commit offences (is that) they are at the stage of adolescence, and teenagers are easily influenced by what they see and others around them." **(Key participant P1)***

Children who are committing sexual crimes are seen as vulnerable by the participants. The vulnerability emanates from various factors. The findings further correspond with the issue of pre-sexualised children as vulnerable and highly at risk (Bale, 2011). Children learn sexual deviant behaviour from society (Gomez, 2009) or are exposed to male-modelled violent behaviour (Burke, 2012) within their environments. Further, it has been argued that children who have been sexually victimised themselves are also likely to victimise others (Gomez, 2009). Additional contributing factors leading children to commit sexual crimes are exposure to general hostile backgrounds of trauma, neglect and abuse (including physical abuse). Children thereafter experience negative outcomes in their lives and stand to be at risk of abuse (Steyn, Van Wyk & Kitching, 2014).

It is evident that children commit sexual crimes due to a number of factors, such as those reflected within the study (Roestenburg & Oliphant, 2012). These factors range and are included at the micro (such as development), mezzo (family) and macro (society) social level of the child (Roestenburg & Oliphant, 2012).

4.5.2 Challenges Experienced by Social Workers

Social workers themselves regard their role as vast and crucial. Most participants (7 of 12) viewed their role as social workers relating to ensuring that both the children and the community were

safe, while others (9 of 12) reflected on their role as life-skills facilitators. The key theme of challenges experienced by social workers indicated sub-themes relating to lack of resources; poor multi-sectoral integration of services; and a lack of co-operation. There were no challenges expressed by the participants regarding children included in the programme. The findings from the study are presented below.

4.5.2.1 Lack of resources

The research study indicates that the lack of resources is a challenge for social workers that render services to child sex offenders. Participants reflected on struggles with funding. What emerged was the manner in which funders often provided subsidy for the organisation, yet insufficient funds were provided to the professionals expected to render the service. The participants further reflected on the challenge and extent it took to train and capacitate a professional that works with child sex offenders. Participants also provided reflections in relation to their working experiences. The findings of this study indicate that some social workers are the only ones that render child sex offender programmes within the areas they worked. These findings are reflected in the quotations below:

> *"The other challenge with regard to funding, is the issue of… you know… it's like… the way in which things are being funded in SA… is that… they are not funding the core… you know if you don't have the professional person delivering the service then you have nothing. Because a programme, a manual, written up with core sections, doesn't mean anything if you don't have the professional that can make that work. And I think one of the things in SA, yeah, that I have picked up is that, the thing is, the people… they want to fund the programme, but then they fund almost… we will give you the funds to do the programme, but we won't give you the money to pay the professional to do that. So it's almost like quick fixes, and not seeing the resolution might be… that we need to understand that we need… success, that we need people that understand behaviour, and we need people that understand this is not somebody that you can walk with in their office and train in two weeks, and then say go out and be successful… It takes a long time. It takes a lot of time for a person*

*to know how to most effectively work with things like this. So yah… I think those are major challenges." (**Participant F)***

Low funding within the NGO sector influences salaries, job satisfaction and resources needed for the service to be rendered (Janse Van Rensburg & Simelane, 2011). The reflection of the participant indicates the challenges and stressors social workers may have. Low funding may have an impact on employment and the number of social workers available to render sexual offences diversion within the sector. In relation to the lack of professionals in the field, the following quotation illustrates the findings:

*"I am the only one who is doing it, and I have been getting challenges from court. Because one of the Police said that I am the only one. I've been getting referral from Benoni Court only, so I think I am the only one. Here in this office, I am the only one, but I don't know about the other offices… I am the only one who is doing it. And every worker just says 'Ms 'A', a sex offender', and I have got loads and loads of work, and sometimes it's just too much." **(Participant A)***

Working with young sex offenders is a specialised field that requires social workers that are competent and passionate. The lack of qualified specialists within the field of child sex offences in South Africa is perhaps one that has not been explored sufficiently. Swanzen and Harris (2012), however, advocate for the qualified specialists in the field of child sex offences. Working with children in conflict with the law is a specialised field, with sufficient probation officers placed at all courts. Nevertheless, it is a field where social workers may experience extensive levels of burnout due to the nature of the field (Lewis, Lewis & Garby (2010).

4.5.2.2 Insufficient multi-sectoral integration of services

In order for children to receive the optimum service and be included into the diversion programme, several role players have to provide the correct and sufficient services. At the heart of service provision are social workers, social workers in probation services, police officers, and prosecutors. The findings of this study indicate the challenges relating to the in-efficient co-operation among stakeholders, as expressed by the participants. Prosecutors reflected challenges with the manner

in which probation officers are communicating with children regarding their charges, rights and diversion. Other participants identified with weaknesses in the South African Police Service (SAPS). The quotations below best illustrate this:

> *"The other problem is that what do we need to do when the preliminary report comes, and it says the guy is not taking responsibility? We must go on with the trial. I feel maybe we need to differentiate, and equip the social workers with that. Because when they do that enquiry… Firstly if the complainant is somebody who cannot consent by law – they must just explain that clearly to the child (if it's another child as well)… Explain all that they need, to say what happened… get the side of the accused as well. I think that's what needs to happen. Because sometimes we have a child, and they are going on trial and yes they will not go to jail, but the consequences are really dire. They are sitting with the criminal record of a rapist. I find that to be very difficult. And that is different when the accused is an adult –no question there... Sometimes you find that the accused is about 13 or 14, they are in the same school, the girls agreed according to them..." (**Key participant P2).***

> *"If we are looking at government departments, I think probation officers not consulting… or there isn't the engagement, the kind of consistent engagement with probation officers, because looking at preliminary assessments, and even post diversion consultations, you find there isn't sufficient consultations or engagement by relevant stakeholders." (**Participant K)***

> *"The other challenge is of course the fact that the police are not well enough educated on the Child Justice System. Which means that many children in conflict with the law never come to the attention of the courts and never get placed in appropriate programmes to address their behaviour. And the fact that the police have to complete multiple forms and sometimes… one can understand this in a way, that sometimes one has very low standards of literacy, so they talk to the police about the Child Justice Act, and it seems and it seems something are very difficult to apply. So this is something we must attend to. Perhaps in the police force there*

*needs to be some that are specially trained in the application of the Child Justice Act – those that are really literate and can keep up with the completion of these forms. And unfortunately sometimes it's seen as a criticism with the Police. And it's not criticism, it's the reality of the situation in which we have to work. And we must support the development of skills, because if we don't we cut out own foot on the implementation." (**Participant L)***

The findings above confirm that the relationship between stakeholders is essential for the best interest of the child and to ensure the application of the minimum norms and standards. The significance of the stakeholder relationships has also been highlighted in Ladwa-Thomas and Sanders (1999) that when the relationship between stakeholders is poor, it creates challenges. These findings further highlight the need for the systemic approach to be implemented in service rendering (Teater, 2010), as it is with the integration of systems that the 'core' of the problem can be reached.

4.5.2.3 Lack of parental co-operation

Poor parental co-operation entails inadequate supervision; poor discipline; lack of positive reinforcement; and lack of compliance for attendance to Court and/or diversion (Williams & Smalls, 2015; Cuerrvo, Villanueva, González, Carrión & Busquets, 2015). The lack of parental co-operation was expressed by most participants (9 of 12) as a challenge for rendering efficient intervention. Participants expressed that the lack of commitment from the parents of children within the programme was problematic. A concern that was further reflected was the manner in which parents were willing participants only in the beginning of the programme. Once the parents began to see a positive change in their children, they reduced their level of commitment. The findings, as indicated by the participants, also illustrate the importance of including parents and caregivers in the programme in order to ensure a systemic level of intervention. However, this is reflected as a challenge to the participants, as parents do not comply with what is expected of them by the social workers facilitating the programme. Quotations below represent the findings associated with lack of parental co-operation as a challenge:

"What usually happens is that parents or caregivers come in and objectify the child. Here is the object, take it, repair it, fix it and then give it back to me when it's repaired. So it's [child] objectified… Parents will come initially, the shock and horror… 'It can't be my child'… 'It's not happening to me'. So initially they will be willing partners and then after 2 or 3 sessions they see sudden change in the child's behaviour and then they stop." ***(Participant K)***

The challenge and frustration with lack of parental support is reflected other participants:

*"I think with parent involvement, for example, the parents group could be at different times. Our latest model was the parents grouped to be on a Friday, but we had zero attendance! And now… Ok… I don't know what more to do. At a forum I presented at… I asked why are courts not making it clear that there is their involvement if the child doesn't comply. Almost pinning the crime on the parents as well. And in that room there, there were lawyers… and they say 'we can't really do that.' But the whole thing needs to have an openness to the problem and enforcing it in a more strict manner. And in the same platform when I asked 'well are we ready to say the child did not comply because of the parent?' Then they were like… 'no, you can't do that because the child… It's not the child's fault'. You know it goes against how we are explaining some of these behaviours. I don't know it's a catch-22."(****Participant E)***

*"I've developed life-skill programme that looks at parenting. So what we do is that (even though not every parent comes to attend)… we have what we call family open day. And on that day we educate parents about… for example… about crimes… And okay… it's been a challenge because some parents decide not to come, because they have developed that negative attitude against their children… 'I don't want this child anymore, this child is a problem!' In such a situation we experience a serious problem…" (****Participant I)***

Challenges experienced by participants have provided a platform for the social workers to identify the weaknesses and flaws of the diversion programme and the system. This is evident as follows:

> *"It is impossible to run diversion without a systemic approach. Then you work with the child in isolation. And if there is no support for the child, then the child will definitely reoffend and we can't be surprised if they reoffend. Especially if we don't create a space where they can feel they belong. I think unfortunately with the challenges in our country parents are not at home – most of them are single parents… kids are growing up with gogos (grandmothers), and they don't have the time to take care of so many kids. Dad is not there; receiving a small grant. So the kids have to start taking care of themselves."(**Participant H**)*

The challenge of parents not providing support to their children highlights what stood out as a contributing factor towards children committing sexual crimes. The findings of the study are supported by the notion that poor parenting contributes to the risk of children being vulnerable to committing offences. It is noted in Gomez (2009), if early sexual deviance is not addressed appropriately with parental support, it can lead to adolescence and adult sexual offending. The study further supports the notion that a child is more likely to partake in misbehaviour when they have poor family interactions (Booyens, 2003). The social systems approach allows for "those intervening with children in conflict with the law to consider all aspects pertaining to the child (i.e. individual, family, community and society)" (Plummer & Njuguna, 2009, p. 526). Poor parental involvement and responsiveness is one element that indicates a high risk for delinquent behaviour in children (Maschi & Schwalbe, 2012; Cuervo et al., 2015). Positive parental involvement is therefore critical in ensuring a successful outcome in any form of intervention with child sex offenders. A study based in South Africa (Johannesburg) also indicates that parental involvement in child sex offender interventions is essential, as children belong to families (Roestenburg & Oliphant, 2012). This also refers back to the systems theory which indicates the need for all systems to be included for the child's wellbeing (Kirst-Ashman, 2003). Therefore, in order to monitor intervention provided within the diversion programme it is important to have co-operation and support from the parents or carers of the child.

4.5.3 Highlights of Diversion

Participants were asked to describe the successes brought about with the implementation of diversion. That which emerged from this question was that participants felt that diversion made a positive impact on the lives of the children it served. Key sub-themes emerged in the form of 'success stories' provided by the participants, as well as the description of reduced levels of recidivism.

4.5.3.1 Successful outcomes as a result of diversion

The findings of this study highlight the manner in which the participants perceived the successful impact of diversion on the children who have attended the programme. According to the participants, empowerment of the children with skills in addition to diversion yields positive results. The below results highlight the change observed by the participants in the children who have attended diversion.

> *"You get some children who have attended the diversion and after some time you see their behaviour. They change their behaviour and now have direction. So you also have those with anger. And have learnt how to manage their anger. So there are successes because these children realise that they can do this and do that"* ***(Participant C).***

Participants further described the cases which came across as successful as a result of diversion:

> *"We find that after the diversion programme, they have got personal satisfaction. We do the pre-assessment, and there is no satisfaction in their lives. But after they have been with us for 8 months that personal satisfaction has grown so much that they are actually at a point where they are satisfied with what they have got. And then, their perseverance is much better. Because they have put something in place and have achieved something, they can persevere with other things like school work… Because they have learnt how to persevere, they are motivated and want to be in school. They also know how to socialise with their peers. And their future perspective increases."* ***(Participant H)***

"We have so many success stories in our disposal. We just produced an SA champ. He was here [Secure Care Centre], started this boxing thing [parallel with diversion], went out [of the Centre] and continued coming for his boxing. And yah… there are lots of children we have developed and are now able to make…to use their skills that they have learnt here… One of them, I was surprised to see him. He stopped me and asked for my licence. He is a Metro [traffic officer]! And to see him! And he said: 'do you remember me?'... So it was wonderful to see." ***(Participant I)***

The above findings support the literature and application guidelines of diversion. Assessment is a critical element in ensuring children receive appropriate levels of intervention pertaining to diversion (Reyneke & Reyneke, 2011). It is through the appropriate execution of diversion that the key objectives of it can be reached and thus produce resilient children (Davis & Busby, 2006; Draper et al., 2013). The correct application and intervention of diversion brings about the expected perceived success, by trying to ensure the child does not return to the criminal system (Wulczyn et al., 2010). The presented findings above indicate the impact diversion may have on the child and society through the relevant intervention (Holtzhausen, 2012a).

4.5.3.2 Decrease level of recidivism

The findings of this study indicate that reduced levels of recidivism play a critical role in evaluating the impact diversion has on children. Nine of the 12 participants indicated that in their experience working with child sex offenders they had never been exposed to having the same child referred for diversion more than once. Diversion intervention does not only seek to correct the mistakes the children have made, but further seeks to ensure that offences are not committed again by equipping the children with knowledge and skills to make better decisions. When asked to reflect on the successes of diversion based on the expected outcomes of the programme, most respondents referred to the small number of children who had reoffended. A reduced level of recidivism was reflected on by the participants as a success measuring tool, even for those that had not conducted a formal evaluation of their programmes. The quotations below illustrate the findings relating to low level of recidivism:

"From my experience, I have never met any child who has reoffended. So this according to me emphasises that there is a positive implication… that they tend to not reoffend". ***(Participant B)***

*"What is important to understand is that we had consultants who came to do an evaluation of children between 2009 to 2012 who were in the programme. And we followed the children and caregivers. And what emerged was that 95% of the children had not reoffended, and this was attributed to the diversion intervention."****(Participant K)***

The above findings are further supported by a key participant who reflected the following in light of her experience:

*I have never had a child who was referred for diversion who came back to me… I think someway it helps because I don't see them come back. I think maybe its reducing cases of reoffending but I'm not sure because I don't get all cases."****(Key Participant P3)***

The above findings are supported by the arguments found in previous studies and literature that the intended outcome of diversion is to reduce the level of recidivism. This is illustrated in the argument of Swanzen and Harris (2012, p. 13):

> "…if the foundation for diversion programmes is the prevention of reoffending behaviour and incarceration [then] it can be assumed that an understanding of the convergence of causing factors combined with knowledge of the impact of the young person's developmental stage, is critical for the successful outcomes of such programmes".

The findings of this study further illustrates that intervention with child sex offenders can be effective (Sahlstrom & Jeglic, 2008). Literature has also supported that child sex offenders have the ability to be rehabilitated (Stevens, 2014), indicating reduced levels of recidivism in those who

have received appropriate intervention through diversion programmes (Gomez, 2009; Draper et al., 2013).

4.5.4 Impact of Diversion

Participants were asked how they feel diversion addressed the social and economic needs of the children that are included in the programme. Themes that emerged from this question were on the notion that diversion addresses the psycho-social needs of the children. It further emerged from the study that participants felt diversion was highly successful. As a result it was reflected that diversion could benefit children and the greater community as a prevention tool. The successes of the programme were further articulated with reflections on the manner in which diversion reduced the level of recidivism with child sex offenders.

4.5.4.1 Addresses psycho-social needs

Participants (8 of 12 participants) indicated that diversion contributes towards the psycho-social wellbeing of the children. The improvements in the children were identified through pre- and post-assessments completed. Children were described as being more resilient. The participants further reflected on the manner in which the children improved and became more accepting of who they are as children. The findings of the study further identified with children who had been through the programme and were initially in denial, but at the end of the programme acknowledged responsibility for their actions and learnt from their mistakes. The study indicates the manner in which the children's lives and general wellbeing improved as a result of the diversion programme, because the children were later able to make better decisions and persevere in other aspects of their lives. These findings are best illustrated with the following quotations from the participants:

> *"You get some children that if they realise where they are, then mentally (especially around 13 to 15)… once they know it, then they know how to react. Or you get some children who have attended the diversion and after sometime you see their behaviour. They change their behaviour and now have direction."* ***(Participant C)***

> *"And also they come from being perpetrators to being role models. It's almost like that post – traumatic growth theory. Where they grow out of their suffering and*

*become role-models, as well as survivors. So if you look on the personal perspective… and that's what I've picked up from our eco-metric assessments… Our diversion members… on a personal level… we find that after the diversion programme, they have got personal satisfaction. We do the pre-assessment, and there is no satisfaction in their lives. But after they have been with us for eight months, that personal satisfaction has grown so much that they are actually at a point where they are satisfied with what they have got. And then their perseverance is much better. Because they have put something in place and have achieved something, they can persevere with other things – like school work. Most of the time school performance is very low when they start. But because they have learnt how to persevere, they are motivated and want to be in school. They also know how to socialise with their peers. And their future perspective increases, and they have less guilt feelings. And they don't isolate themselves so much." (**Participant H)***

Child offenders come from social backgrounds that lead to risky behaviour. As supported by Nelson (2007, cited in Gillis & Gass, 2010, p. 21) "most Juvenile Sex Offenders possess poor social skills, being self-absorbed and manipulative, and lacking the necessary motivation to achieve in school." Participants have thus reflected that diversion is a key element in improving the wellbeing of children who have come into conflict with the law. The findings within the study therefore support that diversion further aims to bridge the gaps of these high-risk traits within children, by capacitating children to be more resilient and make better decisions.

The objectives of diversion are to promote the wellbeing and livelihood of children. As emphasised in Woodward et al. (2008, p.72), diversion further aims to "prevent the adverse consequences that may flow from the child being subjected to the criminal justice system." Intervention provided through the diversion programme aims to produce children who can make better decisions and are resilient. The findings of the study therefore support the positive impact diversion can have on children who have come into conflict with the law, as the approach intends to provide a better alternative to a punitive approach. Diversion therefore aims to equip the children with the ability to persevere even in the dire social conditions from which they come (Woodward et al., 2008). The findings in the current study indicate that similar objectives were achieved.

4.5.4.2 Diversion as a community prevention programme

The findings of the study reflected that children could benefit from information and content of the diversion programme before they commit an offence, as stated by 6 of the 12 participants. Participants reflected on the manner in which children had access to media, but did not know how to interpret the information obtained through media. As a result, it was reflected that children would benefit from the information included in a diversion programme, because they would learn about their development and social issues. It was further reflected by the participants that Life Orientation Education provided within schools was not enough, because teachers were not equipped with the skills to address developmental issues. The reflections provided by the participants indicated that children did not know about sex and sexual offences. If they were provided with this information, they were possibly less likely to commit sexual offences. Participants articulated the possible need to offer diversion programmes to children before they commit sexual offences. Therefore, the participants highlighted the need for diversion to spread as a prevention programme within communities and not only as a means of secondary intervention. The following quotations indicate support of the above findings:

> "*Maybe we need community outreach. Maybe if we start educating them before they are in the situation. Educating them before they are accused it will be better… So if they can be taught from the beginning what is diversion I think then that's how diversion can be improved. Because at least they will end up not having a criminal record. They will end up having knowledge that you don't even get at school."* ***(Key participant P3)***

> *"I think, even though we have life orientation, I feel it is not done in depth. I think these children, like I said, need the life skills. Because a lot of issues that are out there - with all the drugs, the media, and things they are exposed to, the child is exposed and 'if I try it, maybe I will know how to do it'. Today with life-orientation, I feel, it's not done sufficiently to allow a child to even understand themselves. We can work with the development side of things, teachers don't have the same thing that they can focus on. So helping a child realise that 'I am on the certain stage, and these are the things that are going to happen'. And realising that, 'if I am faced*

with this, how do I handle this?' I think this is where we are going to need social workers in schools. So maybe diversion needs to be at a preventative level…rather than a rehabilitation programme." ***(Participant C).***

In further illustrating the above findings is the following quotation:

*"…maybe we are just doing it wrong. Maybe we should rather focus on prevention. Honestly… Do our programme but do more preventative work, because then we would be covering everybody. Because now we are waiting for cases to be referred to us – but maybe we are just doing it wrong. I mean we have a proper programme called 'free to be me', where we address child abuse. And we have taken 42 000 kids through the programme, and the feedback was amazing. So I just think, maybe we are doing it the wrong side around – you know. We are waiting for kids to commit the crime, and be sentenced before they come to us. So we should be preventing. And, so I think maybe we are doing it the wrong side around." (****Participant H).***

The above findings are supported by the social issue that media has a way of strongly influencing the behaviour of youth (Bale, 2011). The challenge with media-related sexual information is that children do not know how to interpret the information. In a study conducted by Bale (2011), it became evident that children went looking for sexual texts, including pornography, leaving children vulnerable to misguided information and sexualisation. As a result, the children in the study indicated that they had inadequate sex education (Bale, 2011). Such findings further support that which emerged in the current study regarding the manner in which children could benefit from the content and life-skills provided in diversion before they commit a sexual offence.

4.6 CONCLUSION

The chapter highlights the research findings from the study. These findings were discussed and presented with the support of existing research and literature. In the context of child sex offenders, it is imperative that social workers are knowledgeable about the field (Grady & Abramson, 2011). The research findings indicate that social workers view child sex offenders as children who commit sexual offences against someone else. Social workers also view child sex offenders as victims of

early exposure to sexualisation. Factors leading the children to committing sexual offences are classified at a micro, mezzo, and macro level. This may be due to their personal traits, challenges within the family setting, or exposure to negative environment within society. Challenges experienced by the social workers emanate from various aspects. These include limited funding available for the programmes; the lack of social workers available within the field; poor parental co-operation; and the inconsistency in stakeholder service provision. In spite of the challenges, intervention was still pronounced in a positive light, where the wellbeing of children was improved. Children who were part of the programme were described by participants to have improved significantly in their lives and were more resilient. This created the prospects of a need for the design and structure of the diversion programme to be extended as a prevention programme, rather than as intervention only when a child has committed an offence. As the intended outcome of diversion is to reduce the level of reoffending, it was further expressed that the majority of children included in the diversion programme had not reoffended, thus providing a positive reflection on the outcome of diversion for child sex offenders. Social workers' experience on the facilitation of diversion for child sex offenders is positive. Social workers have not reflected on the facilitation process negatively, with the exclusion of receiving little support from the caregivers of the children included in the programme. This challenge reflects consistently with the causality factors relating to children coming into conflict with the law due to lack of sufficient parenting and supervision. Social workers' perception of diversion is that it is a possible life-skill enhancing programme for children that benefits the child, family and community. The research findings provide a reflection on existing practices. The challenges and shortfalls will be reflected within the following chapter as the entire research report is concluded and summarised. The recommendation will thereafter be presented. This chapter presented the key findings as a result of the study. These findings were presented through tables, figures and verbatim outcomes. Within the following chapter, recommendations as a result of the presented findings will be presented.

CHAPTER 5:
CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

The chapter presents the main findings derived from the study as presented in the previous chapter. The researcher will present the findings in relation to the aim and objectives of the study. The overall conclusion of the study will be presented. In addition, the chapter will present the recommendations offered by the researcher as a result of the findings. The recommendations are offered in terms of social work practice, policy and future studies. The chapter will be concluded with final concluding remarks.

5.2 AIM AND OBJECTIVES OF THE STUDY

The aim of the research was to explore the experiences of social workers facilitating child sexual offence diversion programmes. The objectives of the research study were presented as follows:

i. To explore social workers' understanding of child sexual crimes and child perpetrators.
ii. To explore the challenges faced by social workers facilitating diversion programmes for child perpetrators.
iii. To explore the perceived successes highlighted by social workers who facilitate diversion programmes for child perpetrators.
iv. To explore the social workers perceived impact of diversion on the general wellbeing of the child sex offender.

5.3 SUMMARY OF KEY FINDINGS

The aim of the study was to explore the intervention experiences of social workers that facilitate diversion programmes for child sex offenders. The study aimed to obtain the experiences of social workers in relation to their achievements, successes, challenges and weaknesses relating to diversion for child sex offenders. The study further aimed to achieve an in-depth response on how social workers intervene with children who have committed sexual offences, as well as to obtain an understanding on how social workers perceive child sex offenders. The research study aimed

to find further clarification on the reason children commit sexual offense. In addition, the research study aimed to explore the challenges social workers experience with diversion and child sex offenders. However, the research study made the assumption that there would be some positive elements to diversion and thus hoped to obtain an understanding on the perceived successes of diversion from the social workers. Success stories described by participants aimed to provide achieved outcomes as a result of intervention. The research study further hoped to achieve an understanding on the perceived role diversion may have on the development of a child sex offender.

The research study provided valuable insight into the phenomenon of child sex offenders. The literature within the study identifies some of the type of sexual crimes committed by children in South Africa. It further provided valuable insight regarding the factors that lead children to commit sexual offences. Challenges experienced by social workers that facilitate diversion for child sex offenders identified gaps within the system of rendering services to child sex offenders. The challenges identified provided insight into the experiences of social workers working with child sex offenders. The research study explored the positive outcomes attained as a result of the diversion programme. In addition the role of the social workers was positively highlighted in order to obtain the positive outcomes through diversion. The study also provided a contribution towards studies on recidivism with child sex offenders.

5.4 MAIN FINDINGS IN RELATION TO THE OBJECTIVES

i) To explore social workers' understanding of child sexual crimes and child perpetrators.

The participants were able to provide their understanding of child sex crimes and child sex perpetrators. All participants presented some sort of typology of a child sex offender within their definition of a child sex offender. This was positively related to existing literature. For example, the definition of a child sex offender included an age category (which specified a 'child'), an act (of a sexual nature), committed against a victim (someone known or unknown), without their permission (clarifies the act as an offence). Participants also articulated types of sexual crimes committed by children, as well as the factors leading

children to committing crimes of such a nature. The types of crimes identified by the participants were further supported by prosecutors who were interviewed as key participants. Sexual crimes committed by children included rape, gang rape and sexual assault.

Participants shared the nature of sexual crimes that were committed by the children they have worked with. However, contrary to the definition of a child sex offender was the challenge that participants had with classifying children as offenders. Participants indicated that they felt that children did not commit sexual crimes, but were rather 'acting-out' behaviour that was previously observed or experienced by them as victims of abuse. Participants referred to these children as children that were sexually re-active or acting out previous trauma of sexual and physical abuse that was not correctly dealt with.

In addition, the participants were able to sufficiently identify factors that cause children to commit sexual crimes. Literature indicates several factors that may lead to children committing sexual crimes. These can be classified in relation to societal factors (Clark, 2012); developmental factors (Booyens, 2003); or technological and environmental factors (Van Niekerk, 2006). In their responses participants were able to identify with the above factors. History of victimisation was viewed as the key factor leading to child sex offences, particularly with children 10 years and younger. Other factors causing children to commit sexual offences were related to their societal and environmental factors. Participants reported paternal absence and lack of proper supervision as opportunities that could allow children to offend. Peer-pressure, hostile and abusive societies, and easy access to pornographic material were reported as additional contributing factors. The variety of contributing factors reported indicates that child sex offenders are a heterogeneous group (Harris et al., 2009). This is confirmed by Roestenburg and Oliphant (2012), who argue that contributing factors range between the micro, mezzo, and macro social levels of the child.

ii) To explore the challenges faced by social workers implementing diversion programmes for child perpetrators.

With regards to the above objective, participants reported several challenges they had experienced. However, the challenges reported by participants were not related to the child sex offenders directly. Unequivocally most of the participants reported that they did not have any issues or challenges with diversion as a programme or the children enrolled in the programme. What emerged from the reports of the participants were several challenges not related to the children directly, but rather to the lack of funding for those in the NGO sector. Most of the participants were from NGOs and were receiving referrals to include children into the diversion programme from government-related agencies such as the Criminal Court. Participants acknowledge subsidies received from the DSD but felt funding could be additionally provided by the DOJ as they were the ones referring the children.

The reports of the participants further identified with the challenge of human resources. It was only a few participants that identified with a shortage of skilled and trained social workers in the particular field. Seemingly this is supported by the Norms and Standards of Diversion (Child Justice Act 75 of 2008) which advocates for professional facilitators to have a working experience of five years or more.

An additional challenge reported by the participants was the lack of parental co-operation. Parents that did not comply with the expectations of the programme resulted in poor attendance by their children. All participants expressed challenges with parents who did not co-operate. Participants identified with the arguments of Slattery et al. (2012) that children belong to families and that successful intervention and re-integration of children rotates around the family. Participants further reported that their programmes aimed to include the parents in order to enhance progress, however attendance was often a challenge.

Insufficient service provision was an additional challenge expressed by participants. In order for the child to be enrolled in a diversion programme they come across several service providers. The service providers are all from different departments. They include the Department of South African Police Services, DOJ, DSD as well as NGOs. Participants

reported challenges relating to other stakeholders not doing their work sufficiently or not having enough knowledge to do what is required correctly. One example was reported as Police Officers not documenting the cases sufficiently. Another example was expressed regarding probation officers not assessing children correctly or not providing the children with sufficient information. As a result children end up on trial, when they could have been diverted. The challenges relating to service provision go back to the Child Justice Act and the Norms and Standards of Diversion which aim to ensure service provision is at a standardised quality.

iii) To explore the perceived successes highlighted by social workers implementing diversion programmes for child perpetrators.

Most participants identified success stories that emerged as a result of diversion. For example, one of the participants referred to a child who had been through the programme and a few years later was a national boxing champion. What strongly emerged from the study relating to the success of diversion was that participants indicated that they experienced low recidivism. Many participants reported that most of their clients had not returned into the programme due to reoffending. Decreased levels of recidivism correspond with several studies on child sex offenders, which indicate that appropriate intervention can reduce recidivism (Slattery et al., 2012).

iv) To establish the role that diversion programmes have on the development of a child perpetrator.

In relation to this objective, participants identified with their role as social workers. The study indicates that the role of the social worker with child sex offenders is significant. As reported, it is social workers that have the opportunity to assess the child and their background. As a result, social workers are able to provide or refer children for the appropriate intervention. The role of the social worker was described as important and unique, as other stakeholders are not sufficiently skilled nor are they in the correct positions to render such in-depth services.

The role diversion has on the development of the child was reported as positive, but unique to sexuality and self-enhancement. Participants reported that children's self-esteem, confidence, self-acceptance and levels of resilience improved as a result of diversion. However, it was further reported that some diversion programmes did not make an effort to improve the economic development of the child. It was however further reported that diversion was not designed to address economic challenges, but it could provide the child with the skills to be able to survive adversity in their environments.

In addition, participants reflected that children who had completed the diversion programme had improved knowledge and skills to an extent that they recommended the programme to be introduced within schools and communities as a life skills and prevention programme. The findings in this study are supported by Gomez (2009), who argues that early intervention and prevention could be utilised in addressing the prevalence of child sex offences.

5.5 CONCLUSIONS OF THE STUDY

The aim of the study was to explore the intervention experiences of social workers that facilitate child sex offender diversion. As a result of the findings of the study it can be concluded that there are more positive outcomes as a result of the diversion programme than negative. The findings indicate that child sex offenders are a heterogeneous group that do not commit sexual offences with intention to commit a crime. Social workers that facilitate diversion for child sex offenders, although content with the programme and intervention outcomes, indicated some challenges. The findings of the research study indicate that challenges experienced by social workers are not related to the programme itself or children that are enrolled in the programme. A major challenge is related to parents that fail to co-operate with the organisations. The findings of the study further conclude that intervention with child sex offenders reduces the level of recidivism.

The findings of the research study, however, are not concluded without the knowledge that there were limitations within the methodology of the study. Nonetheless, recommendations are presented in relation to the findings. These are presented for intervention, policy and future studies.

5.6 RECOMMENDATIONS

5.6.1 Recommendations for Service Provision

Based on the concerns regarding the implementation of diversion, norms and standards need to be closely maintained and monitored. The recommendation is for the DOJ and DSD to collaborate to ensure non-profit organisations that are rendering diversion programmes are sufficiently funded so that services may commence accordingly. The concern is that once organisations struggle with funding, quality may be compromised. Organisations run the risk of struggling to afford qualified, skilled, knowledgeable professionals and may thus end up with personnel that are less experienced. In the long run this will impact on quality and service rendering, as well as maintaining minimum norms and standards.

5.6.2 Recommendation for Child Protection

The research findings indicated that children committed sexual offences due to pre-victimisation, as well as exposure to trauma, neglect and abuse. It would therefore be recommended that early intervention and prevention services for children be stringent and more intensive to reduce 'acting out' behaviour, and the cycle of sexual violence. Children need to be protected from trauma and abuse in order to ensure their wellbeing is protected and enhanced.

5.6.3 Recommendation for Diversion Programmes

Challenges pertaining to parental involvement was a key finding with regard to challenges experienced by social workers. The recommendation is therefore for the DOJ and the DSD to include within the preliminary stages as well as in the norms and standards of diversion, for parent or caregivers to partake in the diversion programme as standard practice and not as per recommendation.

5.6.4 Recommendation for Multi-Sectoral Services

In addition, relevant stakeholders pertaining to child sex offenders pointed fingers at each other regarding the implementation of the Norms and Standards of Diversion. This has a negative implication pertaining to the level of implementation of services to children in conflict with the law. The recommendation is therefore for the DSD to take the lead in ensuring that the rights of children in conflict with the law are well protected. The DSD can establish a close relationship

with other departments (DOJ & CD, NPA, SAPS & NGOs) to ensure that the correct application and close monitoring of the diversion norms and standards is adhered to.

It is further recommended that there be a diversion register available for diversion programme service providers. This should be accessible only to service providers who run diversion programmes. The purpose of the register would be for the service provider to obtain a thorough background on the child's history, and ensure further that the appropriate intervention is rendered. Low levels of recidivism were easily highlighted by the participants, however there was no way for the participants to indicate with surety if the children that had been a part of their diversion programme had reoffended or not. There were additional concerns that emerged relating to children not committing sexual crimes again, but perhaps committing other forms of crime, such as robbery or assault. The registry would therefore indicate to service providers as well as prosecutors the outcomes of attendance of previous diversion programmes.

5.6.5 Recommendation for Future Studies

The study was conducted with a small sample that is not representative of the entire population. The recommendation for future studies is for the study to be conducted on a larger scale with or without the use of telephonic interviews. In addition, the study could be inclusive of stakeholders involved with child sex offenders beyond NPA. Such an angle may continue to evaluate structures in place for children to be referred for diversion. A comparative study can also be conducted between NGOs and government agencies that render the same services to determine whether there is a difference between the level of intervention, the standard of intervention, challenges and successes. The study also revealed that most of the child sex offenders participants worked with were male. There is therefore further room to explore intervention with female child sex offenders as an uncommon group.

5.7 CONCLUDING REMARKS

The study draws on the experiences of social workers that intervene with child sex offenders. The aim of the research study was to 'explore the experiences of social workers working with child sex offenders'. Crime and sexual offences were explored, where the types of sexual crimes committed were highlighted. The literature indicated that children commit all kinds of sexual offences, from

sexual assault to rape. Nevertheless, child sex offenders were difficult to define as they are a heterogeneous group. As such, the various factors causing children to commit sexual offences were explored.

The response to the issue of child sex offenders was thus further explored through existing policies and legislations. Through the exploration of the legislature, procedures in dealing with the child sex offender were reviewed. Minimum norms and standards of diversion were critical in understanding the foundation of service rendering to children in conflict with the law and the application of diversion. Diversion is executed on the concept of restorative justice. Restorative justice was discussed in order to provide a foundation for the understanding of diversion as a mode of intervention to child sex offenders. The principles of restorative justice were articulated within the study. Other restorative justice interventions (Victim Offender Mediation & Family Group Conferencing) were also addressed in order to outline diversion and its application to restorative justice.

Social workers' intervention and response to child sex offenders through diversion was also highlighted. This was critical in exploring the root of the study regarding exploring the experiences of social workers' working with child sex offenders. Social workers' roles were discussed, and how diversion has been applied in other studies was also observed. Diversion executed through efficient norms and standards indicated that a low level of recidivism can be reached, thus indicating the relevance of diversion and related services. However, literature indicated the importance of a systemic approach to achieve this. The research study explored the systemic approach as a theoretical approach. The approach interlinked with several aspects pertaining to child sex offenders. The systemic approach indicated relevance through understanding why children commit sexual offences, intervention methods utilised, and how low recidivism outcomes were ensured. Facilitation of diversion cannot take place without a systemic approach.

The findings of the study indicated that child sex offenders are viewed as victims of their family, social and environmental circumstances. Child sex offenders require a systemic approach as a response to the problem, to ensure that their rights and wellbeing are protected. Social work intervention is at the prelude of all intervention with child sex offenders. Social workers are

positive about the intended outcomes of the diversion programme, but have experienced challenges that impact on their service provision. These challenges range from lack of sufficient funding to poor attendance and co-operation from parents. Nonetheless, the study indicates that the social workers have identified that diversion contributes to reduced levels of recidivism in child sex offenders, and improves the wellbeing of the child. The findings further provide the opportunity to expand the programme as a prevention programme and not only at a level of intervention. Recommendations were presented for intervention; child protection; integrated services; and future studies.

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APPENDIX A: PARTICIPANT INFORMATION SHEET

STUDY TITLE: EXPLORING INTERVENTION EXPERIENCES OF SOCIAL WORKERS WORKING WITH CHILD SEX OFFENDERS

Good day**,**

My name is Onica Diamond, and I am registered for a Masters degree in Social Work at the University of the Witwatersrand. As part of the requirements for the degree, I am conducting a study on the experiences of social workers who facilitate diversion programmes for child sex offenders.

I therefore wish to invite you to take part in a research study. Your participation is entirely voluntary and should you refuse to participate, it will not be held against you in any way. If you agree to participate, I shall arrange to interview at a time and place that is convenient to you. The interview will last approximately an hour. You are welcome to withdraw from the study at any time, and/ or refuse to answer any questions that are uncomfortable to you.

Permission will also be requested to tape- record the interview. No one other than my supervisor will have access to the tapes. The tapes and interview schedules will be kept in a locked cabinet and a password controlled electronic database for a period of 2 years post publication or 5 years pending completion of the study. Please be assured that your name and personal details will be kept confidential and will not be included in the final research report.

In the likeliness that you experience some feelings of emotional distress, and require supportive counselling following the interview, I have arranged for this service to be available to you free of charge by Annemarie Coetsee (Tel.: 051 430 3311).

Please feel free to contact me on: 073 027 2563 (Cell) or onicadiamond@gmail.com (Email) or my supervisor Ms. Ajwang Warria 011 717 4482 if you have any queries.

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

Yours Sincerely,

Onica Diamond

APPENDIX B: PARTICIPANT CONSENT FORM

STUDY TITLE: EXPLORING INTERVENTION EXPERIENCES OF SOCIAL WORKERS WORKING WITH CHILD SEX OFFENDERS

CONSENT FORM FOR PARTICIPATION IN THE STUDY

I hereby consent and agree to participate in the research project. 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 particular question or withdraw from the study at any time without any negative consequences. I understand that my responses will be kept confidential.

Name of Participant: _____

Date: _____

Signature: _____

APPENDIX C: AUDIO-RECORDING CONSENT FORM

STUDY TITLE: EXPLORING INTERVENTION EXPERIENCES OF SOCIAL WORKERS WORKING WITH CHILD SEX OFFENDERS

CONSENT FORM FOR AUDIO - RECORDING OF THE INTERVIEW

I hereby consent to tape-recording of the interview. I understand that my confidentiality will be maintained at all times and that the recordings will be destroyed two years after publication or five years after completion of the study, if not published.

Name: _____

Date: _____

Signature: _____

APPENDIX D: INTERVIEW SCHEDULE

STUDY TITLE: EXPLORING INTERVENTION EXPERIENCES OF SOCIAL WORKERS WORKING WITH CHILD SEX OFFENDERS

INTERVIEW SCHEDULE: SOCIAL WORKERS

1. Opening questions

a) Can you tell me about your general experience as a social worker?

b) Can you tell me about your experience working with children in conflict with the law?

c) From your experience what are some of the sexual crimes committed by children?

d) What are some of the factors which cause children to commit these crimes?

e) What are some of the demographics of the clients you have worked with (in relation to age; gender and race)?

2. Main Questions

a) Please describe your understanding of child sex perpetrators

b) Please describe your understanding of restorative justice

c) How would you describe your role as a social worker in relation to working with child sex offenders?

d) What are some of the challenges you have experienced facilitating the diversion program

e) How have you been able to cope with the challenges experienced in the diversion program

f) How does diversion address social and economic needs of children that are included in the program?

3. Closing Questions

a) Describe the successes brought about with the implementation of the diversion program (in relation to expected outcomes).

Is there anything else you would like to contribute to this study?

Thank you for your participation in this study.

APPENDIX E: INTERVIEW SCHEDULE

EXPLORING INTERVENTION EXPERIENCES OF SOCIAL WORKERS WORKING WITH CHILD SEX OFFENDERS

INTERVIEW SCHEDULE: PROSECUTORS

1. Opening questions

a) Can you tell me about your general experience as a prosecutor?

b) From your experience, what are some of the sexual crimes committed by children?

c) What are some of the demographics of the clients you have worked with (in relation to age; gender and race)?

d) How does the child justice system deal with children who commit these offences in South Africa?

e) Please describe your understanding of restorative justice?

2. Main Questions

a) In your understanding, what are some of the factors causing children to commit sexual offences?

b) What are some of the challenges you have experienced when referring children for the diversion program?

c) In your opinion, how does the diversion program address the prevalence of children committing sexual offences?

d) What do you perceive to be the role of the social worker when (s)he is working with child sex offenders?

3. Closing Questions

a) How can the diversion programmes in South Africa be improved?

Is there anything else you would like to contribute to this study?

Thank you for your participation in this study.

APPENDIX F: ETHICAL CLEARANCE CERTIFICATE

Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)
R14/49 Diamond

CLEARANCE CERTIFICATE	**PROTOCOL NUMBER H13/08/05**
PROJECT TITLE	Exploring intervention experiences of social workers working with child sex offenders
INVESTIGATOR(S)	Mrs O Diamond
SCHOOL/DEPARTMENT	Human & Community Development/Social Work
DATE CONSIDERED	16/08/2013
DECISION OF THE COMMITTEE	Approved Unconditionally
EXPIRY DATE	20/08/2015

DATE 21/08/2013 **CHAIRPERSON** _____ (Professor T Milani)

cc: Supervisor : Ms A Warria

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10003, 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 **Date**

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

APPENDIX G: PARTICIPANT TRANSCRIPT

Participant K

Can you tell me about your general experience as a social worker?

I am in the field for more than 28 years. In child abuse 17 years specifically. Child sex offenders 14years - that's my general experience and field of interest.

Can you tell me about your experience working with children in conflict with the law?

15 years ago having dealt with a specific child, it ignited my interest. I was at childline at the time, working with the child sex offender, and that sparked a lot of interest, because I was so… I would say initially it was sympathy. I wanted to rescue this child and just remove him from the harshness that he was experiencing with his family. And through that encounter there was a difference between sympathy, the sympathetic response, and the empathetic response in working with child sex offenders. And that gave me impetus just to start to read more about it, to read more widely and to consult with other people, and as you are aware that when I came to the Teddy Bear Clinic, the Protea court approached us because of the very reason… they were getting an increase of incidences of referrals, and not knowing where to refer it for intervention, - that further ignited my interest, and it made it very clear that there was a definite gap in service provision and that many of these children were falling through the cracks, so obviously we did some preliminary research at the time where a survey was done nationally and checked out who was providing services; what material was available – written and documented material around that, and that then gave imputes to writing up stuff as well… as we went along. Because then we had to write up a manual, and we wrote a draft document, and was a working document through the years, which culminated in the final manual/ hand book which was launched this year. It was launched at the SAPSAC conference of the year.

From your experience what are some of the sexual crimes committed by children?

Non-contact: sexting, sexual images, the distribution of pornography- and also taking pictures themselves. Where they are taking picture of their genitalia; or taking pictures of their sexual activities; where they are taking their partners whether its willingly or unwillingly – with consent

or without consent, taking part in sexual acts and photographing the sexual act, and distrusting that. So it's the wide distribution of pornography from non-contact to contact.

From contact with attempted penetration to penetration. And with penetration however, we find that the high risk age cohort for risky sexual behaviour, and full blown penetration, is the age group between 10 and 12 years old. That is where they are definitely less fearful and more adventurous in their sexual encounters, and they are also more manipulative. And the act are…. Premeditative acts of behaviour. And those are the children that we find are often in conflict with the law because its…… you know using premeditation, manipulation, deception, trickery – where children are… where younger children are solicited by the older children, and they are also tricked into co-operating, or they're coerced – in that age group you find that your 10 -12year olds are the ones that use coercion as well. The manipulation and coercion , where they use threats to enlist the support of the victim, or even use bribery -, where they would provide social re-enforcers, or social tokens in the form of giving incentives like whether it's giving sweets with younger children, or toys or even cash even with little money. So those are the modus operandi that you find are used by older children that are used on younger children.

What about the children between the ages of 12 and 18?

Definitely! We are looking at your post-pubescent and pubescent. Your pubescent and post pubescent children are your high risk age category, so definitely your 12 and older, your adolescent are definitely committing your sexual crimes against other children. Against age – mates and against even sometimes older children, - older than them, and younger children. What we find is that it's usually the dynamic of power. So the predator is usually in the position of power. So despite the age, whether it's a younger victim, or an older victim or the same age group, the predator will be definitely somebody in a more position of power.so they will exercise or exert this power in a sexually aggressive manner.

d) What are some of the factors which cause children to commit these crimes?

History of victimisation – whilst we know that research has indicated that victims of …. I mean sexually abused victims are likely to become a sexual victimiser. However, it has also been confirmed in global literature, and in my study, we found that children have a history of victimisation…. That the history of victimisation is not only subject to sexual abuse, but even physical abuse, where children might have been victims of physical abuse – severe hidings and beating by significant others like primary care givers, educators, you know where its repetitive. Its not your single or isolated incident.

But the frequency of this kind of victimisation which then, just for you to understand, that that's just one of the factors. Parental absence. Or lack at parental presence, where there isn't an adequate adult male role model to identify with single parent families, where there is usually a mother, and there is no father, and the mother has to assume the role of breadwinner, the task of being a mother, the task of being a father, and assume numerous roles, and not being able to provide adequate supervision and monitoring.

Also, living in an environment of domestic violence where children are exposed to conflict between parents, and living in an environment or neighbourhood of violence because, problem solving is resolved via conflict or acrimonious means. So that's also another factor. But also the abuse of alcohol and drugs. Where children are subjected to this kind of behaviour. Unemployment, poverty, you know, I think we cannot draw a linear cause and effect, that poverty causes people to abuse, but it doesn't cause it, but it creates conditions under which abuse is more likely to occur. You know if you look at the overcrowding situation, where children are exposed to all sorts of dynamics around conflict. Witnessing sexual activities – with young children not being able to understand that process that information could result in them being traumatised and re-enacting the trauma to assume the power and control. Also media. The influence of the media. If we look at billboards, TV, adverts etc., I think all of that…. The message conveyed to children is normalising a lot of things – desensitising them. And making the abnormal normal. When children… well they live by what they learn, so behaviour is routed in the learning theory. That's another factor.

But also an attachment issues – where children do not develop secure attachments with their parental figures. They have inconsistent parenting. It's cold parenting, so the child can learn from a very young age – learn to be dependent on a parent for care and support. And as a result insecure disorganised attachment, which contributed to maladaptive behavioural patterns. And also I think the other thing… when we look at neighbourhoods and children. When we talk about attachment issues, like the lack of self-esteem and children being influenced, and gravitating towards other references groups like gangs and peers (going along to get along). So there are many factors. You cannot isolate a single factor and say that it is this that is causing that. It is actually a combination of numerous factors that can contribute to this behaviour. And you can't every child with the same brush, and you need to treat each child as unique, because it's not one size fits all. And I think that is what we need to take cognisance of when working with a child sex offender.

2. Main Questions

Please describe your understanding of child sex perpetrators

I hate using that as a label, and it's so difficult. I think this category, or this population of children are so unsettling to ignore I think it's difficult not to use something. Because we often shield ourselves by using labels. But if you are looking at the profile, there is no definite profile. It could be your child, it could be my child… it could be any child. So its not that there are typical characteristics which are staring one, or standing out there so to say. That child fits the profile of a child sex offender, it could be any child but what I think the important thing to understand is that it is a child that has unmet emotional needs and is crying for help. That child is actually to resolve or solve a problem in his or her life, and often as a result of this, because they don't know how to do, address or resolve the situation it often results in maladaptive behavioural patterns. So it is there attempt to find a solution to the problem. It's not always adaptive, but again it's around the dynamic of power and control - the child is trying to master a situation – trying to exercise his power and resume control of that, which often results in challenging behaviours which need to be addressed. As mentioned it could be any child but it's clearly evident that's it's usually a very sad child behind a bad child.

How would you describe your role as a social worker in relation to working with child sex offenders?

To ensure the safety of that child, contain that child, and ensure the safety of the other children. We always regulate it by the best interest of that child. What would be best for the child? to do a rape risk assessment, and ensure that this child is not at risk to himself or others. So obviously to give the child coping skills, because the child lacks coping skills. So empower the child, and not only empower the child, but also contextual empowerment to the primary caregivers in managing that child with regard to the current situation and even the future situations.

What are some of the challenges you have experienced facilitating the diversion program?

One of the most critical issues is when it is not court mandated, you are going to find it's usually a high attrition rate, meaning a drop – out rate, because there are no external controls in place. What usually happens is that parents or caregivers come in – you know- objectify the child. Here is the object, take it, repair it, fix it, and then give it back to me once it's repaired. So it's objectified. So that's a challenge if there aren't external controls. Because parents will come initially, the shock and horror, "it can't be my child, it's not happening to me". So initially they will be willing parents and then after 2/3 sessions they see sudden change in the child's behaviour, and then they stop. There isn't commitment to continue the process, and to see it through till the end. So that is one of the challenges.

Another challenge is …. You know…. We engage parental support and engage them and get them also on board as far as therapeutic part is concerned. And parents are not always available due to numerous constraints. Whether they have to be at work or being employed; transport challenges; financial constraints; the implication of 2 people travelling; so that's another challenge.

Also in terms of resources. If we are looking at government departments, I think probation officers not consulting….. or there isn't the engagement, the kind of consistent engagement with probation officers, because looking at preliminary assessments, and even post diversion consultations, you find there isn't sufficient consultations or engagement by a relevant stakeholders. The other thing or other challenge which I think is a challenge for most NGO's providing this kind of service – is

that the NPA expects NGO's to complete the criminal capacity assessments of the child. Yet no funding is provided for that service. You know that is a very specialised service, one that has to be conducted by a clinical psychologist.

And I also find that funding is an ongoing battle. And our diversion being the way it is- we provide creative means of expressing, using the arts, music, drama and boxing is an expensive addition to the program. It is invaluable to the child but is very expensive. And the duplication of that can be challenging. Because that what we are trying to do – duplicate and capacitate other NGO's, so to get that on ground is an expensive program.

How have you been able to cope with the challenges you have expressed

I think firstly we have successfully manages to get DSD on board. Where they have now come to the party and are funding diversion, whereas previously it was not funded.

But we also have regular meetings with the different forums, like the child justice forum, the restorative justice forum. So using networks and other networks where we articulate our challenges and concerns.

The other thing we are doing, is we are doing a lot of training. Where we are capacitating, to make sure we are getting proper referrals, and to make sure people are able to buy into this program. Where they appreciate the importance of value of this program.

Than we get parents to sign a contract or a commitment. What we find useful, even if the child lacks criminal capacity. Children under 10, we are still going to ensure that we refer it to the police that even if they not able to open a criminal case but it needs to be documented – so open an inquiry. So should the child commit a repeated offense, then they can go back, and obviously that means that the child requires more intensive intervention. That child is no longer a low- medium risk, but is high risk, and would require intensive intervention, or institutional security whatever. And what we do is if parents drop out we refer to child welfare, to children's court, so that if parents are non-compliant then it means that the child is in need of care because the child is at risk, and other children are at risk.

Can you describe the demographics of the type of children you work with (in relation to gender, race and age)?

I think it is important to understand that you might find that the black population is highly represented, but it doesn't mean that it is recurring more frequently in a specific population group. Just looking at the distribution of the demographics. But it is occurring across the spectrum – from all population groups.

Gender: what is interesting is that over the number of years, atleast for the past 12years we were getting primarily male children being referred for intervention. And it was very limited referrals of female children. We were getting like one female child in 6 months or a year. What is interesting is that in 2011/2012 we have been getting an increasing incidents of female child offenders, and have even run groups with female child offenders. So it's a myth or erroneous perception to say only male children are child sex offenders. So I think female children were not being identified and not being referred. And it's a positive that they are now being referred because we can then intervene.

Please describe your understanding of restorative justice

RJ is of course to different people, will mean different things. I think it looks at victim offender mediation, and opportunity for closure, and opportunity for the victim to express himself/herself, to actually come face2face with the perpetrator. And also to give closure and enable the perpetrator to ask for forgiveness. In a nutshell that is what we are looking for.

In all programs in theory we do it, but in practice we don't. We don't get the victim and offender together. But we would ask the offender to write a letter of apology to the victim. So it's more of a role-play situation worksheet exercise. Getting inside and proving empathy and understanding of the victim's trauma, and the families' trauma. And responding to that appropriately and adequately.

How does Diversion address social and economic needs of children that are included in the program?

There are a lot of unmet issue. I mentioned the physical abuse, poverty, and overcrowding. If you look at the economic needs, a lot of the children have disadvantages/ deprived backgrounds – where children don't even have the opportunity to be children. The opportunity to play in a play area, living in an overcrowded situation is one thing. But not having place to play; no access to facilities like recreational facilities or sports grounds or just a space where they can play. They don't have opportunity to be children. So social and economic needs does impact on children's behaviour.

Diversion enhances the holistic development of the child. The program is based on an ecological level. Micro the child macro so its again teaching children skills –besides the cognitive model – we look at enhancing their skills via mediums and music. Where they can articulate themselves differently, where they don't have to use the conventional ways of communicating. Where they are given an opportunity to express, to listen, to pause, respect others and give others an opportunity. Diversion enables children to be children, and at the same time they can learn to respect themselves, value others, and learn their bodies. And in valuing themselves, they learn to value others.

I think economically, it's not so much with the child- looking at overcrowding we work with the family. Learning how to introduce healthy boundaries. Also looking at parenting styles and management – and how parents themselves were parented.

Describe the successes brought about with the implementation of the Diversion program (in relation to expected outcomes)?

What is important to understand is that we had '#' consulting who came to do an evaluation of the children 2001/2012 who were in the program. And we followed the children, and the caregivers, and what emerged was that 95%of the children had not reoffended, and this was attributed to the diversion intervention.

We also had one boy who was in our alternative therapy and did boxing. He is now a junior boxing champion.

One other child that was in our programme is now enrolled for Engineering at UJ.

APPENDIX H: PARTICIPANT TRANSCRIPT

Participant H

a) Can you tell me about your general experience as a social worker?

Khulisa – have done the program twice, and I also train. Worked for correctional services for 11years. Khulisa, I been for about 10 years. Do a lot of individual and therapeutic work rather than groups.

It's been difficult to receive referrals. In Thembisa we've done a lot of work with the prosecutors, so referrals are coming in, but it's generally been difficult to get a group running. The other thing is what you do with a child sex offender?.. People don't know.

Do you think people don't know about RJ and programs available?

Yes I don't think… I mean I think RJ can be much bigger, I don't think we even scratch the surface as far as RJ is concerned. And also diversion. I do think there is such a wonderful place for diversion in RSA especially with our young kids… and especially Khulisa programs focus so much on RJ, I think diversion is also, it fits in so beautifully with RJ. I think we can do much more. I really honestly think we can – and we should promote diversion and RJ services much more.

Who is responsible for that?

Well I think Justice. I mean if we don't get referrals, where else are we going to get them. The referrals must be referred from court. But I also think that the probation officers are involved in the assessment, so I think they also have a role to play. I mean they understand diversion so well, so I don't understand why they can't recommend that in their presentence reports. I mean they do the initial assessments. I think the combinations between your probation officers and your prosecutors and Justice in the referral of cases… and maybe some of the case are… I'm not too

sure, maybe the cases are too serious to refer for diversion , and normally we may not take a rape case in diversion, or an aggressive offence. But normally in diversion, most of the kids that are referred to us, the committed a crime, so…. But normally we want. But I think the challenge lies with what they do they do with those kids? Where do they go? Its difficult to refer… you know… diversion should not be for a serious crime. I think maybe that's where the problem is. I'm not too sure.. It would be interesting to speak to the department of social development and justice about this.

c) From your experience what are some of the sexual crimes committed by children?

Especially in an area where we had a lot of referrals like KZN, they said rape, sexual assault. But mainly rape and sexual assault. Also in the … most of it was incest, and most the victims were younger than the perpetrator referred to us. And most of it is within the family. So siblings as well.

Can you describe the demographics of the type of children you work with (in relation to gender, race and age)?

I know we mostly get black kids that are male. And we've never had any females.

d) What are some of the factors which cause children to commit these crimes?

If I speak from a bit older –the youth. From my perspective it's negative and hostile parenting, and to a great extent copying what adults around them are doing. In some cases it's about seeking control – a response to the cruelty in their own in their own lives – Control through committing a sexual offense. But I must say never did we pick up that they are born badly for we feel that these children are bad. It's talking to them, and they come from horrific circumstances. And they are so traumatised that they are almost like they are normalising their environment – it's so horrific. It's such a horrific environment but to come to the program we work with the parents, and we work

with the child. And we just try to normalise the environment – I'll give you one example: One thing that we do…. A big thing of our program is that we try to work with the parents, teachers and caregivers, explaining to them to understand the world of c child sex offender, and why they would commit crime, or why they would have abused their siblings. One thing that we do… we have practical things that if you are living in a shack just hang a curtain in-between where the mother and father /partner are sleeping, and the children. And that's like a boundary that you are creating. And just by doing something as small as that it almost starts to normalise the environment. Its things we just don't think about. Just sex education. The kids are not, at all even exposed to any form of sex education. So many cases they don't even know that what they are doing is wrong, because they are just modelling. They just coping behaviour.

Its so much that over the past 3 years we have developed a parenting program. And that is why our parents, and even our educators need to go through the parenting program. You can't believe what parents gain out of it. Just setting boundaries, putting rules down for their house, it's just a bit of putting boundaries and a structure in almost starts to normalise the environment. Educating parents- it's a big part of the program – one cannot work without the other.

2. Main Questions

a) Please describe your understanding of child sex perpetrators

It's more like what would be…… when I think of a child sexual perpetrator, who would that person be? Well most of the time, most often, their victims would be children that is known to them. And in my experience, most of them male. And relatives of the victim. It can be brothers, cousins, friends of the family, neighbours. So it people that they would be in direct contact with, on a daily basis. And if I really look at what would describe them, it would be that they would have a sexual activity with a child and obviously there wouldn't be consent, and in many cases consent would not even be possible. And, so I would think if I have to narrow it down it would be a child that sexually abuses another child. And in my experience the victim is always younger than the perpetrator.

Sexual activity without consent - but how aware is offender that consent needs to be given?

That's why is aid I don't think they know. Because that is one thing we really address in our program – that whole thing of when do you become a sexual perpetrator, except when there is no concept? But most of them dot know that, because they are just coping behaviour that is modelled by an adult. So, the adults don't give passion when having sex – they fondle around, or have oral sex, there is no passion that would see so for them, that's the moment that is so amazing, and feel, but I have actually done something wrong. Even if they go through the court cases, and sent for diversion =, but they don't even know what they have done wrong. So it's so important that if you put a program together and you work with these kids, that you tell them exactly when does it become a sexual offence. Because for them just fondling around and doing stuff like that, they are just playing. So I agree that they don't understand the concept of consent.

b) Please describe your understanding of restorative justice

I know a lot about RJ, and work in RJ – especially with victim offender mediation. I know you must speak about dialogue, now its VOM again, but I think RJ's approach to justice that focuses on the needs of the victim and the offender, as well as the involved community. So it's not just the victim and the perpetrator, it would be family, it would be even the community. And it's not satisfying the abstract legal principles of punishing the offender. I think it fits so beautifully with the kids that we are working with in diversion, because most of them don't even know…. I mean okay a lot of them know they have don't wrong. And now we sentence them and out them in prison, so for me RJ has a very beautiful place with diversion. And especially working with kids. And I also think it's based on crime and wrong doing is an offence. … Well not an offence against the state, but an offence against the individual and the community. And that's what you want to heal about RJ. And the most beautiful thing about RJ is that if you are involved in VOM, but we do it, its part and parcel of all our diversion programs. – is that it creates dialogue between the victim and the offender. I mean if we look at, most of the time with sexual offences, especially when it happens within the family. That dialogue is so important, because you will have an ongoing relationship with the siblings at that person (the victim). So for me to create that dialogue to create an understanding between the victim and the offender. … And for the family to be involved is

extremely important. That's how you heal the process…. Just by taking that child out of the environment and locking them up, by punishing them, will never heal the broken relationship. So for me RJ, in essence is about creating dialogue between victims and offenders. Because if you haven't worked with the offender, you will never know that why have gone through exactly the same trauma that they victim has also gone through. So for the, it is also traumatic event.

c) How would you describe your role as a social worker in relation to working with child sex offenders?

There is a few things that is very important for me. The first thing is to help them acknowledge responsibility for the offence. That is so important to help them take responsibility. But then, al thing that we spoke about need to come into play. They can't take responsibility for what they have done if they don't know it's wrong. So first and for most comes the education bit. So my responsibility when I work with them, is to educate them about sex, and also sexual offences; relationships. They could never reach a point where they can take responsibility if they don't know what that they done something wrong. And only when you understand your crime, especially. I love working with cognitive behavioural therapy – with their emotions, their feelings. Because once they understand that – and you give them the coping skills. The moment when the triggers come, because they will come, then they know what to do, and they understand their behaviour. For me it's very important to help them understand their behaviour. Once they understand the behaviour they can take responsibility and there is no reason for them to commit the crime again. Because our main aim would be that they don't go back into that behaviour. And what do they do with the feelings and emotions that they now sit with. Because obviously if they are exposed to any sexual activity that's what they are thinking about, and that's what they want to do. So how do we put things in place that will help and assist them, when those triggers come, and to help them understand their thoughts and feelings? And even if they are very small, they are, able to make these linkages. And they understand their triggers. So I think the first thing for me is to help them take responsibility. And then, the other thing when we wait with them, that we pick up is that they have got so many defences mechanisms that they use to cover up what they have done, - you know they lie a lot and a lot of rationalisation, minimisation, so we try and really work with these defences. And we build these defences when there is a lot of trauma in your life. So a very

important part would be to work through the trauma and in my experience each and every one of the cases I worked with were victims first before they became perpetrators. So they have been sexually abused, now they start the abusing. So you look at the cycle of crime in RSA that CSIR that is RSA for you. First a victim, then you become a perpetrator. So I think the other important role from a social workers perspective and therapist's perspective, working with the child that's committed a sexual offence – would be to work with what we call their first violation (i.e. them first being a victim). And when I can work through that trauma, and they can understand that, there is almost not even a reason to continue committing a crime from their side. Because we have dealt with their first violation.

Most of the cases they haven't even spoken about it. It's not been dealt with, and that's why the continue committing the same crime. And then I must say, in all our programs, sex education is vital. When we work with them… And … It makes it difficult because not all social workers are comfortable in talking about sexual issues. It's only a fall hand full of social workers that want to do this work. So I think if you are not comfortable with your own sexuality, you are going to talk about sex all the time. When working with the sex offender, and you have to be very comfortable. So the 3 things working with these children:

¬taking responsibility

¬work with their first violation and trauma

¬and then sex education.

d) What are some of the challenges you have experienced facilitating the diversion program?

I have already mentioned not receiving funding. It's been one of our biggest challenges, and have had to close offices. Although we have received referrals in some of the area. So then again, the low referrals – so we don't get enough cases. So it's very difficult for the department of social development to fund a program if your stats are very low. I also think, maybe we are just doing it wrong. Maybe we should rather focus on prevention. Honestly…. Do our program but do more preventative work, because then we would be covering everybody. Because now we are waiting for cases to be referred to us – but maybe we are just doing it wrong. I mean we have a proper

program called “free to be me”, where we address child abuse. And we have taken 42000 kids through the program, and the feedback was amazing. So I just think, maybe we are doing it the wrong side around – you know. We are waiting for kids to commit the crime, and be sentenced before they come to us. So we should be preventing. And, so I think maybe we are doing it the wrong side around.

But getting back to the challenges – no funding, low referrals, and absolutely no support from the parents and the caregivers. And even if we have a beautiful program for parents, and then we invite the parents and we organise everything, and then…. Only a handful of parents pitch up. So and to get the parents involved… and also we have challenges because the parents are working and don’t have time to come, - all those challenges. Just to get the parents INVOLVED. Or now you have a child growing up with a gogo, and are we really going to sit down with a gogo and tell them about all the sexual issues which this child has experienced. So they don’t want to listen to that. So from… you know, I see the link, you know…. They come out of neglectful and hostile parenting environments, and then we can’t get parents involved. So we are in a catch – 22 situation. From my side those are the biggest three challenges that we experience. It’s definitely got nothing to do with the children! They are there, they eat, they work with us, they change and it’s amazing – but it’s all these other factors that brings the challenges.

You see I say I feel the parents and the children should be sentenced. I know it doesn’t make any sense. But that if you come to diversion, the parents MUST be forced to come to diversion. Because for me, even though I have teenagers, there is nothing like a bad child…. there is just a bad parent. Honestly. Some of them have real serious behavioural problems, and they should be addressed! But for me, with the young kids – I mean, the parents are in a diversion program – those in ou parenting programs – they love it! They ... if they come once they will come for all sessions, and they learn so much. Most of them will give us feedback, and they say “parenting did not come with a hand book but now we know” and with us its only four sessions, so maybe it should be like that. That parents must be forced, legally forced to join the program. I just think, now we have a beautiful child that we have worked with, and if they go back in exactly the same environment, same triggers, then the chances they will commit a crime is a 100%.

e) How have you been able to cope with the challenges experienced in the diversion program?

I must say we have a god relationship with social development. So in many cases we go back to the probation officer, and say …… is there any way you can help us get parents involved. So they would help us to make contact with parents. So that one way to address it. Another way is that we invite any parent to come. So we are moving from just working with the parents of the offender, to having an open parenting workshop and involving parents in community. So we are now doing preventative work. So saying this, this is a parenting skill workshop, please come and join us, and we put all parents through it. So that how we get the community involved. And so in many cases we get the community involved where we are working. Some of those parents will go and get the parents of the child that's in the program to come and sign up. So another way, we do to a certain extent force a parent to join one session – FGC, RJ. We say the child cannot complete a program if a parent – caretaker doesn't come to that specific session – and, in that session we try to motivate them and contact them. And we try in the FGC, we motivate the parent to attend the parent program. And it makes a difference because we get to see them together.

And then another thing is, we have done a lot with prosecutors. The social workers involved in diversion speak to the prosecutors; we sit at the courts, so we've got a beautiful relationship with justice. So since we have made contact with the prosecutors, out referrals have picked up. But its almost a full time job being there. But if we don't have the man power and the funding its difficult. But in many cases Khulisa has continued with diversion for 3 months or 6 months without any funding. And because we are continuing, sometimes we get funding again. But we always extent our services (with or without funding). I mean once you have started a process, and started to build a relationship you can just leave it.

f) How does Diversion address social and economic needs of children that are included in the program?

Social needs- we involve... a big part of our program is relationship building. With friends and peers. Because, especially most of the time that is where the problem lies, so that normal peer relationships are very important. The homework activities would be to engage with someone, and do something with friends. Try to help them model normal relationships with peers. So that's a big

part of it. But also involving the family… but also teachers. We've found that the school plays a very big role. And empowering… a good teacher that can support a child can go very far away. And even community. And that why with all programs we get the community involved. Get the church involved. So I think to a great extent, our whole approach is a systematic approach. Everybody that we can involve during the time the kids are in our program, we try to involve. It can even be SAPS. The police officer that was responsible for the case, would want to get involved. You know especially with restorative justice. And they are there because they are in the community. And mentorship….. You know because we ….. Especially with our youth clubs. It's so important to have somebody mentor you. I mean we have so many bad role models, but positive peer pressure is extremely important.

Economics- it's a bit challenging. But that why we have created the UBUNTU Clubs - which teach kids the old way of practising UBUNTU values. But we also expose them to social entrepreneurship skills and how to create some kind of sustainable lively hood project. Where we help them to see how does a business work. Or how can I start my own business. Just to start thinking about that. For example in diversion, they make puppets. And with the puppets they write their own scripts. Then they can perform at a crèche- at 50c or R1 per show. And from that they can make R500 etc. and we bank it for them. Some of them started as Diversion kids but then we helped them establish their own CBO's / NPO's, and they get funding for whatever sustainable projects they have. But again the initial part is funding. If we can get it funded for a year! Then it can continue forever.

It's impossible to run diversion without a systematic approach. Then you work with the child in isolation. And if there is no support for the children, then the child will definitely reoffend, and we can't be surprised if they reoffend. Especially if we dot create a space where they can feel they belong. I think unfortunately with the challenges in our country, parents are not at home – most of them are single parents ; kids are growing up with gogo's, and they don't have the time to take care of so many kids. Dad not there; receive a small grant. So the kids have to start taking care of themselves.

3. Closing Questions

a) Describe the successes brought about with the implementation of the Diversion program (in relation to expected outcomes)?

Already mentioned the UBUNTU club. And also they come from being perpetrators to being role models. It's almost like that post – traumatic growth theory. Where they grow out of their suffering and become role-models, as well as survivors. So if you look on the personal perspective … and that's what I've picked up from our Eco-metric assessments. Our diversion members – on a personal level. We find that after the diversion program, they have got personal satisfaction. We do the pre-assessment, and there is no satisfaction in their lives. But after they have been with us or eight months that personal satisfaction has grown so much that they are actually at a point where they are satisfied with what they have got. And then their perseverance is much better. Because they have put something in place and have achieved something, they can persevere with other things – like school work. Most of the time school performance is very low when they start. But because they have learnt how to persevere, they are motivated and want to be in school. They also know how to socialize with their peers. And their future perspective increases, and they have less guilt feelings. And they don't isolate themselves so much.

Recommendations

And one of the biggest things is that they don't feel responsible for other people's lives. That's a big thing because we teach them that they are so small, they can't be responsible for a parent or a sibling. Which one of the biggest problems. They are so … so small, they can't be worrying about other people's stresses, like financial stress of a parent – otherwise they are not being kids. And finally they don't feel helpless anymore. They feel empowered. And all their relationships are better, once they have been through the program. We need to engage with community and maybe offer the program as prevention rather than reacting to a problem. A positive sexual program, rather than a reactive program.

APPENDIX I: KEY PARTICIPANT TRANSCRIPT

KEY PARTICIPANT P1

a) Can you tell me about your general experience as a prosecutor?

I have been with the NPA for 11 years…

I've done district court and then regional court. Akere [isn't it so that] at regional court its mainly sexual offences. So I started here in 2006... About 7years.

b) From your experience, what are some of the sexual crimes committed by children?

Well… mainly you find rape and sexual assault. Remember is when there is penetration. Sexual assault is where they touch each other and so you find they commit both regularly.

c) How does the child justice system deal with children who commit these offences in South Africa?

So far I think that the justice system has done well regarding that because they also have this program of diversion. They divert... Especially those that are under the age of 14 or 12 or so. We normally divert them. Because criminally, we still have to look at the issue of criminal capacity. Whether the child has criminal capacity and understands the consequences of their actions. But mainly, I see so far this program of diversion is being used and it's working…

It's working because remember when they are diverted there is a program they have to attend or undergo. By doing so, you are rehabilitating the child, showing them that their actions is really wrong because taking them to prison, being harsh on them, or taking them to our courts, its only traumatising them and confusing them while they are still young. So the first option is always to

divert the case of the children in order to make something out of them…. Not to label them as criminals.

Because if you go through the justice system, arrest, go to the police, and all that process until the court – it's traumatising for them. They need friendly people and the social workers are closer to them. They are able to reach them and find out what is the problem, either the problem arrives from the family, the background and all that. With the social worker involved, it's easy to get to the root of the problem… the source of the problem, instead of just taking it that the child has committed an offence and must be sent to prison or come to court.

b) Please describe your understanding of restorative justice?

With them, the process of diversion…. I'm not sure of diversion itself, how they go about. We've got diversion programs like NICRO and stuff. I cannot go into details about them, but I know that they involve the victims also. They don't only look at the offender – but they look at victims as well. And they do in some instances let the offender meet the victim, with the guardians… and come up with a solution. Maybe the …. Also us prosecutors we get involved also, or the director of public prosecutions, until we have a solution to help the child. Remember the main purpose of diversion is to help the offender, to change their ways, not necessarily to punish.

And what about the concept of Restorative Justice itself… how would you describe that?

Well…It is like when an offender has committed an offence. At the end it's to make sure that there is harmony between the offender and the victims. So you let the 2 come together, or let the offender approach the victim, and perhaps apologise. Or make these people understand… or let me say to let the offender apologise.

a) In your understanding, what are some of the factors causing children to commit sexual offences?

I think children… That's why it is said we look at criminal capacity before we prosecute the child. Children are easily influenced by their circumstances. It might be their background, where they come from, or when they reach the age of 14 or so, the influence of their peers. But mainly… like a child of 8 years… to commit a sexual offence, they should have seen it somewhere. Remember they are still innocent, they don't have dirty minds – I don't think there is a child with a dirty mind. They have seen it somewhere and are being influenced by what they saw. Let's say at home… sometimes parents are not careful when dealing with intimate stuff, and the children are able to see that. What they watch on TV or whatever they read can have an influence on them. That is why there are programs of diversion because whatever….. we always believe that they will not always have a dirty mind, or the mind of a criminal – its unlikely… they should have been influenced by surrounding circumstances.

What about Teenagers? Would you say the same for them?

Those I think they fall under that category of being influence by their peers. I think the main thing that makes them commit offences. They are at the stage of adolescence and teenagers are easily influenced by what they see and others around them. With them we also start the process of… they go to juvenile court, depending on whether diversion is recommended. That is whether they accept responsibility. It is also taken into account.

So they should accept responsibility, and at the same time put blame on their peers?

It is when we use our discretion. You look at it. Remember at the end of the day judgement is in court. That's why at the end of it we look at the issue of rehabilitation. So if you take the 16 year old for example, to prison… what kind of rehabilitation are we giving? Let's say he or she is a first time offender, and you take them to prison. It doesn't help. The aim is to try and exhaust all avenues that there are there. Before you can try and…. Prison should be the last resort. That's what the Act is saying.

b) What are some of the challenges you have experienced when referring children for the Diversion program?

Yah, you may find that sometimes we don't agree. You may find that sometimes as a prosecutor I refer the child of 14 years who has raped, for diversion. But then you find that, the DPP, or my seniors think otherwise. So you will always find that our views differ at the end of the day. And sometimes you will find that we have cases of a 14 year old on the roll. That is the problem that I personally have experienced. That you find that I personally want to divert a child and you find that the senior or supervisors are of a different view that it must proceed to court.

What are some of the challenges you have experienced with referrals to diversion or diversions itself?

So far none. Remember when the police open the docket, it will only be finalised after diversion. When we are satisfied that he is complying and he has changed his or her ways. The social worker will say then with regard to their behaviour after undergoing diversion. Because, maybe they must be involved in anger management and things like that… so since then I have never experienced any problems.

c) In your opinion, how does the Diversion program address the prevalence of children committing sexual offences?

It's difficult to say, because diversion comes in after the case has been opened. So we still have cases where there are not many of them – not many sexual offences like the other cases. But what is important is maybe the steps we take with them – are we taking it to court or diverting it? So it will be difficult, it won't have direct impact on the commission of offences themselves. Because it is done as an after-effect, after the offence has been committed it is when we have it… but yes after… most of the cases are diverted, that is why we do not have a lot on our roll. But we cannot say diversion will reduce the number of cases that are committed by juveniles.

In your opinion, how does diversion address re-offending (if it does at all)?

Yes, for them to re-offend, it reduces dramatically. It's just that that's when we notice the success of most of them. So if we look at our cases, that is where they have been able to see what they have done… and they have not re-offended. So yes it reduces the risk for them to re-offend.

d) What do you perceive to be the role of the social worker when (s) he is working with child sex offenders?

Like I said, these are the people that go heart to heart. They are closer to the children with the problem. Because they still have to refer to the background of the children in order to find out what caused the child to commit such an offence. And after they have researched the background of the child, then they come to the real problem – emotionally, psychologically, what could have caused this child, all of these things. So they are closer to the child, more than us. Because we are only referring to the programme. Then they deal with the child for the duration of the programme, so they are the people with the most important role.

a) How can the diversion programmes in South Africa be improved?

I think the only way it can be done is to make it the first option always in our system. It's not wanting to put them through the justice system. It's traumatising even for an adult. The whole system is not for children. And it needs to be improved. The only way to improve it is to refer every child that's a first offender to diversion. Then, if the child re-offends it's something else. But first option, let them all first be diverted. Let it be the first option. Because, the Act says taking the child to prison must be the last resort, when they open… they commit an offence. Exhaust all the avenues first, do everything that you can do first, before exposing them to the whole process. Because its traumatising and they end up being criminals, of which it could be prevented.

Is there anything else you would like to contribute to this study?

Get parents enrolled in the program…Yah they can be included because children are influenced by their environment and things like that. So having the parents involved might also help the

parents learn how to deal with them. Learn what is the problem of the child. Learning why did they behave the way they behaved. So including them maybe important. Because in a way you will be helping them. Because it is not all parents who have parenting skills, so having them being involved will help them a lot. Because also, remember they are the ones who are closer to the child. So we need to extent the program and involve them. Immediately after the program with social workers the parents take over. So I agree with that.

Anything else?

I did have children…. And I was so angry when I see those children under the accused docket. Because you can't even see them, you see half of their faces because they are too short. But I had to deal with the case. But maybe they look at different cases because the complainant was also 13. They were in the same school. And they were involved in these gangs of 666. And I think in order to be initiated you have to rape. At the end he was acquitted, but I didn't like that he went through the process. Them being in court. Because it might turn them into hardened criminals.