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RECIDIVISM IN CHILDREN AFTER COMPLETION OF RHYTHM OF LIFE
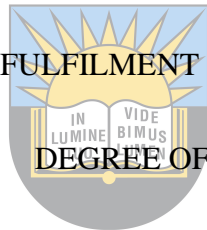
DIVERSION PROGRAMME IN CHRIS HANI EASTERN CAPE

BY

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[9380035]

DISSERTATION SUBMITTED IN FULFILMENT OF THE REQUIREMENTS FOR THE

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ABSTRACT

One of the recommendations made by the South African Law Commission (SALC) (1997) when discussing the issue of child justice was that the justice system should aim to promote the well-being of the child and deal with the child in an individualised way. This dissertation discusses recidivism in children after completing the Rhythm of Life (ROL) diversion programme which aims at diverting children who conflict with the law away from criminal procedures to programmes that assist in behaviour modification. The study is inspired by the need to uncover the effectiveness of the programme and the challenges encountered when it is delivered. It is further motivated by the need to expose the reasons why children return to the criminal justice system after having attended the ROL diversion programme. Additionally, it seeks to gain perspectives of the probation officers' and parents' insights on the observed changes after the attendance of the programme.

The study utilised a qualitative methodology with an interpretive and descriptive paradigm, which used in-depth interviews and focus groups as a method of data collection. The participants of the study were children who completed the ROL diversion programme, parents or guardians of children who completed the ROL diversion programme, and probation officers implementing the programme. The data was analysed and presented following the following four themes, i.e., factors contributing to recidivism by children after completion of the ROL diversion programme, diversion programme content, and completion of the diversion programme and the effectiveness of the ROL diversion programme.

The literature consulted was broken up into; the historical development of diversion programmes and the inherent legislative framework, the magnitude and extent of recidivism of children after completion of the ROL diversion programme, and the factors which contribute to recidivism by children after completion of the ROL diversion programme. The reviewed literature further scrutinised the global, regional, and South African perspectives on managing young people, and lastly reviewed the benefits and challenges of diversion programmes in general.

The study used the social learning theory as a theoretical framework to explain and discuss recidivism and the effectiveness of diversion programmes. This is a general approach to psychology and regards criminal behaviour as no different from any kind of behaviour as it is learned through the processes of observation, imitation and vicarious reinforcement and punishment.

The findings of the study revealed that the impact of absent and or lack of father figures in the family influenced the children to get involved in criminal activities. The findings further indicated that probation officers face various challenges when facilitating the programme, such as substance abuse by children, lack of resources and functional aids, and the language as the facilitator guide is written in English. It was also discovered that parents from the sample used an authoritarian style of parenting, which exerts high expectations from children while providing little in the way of feedback and nurturance. Lastly, the findings indicated that the ROL diversion programme does modify the behaviour of children on completion. However, the main challenge is the environment the children return to after completion as it is assumed as a contributing factor to committing the crime.

One of the recommendations is to strengthen parenting programmes and to introduce a programme for parents or guardians of children with serious behavioural challenges, another recommendation is the development of a risk assessment tool for young people, to assist probation officers in holistically dealing with children. Additionally, probation service practitioners should be provided by the government with the necessary resources to ensure that aftercare services are rendered effectively and efficiently. The researcher lastly recommends that probation officers conduct an intervention evaluation after the programme to identify children who could not understand the content of the programme so that additional methods of intervention could be employed such as casework.

The study had the following conclusions; risk factors such as lack of parental support, substance abuse, peer pressure and bereavement were causes for re-offending in the children interviewed; the programme manual presents a challenge in terms of language, because the manual is written in English, and not all children can understand English; the issue of restorative justice was overlooked by probation officers when dealing with children when they re-offended. The study also concluded
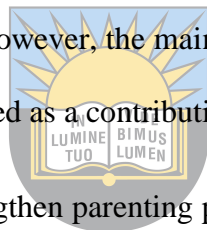
that the ROL diversion programme is effective to a certain extent, depending on how the children utilize the skills acquired from the programme, and as the parents reflected that they observed a change in their children's behaviour post-diversion, while children also expressed that they learnt valuable life skills which made them resilient.

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DECLARATION

I, Thanduxolo Zimba with student number 9380035, do hereby declare that this dissertation is a product of my original work that was built from the literature that has been carefully acknowledged as required in the University's plagiarism policy. The work has not been submitted elsewhere to obtain another degree.

Signature: Date: 01 September 2022

Witnessed by Supervisor

Prof. Thando Nomngcoyiya

Signature: Date: 20th September 2022

ACKNOWLEDGEMENTS

LIST OF ACRONYMS

ROL: Rhythm of life

NICRO: National Institute for Crime Prevention and Reintegration of Offenders.

NGOs: Non-governmental organizations

WUC: Wake up call

ITM: In the mirror

RYT: Reverse your thinking

MTG: Mind the gap

CRC: Convention on the Rights of the Child

DSD: Department of Social Development

UNICEF: United Nations International Children's Emergency Fund

ACRWC: African Charter on the Rights and Welfare of the Child

CICL: Young people

JJS: Juvenile Justice System

SLT: Social learning theory

SCT: Social Cognitive theory

RST: Reintegrative shaming theory

CHDM: Chris Hani District Municipality

CYCC: Child and Youth Care Centre

FGD: Focus Group Discussion

PO: Probation officer

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CHAPTER ONE

ORIENTATION AND BACKGROUND OF THE STUDY

INTRODUCTION AND BACKGROUND

One of the largest problems that plague the juvenile justice system today is how to better handle juvenile crime without causing the juvenile to revert to that behaviour, while still helping them understand and acknowledge the crime they have committed (Warner, 2014). The United Nations (UN) Convention on the Rights of the Child (CRC) articulates a set of universal rights for children and most of those rights are contained in Articles 37 and 40 of (CRC) (Swick, 2017).

The international and regional juvenile justice frameworks outline the standards expected of States party to the international instruments. Countries that are signatories are obligated to adhere to these rules and principles by way of the creation and implementation of domestic laws in furtherance of a child-centred approach to justice (Thompson, 2016). Several international frameworks relating to youth justice stress the importance of diversion for young people in trouble with the law (Kelly, 2014). This, therefore, means that countries around the world that are signatories of the United Nations Convention on the Rights of the Child have managed to develop pieces of legislation that are aligned with those global treaties.

Juvenile justice is a core facet of internal child law aimed at protecting children who come into conflict with the law (Thompson, 2016). A juvenile diversion program, according to Warner (2014) is an intentional decision to address unlawful behaviour outside of the formal juvenile justice system and separate programs might be run for different offences.

Polk and Polk et al (2003) as cited in Jordan and Farrel (2013) state that in other countries such as Australia, diversion operates at three levels: Crime prevention strategies – which aim to prevent young people from becoming involved in criminal activity in the first instance; diversionary schemes – which aim to divert young offenders away from the criminal justice system as early as possible

and sentencing options – which aim to divert young people away from custodial sentences. These are all efforts to prevent the child from getting deeper into criminal activities and ultimately being sent to prison. According to the UN Convention the guiding principle of child justice then and now, is that the welfare of a child should be of paramount concern in all decisions. This, therefore, led to a 'needs not deeds' approach, encompassing in-depth understanding of the factors involved in a child turning to crime and using this to prevent crime where possible (Thompson, 2016).

Likewise, some African countries are also obligated to adhere to these international instruments. For example in Zimbabwe, all domestic laws on young people have been aligned with international instruments such as the UN Convention on the Rights of the Child (Vengesai, 2014). However, there is a contradiction between theory and practice. For instance, corporal punishment is still imposed on young offenders and that is in contrast with the new Zimbabwean Constitution of 2013. Moreover, in practice, the rights that the young people in conflict with the law are entitled to under international, regional, and Zimbabwean legislation are not extended to them.
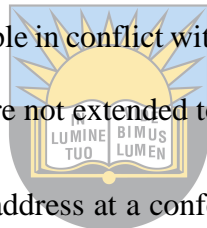
The Minister of Health in her opening address at a conference hosted by the Centre for Child Law in Pretoria, South Africa in 1998, indicated that the day will come when nations will be judged not by their military or economic strength, nor by the splendour of their capital cities and public buildings, but by the well-being of their peoples, by the provision that is made for those who are vulnerable and disadvantaged, and by the protection that is afforded to the growing minds and bodies of their children (Bezuidenhout & Joubert, 2008).

The introduction of the Child Justice Act no.75 of 2008 is seen as a major step in South Africa's move toward ratifying the obligations set out by the United Nations Convention on the Rights of the Child, as well as the guidelines proposed by the Riyadh and Beijing Rules. The Child Justice Act created a new system for dealing with child offenders, including the establishment of procedures to channel them away from courts and correctional institutions (Steyn, 2010).

Therefore, the researcher is of the view that the diversion of young people from a formal justice system to programmes aimed at modifying their behaviours is a global practice as per international instruments and South Africa is obligated to create an opportunity for young people to benefit from the diversion.

Five diversion programmes have been developed by Social Development in South Africa for children between 13-17 of age, and they are as follows: Rhythm of life which is a life-skills training, Wake-up call which is a substance abuse therapeutic programme, In the mirror which is a sex offender programme, Reverse your thinking which deals with restorative justice and Mind the gap which is reintegration and aftercare programme (*Rhythm of life Social Development Programme - Facilitator Guide*, 2009).

This thesis examines and explores the recidivism in children after completion of the Rhythm of life diversion programme. The Rhythm of life diversion programme as asserted by Sauls (2016) is the most used programme.   One of the objectives of the Child Justice Act no. 75 of 2008 is to reduce the potential for re-offending.
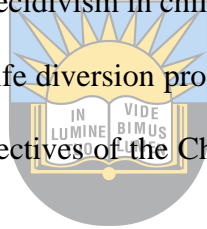
The study was conducted at Chris Hani district in the Eastern Cape, targeting children who re-offended after completion of the Rhythm of life diversion programme.

 PROBLEM STATEMENT

The researcher's observation when receiving, collating, consolidating, and analysing reports from districts is that there is a missing link when it comes to children who have completed diversion programmes, and interventions made to prevent recidivism. In terms of the Annual report: Eastern Cape Department of Social Development, Vote 4 (2017), the following indicators are used to gather information on young people: (a) Number of young people assessed, (c) Number of young people awaiting trial in secure care centres, (d) Number of sentenced children in secure care centres, (e) Number of young people referred to diversion programmes, (f) Number of young people who completed diversion programmes, (g) Number of people reached through social crime prevention

programmes. All the above indicators contribute to the manner of dealing with young people to prevent crime and the provision of early intervention programmes by the Department of Social Development. However, the glaring gap is in the extent of intervention services rendered after the completion of the diversion programme. Furthermore, the Department of Social Development does not have a database of children who re-offended after the completion of diversion programmes. If one looks at the indicators none of them attempts to address recidivism. One of the questions which need to be answered is whether children re-offend due to the ineffectiveness of the (ROL) diversion programme or they re-offend due to lack of support services or extenuating factors in the community or is it due to behaviours modelled by family or community members. Hence the following section discusses the aim and objectives of the study.

AIM AND OBJECTIVES

1.1.1. *Aim*

The study aimed to explore recidivism in children after completion of the (ROL) diversion programme at Chris Hani District in the Eastern Cape.

1.1.2. *Specific objectives*

- To identify the causes and trends of recidivism in children after completion of the ROL diversion programme.

- To explore the children's experiences of the ROL diversion programme.

- To identify parents' or guardians' observations of the programme's effect on the child's behaviour after the ROL diversion programme.

- To identify the probation officer's opinions on the effectiveness of the ROL diversion programme.

RESEARCH QUESTIONS

To achieve the study objectives in exploring recidivism in children after completion of the ROL diversion programme, the researcher specifically asked the following research questions.

- What are the reasons for the re-offending in children after completion of the ROL diversion programme?

- What are children's experiences of the ROL diversion programme?

- What are the parent's or guardians' views of the ROL diversion programme?

- What are the probation officer's opinions on the effects of the ROL diversion programme on child behaviour?

SIGNIFICANCE OF THE STUDY

The study will strengthen intervention strategies when dealing with children who have completed the ROL diversion programme. It will also influence policy change in the development of approaches that will help reduce recidivism among children who have undergone the ROL diversion programme. Furthermore, the study will augment existing research and increase knowledge in the field of social work.

LIMITATIONS OF THE STUDY

The limitations of the study were that it was time-consuming, there was the unavailability of participants from three areas, and there was also a challenge of language as the interviews were conducted in isiXhosa. Lastly, the study had financial implications as there was a lot of travelling done.

DEFINITION OF KEY CONCEPTS

1.1.3. Diversion

In terms of the Child Justice Act 75 of 2008 (2010), diversion means the diversion of a matter involving a child away from the formal court procedures to programmes offered by social workers/probation officers. Bezuidenhout and Joubert (2008) concede with this, and further state that diversion is the channelling of children away from the formal court system into reintegration programmes, without taking them through courts or prison.

1.1.4. Recidivism

In criminology, recidivism is defined as "the return to the previous criminal habits, especially after a conviction" (Cilingiri, 2015), so, recidivism means the perpetration of an offence by a juvenile who has previously committed at least one other criminal offence, without taking into consideration whether he/she is convicted for that offence or not. In the criminal legal sense, recidivism is the repeated perpetration of a criminal offence by a juvenile who has been convicted for a prior criminal offence. In criminal law, recidivism exists when a person returns to a penitentiary-correction institution as a consequence of the execution of a sentence for an offence he has committed after the conviction for a prior criminal offence (Cilingiri, 2015).

The researcher's view on the above definition is that it refers to two categories of persons, and the first is those who have returned to previous criminal habits after conviction. The second category which fits the current study is those who have previously committed at least one other offence without taking into consideration whether he/she was convicted or not.

1.1.5. Child in conflict with the law

The term 'young people' refer to anyone under the age of 18 years who comes into contact with the justice system as a result of being suspected or accused of committing an offence. Most young people

have committed petty crimes or such minor offences as vagrancy, truancy, begging, or alcohol use. Some of these are known as 'status offences' and are not considered criminal when committed by adults. Also, some children who engage in criminal behaviour have been used or coerced by an adult (UNICEF, 2006). Bateman (2011) who researched England and Wales concurs with the above by indicating that young people are those who encounter the criminal justice system.

1.1.6. Child

The Children's Act, 38 of 2005 (2005), defines a child as a person under the age of 18 years. However, the Child Justice Act 75 of 2008 goes further and defines a child as a person who is under the age of 18 years and, in certain circumstances means a person who is 18 years older but under the age of 21 years. The researcher believes that in terms of the definition of the child, South Africa has pieces of legislation which are contradicting a definition of a child, and in the researcher's view, the Act which refers to a person under the age of 18 years is enough. However, the reasoning behind the two definitions is based on the fact that these pieces of legislation are dealing with different categories of children where the Children's Act 38 of 2005 caters for children in need of care and protection, whereas the Child Justice Act deals with young people. Nevertheless, for this study, a child will be defined as stipulated by the Children's Act 38 of 2005 which provides that a child is a person who is under the age of 18 years.

1.1.7. Probation officer

A Probation Officer means a person who complies with the prescribed requirements and who has been appointed under section 2 (ix) of the Probation Services Act, 116 of 1991 (Klaus, 1998).

1.1.8. Probation Services

Probation Services means a specialised field of Social Work practice which provides for the establishment, development, and implementation of prevention, early intervention, statutory and continuum of care programmes for persons at risk, affected by and in conflict with the law, aimed at combating crime (Child Justice Act 75 of 2008, 2010).

STRUCTURE OF THE STUDY

This dissertation is presented according to the following six chapters;

Chapter One: Introduction and Background to the study

This is an introductory chapter, it discussed the background of the study, research problem, aim, specific objectives, and research questions. This chapter also described the significance of the study, limitations as well as the definition of concepts.
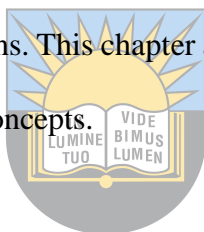
Chapter Two: A literature review

This chapter reviewed relevant and necessary literature for the study. It started by discussing the historical development of diversion programmes, and proceeded to the legislative framework relating to diversion, magnitude and extent of recidivism in children after completion of ROL diversion programme, factors which contribute to recidivism, global, regional, and South African perspectives on managing young people, and lastly, discusses the benefits and challenges of diversion programmes.

Chapter Three: Theoretical framework

This chapter discussed the theoretical perspective that informed and guided the phenomenon under study. It included a discussion on the development, assumptions, basic principles, strengths and weaknesses of the selected theory in supporting the phenomenon under investigation.

Chapter Four: Research methodology

This chapter discussed all dimensions of research methodology including research design, methods of data collection, the procedure for data collection, instruments, analysis, and ethical considerations.

Chapter Five: **Data analysis, presentation and interpretation**

This chapter presented the outcomes of the fieldwork conducted. It set out a review of the results, and interpretation of data gathered from in-depth interviews and focus groups. It also provided an analysis of the research findings.

Chapter Six: Summary, conclusion, and recommendations

The chapter focused on the summary of key findings, concluded, and recommended strategies that could be instigated to improve the implementation of the ROL diversion programme to reduce recidivism.
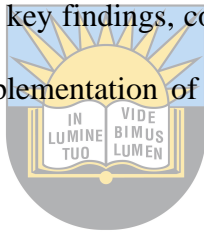
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CHAPTER SUMMARY

In this chapter, a discussion was made on the background of the study, research problem, aims, objectives, and research questions. Key to what was discussed was the problem statement that described the major challenge and reasoning behind the research project. A synopsis of the international, regional and national legislative frameworks in support of diversion and development of diversion programmes. During the discussion, it became very clear that countries around the world are implementing child justice and aligning it with international treaties. The origin of the Rhythm of life diversion programme which is the main focal point of the study was discussed. The significance of the study and its limitations were also discussed. Lastly, the definition of key terms used in the study helped in the better comprehension of the content. Key to the definition of terms was that of a child which is defined differently from the Children's and the Child Justice Acts.
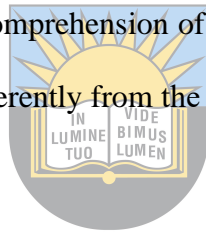
CHAPTER TWO

LITERATURE REVIEW

INTRODUCTION

This chapter is a review of the literature in respect of the recidivism in children after completion of the ROL diversion programme. Maree, Creswell, Ebersohn, Eloff, Ferreira, Ivankova and Jansen (2014) argue that a literature review normally provides an overview of current, and sometimes not so current yet still sufficiently relevant research appropriate to your research topic and salient facets of the topic. The literature review as supported by Jesson, Matheson and Lacey (2011) is where you show that you are both aware of and can interpret what is already known and where eventually you will be able to point out the contradictions and gaps in existing knowledge. Furthermore, the researcher needs to explain why the review is important, why it different and what it adds to the knowledge. Finally, the purpose of a literature review is to allow you to locate your research within that of others (Davies, Francis, & Jupp, 2011).

One of the main reasons why this exploratory study is being conducted is that there is a concern that regardless of whether children who have been referred to diversion programmes do complete the programme, there are those who still re-offend. This chapter, therefore, seeks to explore the recidivism in children after completion of the ROL diversion programme. Additionally, the researcher will not be limited to social development diversion programmes because there are other diversion programmes which have been implemented in South Africa and elsewhere.

In line with the aim of the study, this chapter will also cover the following topics: conceptualization of terms, historical background of diversion programmes; legislative framework, causes and trends

of recidivism in children after completion of ROL diversion programme; benefits and challenges of diversion programmes.

2.2 HISTORICAL DEVELOPMENT OF DIVERSION PROGRAMMES

The study aims to explore the recidivism in children after completion of the Rhythm of life diversion programme, which is one of the five diversion programmes developed by the Department of Social Development for children aged 13-17. The key concepts are diversion and recidivism thus in-depth information must be provided concerning diversion and recidivism.

Jordan and Farrel (2013) point out that Australia is a signatory to the United Nations Convention on the Rights of the Child and consequently all Australian jurisdictions are obligated to ensure that appropriate diversionary measures are afforded to young people. Rutere and Kiura (2009) further state that the concept of diversion programs in Kenya was established to protect children from inappropriate institutionalisation and demonstrate a viable alternative to custodial care. The main aim is to ensure that young people and other categories of marginalised children are better protected against abuse and rehabilitated and re-integrated back into the community.
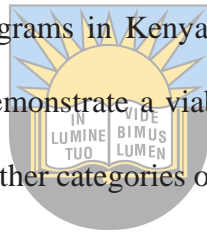
According to Badenhorst (2011), the predominant focus of South Africa before 1994 was to establish basic human rights and a democratic society. The need to develop a comprehensive child justice system only came to the fore during the early 1990s. In 1992 various non-governmental organisations (NGOs) initiated a campaign to raise awareness, both nationally and internationally, about the predicaments facing young people (Badenhorst, 2011). South Africa's ratification of the United Nations Convention on the Rights of the Child, 1989 on 16 June 1995, as demonstrated by Badenhorst (2011) created various obligations relating to the protection of children and their rights. One of these obligations is the establishment of laws, procedures, and institutions to address and protect young people (Badenhorst, 2011). In 1994, South Africa became a democratic country with a constitution protecting among other things, the rights of children (Saine, 2005).

The most important progressive step aimed at improving the protection of children's rights in general and specifically the rights of young people was the implementation of the Interim Constitution of the Republic of South Africa in 1993 and later the Constitution of the Republic of South Africa in 1996.

In terms of section 35 of the Constitution, 1996, all the due process rights applicable to arrested, detained and accused persons also apply to children. Additional rights granted to children in section 28 include the right not to be detained except as a measure of last resort and for the shortest appropriate time; the right, when detained, to be kept separately from persons over the age of 18; and the right, when detained, to be treated in a manner and kept in conditions that take account of the child's age. The best interests principle was broadened from its traditional family law domain to cover all matters concerning the child, and this includes young people (Badenhorst, 2011).

The rights in section 28 of the Republic of South Africa as asserted by Terblanche (2012) were at least in part informed by international agreements concerning children. The most important of these is the United Nations Convention on the Rights of the Child (hereafter referred to as "the Convention"). South Africa had already signed and ratified this agreement when the Constitution came into effect, but the country had not yet complied with everything the Convention required of its signatories. The government then requested the South African Law Commission to investigate child justice in South Africa. Less than a decade later, this investigation culminated in the Child Justice Act 75 of 2008 (hereafter referred to as "the Act"). The Act establishes a criminal justice system for child accused, separate from the criminal justice system, which continues to apply to an adult accused. The Act aims to keep children out of detention and away from the formal criminal justice system, mainly through diversion. When these interventions would be inadequate or unsuccessful, the Act provides for child offenders to be tried and sentenced in child justice courts (Terblanche, 2012).

Terblanche (2012), further states that diversion is widely considered to provide young people with a better opportunity of being successfully reintegrated into society than dealing with their behaviour through the formal criminal justice system. There is abundant evidence that the deeper child offenders get involved in the formal criminal justice system, the better the chances are that, as adults, they will end up living a life of crime.

The Department of Social Development is mandated by Probation Services Act 116 of 1991 to develop programmes for persons at risk, awaiting trial, sentenced and their families. In terms of Chapters 8 and 13 of the Children's Act 38 of 2005, the department is further obligated to provide prevention and early intervention and offer designed therapeutic programmes for residential care of children outside the family environment. The implementation of the Child Justice Act 75, of 2008 in 2010 endorsed the provision of diversion programmes to all children regardless of geographical location and that the programmes must be accredited. In fulfilling this mandate, the Directorate: Social Crime Prevention developed five social crime prevention therapeutic programmes (*Rhythm of life Social Development Programme - Facilitator Guide*, 2009). This, therefore, means that it was only after the promulgation of the Child Justice Act 75 of 2008 that the Department of Social Development began to develop and implement its diversion programmes.

2.2.1. *Development of the Department of Social Development Therapeutic Programmes*

The development of Social Development's therapeutic programmes was pioneered by the national Department of Social Development under the directorate: Social crime prevention as pointed out by Singh and Singh (2014). Singh and Singh (2014) further indicate that the national department's social crime prevention directorate coordinated a series of national workshops in August and November 2010 and August 2011 in conjunction with their stakeholders to address the issue of standardised programmes in secure care settings and these programmes were identified and developed because of their perceived importance, relevance and the particular benefits they provide

children. The following programmes were identified and developed because of their perceived importance, relevance and the benefits they provide children: sexual offences, substance abuse, life skills, aftercare, and restorative justice. The life skills and substance abuse programmes were termed "Rhythm of life" and "Wake up call" respectively. The Wake up call, Rhythm of life and Sexual offences programmes were rolled out and implemented in KwaZulu-Natal in 2012 (Singh & Singh, 2014).

A brief description of each of the five social development diversion/therapeutic programmes is provided below:

2.2.1.1. Rhythm of life (ROL) – Life skills training programme

According to the Rhythm of life social development programme - Facilitator Guide, (2009), ROL is a life skills training programme which has been designed to be used as group therapy. One of its objectives is to enhance abilities for adaptive and positive behaviour that empowers individuals to deal effectively with the demands and challenges of everyday life. The most common teaching methods include working in groups, brainstorming, role-playing, storytelling, debating and participating in discussions and audio-visual activities. It has eight modules which are spread over eight weeks meaning that sessions are facilitated once a week.

The target groups are children at risk, young people (awaiting trial and sentenced) and their families. The ideal group size is eight to ten participants and when the group is bigger, a co-facilitator is required. The ideal age group is school-going children, twelve years and older or grade seven and older. During programme facilitation a variety of issues are addressed, such as effective communication, assertiveness, managing negative emotions, conflict management and decision-making (Rhythm of life Social Development programme - Facilitator guide, 2009).

2.2.1.2. Wake up call (WUC) – Substance abuse programme

This programme as described in the Wakeup call - Social Development programme facilitator guide (2009) is a substance abuse programme which is therapeutic in nature and only a qualified social worker may facilitate it. The WUC programme is designed to prevent and manage the use of drugs and other substances (*Wake up call - Social Development Programme Facilitator Guide*, 2009).

2.2.1.3.In the mirror (ITM) – Sex offender programme

ITM is a sex offender programme which is therapeutic in nature and it consists of ten modules. The objective is to assist sex offenders to overcome cognitive distortions, and aggressive sexual behaviour and prevent recidivism (In The Mirror - Social Development Programme Facilitator Guide, 2009).

2.2.1.4 Reverse your thinking (RYT) – Restorative justice programme

RYT is a restorative justice programme which consists of six sessions. One of the objectives of this programme is to give effect to a collaborative process involving those directly affected by crime, perpetrators, families and communities in determining how best can the damage caused by an offence be repaired (Reverse your thinking - Social Development Facilitator Guide, 2009).

2.2.1.5. Mind the gap (MTG) – Aftercare programme

This is an aftercare programme is designed to be used as group therapy. The target group is the same as the other previously discussed programmes One of its objectives is to educate and prepare group participants to face different life stages, and public perceptions in the process of building a positive self-concept (Mind The Gap - Social Development programme facilitator guide, 2009). ROL is the most used programme as asserted by Sauls (2016) who conducted research in the Western Cape: South Africa and most children are placed on ROL whilst awaiting participation in other programmes.
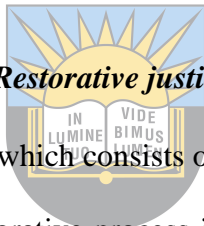
LEGISLATIVE FRAMEWORK

As already highlighted previously that diversion is one of the two key concepts in this study, the researcher, therefore, discussed some pieces of legislation that govern diversion services. The legislative framework was contextualised according to three categories, namely, international, regional and national.

INTERNATIONAL INSTRUMENTS

2.2.2. *United Nations Convention on the Rights of the Child (CRC)*

In 1995 South Africa ratified the Convention on the Rights of the Child (CRC) (Vermooten, 2005). The CRC protects the rights of children in all spheres and emphasises a holistic approach to children's rights. This means that all rights contained in the CRC are indivisible and related. It also has specific provisions protecting the rights of children deprived of their liberty and administration of child justice (Saine, 2005).

The United Nations (UN) Convention on the Rights of the Child (CRC) articulates a set of universal rights for children. For children in trouble with the law, there are seven articulated rights across Articles 37 and 40; these are protection against cruel, inhuman and degrading treatment or punishment; the right not to be detained in jails or prisons with adult convicts; the right to maintain contact with family members; protection against capital punishment and life without the possibility of release punishments; the right to an attorney or legal counsel; the right to a minimum age of criminal responsibility set by the government; and the right to a fair and speedy trial (Swick, 2017).

2.2.3. *The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*

These Rules were adopted by the General Assembly of the United Nations in 1985. The commentary on the Fundamental Perspectives of the Rules states that they refer to a comprehensive social policy

and aim at promoting juvenile welfare to the greatest possible extent (The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985). This instrument has provisions aimed at ensuring a proper justice system for young people- taking into consideration their age and stage of development (Ntshangase, 2016).

2.2.4. *United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)*

The Riyadh Guidelines were adopted in 1990 as a response to growing concerns about youth crime framed in the context of development. The Guidelines emphasise the importance of the creation of progressive delinquency prevention policies as well as the systematic study and expansion of practical measures towards such policies. Moreover, recommendations are made by these Guidelines towards the development of social welfare policies, particularly in education, labour and health, that children should have an active role and partnership with society and highlight the associated risks with labelling child offenders as deviants. The importance of the Guidelines has been held to lie in the acknowledgement of children as right-bearers and the proactive, as opposed to reactive approach to child justice, to facilitate child development (Thompson, 2016).

REGIONAL INSTRUMENTS

2.2.5. *The African Charter*

Considering that the Charter of the Organisation of African Unity recognizes the paramountcy of Human Rights and the African Charter on Human and People's Rights proclaimed and agreed that everyone is entitled to all the rights and freedoms recognized and guaranteed therein, without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or another status (The African Charter on the Rights and Welfare of the Child, 1999).

In 1981 South Africa adopted the African Charter on Human and People's Rights, which provides specific protection to children in Africa. However, more than a decade had to pass before the required number of states ratified the African Charter, causing it to come into force in 1999. The adoption of the African Children's Charter was the first step that South Africa took to acknowledge that a child had certain rights that needed to be Protected (Vermooten, 2005).

NATIONAL INSTRUMENTS

2.2.6. *The Constitution of the Republic of South Africa, 108 of 1996*

The rights in section 28 were at least in part informed by international agreements concerning children. The most important of these is hereafter referred to as the Convention. South Africa had already signed and ratified this agreement when the Constitution came into effect, but the country had not yet complied with everything the Convention required of its signatories (Terblanche, 2012).

Chapter 2 of the Constitution of the Republic of South Africa provides for the Bill of Rights. This Bill of Rights is a cornerstone democracy in South Africa. Section 28 (1) (g) stipulates that every child has a right not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate time, and the right to be kept separately from detained persons over the age of 18 years (Constitution of the Republic of South Africa, 1996)**.** The Constitution of the Republic of South Africa (RSA) Act 108 of 1996 also makes provision that steps taken against children should always be in their best interest. Some sections in the RSA Constitution coincide with the recommendations of the Convention, which emphasizes that the best interests of children are of paramount importance in all actions taken on their behalf. The RSA Constitution has a section which only deals with children; this section affords South African children with rights and protection. Section 28(1) (g) of the Constitution Act 108 of 1996 states that the detainment of children can only be exercised as a

measure of last resort and if detained (section 12 and 35 of the Constitution also applies), he/she must be kept separately from adult (Tshem, 2009).

2.2.7. *Probation Services Amendment Act 35 of 2002*

The Probation Services Act, 116 of 1991 which is referred to as the principal Act, in the main provides for the appointment of probation officers. Section 3 of the principal Act was amended to provide for the establishment of programmes or services aimed at the prevention of crime and early intervention programmes. Sections 4A and 4B were amended to provide for the appointment and duties of assistant probation officers and assessment of an arrested child who has not been released shall be assessed by the probation officer as soon as reasonably possible but before his or her first appearance in court (Probation Services Amendment Act, 35 of 2002, 2002).

2.2.8. *The Children's Act, 38 of 2005*

The Children's Act is a comprehensive piece of legislation that seeks to afford children the necessary care, protection and assistance to develop to their full potential. The Act upholds the protection of children and seeks to assist children to fully assume their responsibilities within the community (Children's Act, 38 of 2005, 2005). Section 4 of the Act places the responsibility on the Department of Social Development to provide a designated child protection organization to provide child protection services. Some of these services as stipulated in section 5 (i) and (ii) of the same Act include but are not limited to prevention and early intervention services. The provision of these services is in line with diversion programmes which the department has developed as discussed previously. The provision of these services is emphasized in chapter seven of the Act which provides for prevention and early prevention programmes which include the provision of diversion services.

2.2.9. *Prevention of and Treatment for Substance Abuse Act, 70 of 2008*

The mandate of this Act is to provide amongst other things, mechanisms aimed at demand and harm reduction to substance abuse through prevention, early intervention, treatment and reintegration programmes. Chapter four of this Act provides for prevention and early intervention programmes

which include the diversion of children from the criminal justice system (Prevention of and Treatment for Substance Abuse Act, 70 of 2008, 2008). And this is in line with one of the diversion programmes developed by social development such as the Wake-up call which is a substance abuse programme.

2.2.10. *The Child Justice Act, 75 of 2008*

Badenhorst, (2011) points out that on 1 April 2010, a day that has been widely described as historical and victorious in the protection of the rights of children in South Africa, the implementation of the Act was officially launched at the Walter Sisulu Child and Youth Care Centre in Soweto. Before 1994, South Africa, as a country, had not given many of its children, particularly black children, the opportunity to live and act like children, and also that some children, as a result of circumstances in which they find themselves, have come into conflict with the law. The Act seeks to establish a criminal justice system for children, who are in conflict with the law and are accused of committing offences, under the values underpinning the Constitution and the international obligations of the Republic (Child Justice Act 75 of 2008, 2010)**.**

The principal objectives of diversion as stipulated in section 51 of the Act are to:

(a) Deal with a child outside the formal criminal justice system in appropriate cases.

(b) Encourage the child to be accountable for the harm caused by him or her;

(c) Meet the particular needs of the individual child;

(d) Promote the reintegration of the child into his or her family and community;

(e) Provide an opportunity to those affected by the harm to express their views on its impact on them;

(f) Encourage the rendering to the victim of some symbolic benefit or the delivery of some object as compensation for the harm;

(g) Promote reconciliation between the child and the person or community affected by the harm caused by the child;

(h) Prevent stigmatising the child and prevent adverse consequences flowing from being subject to the criminal justice system;

(i) Reduce the potential for re-offending;

(j) Prevent the child from having a criminal record; and

(k) Promote the dignity and well-being of the child and the development of his or her sense of self-worth and ability to contribute to society.

It is the researcher's view that the objectives of the Act especially the one that relates to the promotion of the reintegration of the child into his or her family and community, would if not taken seriously contribute to re-offending of children after completion of diversion programmes.

MAGNITUDE AND EXTENT OF RECIDIVISM IN CHILDREN AFTER COMPLETION OF THE ROL DIVERSION PROGRAMME

One of the objectives of this study is to identify the trends of recidivism in children after completion of the ROL diversion programme. However, the magnitude and extent of recidivism cannot be limited to the Department of Social Development diversion programmes hence the first part of this discussion will discuss recidivism on an international scale.

Wilson and Hoge (2013a), who researched the youth diversion program on recidivism in Canada indicate that studies included in their analysis involved 73 diversion programs assessing 14,573 diverted youth and 18,840 youth processed by the traditional justice system. The recidivism rates for all diverted youth ranged from 2% to 81%, with an unweighted average base rate of 31.5%.

Research conducted by Jacobsen (2013) in Nevada in the United State demonstrates that ninety per cent of youth who entered into a diversion agreement completed the agreement successfully. Only 10% (18 youth) did not complete the agreement and had their diversion contract terminated and subsequently either had formal charges filed in court or their case was dismissed. Those that did not complete re-offended at a higher rate with 72% recidivism compared to those that completed with only 36% recidivism.

However, Dimitrijoska, Gordana, and Saltirovska (2017) lament that the absence of good data about the number of children who appear as re-offenders, and the increased number of such children,

indicates that there is a need for undertaking scientific research to determine the causes for this phenomenon and to propose appropriate interventions for overcoming this significant challenge

According to Badenhorst (2011), recidivism among child offenders in South Africa is often attributed, at least in part, to the corrupting and damaging effect of the criminal justice system. Badenhorst (2011), supports Dimitrijoska, et al (2017) and argues there is no reliable figure on South Africa's overall recidivism rate (both adults and children) but most analysts settle on more than 66 per cent. The inaccuracy, unreliability and unavailability of statistics on child offenders and what happens to them in the criminal justice system should, hopefully, be something of the past with the obligation, in terms of the Act, to keep and report on various statistics on young people (Badenhorst, 2011).

Lekalakala (2016) agrees with Badenhorst (2011) in that South Africa, compared to other countries, does not have a central database to capture the recidivism rate which should play a role in the development of policies on crime prevention and rehabilitation programmes. Studies conducted by Nkosi (2012) on NICRO diversion programmes reveal that after a year of completion of the programme only 25% of the youth had relapsed and re-offended. However, a study conducted by Sauls (2016) in the Western Cape demonstrates that trends in respect of re-offending appear to vary in the different sites explored during the evaluation. Some regions indicated that very few children re-offend in their service delivery areas; whereas reoffending was a far more common phenomenon in other areas (Sauls, 2016).

Furthermore, research conducted by the Department of Social Development (*Final research report for the evaluation of diversion services: Department of Social Development* (2017) confirms the absence of data on recidivism rate advises that with the high level of crime in South Africa and the speculation of a 50 to 95% recidivism rate (none of which have been empirically verified) it would become important to understand the reason why individuals are re-offending. When assessing

diversion programmes, it would stand to reason that one of the aims of such interventions would be to prevent continued offending. It is therefore that the assessment would be retrospective and focus on factors that influence repeat offending (Steffen & Seney, 2008).

FACTORS WHICH CONTRIBUTE TO RECIDIVISM IN CHILDREN AFTER COMPLETION OF THE ROL DIVERSION PROGRAMME

Recidivism is a challenge for the Brazilian socio-educational system because it is associated with personal, social and environmental factors, especially among juvenile offenders (Galassi, dos Santos, dos Santos, Nakano, Fischer, Galinkin, Wagner, 2015). Research conducted by Mulder, Brand, Bullens, and Van Marle (2011) in the Netherlands agrees and asserts that environmental risk factors play a role in recidivism and further suggests that aftercare is crucial for the successful reintegration of the juvenile into society.

Nkosi (2012) who conducted studies on the impact of NICRO diversion programmes in Kwa Zulu-Natal, indicates that reasons for re-offending after completion of a diversion programme include peer pressure and societal stigmatization of constantly being reminded of the wrong, they committed. Similarly, in the research conducted by the Department of Social Development, (Steffen & Seney, 2008) lack of parental guidance, substance abuse, and stigmatization of children upon return from a diversion programme is a big challenge in that communities and victims want to see the child punished, they do not understand diversion, feel that it is a soft option and the law is lenient on children.

Makhanya (2009) argues that adolescents from lower socioeconomic status families regularly commit more violence than youth from higher socio-economic status levels. In contrast, McMasters & McMasters (2015) disagrees and points out that even youth from good families can have

delinquent behaviours. Factors such as gender, age, race, level of education and socioeconomic situation of the offender do encourage people to re-offend (Lekalakala, 2016).

Sauls (2016) indicates that the reasons provided for re-offending included a lack of role models, drugs and peer pressure. Two specific structural challenges that contribute to children whom re-offending were mentioned. These included the socio-economic conditions that the child is positioned within and the intergenerational transmission of violence. Therefore, Sauls (2016) further argues that if the child's socioeconomic status is not improved, a diversion programme might be futile in attempting to reduce re-offending.

GLOBAL PERSPECTIVE ON MANAGING YOUNG PEOPLE

According to UNICEF (2006), the term 'young people' refers to anyone under 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence. Bateman (2011) who researched in England and Wales concurs with the above by indicating that young people are those who encounter the criminal justice system.
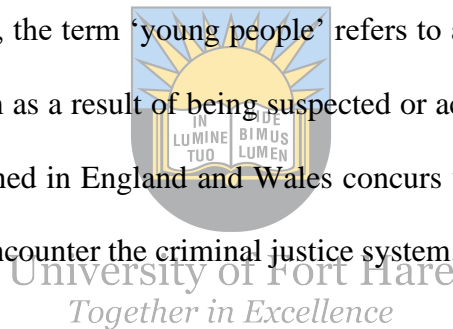
 The Convention articulates a set of universal rights for children. For children in trouble with the law, there are seven articulated rights across Articles 37 and 40; these are protection against cruel, inhuman and degrading treatment or punishment; the right not to be detained in jails or prisons with adult convicts; the right to maintain contact with family members; protection against capital punishment and life without the possibility of release punishments; the right to an attorney or legal counsel; the right to a minimum age of criminal responsibility set by the government; and the right to a fair and speedy trial (Swick, 2017).

REGIONAL PERSPECTIVE ON MANAGING YOUNG PEOPLE

The African Charter on the Rights and Welfare of the Child, art. 17 (1999), provide standards on the rights of the child that seek to ensure special treatment of children (allegedly) in conflict with the law (Geso, 2015). The UN Committee on the Rights of the Child has observed a lack of compatibility between the Ethiopian juvenile justice system and the CRC and ACRWC and other international standards. Although the 1995 Federal Democratic Republic of Ethiopia's (FDRE) Constitution enshrines the promotion and protection of children's rights, national laws protecting the rights of CICL are limited.

The Diversion Program in Kenya was established to protect children from inappropriate institutionalisation and demonstrate a viable alternative to custodial care. Its main aim is to ensure that young people and other categories of marginalized children are better protected against abuse and rehabilitated and re-integrated back into the community. The project was implemented in phases since January 2001 and expanded to 14 program areas (Rutere & Kiura, 2009). The diversion program is faced with several challenges including legal, financial, structural and low awareness (Rutere & Kiura, 2009).
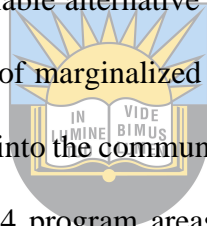
SOUTH AFRICAN PERSPECTIVE ON MANAGING YOUNG PEOPLE

In many international laws and instruments, as well as country laws and policies, young people are labelled juveniles. In South Africa, this term is no longer used, as 'juvenile delinquent' was regarded as having a pejorative connotation (Badenhorst, 2011). Badenhorst (2011) further explains that the term juvenile was replaced by child in conflict with the law. South Africa's ratification of the United Nations Convention on the Rights of the Child, 1989 on 16 June 1995, created various obligations relating to the protection of children and their rights. One of these obligations is the establishment of laws, procedures, and institutions to address and protect young people (Badenhorst, 2011).

The rights in section 28 were at least in part informed by international agreements concerning children. The most important of these is the Convention. South Africa had already signed and ratified this agreement when the Constitution came into effect, but the country had not yet complied with everything the Convention required of its signatories. The government then requested the South African Law Commission to investigate child justice in South Africa. Less than a decade later, this investigation culminated in the Act. The Act establishes a criminal justice system for child accused, separate from the criminal justice system, which continues to apply to an adult accused (Terblanche, 2012).

BENEFITS AND CHALLENGES OF DIVERSION PROGRAMMES

According to Brunton-Smith and Hopkins (2013), the effectiveness of diversion programmes at diverting young people away from the criminal justice system and reducing re-offending has been mixed. This finding was supported by the Edinburgh Study of Youth Transitions McAra and McVie (2007), a longitudinal study of young people who have been offended, supported the relevance of diversionary approaches to the criminal involvement of young people. This study indicated that

young people who come into contact with the criminal justice system and social services are slower at desisting from crime compared to those who do not become known to the services. On the other hand, further meta-analysis indicated conflicting results. Other studies such as Schwalbe (2012) found that diversion did not have a significant effect on re-offending. These contradictory results have been explained to be a result of differences in definitions of diversion and methodology. The overall conclusions that can be drawn, relating to the effectiveness of the diversion programmes, can therefore be said to be limited due to the variation of the design, aims and content of the interventions. Reflecting on such international findings for effective diversion programmes is relevant to this project as it will allow the reader to compare, to a certain degree, the findings with the current project's results (Wilson & Hoge, 2013b).

Rutere and Kiura (2009) who researched in Kenya indicated that the project did not only make a difference in the lives of the diverted children but also made an impact on those working in it. In as far as children were concerned; many were diverted from the Juvenile Justice System (JJS) and have resumed their normal lives. Some were reunited with their parents or guardians, went back to school and/or acquired some technical skills. Some completed their formal schooling while the older children who could not go back to school underwent technical skills training and are now running small-scale businesses like hairdressing and carpentry. Those working in the diversion program also benefited greatly from the Program. A majority have been trained on child rights while others have learned the skills from their colleagues. As a result, several champion organisations and individuals have emerged, and their mission is to stop at nothing short of upholding the rights of children. Some organizations have allocated resources to support diversion activities

Research conducted by Sauls (2016) in the Western Cape revealed that the Rhythm of life (ROL) diversion programme is the most used programme. It was being facilitated in all regions. ROL is used as an interim programme, meaning that children are placed in ROL while waiting to participate

in another programme. Finally, ROL can be effective for children who do not have a history of criminal or behavioural challenges, but the absence of aftercare post-diversion is problematic.

2.2.11. Availability and accessibility of diversion programmes

Research conducted by Jordan and Farrel (2013) Victoria in Australia demonstrates that access to divisionary schemes depends upon where young people reside, the level of resourcing and commitment to diversionary options within individual communities, and the discretionary decision-making of individual police officers. Sauls (2016) partly agrees with Jordan and Farrel (2013) and demonstrates that the availability of diversion programmes varied from one area to another and placement to an appropriate programme depends on its availability. In other words, programmes are presented and facilitated when a certain quota (approximately 8-10 children) have been referred to and participated in a programme. Furthermore, research conducted by the Department of Social Development points out that the lack of resources such as transport, budget, venues, staff and training is a challenge when it comes to accessibility of diversion programmes (Steffen & Seney, 2008).
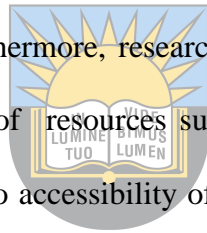
2.2.12. Restorative justice

Pereto (2015) argues that restorative justice programmes focus on repairing the harm caused by crime while holding the offender responsible for his/her actions and helping him/her to take responsibility for making amends. Muntingh and Shapiro (1997) further add that these programmes are designed to render a more satisfying sense of justice. They involve all affected parties namely the victims, offenders, and members of the community in processes where they can identify with and address their needs in the aftermath of a crime. During these processes, all are guided to try to find a resolution that will provide reparation and healing and that will prevent future harm (Sullivan & Tifft, 2006).

2.2.13. Reasons for non-compliance

Sauls (2016) demonstrates that some of the reasons that contribute to the non-completion of the diversion programme include struggling with various academic as well as psychological challenges. Some children have literacy challenges that impact their overall involvement in the programme. Other children are struggling to read or write during programme facilitation and will ultimately become disruptive and eventually drop out.

Other factors that contribute to noncompliance as revealed by research conducted by the Department of Social Development are personal factors which include poor participation in the programme by the beneficiary, personal circumstances and not taking the programme seriously. The biggest contributing factor includes the facilitator who is unable to conduct the programme in good time and the programme not being specific to the crime (Steffen & Seney, 2008).

2.2.14. Provision of aftercare programmes
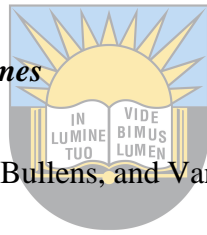
Research conducted by Mulder, Brand, Bullens, and Van Marle (2011) revealed that individual and environmental risk factors such as parenting skills and association with noncriminal peers should be targeted as they contribute to the successful reintegration of a juvenile into society. Mulder et al. (2011)) further added that recidivism largely takes place within two years and supports the importance of aftercare during the first two years as the risk of re-offending is highest.

According to Sauls (2016), aftercare services for child offenders are almost non-existent due to the workload of probation officers.

2.2.15. Family factors

According to Makhanya (2009), family factors include fatherless children, single-parent families, divorced parents and children born out of wedlock. All of the above may harm the child who is directly affected by them.

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2.2.16. Provision of resources for the implementation of diversion programmes

Research conducted by Rutere and Kiura (2009) in Kenya revealed that diversion is both a time and money-consuming activity. Starting from the point where a child gets into conflict with the law or needs welfare assistance, human resource and money become a necessity. Processing the case, travelling (in the case of environmental assessment and repatriation), and providing basic needs like food costs both time and money. The challenge here has been that there is little or no money available when it is needed, meaning diversion is delayed or children have to be held in un-conducive facilities for a long time.

Similarly, the final research report for the evaluation of diversion services by: the Department of Social Development (2017) also identifies transport, programme stigma, peer pressure, fear of travelling through other gang areas to attend the programme, beneficiaries not taking the programme seriously and illiteracy as some of the factors which hinder effective implementation of diversion programmes.
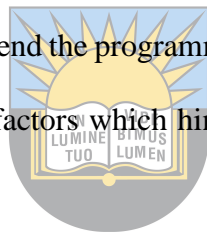
2.2.17. Best practices for programme implementation

Dimitrijoska, Gordana, and Saltirovska (2017) indicate that to provide effective treatment to juvenile offenders validated risks/needs assessment needs to be used to determine the risk level of the youth, which determines the needed intensity of the treatment, and the individualized criminogenic needs, which must be targeted to reduce the likelihood of recidivism.

On the one hand, Badenhorst (2011) argues that at the start of the diversion process, child offenders are assessed as a means to explore whether the child and the diversion programmes are a suitable and appropriate option for the child. Probation officers reported numerous factors, within the legal framework, that were considered before there would be a recommendation as to whether a child would be diverted.

On the other hand, Sauls (2016) indicates that the importance of individual assessment of young people has been recognised in international law. In South Africa, the Probation Services Amendment Act 35 of 2002) introduced the mandatory assessment of every arrested child who remains in custody before his or her first appearance in court. The Probation Services Amendment Act 35 of 2002 also provides that if a child has not been assessed before his or her first appearance in court, the court may extend the time for the child to be assessed by periods not exceeding seven days at a time.

There are success stories of children who have been reformed after participating in diversion programmes to an extent of undertaking technical skills and establishing their businesses as demonstrated by Rutere and Kiura (2009) in the research conducted in Kenya. Furthermore, some children managed to go back to school, find jobs and are now self-reliant thus they are role models (Rutere & Kiura, 2009).

Additionally, Sauls (2016) who researched social development diversion programmes argues that ROL was the most used programme and was beneficial to child offenders. Sauls (2016), further asserts that despite the availability of these five accredited diversion programmes for child offenders, only three were used, namely: Rhythm of life, Wake-up call and In the Mirror.

CHAPTER SUMMARY

This chapter started by defining key concepts to be applied when dealing with the literature review. It went further to discuss the historical development of diversion programmes both on a global, regional and national scale and the main reason was to exhibit that diversion is a concept that is applied not only in South Africa but at an international level. The chapter went on to discuss the relevant legislation relating to diversion and that was in line with the fact that diversion is a legislated service that is provided to persons especially young people. In line with the aims and objectives of the study, a discussion was made to explore the magnitude and extent of recidivism after completion

of the ROL diversion programme. Although the Department of Social Development programmes were developed and started to be implemented after 2010, there are few research studies conducted. Despite these scholarly research studies, little or no meaningful inroads have been made to come up with a database on the rate of recidivism. The rate of recidivism and available database is not only a South African challenge but a global phenomenon. Factors relating to recidivism were also discussed, some of the extenuating factors, substance abuse, lack of aftercare services, and peer pressure are some of the factors that contribute to recidivism. The chapter also discussed the global, regional and national perspectives on managing children-in-conflict with the law. Lastly, the chapter discussed the benefits, challenges and best practices of diversion implementation. The topic of the study is to explore the recidivism in children after completion of the ROL diversion programme. Causes and some of the factors contributing to re-offending after completion of diversion programmes were discussed. However, the main question that remains to be answered in-depth is why children re-offend after completion of diversion programmes, and the resultant behaviour thereof. And the response to that question needs to be based on a theoretical framework which seeks to explain certain behaviours which influence children to re-offend.
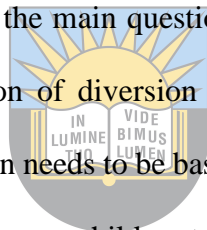
CHAPTER THREE

THEORETICAL FRAMEWORK

INTRODUCTION

The theory which is going to be used in this research is social learning theory because it is viewed as the most appropriate in explaining the causes of recidivism by children after completing the ROL diversion programme and the resultant behaviour thereof. However, the research will not be limited to social learning because other theories may be relevant to the study. One of those theories which may be pertinent to the current study is the re-integrative and shaming theory.

The topics to be discussed on the theoretical framework include but are not limited to the development of the main theory, fundamental concepts, assumptions and its applicability to the study. The focus when discussing this theory will be specified on its influence in assisting the researcher to understand the extent of recidivism of children after completion of the Rhythm of life (ROL) diversion programme.

DEFINITION OF SOCIAL LEARNING THEORY

The term social learning as stated by Bartol (1991) reflects the theory's strong assumption that people learn primarily by observing and listening to people around them and the social environment. Denver (2018) agrees and points out that social learning theory is a theory of learning and social behaviour which proposes that new behaviours can be acquired by observing and imitating others. It states that learning is a cognitive process that takes place in a social context and can occur purely through observation or direct instruction, even in the absence of motor reproduction or direct reinforcement.

Additionally, Eyyam et al. (2016) take the definition further by asserting that social learning theory, which is also called "social cognitive theory," "observational learning" and "learning through taking

someone as a model", is a theory that emphasized the ability to learn through instructions or observing the behaviour(s) of a chosen model without needing the direct experience of the individual. This theory is also defined as "social learning" as it plays an important role in learning social behaviours and rules, it is also accepted to be a theory that is constituted through integrating cognitive learning theory and analytical behaviourist theory.

DEVELOPMENT OF THE SOCIAL LEARNING THEORY

In the 1940s, Burrhus Frederic Skinner delivered a series of lectures in Sunyani Fiapre, Ghana on verbal behaviour, putting forth a more empirical approach to the subject that existed in psychology at the time. Skinner's behaviourist theories formed a basis for redevelopment into social learning theory (Denver, 2018). Denver (2018) further indicate that at around the same time, Clark Lewis Hull was a strong proponent of behaviourist stimulus-response theories, and headed a group at Yale University's Institute of Human Relations. Under him, Neil Millerand John Dollard aimed to come up with a reinterpretation of psychoanalytic theory in terms of stimulus-response. This led to their book, *Social Learning Theory*, published in 1941, which posited that personality consisted of learned habits (Denver, 2018).

However, Julian B. Rotter, a professor at Ohio State University published his book, *Social Learning and Clinical Psychology* in 1954. His theories moved away from the strict behaviourist learning of the past and considered instead the holistic interaction between the individual and the environment. In his theory, the social environment and individual personality created probabilities of behaviour, and the reinforcement of these behaviours led to learning (Denver, 2018).

Consequently, in 1959, Noam Chomsky published his criticism of Skinner's book *Verbal Behavior,* an extension of Skinner's initial lectures (Denver, 2018). Within this context, Albert Bandura studied learning processes that occurred in interpersonal contexts and was not adequately

explained by theories of operant conditioning or existing models of social learning. Specifically, Bandura argued that "the weaknesses of learning approaches that discount the influence of social variables are nowhere more revealed than in their treatment of the acquisition of novel responses (Denver, 2018). Putwain and Sammons (2002) further argue that social learning theory (SLT) is an alternative approach to the acquisition of criminal behaviour. SLT is a general approach to psychology and regards criminal behaviour as qualitatively no different from any kind, stating that it is learned through the processes of observation, imitation and vicarious reinforcement and punishment. However, McLeod (2016), undermines the views of Putwain and Sammons (2002) by arguing that although SLT can explain some complex behaviour, it cannot adequately account for how individuals develop a whole range of behaviour including thoughts and feelings. SLT has a lot of cognitive control over individuals' behaviours and the fact that a person had experiences of violence does not mean they have to reproduce such behaviour.

Bandura (2006) as cited in Nabavi (2014) objects to being associated with American behaviourists primarily because he views his theory as cognitive not behaviourist. That objection notwithstanding, his emphasis on the social origins of cognitive processes is why his works fall within the exogenous paradigm of developmental theories. In short Green and Peil (2009) as cited in Nabavi (2014) argue that Bandura believes that individuals learn both behaviours and cognitive strategies by observing the behaviour of others, and these acquisitions can be learned without being directly reinforced. Bandura's belief that individuals learn both behaviours and cognitive strategies by observing the behaviour of others led to the renaming of social learning theory (SLT) to social cognitive theory (SCT) in 1986 and this is in keeping with contemporary terminology as asserted by (McLeod, 2016) and (Grusec ,1992).

It is therefore the researcher's view that there are a variety of scholars who contributed to the development of the SLT, but Bandura's work and views contributed to the popularity of this theory.

FUNDAMENTAL CONCEPTS IN SOCIAL LEARNING THEORY

According to Eyyam et al. (2016) learning occurs in three different ways in social learning theory, which is a theory that is grounded on interpersonal social communication. These are observational learning, learning through modelling and indirect learning:

3.4.1. *Observational learning*

According to Bandura as cited in Eyyam et al., (2016) observational learning is composed of four consecutive important processes. These are processes of paying attention, retention, creating behaviour and motivation. The first process is of paying attention. The process of paying attention is affected by the physical qualities of the perceiver (the capacity of perceiving, state of tendency, preference and emotional state), the purpose of the observer, past reinforcement experiences; the functional value of the model (simple, clear, interesting and functional); the qualities of the model such as age, gender, character, similarity and status. For example, students may perceive an example told by the teacher in different ways and when they are asked to perceive what they have perceived through examples, the examples may be different.

The second as further explained by Eyyam et al., (2016) process involves the process of retention. The process of retention is also called "the process of bearing in mind." Making use of the information acquired through observation requires remembering this information. The example of this in the researcher's view could be that of children who observe and keep in mind that which is modelled by others. According to Bandura as cited in Eyyam et al., (2016) most of the cognitive processes that organize behaviour are mostly verbal rather than visual. Verbally stored information should be repeated mentally or implemented after observation. This view is strongly supported by Salkind, (2004) who contends that people are more likely to do as they see others do then they are to do what others tell them to do.

The third process is the creation of behaviour. This step determines turning what is learnt into performance. For example, a student who is expected to make a presentation in a lesson plan and repeats what she or he should do in the presentation in his/her mind at first and then she/he makes the presentation. The last process is that of motivation. Motivation is a process that helps what is learnt to turn into a performance. If the individual who is taken as a model is rewarded at the end of the observed behaviour, this motivates the individual who is observing. However, if the observed behaviour damages or results in punishment, the observing individual avoids this behaviour (Eyyam et al., 2016).

3.4.2. *Learning through Modelling*

Individuals take people who look like themselves as a model to learn behaviours and they observe how they do different behaviours. These features include age, gender, character, similarity and status (Eyyam et al., 2016). Bandura as cited in Bartol (1991) further states that much of the behaviour is initially acquired by watching others, who are called models. For example, a child may know how to use a gun by imitating TV characters. According to Bandura as cited in Nabavi (2014), children imitate behaviours which they have observed from others. Bandura, therefore, identified three types of models:

- **Live Models**: Involve an actual individual demonstrating or acting out behaviour.

- **Symbolic Models:** This involves real or fictional characters displaying behaviours in books, films, television programs, or online media.

- **Verbal Instructions**: This involves the description and explanation of behaviour. These are instructions often used in society and verbally common rather than another individual who can be modelled by the individual.

3.4.3. *Learning through Indirect Ways*

Williams and McShane (2010) describe reinforcement as any event that follows the occurrence of behaviour and that alters and increases the frequency of the behaviour whether positive or negative. This means that if a child does something good and is given money that is a form of positive reinforcement. On the other hand, negative reinforcement occurs when a child does something bad and apologises and her mother does not punish the child. According to Eyyam et al., (2016), there may be three types of reinforcement and they are indirect reinforcement, external reinforcement and internal reinforcement.

- **Indirect reinforcement:** The observer is both informed and motivated by the observed behaviour. Positive reinforcement provides a reward whilst negative reinforcement removes some form of punishment. This means in the researcher's opinion that if an individual performs well in a sport and receives a medal, other individuals will get motivated and display the same behaviour.

- **External reinforcement:** This means that an individual displays the expected behaviour as a result of being rewarded or appreciated by people around him/her.

- **Internal reinforcement**: It means that an individual motivates himself/herself internally. When an individual achieves his/her goal or comes across a negative situation, he/she motivates himself/herself by reinforcing internally.
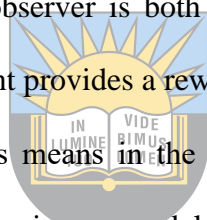
ASSUMPTIONS OF SOCIAL LEARNING THEORY

According to Ormrod (2004), there are basic assumptions as outlined in Bandura's social learning theory that needs to be taken into account and they are as follows but not limited to these:

3.5.1. Assumption One

Humans are social beings who learn by observing the behaviour of others and the outcomes (reinforcements and punishments) associated with that behaviour: Bandura et al. (1963) as cited by Putwain and Sammons (2002) highlight that a possibility exists that children could learn to behave in aggressive ways through observing aggression in the media. Also, McLeod (2016) augments this argument by indicating that children observe the people around them by behaving in various ways and observing influential models such as parents, characters on TV, peer group and teachers. Children pay attention to some of these and they imitate what they have observed. Individuals that are observed are called models.
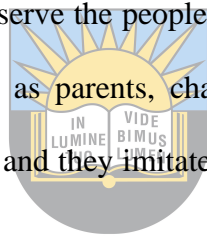
Reinforcement can be internal or external and can be positive or negative. If a child wants approval from parents or peers that is external approval, whereas feeling happy about approval is internal reinforcement (McLeod, 2016). The social learning theory as stated by Nabavi (2014) has two categories. The first is positive reinforcement which means the action mimicked by the observer is a positive one, therefore the action may be rewarded able or commended by others. The second one is punishment and it occurs when the mimicked action by the observer is negative and may harm or offend others, it may lead to the form of punishment.

The social learning theory as demonstrated by Ormrod (2004) has three basic models which have been discussed earlier. In the researcher's viewpoints this means that children tend to imitate everything that is done in their surroundings. However, Eyyam et al., (2016) are in sharp contrast

with this by asserting that everything learnt through observation does not have to be an imitation. In other words, observational learning is not a simple process of imitating and observation can be realised without imitation.

3.5.2. Assumption Two

Observed behaviours which are rewarded will be repeated (imitation): According to Robert Sear's developmental approach as cited in (Salkind, 2004)**,** individuals are motivated by rewards which accompany a specific behaviour. McLeod (2016) further adds that if a child imitates a model's behaviour and the consequences are rewarding, the child is likely to continue performing that behaviour. In the researcher's viewpoints, this means that in most cases individuals tend to perform better if there is an element of reward for a behaviour.
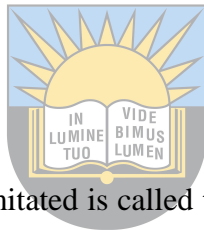
3.5.3. Assumption Three

The person whose behaviour is being imitated is called the role model and the process of imitation is called modelling: Sear's focus as cited in Salkind (2004) was on mother-child interactions which are the primary source of the child's socialization and training. Children tend to mimic their parents but at other times they show original behaviours. It is the child-parent interaction that builds and strengthens the basic course of a child's development. This, therefore, in the researcher's viewpoints out that modelling that is projected by parents gives birth to an imitation of those behaviours by children. And this means that the behaviour learned is behaviour practised.

Similarly, studies conducted by Kostic (2013) in Serbia revealed that child aggression may be a result of imitating the rough and violent parent behaviour towards children. An American sociologist Daniel as cited in Kostic (2013) argues that if a child has a hostile cruel parent, the child may grow into a subordinate, servile, intimidated or even masochistic person, as well as into an angry and aggressive person resembling of his or her tormentor.

Cesare Lombroso the Italian physician and self-termed criminal anthropologist, as cited in Kostic (2013) emphasises the importance of the upbringing and education the child receives from his/her family. Lombroso believes that the process of upbringing should be carried out without violence because the adults who were exposed to extremely stringent upbringing are more prone to making mistakes and committing crimes than those whose parents were not so strict. However, Lombroso cautions that not all children without educative restraints would necessarily become criminals.

Other assumptions as identified by Ormrod (2004), state that learning can sometimes occur without a behaviour change. This means that the behaviour may occur later or may not occur at all. Lastly, cognitive processes play an important role in learning. Some of these cognitive processes include attention, memory, rehearsal, motivation and expectations of reinforcement or punishment.

BASIC PRINCIPLES OF SOCIAL LEARNING THEORY

When social learning theory is studied as highlighted by Eyyam et al., (2016) six important principles need to be considered. These principles are as follows as explained by Bandura cited in Eyyam et al., (2016): Mutual decisiveness, Capacity of symbolization, Capacity of foresight, Capacity of indirect learning, Capacity of self-regulation and Capacity of self-judgement.

- **Mutual decisiveness:** The behaviour comes out as a result of the interaction between the environment and the individual. The view of the researcher on this is that an individual can change the environment on how she/he behaves, consequently, the environment can also change an individual.

- **The capacity of symbolisation:** The capacity of symbolization means that individuals symbolise or express their whole life in mind. Through these symbols, they can carry their past in their minds as well as they can test the possible events of the future. It is due to this

reason that individuals who observe the same event may learn different things from what they observed.

- **The capacity of foresight:** The capacity of thinking or symbolic capacity is used in determining the future. In short, since thinking comes before activity, people should think of the future and make the necessary plans by setting their goals.

- **The capacity of indirect learning:** Individuals, especially children learn by observing others. Indirect learning involves watching and listening to models.

- **The capacity of self-regulation**: It means that people have the capacity of controlling, influencing and directing their behaviours. Self-regulation maintains that people adjust their behaviours to the rules they set, and after displaying the behaviour review the behaviour, to see if it is suitable or not and then decide if they will take it as a model or not.

- **The capacity of self-judgement:** It defines the fact that people can make personal judgements for themselves and model behaviour. Previous experiences and observations play an important role in the behaviour to think that they see or explain.
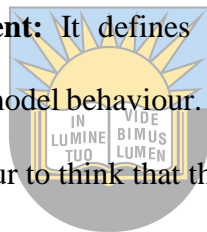
STRENGTHS AND WEAKNESSES OF SOCIAL LEARNING THEORY

3.7.1. Strengths of the social learning theory

One of the major strengths of social learning theory as pointed out by Putwain and Sammons (2002) is that it stresses the uniqueness of the individual and concedes that different people may commit the same crimes for different reasons. This is because everyone's motivations and expectations are based on their unique experiences.

On the one hand, Nabavi (2014), asserts that the main strength and weakness of social learning theory depends on the model and further lists some of the strengths as follows: Social learning theory accumulated an impressive research record, is concerned with important human social behaviours, is an evolving theory that is open to change and focuses on important theoretical issues such as the role of reward in learning and stability of learning.

On the other hand, Loop (2018) demonstrates that one of the strengths of social learning theory relates to its ability to identify the link between the child's behaviour and environment. Social learning theory is one of the approaches that child development and educational scholars use to explain how children acquire knowledge. Furthermore, there are multiple models of learning.

3.7.2. *Weaknesses of social learning theory*

Putwain and Sammons (2002) demonstrate that the problem with social learning theory is that it states that an individual's behaviour is completely determined by their learning experiences and does not acknowledge the possibility of freedom of choice. Putting the focus on how setting influences the behaviour as argued by Loop (2018), places more weight on the people and community that the child is part of, and not enough weight on how the child handles and processes new information. In essence, Loop (2018), asserts that social learning theory neglects the child's accountability and may go too far in stating that society directs how the individual behaves and acts. Similarly, Loop's (2018) view seems to support Putwain and Sammons (2002) ideas. Moreover, Loop (2018) adds that social learning theory ignores the standard milestones of child development. Social learning theory does not hinge upon a distinct progression of learning and growth that is chronological or age dependent. Neglecting to consider child development across all domains is its weakest link.

Despite all the arguments from the proponents and the opponents of the social learning theory, the researcher maintains that its strengths, principles and some elements of the assumptions are adequate to come to the conclusion that social learning theory is the most appropriate. Therefore, the discussion below seeks to provide some rationale for choosing this theory as an appropriate one.

APPLICABILITY OF THE THEORY TO THE STUDY

Social Learning Theory is relevant to this study, as it was developed in the context of understanding human behaviour and, furthermore, it represents a set of principles whereby any facet of human functioning can be observed and described (Bartol, 1991). For instance, in addressing one of the objectives of this study which is to identify the causes and trends of recidivism by children after completion of the ROL diversion programme. Bartol (1991) argues that social learning's strong assumption is that people learn primarily by observing and listening to people around them and the social environment. Additionally, McLeod (2016) further adds that if a child wants approval from parents or peers that is called external approval, whereas feeling happy about approval received is called internal reinforcement. These statements both reveal the importance of external and internal environmental stimuli as indicators of human behaviour. Children who attend diversion programmes live in social environments with parents or caregivers, and since the programme runs over a period of eight weeks the children must return to their families and social environments, where they become prone to peer pressure and stigmatization. This is further revealed in a study by Nkosi (2012) on the impact of NICRO diversion programmes in Kwa Zulu-Natal, where it was indicated that reasons for re-offending after completion of a diversion programme include peer pressure and societal stigmatization of constantly being reminded of the wrong, they committed.

 Loop (2018) demonstrates that one of the strengths of social learning theory relates to its ability to identify the link between the child's behaviour and environment. The children that formed part of this study as participants have gone through the diversion programme and most of the factors that contributed to recidivism include but not limited to social environment as a factor, thus social learning theory as demonstrated by most scholars will be the most appropriate theory in understanding the causes of recidivism.

In this section, the researcher discussed social learning theory at length, and what became clear is that the lack of parental support, substance abuse, peer pressure which are some of the environmental factors played a negative impact in influencing the behaviours of young people. Most studies are in support of the findings in of objective one of this study. Moreover, Julian B. Rotter, a professor at Ohio State University published his book, *Social Learning and Clinical Psychology* in (1954) as cited in Denver (2018) indicated that there is a holistic interaction between the individual and the environment. Therefore, it is the researcher's viewpoints that social learning theory is the most appropriate theory for this study.

However, some scholars argue that the child's behaviour is not necessarily completely influenced by the environment. It is the view of the researcher that when a child commits a crime there is an element of disintegration that occurs within the family which is coupled with the shaming of the child by the community.

This, therefore, brings the researcher to a discussion of another theory a re-integrative and shaming theory that seeks to come up with strategies on how to reintegrate children with their families and community at large.

REINTEGRATIVE SHAMING THEORY (RST)

Reintegrative shaming theory was first put forward by Braithwaite in the late 1980s (Losoncz & Tyson, 2015). Reintegrative shaming means that expressions of community disapproval, which may range from mild rebuke to degradation ceremonies, are followed by gestures of reacceptance into the community of law-abiding citizens. These gestures of reacceptance will vary from a simple smile expressing forgiveness and love to quite formal ceremonies to decertify the offender as deviant.

Disintegrative shaming (stigmatization), in contrast, divides the community by creating a class of outcasts. Much effort is directed at labelling deviance, while little effort is paid to de-labelling to signify forgiveness and reintegration to ensure that the deviance label is applied to the behaviour rather than the person and that this is done under the assumption that the disapproved behaviour is transient, performed by an essentially good person (Braithwaite, 2000).

The basic idea of RST is that societies, communities and families where shame is communicated effectively and reintegrative are less likely to experience predatory crime than places where shame is communicated in a stigmatising approach, or not communicated at all (Losoncz & Tyson, 2015). Losoncz and Tyson (2015) further add that shaming is the key concept of RST which is divided into two types: stigmatising and reintegrative. Stigmatising shaming, on the one hand, treats the wrongdoer with disrespect, as a bad person, and as an outcast (Losoncz & Tyson, 2015). Additionally, stigmatising shame as asserted by Dollar and Ray (2015) involves labelling offenders as deviant and isolating them from social ties and community. Braithwaite, as cited in (Okoro, 2016) further states that stigmatisation and reintegration are the centre point of shaming.
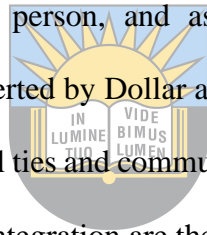
Reintegrative shaming on the other hand, as further augmented by Losoncz and Tyson (2015) recognizes that a wrongdoer is a good person who has done a bad act, and although the wrongful act will be confronted, after the confrontation, special efforts will be made to show the wrongdoer that he/she is still valued and respected. Braithwaite (1989), argues that reintegrative shaming reduces crime, while stigmatising shaming increases it.

Furthermore, Braithwaite (1989) maintains that the reintegrative shaming model is anchored in ceremonies by which the deviant is offered an opportunity to denounce the deviant behaviours or the crimes he/she has committed. The shaming practice is followed up by an effort to re-socialize the deviant back to the community of law-abiding citizens through the manifest practice of forgiveness. Ultimately, through these ceremonial rites/rituals, the offender is purified and as such seen no longer

as a criminal as the ritual offers him/her the opportunity of taking a symbolic rebirth and as such accepted in the community not as a forgiven criminal but as though he never committed any crime in the first instance. Makkai and Braithwaite (1994) differentiate between reintegrative shaming and stigmatization as follows:

Reintegrative shaming involves the following:

- Disapproval while sustaining a relationship of respect;
- Ceremonies to certify deviance terminated by ceremonies to decertify deviance;
- Disapproval of the evil of the deed without labelling the person as evil and;
- Not allowing deviance to become a master status.

Stigmatisation involves:

- Disrespectful disapproval, humiliation;
- Ceremonies to certify deviance not terminated by ceremonies to decertify deviance;
- Labelling the person, not only the deed, as evil, and
- Allowing deviance to become a master status trait.
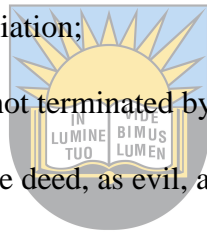
Reintegrative shaming communicates disapproval within the continuum of respect for the offender, the offender is treated as a good person who has done a bad deed. Stigmatization is disrespectful shaming; the offender is treated as a bad person. Stigmatization is the unforgiving-the offender is left with a stigma permanently, whereas reintegrative shaming is forgiving-ceremonies to certify deviance are terminated by ceremonies to decertify deviance (Braithwaite, 2000). However, Dollar and Ray (2015) further demonstrate that reintegrative shaming is also finite, and it ceases with words and/ or gestures of reconciliation, forgiveness and inclusion. As a result, the principles of restorative justice can be used in reintegrative theory. Losoncz and Tyson (2015) concur with Dollar and Ray by arguing that Braithwaite's reintegrative shaming theory has been applied as a framework for restorative justice programs. Marshall (1999:5) as cited in Pereto (2015) defines restorative justice

as a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to resolve the aftermath of the offence and its implications for the future.

Additionally, the Department of Justice and Constitutional Development (2011) refers to restorative justice as an approach to justice that aims to involve the parties to a dispute and others affected by the harm (victims, offenders, families concerned and community members) in collectively identifying harms, needs and obligations through accepting responsibilities, making restitution, and taking measures to prevent a recurrence of the incident and promoting reconciliation.

CHAPTER SUMMARY

Social learning theory is a theory of learning and social behaviour which proposes that new behaviours can be acquired by observing and imitating others (Denver, 2018). As discussed, it has been evident that most behaviours especially those exhibited by children are a result of modelling displayed by parents to children as demonstrated by Bandura cited in Nabavi (2014). Consequently, Kostic, (2013) agrees and demonstrates that child aggression may be a result of imitating rough and violent parental behaviour towards children. Social environment factors also paly a negative role of recidivism in children after completion of ROL diversion programme as highlighted by most of the scholars.

Reintegrative shaming theory was also discussed by the researcher because it seeks to provide strategies on how best to deal with these behaviours. Whereas social learning theory has been criticised by other scholars arguing that it neglects taking into consideration accountability of the child in processing information as asserted by Loop (2018), the researcher is of the view that is the most appropriate theory.

CHAPTER FOUR

RESEARCH METHODOLOGY

INTRODUCTION

This chapter aims to describe the study area and the methodology applied. It also seeks to describe the profile of Chris Hani district which is the area of focus of the study. Furthermore, a comprehensive discussion of the research methodologies used will be provided. The primary data of the research project was gathered through in-depth interviews and focus group discussions. The sample was selected from children who have reoffended after completion of the Rhythm of the life diversion programme, their parents/caregivers and probation officers who facilitated the Rhythm of life diversion (ROL) programme. Participants were from five areas of the Chris Hani district municipality.

CHRIS HANI DISTRICT MUNICIPALITY

South Africa is the 25th largest country in the world and is bordered by Namibia, Botswana, Zimbabwe, Mozambique, Swaziland, and Lesotho. The country has an extensive coastline, which is bordered in the west by the Atlantic Ocean and to the south and southeast by the Indian Ocean (Vocorps.com, 2016). The population of South Africa is one of the most complex and diverse in the world. The vast majority of South Africans classify themselves as black Africans (79%). Major ethnic groups include the Zulu, Xhosa, Basotho, Bapedi, Venda, Tswana, Tsonga, Swazi, Khoikhoi, San people and Ndebele, all of which speak predominately Bantu languages. The Colored population form 8.8% of South Africa's population. Whites in South Africa comprise 8.4% and Indian South Africans comprise 2.5% (Vocorps.com, 2016).

South Africa is divided into nine provinces, with their legislature, executive councils and premier and these provinces are Eastern Cape, Kwa-Zulu Natal, Free State, Northern Cape, Western Cape, Gauteng, Mpumalanga, North West and Limpopo (Geology.com, 2018). Chris Hani district

municipality (CHDM) is situated in the northern region of the Eastern Cape Province. Only 35.2% of the district population lives in urban areas, while 63.8% live in rural areas. CHDM consists of six local municipalities with their urban nodes, namely:

- **Inxuba Yathemba:** Cradock and Middleburg.

- **Enoch Mgijima:** Komani (Queenstown), Whittlesea, Tarkastad and Hofmeyr.

- **Emalahleni:** Cacadu (Lady Frere), Dordrecht and Indwe.

- **Intsika Yethu:** Cofimvaba and Tsomo

- **Sakhisizwe:** Cala and Ekhowa

- **Engcobo:** Engcobo

In 2017, the total population of CHDM was 849 000. Due to high rates of unemployment, there is generally high dependence on grants and remittances (monies sent home by family members working in urban centres) as the main sources of household income in Chris Hani district municipality (Chris Hani District Municipality, 2019). The next section will be a discussion on the research methodology that was followed when the study was conducted in the Chris Hani district municipality.
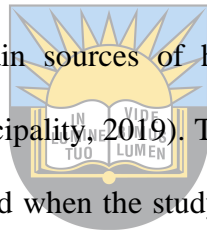
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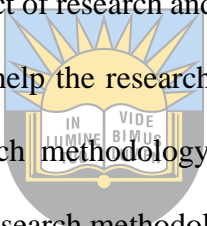
4.1.1. *Research method*

Research methodology as demonstrated by Kothari (2004) on the one hand, is a way to systematically solve the research problem. It may be understood as a science of studying how research is done scientifically. In the methodology, various steps are studied that are generally adopted in studying the research problem along with the logic behind them. It is therefore crucial that the researcher should know both research methods/techniques and the methodology. Also, Sequeira (2014) agrees with Kothari (2004) that methodology is a science of finding. It involves sampling strategies, measurements and measuring tools, statistical techniques, and procedures to

produce research evidence. Kumar (2012) argues that research methodology is a plan, structure and strategy of investigation used to obtain answers to research questions and problems.

On the other hand, Kothari (2004) further argues that research methods may be understood as all those methods or techniques that are used for conducting research. In other words, all those methods which are used by the researcher during studying his research problem are termed research methods.

Moreover, Goundar (2013) states that one of the primary differences between the methodology and research methods is that research methods are the methods by which you conduct research into a subject or a topic. On the other hand, research methodology explains the methods by which you may proceed with your research. Furthermore, research methods involve the conduct of experiments, tests, surveys and the like, although research methodology involves the learning of the various techniques that can be used in the conduct of research and the conduct of tests, experiments, surveys and critical studies. Research methods help the researcher to collect samples, and data and find a solution to a problem whereas, research methodology aims at the employment of the correct procedures to find out solutions. Also, research methodology paves the way for research methods to be conducted properly.

Consequently, research methodology is the beginning whereas research methods are the end of any scientific or non-scientific research. "Thus, when we talk of research methodology we not only talk of the research methods but also consider the logic behind the methods we use in the context of our research study and explain why we are using a particular method or technique and why we are not using others so that research results are capable of being evaluated either by the researcher himself or by others" (Goundar, 2013, p.12)

Research methodologies as further explained by Goundar (2013) can be quantitative (for example, measurement of the number of times someone does something under certain conditions) or qualitative (for example, asking people how they feel about a certain situation). Ideally,

comprehensive research should try to incorporate both qualitative and quantitative methodologies, but this is not always possible, usually due to time and financial constraints.

On the one hand, as demonstrated by Kothari (2004) quantitative research is based on the measurement of quantity or amount and applies to phenomena that can be expressed in terms of quantity. On the other hand, qualitative research is concerned with a qualitative phenomenon, e.g., phenomena relating to or involving quality or kind. This type of research aims at discovering the underlying motives and desires, using in-depth interviews for the purpose. Furthermore, qualitative research is specifically important in the behavioural sciences where the aim is to discover the underlying motives of human behaviour. Usually, in a qualitative approach, the techniques of focus group interviews, projective techniques and depth interviews are used. Moreover, Mirriam and Tisdell as cited in Locke and Strunk (2019) concur with the latter and point out that the goals of qualitative approaches include understanding, describing, interpreting, empowering, deconstructing, problematizing, questioning, and interrupting.

Thus, as revealed by Goundar (2013) good and sound qualitative research has many strengths which include but are not limited to that it is flexible, highly focused and designed to be completed quickly because the results are seen or heard first-hand, readers relate to the findings easily and add flesh and blood to social analysis. Furthermore, Denzin as cited in Rahman (2017) states that the qualitative research approach produces a thick (detailed) description of participants' feelings, opinions and experiences, and interprets the meaning of their actions. In contrast, qualitative methods provide a depth of understanding of issues that is not possible with a quantitative method, statistically based investigations (Tewksbury, 2009). Goundar (2013) further points out that quantitative research is based on the measurement of quantity or amount.

In this study, the researcher applied a qualitative approach because the researcher was interested in establishing the perspectives of children who have undergone a diversion programme, parents' or guardians' views on the effectiveness of the programme, and opinions of the professionals as opposed to having an interest in numbers. Unlike, the quantitative approach, which focuses on

numbers and measurements, a qualitative approach is interested in the feelings and experiences of participants on a social issue. As alluded to in chapter one, under the research problem that the Department of Social Development does not have a database of children who have reoffended after completion of the ROL programme. For this reason, the research was of the view that it would be a futile exercise to apply a different research approach such as the quantitative approach. Hennink, Hutter and Bailey (2011) assert that qualitative research is an approach that allows one to examine people's experiences in detail, by using a specific set of research methods such as in-depth interviews, focus group discussion, observation, content analysis visual methods, and life histories or biographies. This type of approach assisted the researcher to examine the perspectives and experiences of children who have completed the diversion programme, and in certain circumstances those who have re-offended after having undergone the programme. Further to that, the approach enabled parents and probation officers to describe their views on the impact of the programme on children's behaviours.

In the next section, a discussion is made on how participants were selected from the population and the sampling procedure used in selecting participants.

4.1.2. Population and sampling

The entire set of objects or people as asserted by Bless and Achola (2006) which is the focus of the research and about which the researcher wants to determine some characteristics is called the population. Moreover, a population sometimes referred to as a target population is the set of elements that the research focuses upon and which the results obtained by testing the sample should be generalized. Therefore, it is essential to describe the target population accurately. Lim and Ting (2013) concur with Bless and Achola (2006) and refer to a population as any group that shares a common set of characteristics. Similarly, Pandey and Pandey (2015) state that population or universe means, the entire mass of observations, which is the parent group from which a sample is to be formed.

The population in this study is first young people who have reoffended after they have completed attending the Rhythm of Life (ROL) diversion programme. Secondly, parents/guardians of children who completed the ROL diversion programme and thereafter reoffended. Thirdly, probation officers who assessed and or facilitated the ROL diversion programme. The study was conducted in the Chris Hani district in the Eastern Cape. Chris Hani district consists of six municipalities or areas, namely: Komani, Cradock, Cofimvaba, Ngcobo, Lady Frere and Cala.

Also, Bless and Achola (2006) further point out that the subset of the whole population which is investigated by a researcher and whose characteristics will be generalized to the entire population is called the sample. Furthermore, Nayak and Singh (2016) define a sample as a subgroup of a population. It is a group of people, objects or items that are taken from a larger population for measurement. Accordingly, Babbie (2012) argues that sampling in qualitative research serves to tap into the breadth of variation within a population rather than to focus on the 'average' or 'typical' member of that population. Pandey and Pandey (2015) further explain that sampling means selecting a given number of subjects from a defined population as representative of that population.
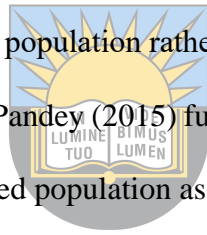
Kothari (2004) indicates that there are two different types of sampling designs, namely: probability sampling and non-probability sampling. On the one hand, probability sampling is also known as random sampling or chance sampling. Random sampling refers to the method of sample selection which gives each possible sample combination an equal probability of being picked up and each item in the entire population has an equal chance of being included in the sample. Bless and Achola (2006) concur with Kothari (2004) by arguing that in this type of sampling, a sample is randomly selected when each member of the population has an equal chance of being selected into the sample. Additionally, it is possible to estimate the extent to which the findings based on the sample are likely to differ from what would have been found by studying the whole population. Briefly, as further shown by Kothari (2004) probability implies that, first, it gives each element in the population an equal probability of getting into the sample and all choices are independent of another one. Secondly, it gives each possible sample combination an equal probability of being chosen.

On the other hand, non-probability as further stated by Kothari (2004) is a sampling procedure which does not afford any basis for estimating the probability that each item in the population has of being included in the sample. In this type of sampling, items for the sample are selected deliberately by the researcher and the researcher's choice concerning the items remains supreme. Under non-probability sampling, the organizers of the inquiry purposively choose the units of the universe for constituting a sample on the basis that the small mass that they so select out of a huge one will be typical or representative of the whole. This sample design (non-probability) is known by different names such as deliberate sampling, purposive sampling and judgement sampling.

Consequently, Pandey and Pandey (2015) differentiate on non-probability sampling methods/procedures which are as follows: (a) Incidental or accidental sampling (Refers to the groups which are used as samples of a population because they are readily available), (b) Judgement sampling (Involves the selection of a group from the population-based on available information assuming as if they are representative of the entire population. The group may be selected based on the criterion deemed to be self-evident), (c) Quota sampling (Combination of both judgement sampling and probability sampling; based on judgement or assumption or previous knowledge, the proportion of the population falling into each category is decided). (d) Snowball sampling (The sampling procedure in which the sample goes on becoming bigger and bigger as the observation or study proceeds) (e) Purposive sampling: is selected by some arbitrary method because it is known to be representative of the total population or is known or it is known that it will produce well-matched groups. It is aimed at picking out the sample about criteria which are considered important for the study.

In this study, the researcher used a purposive sampling method. The purposive sampling method as explained by De Vos, Strydom, Fouché and Delport (2011) who is agreeing with Pandey and Pandey (2015) is based entirely on the judgement of the researcher, in that, a sample is composed of elements that contain the most characteristics, representative or typical attributes of the population that serve the purpose of the study. The advantages of this sampling method are that it uses the best available

knowledge concerning the sample subjects, it controls significant variables better, sample groups can be easily matched, and homogeneity of subjects used in the sample.

The need to conduct this study was necessitated by the researcher's concern regarding the high rate of children who after undergoing the Rhythm of life diversion programme continue to re-offend. The population was chosen from the Chris Hani district municipality. The provincial social development statistics on Crime Prevention and support indicate that of the eight districts, Chris Hani is ranked the highest in terms of implementing diversion programmes (Department of Social Development, 2017).

4.1.3. *Research design*

Goundar (2013) argues that research can be classified as descriptive, correlational, explanatory and exploratory. Descriptive research attempts to describe systematically a situation, problem, phenomenon, service or programme or provide information about the living conditions of a community or describe the attitude towards an issue. Correlational research attempts to discover or establish the existence of a relationship/interdependence between two or more aspects of a situation. Explanatory research attempts to clarify why and how there is a relationship between two aspects of a situation or phenomenon. Lastly, exploratory research is undertaken to explore an area where little is known or to investigate the possibilities of undertaking a particular research study (feasibility or pilot studies) (Goundar, 2013). Furthermore, Nayak and Singh (2016) caution that exploratory research may not lead to a very accurate understanding of the target problem, but maybe worthwhile in scoping out the nature and extent of the problem and serve as a useful precursor to more in-depth research.

Kothari (2004) asserts that the research design is the conceptual structure within which research is conducted, it constitutes the blueprint for the collection, measurement and analysis of data. Similarly, De Vos et al (2011) define research design as a plan which includes every aspect of a

proposed study from the conceptualization of the research problem right through to the dissemination of findings.

Moreover, Pandey and Pandey (2015) support Kothari (2004) and De Vos et al, (2011) by emphasizing that research design is a map that is usually developed to guide the research. The study made use of exploratory and descriptive designs as forms of data collection and the reasoning behind choosing this study was the following: The Eastern Cape Department of Social Development in particular the crime prevention and support directorate does not have a database of children who reoffended after completing diversion programmes as alluded to in chapter one. As such, little is known about scientific reasons why children re-offend and this confirms what is entailed on the definition of an exploratory research design by Goundar (2013).

The researcher was interested in establishing the experiences of the children about the diversion programme, parents' views on behaviours of children post-diversion programme and opinions of programme facilitators/probation officers on what makes children re-offend after completion of a diversion programme. The next sections will deal with data collection methods used during the gathering of information from the above-mentioned participants.

4.1.4. *Data collection*

The collection of data for this study was conducted through in-depth interviews and focus groups. The in-depth interviews were applied to children who have reoffended after completion of the Rhythm of Life (ROL) diversion programme. And the focus group discussions were employed on probation officers and parents.

Pandey and Pandey (2015) define an interview as a two-way method which permits an exchange of ideas and information. The interviewer can probe into casual factors, determine attitudes and discover the origin of the problem. It is appropriate to deal with young children and illiterate persons. The advantage of the interview on the one hand as described by Nayak and Singh (2016) is the researcher is likely to gain valuable insight based on the depth of information, flexible method of

data collection, direct contact at the point of the interview means that data can be checked for accuracy and relevance as they are collected and interviews are pre-arranged and scheduled for a convenient time and location.

On the other hand, Pandey and Pandey (2015) indicate that the disadvantages of this method can be that, it may provide misleading information, results may be affected due to the prejudices of the interviewer and it may provide one-sided and incomplete research. Also, Kothari (2004) points out that through a personal interview, the investigator follows a rigid procedure and seeks answers to a set of pre-conceived set of questions. This method of data collection is usually carried out in a structured way where output depends upon the ability of the interviewer to a large extent. Structured interviews involve the use of a set of pre-determined and highly standardized techniques of recording.

In this study, the researcher applied in-depth interviews for children who are the main participants and that is consistent with what Pandey and Pandey (2015) state that interviews are appropriate for young children and illiterate persons. The researcher targeted twenty children who completed the ROL diversion programme and reoffended but managed to reach nine children. During interviews and with the consent of the participants, the researcher recorded all interviews. Interviews were very useful in the sense that the researcher managed to get in-depth information using pre-determined questions. Recordings assisted the researcher to capture all the required information.

Nayak and Singh (2016) describe a focus group as a group interview of approximately six to twelve people who share similar characteristics or similar interests. During a focus group interview, the facilitator guides the interview on a predetermined set of questions. The facilitator creates an environment that encourages participants to share their perspectives and points of view. Focus groups are a qualitative data collection method, meaning that data is descriptive and cannot be measured numerically. Focus groups as further described by Nayak and Singh (2016) has several important features that include: Enabling in-depth discussions and involving a relatively small number of people. It focuses on a specific area of interest that allows participants to discuss the topic

in greater detail. Participants usually have shared social and cultural characteristics such as (age, social class, gender, ethnicity, and educational background).

The researcher utilized focus group discussions for both probation officers and parents/guardians of the children. Of the six targeted only five probation officers formed part of the focus group. The researcher managed to reach ten parents for the focus group. Furthermore, all participants were interviewed in their mother tongue language because most of them especially parents/guardians and their children were not conversant with English. Recording of the discussions was done and that assisted to gather each participant's answers and inputs on the discussions.

After the collection of data, the next section dealt with how data was analysed aimed at determining whether research questions have been dealt with.

4.1.5. *Data analysis*

The term analysis as stated by Kothari (2004) refers to the computation of certain measures along with searching for patterns of relationship that exist among data groups. Data analysis in general involves closely related operations which are performed to summarise the collected data and organize these in such a manner that they answer the research question(s).

Equally, Cresswell (2016) argues that when analysing the data, the researcher does not simply report long passages from the transcript but analyses what the participants are saying. Moreover, some steps need to be followed when analysing data and include steps include transcribing data, observing, taking notes, reading, coding the data, developing themes and validating the interpretation. During the process of analysing data, the researcher made use of a Microsoft excel sheet with columns and rows where code, subthemes and themes were arranged by their patterns of relationship. The use of Microsoft Excel made it easy to conduct editing and come up with relevant themes that were aligned with the research questions.

RELIABILITY AND TRUSTWORTHINESS

On the one hand, reliability as defined by Goundar (2013) refers to the quality of a measurement procedure that provides repeatability and accuracy. Kothari (2004) states that the reliability of data can be tested by finding out who collected the data. What were the sources of data? Were they collected using proper methods? At what time were they collected? Was there any bias in the compiler? What level of accuracy was desired? And was it achieved? Also, Svensson (2006) argues that reliability is viewed as a technical precondition of trustworthiness.

During data collection, the researcher made use of in-depth interviews with children and focus group discussions for parents or caregivers of the children and probation officers. And these are reliable data collection methods. Moreover, the researcher was the main interviewer for both in-depth interviews and the facilitator of focus group discussions. On the other hand, trustworthiness as argued by Gunawan (2015) is that a study is trustworthy if and only if the reader of the research report judges it to be so. Furthermore, trustworthiness is divided into credibility which corresponds with the positivist concept of internal validity, dependability which relates more to reliability, transferability which is a form of external validity and confirmability which is largely an issue of presentation. Deducing from the above, the researcher is of the view that the study is trustworthy.

LIMITATIONS OF THE STUDY

The main participants of the study were children and it was a challenge to get an ethical clearance because of the process. A lot of time was spent on individual interviews for children and that was the biggest challenge. It was also difficult for the children to open up about their experiences and views on the ROL diversion programme and the reasons for reoffending as they feared being arrested. The researcher built a rapport with the participants before explaining the principle of anonymity and confidentiality to mitigate this limitation and this made the processing time-consuming. The reasons advanced by probation officers from three areas were that there were no

offenders in their areas and the researcher ended up collecting data from participants from three instead of six areas as planned. The other challenge was the language barrier in that all interviews especially for children and parents/caregivers were conducted in their home language. The process of translating from Xhosa to English was also a challenge. Finally, the study had huge financial implications for the researcher in that it was conducted in the Chris Hani district and there was a lot of travelling involved.

ETHICAL CONSIDERATIONS

The researcher has practiced as a probation officer for more than fifteen years in the Eastern Cape Department of Social Development. During those years, the researcher worked with people especially children-in-conflict with the law. The researcher is currently working as a social work policy manager under the directorate: of Crime Prevention and Support in the Eastern Cape Department of Social Development. Key performance areas the social work manager entails but are not limited to capacity building of probation officers, interpretation of the legislative framework and development of policies.
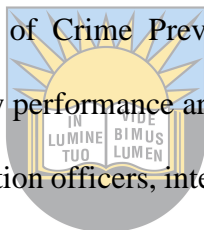
Before conducting the study, the researcher applied for ethical clearance from the University of Fort Hare and written permission was obtained. Thereafter, the researcher sought permission from the Head of Department of Eastern Cape Department of Social Development because participants were probation officers employed by the department and children (their clients). As a social worker registered with the South African Council for Social Service Professions, the researcher needed to abide by the code of ethics for social work. Resnik (2015) defines ethics as norms for conduct that distinguish between acceptable and unacceptable behaviour.

The researcher complied with ethical principles since they serve to safeguard the dignity, rights, safety, and well-being of all participants in the research study (Miller, 2007). Furthermore, the study was based on mutual trust, acceptance, cooperation, promises and well-accepted conventions and expectations between the parties involved in the study (De Vos, et al 2011). This attempts to explain

that before interviews with participants, they were informed about the study, and expectations and they agreed to be part of the project.

Ethical principles that were complied with include but are not limited to:

4.1.6. *Confidentiality and anonymity*

Engel and Schutt (2013) argue that researchers in qualitative research should make sure that they negotiate in advance with participants so that issues of maintaining confidentiality and privacy are protected. The researcher-maintained anonymity and confidentiality in that the names of the participants do not appear in the study. Moreover, participants' names were not disclosed during data analysis, instead, pseudo names were used. Also, the researcher ensured that the information is solely meant for a research study.

Furthermore, the researcher is a qualified social worker who abides by the principle of confidentiality as well as professional ethics (registration number: (10-18128).
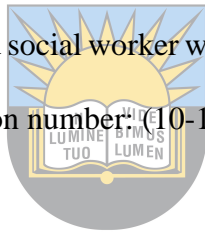
4.1.7. *Informed consent*

All participants have the right to be informed about the logistics of the research to make informed decisions (Babbie, 2015). The researcher informed all participants and made them aware of their role in the study. Furthermore, informed consent was solicited first before the interview could proceed both verbally and in writing.

4.1.8. *Voluntary participation*

Voluntary participation in the study is based on a full understanding of possible risks (Babbie, 2015). The participants took part in the study of their own free will. The researcher made sure that all participants were informed about their right not to participate in the study before the commencement of the interviews. Furthermore, it was their right to stop the interview whenever they wished to do so. Indeed, some of the participants refused to take part in the study hence there was a lesser number of children who participated as anticipated during interviews.

CHAPTER SUMMARY

In this chapter, the researcher provided an outline of the research methodology that was employed. Firstly, a comprehensive description of the study area with specific reference to the Chris Hani district municipality was discussed. Secondly, a description of research methodologies was done and the reasoning behind choosing an appropriate method of collecting data was. Thirdly, research designs namely qualitative and quantitative approaches were discussed and subsequently the qualitative outweighed the quantitative design. Lastly, the issue of ethical consideration which is key when conducting research was discussed comprehensively. Notwithstanding other ethical principles, key ethical principles which relate to confidentiality, anonymity, informed consent and voluntary participation were discussed. Therefore, the researcher is of the view that issues that relate to the validity and trustworthiness of the study are preceded by a sound ethical consideration on the part of the researcher.

The next chapter dealt with data presentation, interpretation and analysis.

CHAPTER FIVE

DATA ANALYSIS, PRESENTATION, AND INTERPRETATION

5.1 INTRODUCTION

The previous chapter dealt with the methodology used in the study. After collecting and analyzing the data as pointed out by Kothari (2004), the researcher has to accomplish the task of drawing inferences followed by report writing. This chapter therefore will provide a presentation of findings gathered from in-depth interviews, focus group discussions with participants and align social learning theory to participants' responses. During the presentation, the researcher will align the findings with the literature discussed in chapter three. Accordingly, tables, diagrams and figures will be used to present data and assist in the full comprehension of the findings. Additionally, the biographical information of participants such as age, gender, age, marital status and level of education will be discussed. Consequently, a discussion of the identified themes and sub-themes will be done. Moreover, the study aimed to explore the recidivism in children after completion of the Rhythm of Life (ROL) diversion programme in the Chris Hani district and the objectives were as follows:

- ➤ To identify the *causes* and *trends* of recidivism by children after completion of the ROL diversion programme.

- ➤ To explore the children's *experiences* of the programme.

- ➤ To identify parents' or guardians' *observations* of the programme's effect on a child's behaviour.

- ➤ To identify the probation officers' *opinions* on the *effectiveness* of the ROL diversion programme.

The next section will discuss the response rate from the sample of the study.

5.2 RESPONSE RATE

The study targeted 35 participants in the qualitative investigation but only 24 participants managed to participate in the study in the following distribution:

Nine children who reoffended after completion of the ROL diversion programme, aged 14-20 years participated in in-depth interviews. The target age group was children between twelve and 17 years of age. Of the nine children interviewed, two were over the age of 17 years old. The reason for interviewing them is that they reoffended when they were under the age of 17. Ten parents, aged 29-59 years and five probation officers, aged 30-49 years participated in focus group discussions.

The next section analyzed, presented and interpreted biographical information of all participants of the study starting with children, parents or guardians and probation officers.

5.3 BIOGRAPHICAL INFORMATION OF CHILDREN WHO REOFFENDED AFTER COMPLETION OF THE ROL DIVERSION PROGRAMME

Age	Gender	Schooling	Offences committed	The period between completion of the diversion programme and reoffending
14	Male	Grade 8	Housebreaking	Two months
16	Male	Grade 10	Theft	One month
17	Male	Left school in grade 7	Theft	Three months
17	Male	Left school in Grade 4	Stock theft	Two months
20	Male	Left school	Theft	Three months
16	Male	Grade 9	Assault GBH	Two months
19	Male	Left school	Assault GBH	One year
17	Male	Left school	Malicious damage to property	One week
15	Male	Grade 10	Assault GBH	Three months

Table 1: Biographical information of children

5.3.1   Age

As illustrated in figure 1, the majority of children who reoffended from the subsample were between the ages of 15 -17 years old. The table also illustrates that the number of young offenders increased

as age increased. This concurs with Moss (2016) when stating that the relationship between crime and age is complex as from ages six and 10 the prevalence of physical aggression tends to increase, yet from the ages of 10 and 13 the prevalence of physical aggression tends to decrease and yet in the subset of individuals who continue to perpetrate destructive behaviour, these acts become severe at around 15- 17 years.

5.3.2 Gender

Table 1 indicates that all nine children interviewed were males. The main reason for this could be that boys tend to be more prone to crime compared to girls as according to Lefrancois (1999) adolescents especially males engage in a variety of criminal behaviours many of which have potentially devastating consequences.

5.3.3 Educational level

The majority of children from the subsample did not progress at school. Of the nine (9) interviewed, only four (4) were schooling at the time of the interview. Leaving school at a tender age could be a result of a lack of parental guidance. A study conducted by Abd-El-Fattah (2006) revealed that students' perception of parental involvement was the most important predictor of academic achievement and school dropout. Also, Davalos, Chavez, and Guardiola, (2005) demonstrated that adolescents' perceptions of family communication and parental school support were related to the likelihood of committing delinquent acts.

5.3.4 Period from completion of the diversion programme and reoffending

Table 1 outlines the reoffending trends of children who completed the diversion programme. The indication as illustrated in the table is that most of the children reoffended within two to three months after completion of the ROL diversion programme. This could be due to the lack of aftercare services. Sauls (2018) reports that aftercare services for young people are almost non-existent. Sauls (2018) further reports that challenges such as the workload of probation officers were mentioned as one of the reasons for the lack of aftercare services. Despite the lack of aftercare services, the

probation officers agreed that aftercare services for the children and caregivers could be the most crucial part of the diversion process.

5.4 BIOGRAPHICAL INFORMATION OF PARENTS/GUARDIANS

	Age group	Number	Total
Age	20-39	1	
	40-59	9	10
Gender	Female	9	
	Male	1	10
Marital status	Single	4	
	Married	3	10
	Divorced	2	
	Widowed	1	
Level of education	Less than matric	9	
			10
	Matric	1	
	Diploma	0	
	University Degree	0	

Table 2: Biographical information of parents/guardians
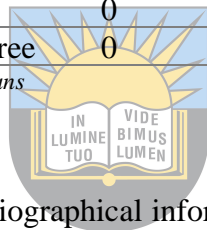
The subsample in table 2 explains the biographical information of parents or guardians of children who reoffended after completion of the ROL diversion programme from Chris Hani district.

5.4.1   Age

Most parents or guardians interviewed were between the ages of 40-59 and only one was between the ages of 20-39 years. This indicates that the majority of children who reoffended were supervised or had parents or guardians who were in the middle age stage that is between the ages of 40-65 years according to McLeod (2008). MacLeod (2008) further states that individuals in this stage tend to give back to society by raising children, becoming productive at work and becoming involved in community activities and organizations.

5.4.2 Gender

Females formed the majority of the participants from the subsample of parents. Nine out of ten participants were females and only one was male. This is an indication that most children interviewed were cared for by females. According to the Children's Bureau (2018), fatherlessness has emerged as one of the greatest social problems.

5.4.3 Marital status

In terms of marital status, most parents were single (04) and three (03) were married and the remainder were either divorced or widowed at two (02). This indicates that the children interviewed were raised by single parents. The issue of a single parent has gathered momentum where children are raised by a single parent and not with both parents as expected in the African traditional setup. In terms of comparisons, single parenting is higher in females compared to males (Mbithi, 2019). Although raising children as a single parent is not an indication that the children will engage in criminal activities.
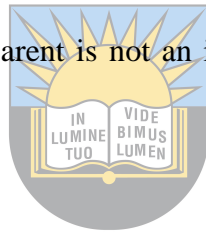
5.4.4 Level of education

All parents that were interviewed did not reach matric and only one managed to complete matric. This, therefore, means that levels of education are low in parents that were interviewed. Research by Lamar University (2019) shows that parents' education level has a significant impact on their children's success.

5.5 LEVEL OF EDUCATION AND WORK EXPERIENCE

All the probation officers who participated in the focus group have a degree in social work. In terms of the Reviewed minimum norms and standards for diversion: Social Development (2015), all facilitators for diversion programmes must be suitable and qualified by possessing a qualification in social work/psychology. They must also have at least two years of work experience in the generic practice of which one year must be experienced in working with children in the criminal justice

system. All probation officers in the focus group discussion did meet the requirements as per the prescribed prescripts.

5.6 PRESENTATION AND DISCUSSION OF THEMES AND SUBTHEMES

Objective 1	Themes 1	Subthemes
To identify the causes and trends of recidivism by children after completion of the ROL diversion programme	*Factors contributing to recidivism by children after completion of a diversion programme.*	*1.1 Personal characteristics of young people.* *1.2 Family and environmental background.*
Objective 2	Theme 2	Subthemes
To explore the children's experiences of the programme.	*Diversion programme content*	*2.1 Facilitation of diversion programmes.* *2.2 Children's experiences with the ROL diversion programme.* *2.3 Perceptions of children towards victims.*
Objective 3	Theme 3	Subthemes
To identify parent/ guardian's observations of the programme's effect on a child's behaviour.	*Completion of a diversion programme*	*3.1 Measures to prevent reoffending of children by parents* *3.2 Participants conduct post-diversion programme*
Objective 4	Theme 4	Subthemes
To identify the probation officer's opinions on the effectiveness of the ROL diversion programme.	*Effectiveness of ROL diversion programme.*	*4.1 Effectiveness of ROL diversion programme on young people.* *4.2 Type of crimes committed by children.* *4.3 Professional support to young people and their families.*

Table 3: Themes and subthemes of the study

The above table (4) presents and discusses the summarized responses from participants of the study. The study as alluded to before comprises subsamples of children who completed the ROL diversion programme, focus group discussion for their parents/guardians and focus group discussion for probation officers. To properly guide the presentation, in the table there are objectives of the study, themes and subthemes. In table (4) there are four objectives, four themes and subthemes and they are discussed respectively.

5.6.1 Theme 1: Factors contributing to recidivism in children after completion of ROL diversion programme.

Objective 1	Themes 1	Subthemes
To identify the causes and trends of recidivism by children after completion of the ROL diversion programme	*Factors contributing to recidivism by children after completion of a diversion programme.*	*1.1 Family and environmental factors that lead to the recidivism of young people.*
		1.2. Recidivism trends by children after completing the ROL diversion programme.

***Table 4*: Illustration of objective one in relation to theme one**

The first theme that was identified as factors contributing to recidivism by children after completion of the ROL diversion programme. This theme is discussed under the following subthemes: Personal characteristics of young people and family environmental background.

5.6.1.1 Subtheme 1.1: Family and environmental factors that lead to the recidivism of young people.

The subsample comprises children with similar aspects. For instance, the main characteristics as demonstrated in table 1 include but not limited to the age group, language, level of education, gender and reoffending trends. In table 1, it is also highlighted that all of them were male and those who left school and did not progress to grade twelve. Another critical trait is that when they commit offences, they did it in groups. As asserted by Ronald, Kori, Kosagi, Obanaik, Timmapur, Kumar, and Sushma (2017) that children need support, love, affection, parenting support and the involvement of family members to grow. Moreover, when these basic needs are missing this may affect the child's personality. Negative factors such as broken homes, lack of love, lack of parental affection, gang subculture, poverty, the negative influence of media, urbanization, adolescent instability, lack of recreation, negative environment, low-socioeconomic situation, parental violence, availability of weapons, association with deviant peers, parental substance use, peer pressure, poor academic performance, low educational attainment, drug or alcohol use by children, poor monitoring of

children in school and criminal behaviour of siblings are the causes for juvenile delinquency (Ronald et al., 2017).

The above argument is evidenced by the following quotes;

"They assaulted a schoolchild and it was a group, they were a group, he was not alone they assaulted him as a group, and he opened a case against them" (Parents/52-54; FGD for parents).

"*He smoked glue, did not go to school, committing break-ins, the break-in is the one he committed at school where he broke those taps''* (Parents/45-46; FGD for parents).

''I (reasons for reoffending) was too much on drugs and I was not thinking straight, I listened to friends. Yhoo, I felt like a person who was lost but I then found myself after I went to (CYCC) in Y.'' (Child B; 78-80).

It is clear that the young person in the quote is one of the beneficiaries of level two diversion where ROL diversion programme is one of the therapeutic programmes rendered at the Department of Social Development Child and Youth Care Centres. Section 53 of the Child Justice Act 75 of 2008 provides for two types of diversion options namely level one and two. Level one involves attendance of a normal diversion programme at the local service offices or at an identified and accredited operational site. Whilst level two stipulated in section 53(4)(b) of the same Act involves compulsory attendance at a specified centre or place for a specified vocational, educational or therapeutic purpose which may include a period or periods to temporary residence. The change in behaviour may be caused by the change in environment as the child was in a child and youth care centre, which he says that is where he found himself, as his social environment could not provide such opportunity.

''I don't know, no it is something that happened at home. It was due to anger; I took an iron and broke the ironing board and my mother opened a case against me.'' (Child E; 71-73).

''Even in X yes, the programme (ROL) itself assists, but children they go back to the same community, same households so the child defaults'' (FGD Probation officers; 429-431)

During the interviews, participants pointed out a variety of factors which led children to re-offend after completion of the ROL diversion programme. Notwithstanding other reasons

provided, family and environmental background were cited as the main common factors. Social environmental factors which include drugs, peer pressure, lack of positive role models are some of the behaviours that are learned by young child and they end up being involved in criminal activities post diversion and this is supported by parents, (Sauls, 2016) and (Ntshangase, 2016) and that is one of the assumptions of social learning theory.

Responses from participants particularly parents/guardians did show the impact of an absence and or lack of a father figure in the family which might have influenced the child to get involved in criminal activities. However, that does not indicate that single parents are not capable of managing behaviours and maintaining their children as reflected below:

> *"They never went to sleep on an empty stomach. You see, a child becomes mischievous because he goes to sleep on an empty stomach. One person said that does not help, as giving the child enough food will make the child mischievous. I tried that these children do not sleep on empty stomachs, they did not want pap" (Parents/231-236).*
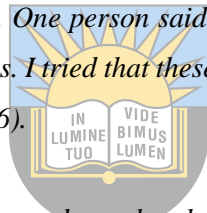
> *"I am not sure because his father passed on when he was young, and they were raised by me and I cannot attribute his behaviour to anger. They are not disadvantaged children; I try by all means to make sure that I meet their basic needs" (Parents/426-429; FGD with parents).*

Lack of parental support was identified as one of the factors that contributed to the recidivism of children as revealed by the following participants;

> *"It was because of the support I did not get from the family that why I am like this (reasons for reoffending)" (Children/63-64; Interview with children).*

> *''I still feel pain now because I did not get support from any of them (family members)'' (Child D; 55).*

Some participants stated that they did not receive any support from their families hence they were in trouble with the law. However, the rest of the participants except one who indicated that he did not know, admitted that they did receive support from both family and community during and after completion of the programme, as reflected in the response below.

"Yes, I did receive support from home because they encouraged me and told me that everything, I learnt from programmes will help me in life (Children/65-66; Interview with children).

''There was also my brother's friend I met after school who when I say I shall not go back to school encouraged and told me that programmes are good and they will prevent me from going to prison and I was wrong in getting involved in those criminal activities'' (Children/66-70; Interview with children).

Despite efforts made by most parents to instil discipline in their children, some of them would not listen as reflected by the response below:

"Mine we sat down as mother, grandmother and maternal aunts and advised him to behave but he did not listen" (Parents/331-332; FGD with parents).
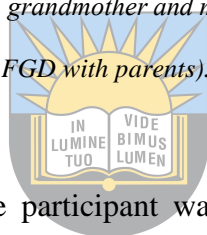
The sentiments below suggest that the participant was just disobedient and lacked a sense of responsibility. Lack of responsibility for children also emerged as one of the reasons that contributed to reoffending. One of the objectives of diversion as per the Child Justice Act 75 of 2008 (2010) is to encourage the child to be accountable for the harm caused by him or her. In most cases when participants were asked as to whether they did receive support from family and community they would blame their parents and or peers for their unbecoming behaviour and forget about their responsibility as indicated below:

''I think I was going with wrong friends and my mother was always shouting at me'' (Children/103-104; Interview with children).

"He was not listening and encouraged him to attend the programmes, and I was not feeling good about his behaviour" (Parents/156-157; FGD with parents).

"It was because I forgot some of the things I was told and listening to friends" (Children/83-84).

The above responses point to a lack of responsibility and accountability on the part of the participant by not playing his role of implementing what he was taught in the programme.

Family background was also reported as one of the contributing factors to recidivism.

"in Y when it does occur it is either the child is coming from a background where the parent is not supportive towards the child or is not monitoring the child" (PO/42-44; FGD with probation officers).

"I don't want to say he does not live with me. He does come home, sleeps over if he wants or goes back to his place. He is always at Y; I guess he gets satisfaction there. He was not kicked out from home he went out on his own will and it's like when he wants to come back, he does come back" (Parents/38-42; FGD with parents).

"After the completion of the programme, he would go on Friday and return on Monday and did not attend school. Even yesterday he did not go to school. Yesterday I told him to leave my house and go to his biological father. I have given up on him and my current marriage is unstable due to his behaviour" (Parents/146-151).
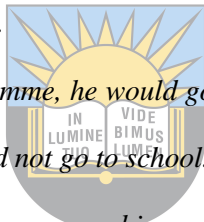
The above responses point to a lack of parenting skills and lack of parental supervision by parents or guardians.

Other issues that were reported relating to the loss of a parent or a loved one by the child which made the child exhibit anger and violent behaviour as per responses below:

"Because of my mother's death, grandmother's death (the reason for reoffending)" (Children/79; Interview with children).

The above response is supported by Draper and Hancock (2011) that children who are parentally bereaved before the age of 16 are significantly more likely to display delinquent behaviour than those who are not.

Lastly, peer pressure and substance abuse were reported to have played a major negative impact as reflected in the responses below:

"Association with bad peers he would complete the programme and go back to the same environment and you would observe that that which he was taught is forgotten. When he attends the first session, he/she will not see the need to come back to the programme, especially when he/she meets friends" (PO/126-133; FGD with probation officers).

"Hey, I do talk with that child, I involved church members, and old people, because his father does not care about him. One other woman said to him that if his mother can die his future will be doomed. I also tried to talk to his paternal family and his paternal aunt said this child was raised by you. He also stopped going to church and chose to associate with adults who are on drugs" (Parents/336-341; FGD with parents).

"The other day he was found sleeping at the house where drugs are abused and adults there were confronted about their influence on young children. When you talk to him, he does not listen instead he will bite his fingers. (Sobbing), yesterday I took a stick and beat him, and God saw me, and I am asking God to intervene in my ill health so that I am to raise his younger sibling. I also informed his father about his behaviour and requested him to take his child" (Parents/341-347; FGD with parents).

"He would come back smelling glue, and he would be sticky with glue clothes and body. When I tell them to wash their clothes they never do. I ended up washing them myself. Even the blankets that smell of his glue, he never washed them I ended up washing them myself" (Parents/383-386; FGD with parents)

"The area where we live is full of people we don't know, there is no direction and some houses have drug abusers and children just frequent those houses. If a child can just come and sleep in a stranger's house, there is no hope that he might change" (Parents/435-438; FGD with parents).

"The old men are using our children to sell drugs. The house belongs to a deceased person but there are relatives who stay in the house" (Parents/447-448; FGD with parents)

"I (reasons for reoffending) was too much on drugs and I was not thinking straight, I listened to friends. Yhoo, I felt like a person who was lost but I then found myself after I went to Y (CYCC)" (Children/78-80; Interview with children).

"it was alcohol, and even before when I offended it was due to alcohol and I decided to stop consuming it" (Children/84-85; Interview with children).

"I think it was going with wrong friends and my mother was always shouting at me" (Children/103-104; Interview with children).

The above quotations are some of the responses from all participants such as children, parents/guardians and probation officers. On the one hand, the children did indicate in their responses that the main challenge that made them re-offend is substance abuse and peer pressure. The response provided by children concurs with studies conducted by Sauls (2016) which revealed that the reasons provided for reoffending included a lack of role models, drugs and peer pressure. Similarly, Ntshangase (2016) concurs with Sauls (2016) by stating that peer and environmental influence, individual factors, economic circumstances, social circumstances, catalysts for offending behaviour, drug or alcohol use, circumstantial or unintentional offending, stress and negative labels contribute to reoffending. On the other hand,

parents/guardians agreed with their children on factors such as substance abuse and peer pressure and added that the environment in which they live is not conducive to the proper upbringing of children due to the abundance of drug and substance abuse. Ronald, et. al. (2017) point out that children need love, affection, parenting support and the involvement of family members to grow. Moreover, when these basic needs are missing this may affect the child's personality. Negative factors such as broken homes, lack of love, lack of parental affection, gang subculture, poverty, the negative influence of media, urbanization, adolescent instability, lack of recreation, negative environment, low-socioeconomic situation, parental violence, availability of weapons, association with deviant peers, parental substance use, peer pressure, poor academic performance, low educational attainment, drug or alcohol use by children, poor monitoring of children in school and criminal behaviour of siblings are the causes for juvenile delinquency. The quote below is explained by the above assertion that lack of parental support and other social environmental factors post diversion play a major role in recidivism and that is in support of the assumptions of social learning theory.

Additionally, probation officers cited Cubec (Children Used by Adults to commit Crime) as one of the major contributing factors to recidivism as per response below:

"I told them that there are people who force you to do wrong things and that sometimes is peer pressure and you must learn & be able to say no" (Children/59-60; Interview with children).

Those adults assume that children will not get arrested. However, if children are channelled to an appropriate diversion programme which addresses identified needs during an assessment, the probability is that they may not re-offend.

The next section deals with theme 2.

4.1.8.2.Subtheme 2: Recidivism trends by children after completing the ROL diversion programme

Recidivism, as defined by Cilingiri (2015), is "the return to the previous criminal habits, especially after a conviction", so, recidivism means the perpetration of an offence by a juvenile who has previously committed at least one other criminal offence, without taking into consideration whether he/she is convicted for that offence or not. The period between completion of the ROL diversion programme and reoffending is crucial when tracking trends for recidivism in young offenders. This is revealed by the following statements from participants;

"After the programme, he showed some changes for only two months and he started again" *(Parents/128-129; FGD for parents).*

"Mine changed for a short period and started again with his old behaviour'' (Parents/281-282; FGD for parents).

"Ummh not that often, in Y they seldom re-offend" (PO/29; FGD for probation offers).

"in Y it is common, and maybe the child has gone through a programme for 3 months, boom, boom after two weeks he/she reoffends" (PO/31-32; FGD for probation officers).

The statements from focus group discussions for parents and probation officers confirm the extent to which reoffending occurs as illustrated in table 1 which is basically within three months after participation in the programme. In contrast, research conducted by Badenhorst (2011) on NICRO diversion programmes revealed that 6.7% of children reoffended within the first twelve months and 9.8% reoffended during twenty months after completion of the diversion programme. However, Sauls (2016), argued that reoffending occurred while children were waiting to be placed in an appropriate diversion programme. These scholars are partly agreeing with the responses received

from focus groups for parents and probation officers. However, Badenhorst (2011) cautions that SA does not have a reliable figure for the overall recidivism rate.

5.6.2 Theme 2: Diversion programme content

Objective 2	Themes 2	Subthemes
To explore the children's experiences of the programme.	Diversion programme content.	2.1 Facilitation of diversion programmes 2.2 Children's experiences with the diversion programme 2.3 Perceptions of children towards victims

Table 5: Illustration of objective two in relation to theme two

Theme 2 is aligned with objective number two of the study which is to explore the children's experiences of the programme. The findings under this theme are interpreted into three subthemes namely, facilitation of diversion programmes, children's experiences of the diversion programme and perceptions of children towards victims.

5.6.2.1 Subtheme 2.1: Facilitation of diversion programmes

All probation officers interviewed met the basic requirements for the facilitation of the Rhythm of Life diversion programme.

A summary of the Rhythm of life diversion programme as per Rhythm of life Social Development programme - Facilitator Guide (2009) as discussed in chapter 2 is as follows: It is a life skills training programme which has been designed to be used as group therapy. One of its objectives is to enhance abilities for adaptive and positive behaviour that empowers individuals to deal effectively with the demands and challenges of everyday life.

The programme has eight modules or sessions as outlined below:

➢ **Module 1: Secret to happiness** (thinking about self-esteem)

➢ **Module 2: I can understand and be understood** (Thinking about communication)

➢ **Module 3: Positive peer pressure** (Thinking about peer pressure)

➢ **Module 4: I feel** (Thinking about conflict)

➢ **Module 5: Transforming** (Thinking about problem-solving)

➢ **Module 6: Time flies** (Thinking about time management)

➢ **Module 7: Hot stuff** (Understanding how emotions operate)

➢ **Module 8: I know what's important** (Why do values matter?)

Participants, especially probation officers were asked about the facilitation of the diversion programme and its impact on the behaviour modification of its beneficiaries (young people), and the following responses were received:

> *"In (X) and the other current challenge of these children is that they are under substance and they are smoking and you would find out that (Ummm) you have not dealt with him/her as a person, he/she still needed some form of intervention of the rehab"* (PO/145-149; FGD Probation officers).
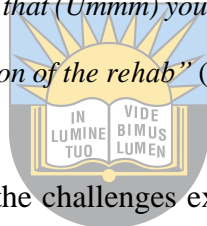
The above comment refers to some of the challenges experienced by facilitators when facilitating the substance abuse programme. A child needs to be assessed before being channeled to a programme. This is confirmed by section 40 of the Child Justice Act 75 of 2008 (2010) which provides that the probation officer must complete an assessment report in a prescribed manner with recommendations on the appropriateness of diversion. Similarly, at the start of the diversion process, as added by Badenhorst (2011) child offenders are assessed as a means to explore whether the child and the diversion programmes are a suitable and appropriate option for the child. This, therefore, means that before a child is referred to a programme, an assessment must be conducted so that the programme addresses the identified need or problem.

On the above comment or response by the probation officer, it shows the process of assessment was missed hence the child presents with problems during the session.

> *"When I do myself as a probation officer, the facilitation, it runs smoothly because the children, I begin by assessing my audience to ascertain what kind of children they are, because most children*

are unable to write and others are speaking Afrikaans and are a mix. So what I would do generally I would ask a question in English and ask them to respond in the language of their choice because I want to build confidence in them, so that none of them laughs when the other child responds differently" (PO/216-224; FGD Probation officers).

The above response talks about how probation officers deal with the language barrier and other challenges during facilitation as further indicated in this comment:

"I think I shall concur with (X) in that, it depends on how the facilitator breaks down the actual programme so that children will understand in their language" (PO/108-110; FGD Probation officers).

"In (X) I think if we can facilitate straight from the manual they would not understand (Ummm) hence you need to be innovative, (umm) use other methods if you go to evaluation and not use those evaluations that have questions but rather go to smiley faces whereby they can be able to just tick, (ja) so it requires a little bit of innovation to reach their level" (PO/114-120; FGD Probation officers).

ROL diversion programme manuals are written in English and the children are mostly Xhosa and Afrikaans speaking in Chris Hani district (Chris Hani District Municipality, 2019). Hence, the issue of innovation and flexibility of the facilitator comes into play in trying to mitigate the language challenge.

"I facilitate sessions through group sessions in most cases and sometimes I do casework. Most of the children do participate and they understand Rhythm of Life because it is playful so most of the time they act out some of the roles and they do understand so we implement most of the time by having them participate" (PO/230-235; FGD Probation officers).

The above statement indicates that probation officers make use of the two methods of social work intervention when implementing the ROL diversion programme. The alternation between the two methods helps in ensuring that the child does not wait for a group before receiving a service.

Sometimes it is not possible to conduct group sessions and casework is done on other children due to challenges beyond the control of the probation officer. Those challenges range from distance to the site where programmes are facilitated, peer pressure and other factors as reflected below:

"I think it's the same thing being far away first, peer pressure, maybe being told that attending the programme is useless he/she end up stopping attending the programme" (PO/136-138; FGD Probation officers).

"Ummm in (X) it is because programmes are run in town, and most of our children are in the township, so I usually ask them why did you not attend the programme, the child responds by saying yhoo its too far here" PO/139-142; FGD Probation officers.

"It's the distance, if he/she comes he would become hungry and that is what they say" (PO/143-144; FGD Probation officers).

Besides facilitation challenges such as language, distance, individual and environmental factors, other factors include a lack of functional aids as stated in the comment below:

"For instance, if there was a TV set there are sessions where participants who are unable to read and write would watch. for instance, you could let them watch a therapeutic video that you hire because these days there are videos that are in the Xhosa language and somewhere it cuts matters short especially on substance abuse, you find that in rural areas there is an abundance of tick, cocaine" (*PO/245-251; FGD Probation officers*).

Also, resources such as tools of trade contribute negatively to facilitation as per the comment below:

"I think another challenge is this issue of resources, vehicles, cell phones, laptops and everything that can be needed when you are rendering a programme" (PO/263-265; FGD Probation officers).

The other critical factor that comes into play during the facilitation of the diversion programme is the application of the theories which guide interventions of probation officers. Theories are aimed at

creating a platform upon which the intervention must be premised (Reintegration and aftercare strategy for probation services: Social Development, 2015). During the focus group discussions with probation officers, a variety of responses were received on the application of the theoretical framework as reflected below.

> *"In (X) we use the holistic approach because we deal with the child as I just said, and at every level especially with the school we also engage the school because we want to know what kind of a child he/she is so that we can pinpoint where the problem is" (PO/305-309; FGD with probation officers).*

> *"in (X), we use a combination of these theories, Ummm, at times we have to focus more on systems theory because when you are dealing with this child, he/she is coming from a family, so as you assess him/her in the group, he is part of the community and this child is part of society and holistically, so you cannot work with the child without looking at the systems and of course, the evidence-based approached because everything has to be documented" (PO/310-318 FGD Probation officers).*
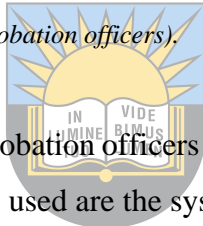
The statements above indicate that the probation officers apply theories when assessing the children-in-conflict with the law, and the theories used are the systems theory and the holistic approach. The use of theories according to Gentle-Genitty, Chen, Karikari, and Barnett (2014) is crucial when providing probation services as this helps explain why people behave as they do, to better understand how the environment affects behaviour, to guide their interventions, and to predict what is likely to be the result of a particular intervention.

5.6.2.2 Subtheme 2.2: Children's experiences of the ROL diversion programme

Subtheme 2.2 deals with the experiences of children during and after the completion of the diversion programme. As indicated earlier, the programme has eight sessions meaning that children attended the programme once a week, four times a month and over two months, normally after school as per the response below:

> *"No, we attended the programme after school" (Children/42; Interview with children).*

This is consistent with the provisions of the Reviewed minimum norms and standards for diversion: Social Development (2015) which provides that a diversion programme may not interfere with the child's schooling. The participants/children have interviewed individually to source the required information. The following are some of the responses or comments received during the interview:

> *"I did understand the programme but there are things that I did not understand" (Children/31-32; Interview with children).*
>
> *"He taught us about distinguishing between right and wrong things. He also told us that he once behaved like us, but he had overgrown those behaviours" (Children/42-44; Interviews with children).*

The above responses talk to skills learned by the participant or child while participating in the programme. However, some were open by indicating that they did not understand everything that was done in the programme. As alluded to before that there is a language barrier when probation officers facilitate the programme. One of the statements reveals the probation officer's self-disclosure which according to (Knight, 2012) encourages the building of relations and the element of trust between the client and probation officer. Although in both examples the clinician makes a choice not to be a "blank slate" in the therapy room and inserts her humanity, self-involving disclosures carry a greater risk (Szczygiel, 2020).

Subtheme 2.3: Perceptions of children towards victims

As indicated in the literature review, the Department of Social Development has five diversion programmes for children aged 12-17 years of age of which Rhythm of Life is the programme that is focused on the study. However, there are other programmes aimed at addressing challenges that are experienced by children such as Reverse your thinking (RYT). RYT is a restorative justice programme and is aimed at mending differences between perpetrators and victims.

Although there was no in-depth discussion about restorative justice during interviews with children, issues relating to the feelings of children towards victims were asked and the following responses were received:

"I promised her that I won't do what I did to her again and I did not do it again" (Children/62; Interview with children).

"I apologized to my mother" (Children/33; Interview with children).

"Seeing stab wounds on the pictures made me feel hurt because he was stabbed by one of our group members who then ran away, we committed the offence as a group" (Children/61-63; Interview with children).

The above responses from participants/children show that one of the children was heartbroken towards the victims after the commission of their offence. However, what becomes evident is that they did not get an opportunity to make amends or restitution as required by restorative justice. Restorative justice as defined in Restorative justice: The road to healing: Department of Justice and Constitutional Development (2011) is an approach to justice that aims to involve the parties to a dispute and others affected by the harm (victims, offender, families concerned and community members) in collectively identifying harms, needs and obligations through accepting responsibilities, making restitution, and taking measures to prevent a recurrence of the incident and promoting reconciliation.

"The victim asked me to clean his yard, I did it and he forgave me" (Children/52: Interview with children).

Comments above indicate that there were informal discussions and arrangements specifically to one child that he should clean the yard of the victim as a form of compensation to the victim. And the other child just apologized to his mother and that is consistent with what is contained in the definition of restorative justice.

5.6.3 Theme 3: Completion of a diversion programme

The third theme deals with the completion of a diversion programme. It is aligned with objective three of the study which is to identify parent/ guardian's observations of the programme's effect on a child's behaviour. The findings under this theme are interpreted into two subthemes namely, measures to prevent reoffending of children by parents or guardians, and children's conduct post-diversion programmes.

Objective 3	Theme 3	Subthemes
To identify parent/ guardian's observations of the programme's effect on a child's behaviour.	*Completion of the ROL diversion programme*	*3.1 Measures taken by parents to prevent reoffending by children.* *3.2 Children's conduct post diversion programme.*

Table 6: Illustration of objective three in relation to theme three

5.6.3.1 Subtheme 3.1 Measures taken by parents to prevent reoffending by children

Subtheme 3.1 talks about measures put in place by parents to prevent recidivism in children. As stated before, all the children that were interviewed attended the Rhythm of the Life diversion programme and reoffended thereafter. During interviews with parents, they were asked to reflect on measures they put in place to prevent the recurrence of the offence, and the following comments were received:

> *"The things (measures taken to prevent recidivism) I did, was to tell him that (X) do not come home at night, I come late from work, I said X when you come back from school, remove grass here at home and stay indoors, and also fetch water when you want to fetch water. Just stay indoors, and stop being*

a loiterer with friends, a friend will do nothing for you, a friend will lead you to a trap, and comes

out unharmed and you are left there on your own" (Parents/288-293; FGD with parents).

The above response relates to measures taken by a parent to deter her child from reoffending which is to instruct the child on what to do and what not to do. Based on the statement above the parent uses an authoritarian style of parenting which according to Cherry (2020) is a parenting style characterized by high demands and low responsiveness. Parents with an authoritarian style have high expectations of their children yet provide very little in the way of feedback and nurturance.

Alsoud (2015) argue that parents can ascertain what is normal in the physical, mental and social development of their children by modelling the desired behaviour and comparing notes with friends and relatives. The parents from the subsample displayed that they did this as evidenced by the following statement;

''And I said you see your older brother the one who is sentenced, it is because of friends, he was

always following friends, a friend does not help anyone, I do not like a friend, you see here there are

no friends, have you ever seen someone who calls him/self my friend? And he would say no mama we

have never, and I ask so do you not see what I am doing'' (Parents/294-298; FGD with parents).
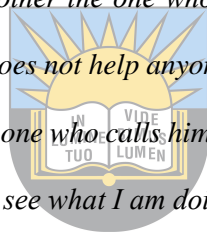
The response above is from one of the parent's attempts to warn her child about the dangers of peer pressure with specific reference to the child's older brother who ended up being incarcerated.

''I don't know what to say, there is nothing I did because he is on and off. Sometimes he is right and other times

he is wrong. He keeps on changing, because we do have fruitful conversations when he is right, and I think

drugs impact negatively his behaviour. Even when you entered the house we were quarrelling, there is his

younger sister that he has something against her'' (Parents/307-312; FGD with parents).

This sounds difficult, I scarred him, and I told X that if he re-offends I will take him to the social workers and

tell them to send him to Port Elizabeth and will come back when he is an old man (Parents/327-329; FGD with

parents).

"Mine we sat down as mother, grandmother and maternal aunts and advised him to behave but he did not

listen (Parents/331-332; FGD with parents).

The comments above are a combination of different responses from the focus group discussions. The first response displays a bitter relationship between a mother and son. This made the parent unable to manage the behaviour of the child. The second comment shows that the only way in which the mother instilled discipline is to scare the child so that the behaviour is not repeated. The third response indicates the involvement of the extended family in trying to talk to the child. The findings reveal that parents from the study employ different parenting methods which can be either effective or ineffective. They do not have a structured approach as a result they use trial and error to manage the behaviours of their children.

5.6.3.2 Subtheme 3.2 Participants conduct post-diversion programme.

The second subtheme developed from data analysis under theme 3 is the behaviour of children after completion of the Rhythm of Life diversion programme. The following reflect the views of parents on the behaviours of their children post-diversion programme:
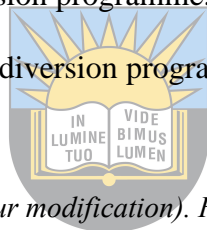
"it was for a short period (behaviour modification). He would be right when they talked to him but when they leave, he went back to his old self and I would give up. Because when I went there, I would be referred to the police station and I gave up" (Parents/242-245; FGD with parents).

"Yes, I don't want to lie to these children when they return from the programme they are right and perform all house chores. And again, after two months he went back to his old behaviour by refusing to go to school. You see the one I am referring to does not want anything that relates to school. If you advise him to go find a job, he expects you to find a job for him" (Parents/267-272; FGD with parents).

"I was happy after X completed the programme. His behaviour improved and he performed house chores and schoolwork unsupervised and he was engaging me in all activities. For, example if he wanted to go play with other children, he would ask for permission from me and I would ask him to come back before 18h00 and he did" (Parents/273-277; FGD with parents).

"Mine changed for a short period and started again with his old behaviour" (Parents/281-282; FGD with parents).

The above quotations are some of the responses from parents or guardians when they were asked about changes observed in their children after the completion of the diversion programme. From the responses received it can be concluded that the programme did modify the behaviour of the children, however, the change was not sustainable. Some of the parents did indicate that the children's behaviours changed for a short period, and one even indicated that after two months he repeated the criminal behaviour. Whereas the other parent indicated that the behaviour improved after the programme with no challenges.

5.6.4 Theme 4: Effectiveness of the ROL diversion programme

The fourth and last theme relates to objective number 4 which is to identify the probation officers' opinions on the effectiveness of the Rhythm of Life diversion programme. Theme 4 has two subthemes namely, types of offences committed by children, the effectiveness of the ROL diversion programme and professional support to children and family's post-diversion programme.

Objective 4	Theme 4	Subthemes
To identify the probation officer's opinions on the effectiveness of the ROL diversion programme.	*Effectiveness of ROL diversion programme.*	*4.1 Types of offences committed by children.* *4.2 Professional support for young offenders and families.*

Table 7: Illustration of objective four in relation to theme four

Subtheme 4.1 deals with the impact of the diversion programme on the behaviour modification of children. The question that relates to this was asked from all participants and the following were some of the responses:

"The behaviour modification is observed during sessions when you start with the session you observe that even the group it's difficult to manage it but when you go to session five they say the same thing up until the evaluation that's when you see that everything is in order in terms of the behaviour" (PO/422-426; FGD Probation officers).

"Even in (X), yes, the programme (ROL) itself assists, but children they go back to the same community, same households so the child defaults" (PO/429-431; FGD with probation officers).

The above quotations from probation officers indicate that the ROL diversion programme does modify the behaviour of children after participation in it. However, the main challenge is the environment because after completion of the programme they go to the same environment that was a contributing factor before attending the programme.

''Lady Frere, in most cases it is the parents who come to the office and appreciate the work done by a probation officer on behaviour modification of the child (PO/432-434; FGD with probation officers).*

"X has changed a lot because in the morning I do not wake him up. He prepares everything for himself and other schoolmates indicate that they see him on regular basis at school he does attend, and I am no longer going after him" (Parents/130-133; FGD with parents).

The above statements indicate that the parents did notice a change in their children's behaviour after attending the programme. One parent further stated that his child has developed a sense of responsibility and displayed his acknowledgement of the importance of education.

"I felt (feeling after completion) like a different person because I learnt from my mistakes" (Children/63; Interview with children).

"I learnt to become a DJ because I want to be a law-abiding citizen" (Children/87; Interview with children).

"I learned from my mistakes and realized that what I was doing was wrong, and I am now able to make decisions about my life" (Children/67-68; Interview with children).

''I learnt how to control my anger and stay away from crime" (Children/30; Interview with children).

Based on the statements from the children it is evident that the children learnt some life skills from the programme, such as self-reflection, decision-making, and anger management. Some of the children also used the skills acquired to influence change in others as revealed by the following quotes;

"I did try (influence peer behaviour change) but some of them were saying I was scared of being arrested and I did not feel right about that. I told them that what they were doing was not right and the consequences included ending up at the grave, in prison and being rejected by family members. And they said there was no such and it is because I get beaten at home when I smoke. Then I told them that they have no future if they use drugs" (Children/74-79; Interview with children).

"Sometimes I do talk to those younger than me and tell them that the path I have taken is not right and I advise them to stay away from violence and rather focus on football, and that is what I advise them" (Children/32-34; Interview with children).
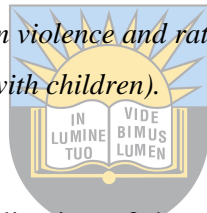
The above responses talk about the application of the skills acquired from the programme, which entails that the children did understand what was taught in the programme. For instance, it was earlier indicated that most of the participants are easily influenced by peers and skills learnt are used to influence change in their peers.

5.6.4.2 Subtheme 4.1 Types of offences committed by children

In terms of the Child Justice Act 75 of 2008 (2010) every child who is alleged to have committed an offence must be assessed by a probation officer. The purpose of assessment is to establish prospects for diversion of the matter where appropriate. During interviews with all participants, issues relating to offences committed by children were asked and the following responses were received:

"What is predominant in the Cradock Area is the possession of dagga and possession of mandrax and anything that is associated with substances" (PO/17-19; FGD with probation officers).

"Is assault GBH, robbery, housebreaking theft, lately it is rape, it is so common" (PO/26-27; FGD with probation officers)?

"Mine is also using drugs, he also broke into my house and took stoves and kettles and sell those things and I opened a case against him" (Parents/62-63; FGD with parents).

"I threw a brick to my mother" (Children/21; Interview with children).

"I stabbed this other child" (Children/43; Interview with children).

The above responses were received from focus group discussions for parents, probation officers and interviews with children. Deducing on the above, assault, theft and possession of drugs are the predominant offences that are committed by children as per responses from participants. There is a high rate of drug abuse in South Africa according to Statistics South Africa (2016) drug abuse in teenagers has an impact on the commission of offences such as theft and assault (Sharma et al., 2016).
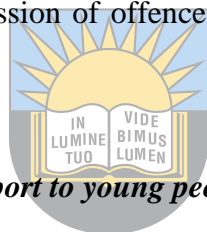
5.6.4.3 Subtheme 4.2 Professional support to young people and families.

Subtheme 4.3 deals with professional support to young people and their families. As indicated before, the diversion programme is facilitated by probation officers who should provide support services to both children and their families. When participants were asked if they received any professional support from probation officers they responded as follows;

"No, they did not come back after the programme" (Parents/394; FGD with parents).

''To me shame, I don't want to lie both of them they did and when I talked to them it becomes better and they did play their role and even when he meets them on the streets he would report that he met them and they talked to him. I then tell him that you are lucky because he is loved by people. I don't want to lie they did play their role (Parents/397-401; FGD with parents).

"They did play their role until the end (laughing). They also took him to the Child and Youth Care Centre" (Parents/406-407; FGD with parents).

It is evident from the parents' expressions that some probation officers do offer professional support to young people and their families. One of the statements also reveals the close relationship the probation officers have with the children, as they converse with them even when they meet on the street. The parents continued to reveal the relief she feels after having talked to the probation officers. However, some parents said they never received any support from the probation officers after the programme, and this reveals that aftercare services were not implemented. When probation officers from the subsample were asked about their views on the aftercare services, these were some of their responses;

> *"in X we were successful in implementing aftercare services, we did Mind the Gap, ummmm, so all children who participated in the Rhythm of Life programme we referred to Mind The Gap programme we did it in one of the B&Bs around (PO/387-390; FGD with probation officers).*

> *"In Y, hey, it's difficult these boys are residing in remote areas, so that is what becomes a challenge. I think if we can have a vehicle in our programme it with be right otherwise with having a challenge because these areas where these boys reside are not accessible" (PO/394-398; FGD with probation officers).*

> *"Aftercare is right and it goes back on how we work and sometimes you are being assisted by the young person or client depending on how he/she needs the service when you set an appointment he/she adheres and honour them" (PO/399-402; FGD with probation officers).*

The responses above reveal that probation officers endeavour to implement aftercare services, some succeed, and others' efforts are hindered by a lack of resources. Some probation officers provide aftercare services to children through a programme. Although some prefer to render the services through casework.

5.7   CHAPTER SUMMARY

The chapter presented and analyzed the findings of the study, the biographical information of participants is presented in the form of tables, and the presentation reveals the characteristics shared

by participants of each subsample. The chapter also discussed themes and subthemes that emerged from data analysis, the discussion is controlled by studies from previous researchers. The themes discussed are related to and served to achieve the objectives of the study. Social learning theory was proven as an appropriate theory to understand the causes of recidivism in young people in Chris Hani district.

CHAPTER SIX:

SUMMARY OF STUDY FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

6.1 INTRODUCTION

This chapter summarises the key findings and presents the conclusion and recommendations of the study. The study asked the following questions:

- What are the reasons for re-offending of children after completion of the ROL diversion programme?

- What are children's experiences of ROL?

- What are parents'/guardians' views of the ROL diversion programme?

- What are probation officers' opinions on the effects of the ROL diversion programme on child behaviour?

The causes of recidivism of children after completion of the ROL diversion programme and the effectiveness of the programme are what inspired the study. The findings of the study have revealed that recidivism is caused by a variety of factors which include but are not limited to family background, lack of aftercare services, substance abuse and peer pressure. The findings further indicated that the ROL diversion programme is effective to a certain extent. The following section summarizes the key findings of the study.

6.2 SUMMARY OF KEY FINDINGS

6.2.1   Objective 1: To identify the causes and trends of recidivism by children after completion of the ROL diversion programme.

The findings of the study reveal that the children from the subsample were male, dropped out of school, and did not progress to grade twelve. Another critical trait is that when they commit offences, they did it in groups. It was further discovered that a variety of factors which led the children to re-offend after completion of the ROL diversion programme were broken homes, lack of parental

affection, peer pressure, adolescent instability, negative environment, substance abuse, and criminal behaviour of siblings and these are some of the characteristics of social learning theory as discussed by Bartol (1991).

Moreover, the impact of absence and or lack of father figures in the family might have influenced the children to get involved in criminal activities.

The findings also indicated that the extent to which reoffending occurs is basically within three months after completion of the ROL diversion programme.

6.2.2 *Objective 2: To explore the children's experiences of the programme*

The findings indicate that the probation officers in the focus group met basic requirements for the facilitation of the Rhythm of Life diversion programme as required by the Reviewed minimum norms and standards for diversion: Social Development, 2015. However, they face challenges such as substance abuse by children, lack of resources and functional aids and the language as the facilitator guide is written in English. Probation officers deal with the language barrier by translating the manual so that the participants understand.

Moreover, the researcher discovered that probation officers make use of the two social work methods of social work intervention when implementing the ROL diversion programme i.e. casework and group work. The alternation between the two methods helps in ensuring that a child does not wait for a group before receiving a service. Another scenario where group work is not possible is where a child lives far away from the site where programmes are facilitated.

When assessing young people, the probation officers from the subsample apply theories such as the systems theory and the holistic approach.

Another finding is that one child from the subsample did not understand everything that was done in the programme although some did understand. It was discovered that most children were heartbroken towards the victims after committing the offence especially once they saw the harm caused. However, what became evident was that they did not get an opportunity to make amends or restitution as required by restorative justice. In some cases, there were informal discussions and

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arrangements specifically for one child that should clean the yard of the victim as a form of compensation to the victim. And the other child just apologized to his mother, and that is consistent with what is contained in the definition of restorative justice.

6.2.3   Objective 3: To identify parent/ guardian's observations of the programme's effect on the child's behaviour

Findings that were concerning the objective above suggest that the parent uses an authoritarian style of parenting, Parents with an authoritarian style have high expectations of their children yet provide very little in the way of feedback and nurturance. A few parents modelled the behaviour they wanted to see in their children. Parents warned their children about peer pressure to deter them from engaging in deviant behaviour. The findings reveal that parents from the study employ different parenting methods such as scaring their children and involving extended family, which can be either effective or ineffective. They do not have a structured approach as a result they use trial and error to manage the behaviours of their children. The findings further show that the programme did change the behaviour of the children, however, the change was not sustainable as the change observed was only for a short period.
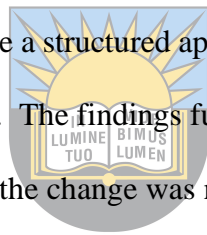
6.2.4   Objective 4: To identify the probation officer's opinions on the effectiveness of the ROL diversion programme

Findings from the objective above reveal that the ROL diversion programme does modify the behaviour of children after participation in it. However, the main challenge is the environment because after completion of the programme they go to the same environment that was a contributing factor before attending the programme. Furthermore, the researcher discovered that children learnt life skills from the programme, such as self-reflection, decision-making, and anger management. Some children used the skills acquired to influence change in their peers, this is one of the principles of social learning theory called mutual decisiveness where an individual is either influenced by the environment or influences the environment (Eyyam et.al, (2016). The findings indicated that most participants from the subsample of children are easily influenced by peers, and skills learnt from the

ROL diversion programme are used to influence change in their peers. Findings further indicate that assault, theft and possession of drugs are the predominant offences that are committed by children in the subsample as per responses from participants. Some probation officers do offer professional support to young people and their families. However, some parents said they never received any support from the probation officers after the programme, and this reveals that aftercare services were not implemented. Probation officers endeavour to implement aftercare services, some succeed, and other efforts are hindered by a lack of resources. Some probation officers provide aftercare services to children through a programme. Although some prefer to render the services through casework. The following section presents the conclusion and recommendations of the study.

6.3 CONCLUSION AND RECOMMENDATIONS OF THE STUDY

6.3.1 Biographical information of participants

- **Conclusion**

Most participants from the subsample of children were between the ages of 15 to 17 years, and the number increased as the years increased. Children become more physically aggressive with age, especially when the anger is not managed at a younger age. Children tend to become involved in risky behaviour from 15 to 17 years. All children interviewed were males, this is because males tend to be more prone to crime than females. Most children interviewed did not progress at school, this is a sign of children with uncontrollable behaviour, and children who lack parental supervision. The majority of parents or guardians interviewed were between the ages of 40-59 and only one was between the ages of 20-39 years. This indicates that most children who reoffended were supervised or had parents or guardians who were in the middle-age stage. Females formed the majority of the participants from the subsample of parents. This means that females are the ones who take responsibility for child-rearing and the absence of fathers harms the general behaviour of children. Children who grow up with absent fathers can suffer lasting damage. They are more likely to end up in poverty or drop out of school, become addicted to drugs and engage in criminal activities.

There is a relationship between a parent's low education level and a child's deviant behaviour.

- *Recommendation*

The researcher recommends that the fatherhood and men's care programme be implemented in the Chris Hani district to ensure the involvement of males in child upbringing. The recommendation is to strengthen parenting programmes and to introduce a programme for parents or guardians of children with serious behavioural challenges.

6.3.2 THEME 1: Factors contributing to recidivism by children after completion of a diversion programme

6.3.2.1 Subtheme 1: Family and environmental factors that lead to the recidivism of young people

- *Conclusion*

Deducing on the above it can be concluded that risk factors such as lack of parental support, substance abuse, peer pressure and bereavement were causes for reoffending in the children interviewed. Individual factors such as lack of accountability also caused the children to re-offend. Probation officers when assessing children did not identify the risk factors mentioned above, hence they could not place the children in appropriate programmes Identifying risk factors at the individual and family level provides insights to probation officers before providing psychosocial intervention and efforts to reduce risk factors could prevent making crimes by young offenders. Probation officers currently rely on the pre-trial assessment tool when assessing young people and the tool does not capture all risk factors that may lead to commission of criminal activities. Identifying risk factors at the individual and family level provides insights to probation officers before providing psychosocial intervention and efforts to reduce risk factors could prevent making crimes by young offenders.

- *Recommendations*

Considering the risks identified the researcher recommends the development of a risk assessment tool for young people to assist probation officers in holistically dealing with children.

6.3.2.2 Subtheme 2: Recidivism trends in children after completing the ROL diversion programme.

- *Conclusion*

In conclusion, recidivism, as revealed by this study, occurs within three months after children have completed the programme and that is most probably due to a lack of aftercare services. Reviewed minimum norms and standards for diversion: Social Development (2015) mandates that there be a mechanism to track and trace the recipients of service over a period of two years, tracking aims to measure the effectiveness of the intervention provided.

- *Recommendation*

It is therefore recommended that aftercare services be strengthened by providing probation service practitioners with the necessary resources to ensure that aftercare services are rendered effectively and efficiently.

6.3.3 THEME 2: Diversion programme content

6.3.3.1 Subtheme: 1: Facilitation of diversion programmes

- *Conclusion*

The programme manual presents a challenge in terms of language because the manual is written in English and not all children can understand English. However, the innovation and flexibility of probation officers are commendable as they try to translate the programme content to the level of understanding of the children. Also, resources such as functional aids such as television and video players used when facilitating ROL diversion programmes are a challenge and that negatively affects the facilitation of the programme. Moreover, the programme is not accessible as some children must travel a long distance to receive the service, and they end up missing some sessions, which leads to non-compliance with the diversion orders.

- *Recommendation*

The researcher, therefore, recommends that the Department of Social Development budget for the implementation of ROL diversion programmes. It is further recommended that the ROL diversion programme manual be written in the home language of the beneficiaries and that the content be culturally sensitive.

6.3.3.1 Subtheme 2: Children's experiences of the ROL diversion programme

- *Conclusion*

The programme had some gaps as some participants could not grasp the content of the programme while others did. However, the ROL diversion programme is beneficial as the participants learnt life skills that they apply in their everyday lives. The facilitators of the programme were friendly and warm during the programme making it easy for the participants to engage freely in the programme.

- *Recommendation*

The researcher recommends that probation officers conduct an intervention evaluation after the programme to identify children who could not understand the content of the programme so that additional methods of intervention could be employed, such as casework.

6.3.3.2 Subtheme 3: Perceptions of children towards victims

- *Conclusion*

Based on the findings it can be concluded that the issue of restorative justice was overlooked by probation officers when dealing with children when they reoffended. The expectation was that upon assessment they should have been directed to the programme that addresses their problem. For example, statements from the children related to offences that involve victims and in terms of the definition of restorative justice ("Restorative justice: The road to healing: Department of Justice and

Constitutional Development," 2011), the involvement of affected parties was not done as per restorative justice process.

- *Recommendations*

The researcher recommends that probation officers should make use of a programme such as ''Reverse your thinking'' when dealing with children who have offended others. The process of restorative justice must be done for children who have offended other people, as this creates a sense of responsibility and acceptance.

6.3.4   THEME 3: Completion of the ROL diversion programme

6.3.4.1 Subtheme 3.1: Measures taken by parents to prevent reoffending by children.

- *Conclusion*

The authoritarian style of parenting is used by most parents from the subsample. This parenting style is characterized by high demands and low responsiveness and very little in the way of feedback and nurturance. The response above is from one of the parent's attempts to warn her child about the dangers of peer pressure with specific reference to the child's older brother who ended up being incarcerated. This made the parent unable to manage the behaviour of the child. The second comment shows that the only way in which the mother instilled discipline is to scare the child so that the behaviour is not repeated. The third response indicates the involvement of the extended family in trying to talk to the child. The findings revealed that parents from the study employ different parenting styles which can be either effective or ineffective. They do not have a structured approach as a result they use trial and error to manage the behaviours of their children.

- *Recommendations*

Considering the above comments, it is recommended that a parenting programme for children with serious behavioural problems be developed.

6.3.4.2 Subtheme 3.2: Participants conduct post diversion programme.

- *Conclusion*

The conclusion that can the drawn from the findings is that the ROL diversion programme is effective to a certain extent, depending on how the children utilize the skills acquired from the programme.

- *Recommendation*

The researcher recommends the implementation and strengthening of aftercare services by probation officers after the child has completed the ROL diversion programme, by conducting monthly home visits to the children's home to monitor the child's behaviour.

6.3.5 THEME 4: Effectiveness of the ROL diversion programme

- *Conclusion*

Based on the findings it is evident that the programme is effective as the parents reflected that they observed a change in their children's behaviour post-diversion and children also expressed that they learnt valuable life skills which made them resilient.

- *Recommendation*

It is recommended that the children who participated in the programme be encouraged to be mentors to other children in the communities to reduce recidivism.

6.3.5.1 Subtheme 4.1: Types of offences committed by children

- *Conclusion*

Most offences committed by children in the subsample were theft and assault (GBH) respectively and the major cause is substance abuse.

- *Recommendation*

The researcher recommends that substance abuse programmes be implemented and strengthened.

6.4   RECOMMENDATIONS FOR FURTHER RESEARCH

Possibilities for future research include:

- Exploring challenges experienced by probation officers when implementing aftercare services in young people

- A quantitative study will target the Eastern Cape Province to establish the rate of recidivism in young people.

- Mixed methods study on challenges faced by parents of young people in the Eastern Cape.

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ANNEXURE A

University of Fort Hare
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PARTICIPANT INFORMATION LEAFLET AND CONSENT FORM FOR USE BY

PARENTS/LEGAL GUARDIANS

TITLE OF THE RESEARCH PROJECT: AN EXPLORATORY STUDY OF RECIDIVISM OF CHILDREN

AFTER COMPLETION OF THE RHYTHM OF LIFE DIVERSION PROGRAMME IN THE CHRIS HANI

DISTRICT EASTERN CAPE

REFERENCE NUMBER:

PRINCIPAL INVESTIGATOR: THANDUXOLO ZIMBA

ADDRESS: 4 RADUE STREET, FORT HILL, KING WILLIAMS TOWN, 5600

CONTACT NUMBER: 0827243477

Your child is being invited to take part in a research project. Please take some time to read the

information presented here, which will explain the details of this project. Please ask the study staff

or doctor any questions about any part of this project that you do not fully understand. It is very

important that you are fully satisfied that you clearly understand what this research entails and how

your child could be involved. Also, your child's participation is **entirely voluntary,** and you are free

to decline to participate. If you say no, this will not affect you or your child negatively in any way

whatsoever. You are also free to withdraw him/her from the study at any point, even if you do

initially agree to let him/her take part.

This study has been approved by the **University Research Ethics Committee at the University of Fort Hare** and will be conducted according to the ethical guidelines and principles of the international Declaration of Helsinki, South African Guidelines for Good Clinical Practice and the Medical Research Council (MRC) Ethical Guidelines for Research.

What is this research study all about?

My research project is about children who have completed one or more of the five Social Development diversion programmes and have reoffended during the 2014 and 2017 financial years in the Chris Hani district. Chris Hani district consists of Cala, Cofimvaba, Craddock, Lady Frere and Queenstown areas. The ages of the children are ranging from 12-17 at the time of reoffending. The researcher wants to establish what could be the main causes of reoffending and come up with suggestions on how best to prevent them from going back to crime.

> - *Explain all procedures.*
>   - *The child will be interviewed individually and there are questions which will be asked during the interview. The probability is that some children might be reluctant to answer questions and exhibit levels of stress and depression. Probation officers will assist those children who are reluctant to provide information by providing them with counselling to prevent secondary victimization.*
> - *Explain the use of any medication, if applicable.*
>   - *The child will be referred to the nearest health facility should there be any challenges with his/her health condition. Interviews will be conducted at venues where there is a first aid kit.*

Why has your child been invited to participate?

- *The study revolves around services rendered to the child thus she/he will play a crucial role in attempting to find the information required. Moreover, the child has been a client of the probation officer after the commission of the alleged offence and during participation in a diversion programme.*

What will your responsibilities be?

- *The researcher will ask a relevant question to the child. The questions will revolve around the child's experiences while in the programme and reasons for reoffending.*

Will your child benefit from taking part in this research?

- *The child will benefit both directly and indirectly. The child will be advised on how best to avoid that which contributed to reoffending and they will be armed with more life skills such as decision-making. The parents/guardians will also be empowered with parenting skills on how to deal with children who exhibit challenging behaviours.*

Are there any risks involved in your child taking part in this research?

> *Possible* risks will relate to feelings of guilt, anger and or stigmatization, for example, children will feel that they are being reminded of the harm done to their victims, and some will most probably feel stigmatized and have some elements of guilt. The researcher will make sure that the questions asked will not make participants feel uncomfortable

If you do not agree to allow your child to take part, what alternatives does your child have?

- *The child may access the services of probation officers/social workers to provide necessary support and counselling. In most cases, as mentioned above the questions asked will most probably make them angry if they are not addressed properly.*

Who will have access to your child's medical records?

- *The information collected will be treated as confidential and protected. If it is used in a publication or thesis, the identity of the participant will remain anonymous.*
  - *The information which relates to medical records will be kept confidential thus it is the researcher who will have access to such information.*

What will happen in the unlikely event of your child getting injured in any way, as a direct result of taking part in this research study?
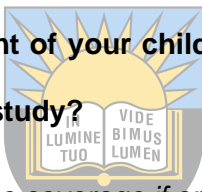
- *Clarify issues related to insurance coverage if applicable. If any pharmaceutical agents are involved will compensation be according to ABPI guidelines (Association of British Pharmaceutical Industry compensation guidelines for a research-related injury which is regarded as the international gold standard)? If yes, please include the details here. If no, then explain what compensation will be available and under what conditions.*
- *The researcher will make sure that there are indemnity forms which parents/guardians will sign before the child is transported to the interview venue. In the indemnity forms, it will be clearly stated that participation in the research is voluntary and educational. The venues will have a first aid kit to assist in the event of any unfortunate incident. Moreover, local health facilities will be utilized in cases of emergency.*

Will you or your child be paid to take part in this study and are there any costs involved?

The child and parent will not incur any costs during participation in the study. The researcher will make sure that transport is arranged for participants to access the venues where interviews will be conducted.
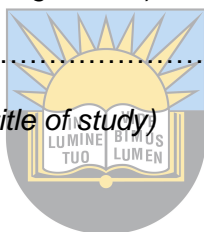
Is there anything else that you should know or do?

- You should inform your family practitioner or usual doctor that your child is taking part in a research study. (*Include if applicable*)

- You should also inform your medical insurance company that your child is participating in a research study (*Include if applicable*)

- You can contact Dr…………….. at tel…………… if you have any further queries or encounter any problems.

- You can contact the Chairperson of the University Research Ethics Committee if you have any concerns or complaints that have not been adequately addressed by your child's study doctor.

- You will receive a copy of this information and consent form for your records.

Assent: Children with an age of 7 and above must give assent to participate in research

Declaration by a parent/legal guardian

By signing below, I *(name of parent/legal guardian)* ………………………………..……. agree to

allow my child (name of child) ……………………………………… who is ……… years old, to take

part in a research study entitled *(insert title of study)*

I declare that:

- I have read or had read to me this information and consent form and that it is written in a language with which I am fluent and comfortable.

- If my child is older than 7 years, he/she must agree to take part in the study and his/her ASSENT must be recorded on this form.

- I have had a chance to ask questions and all my questions have been adequately answered.

- I understand that taking part in this study is **voluntary** and I have not been pressurised to let my child take part.

- I may choose to withdraw my child from the study at any time and my child will not be penalised or prejudiced in any way.

- My child may be asked to leave the study before it has finished if the study doctor or researcher feels it is in my child's best interests, or if my child does not follow the study plan as agreed to.

Signed at (*place*) ....…….......……………. on (*date*) …………...……………….

....

Signature of parent/legal guardian   **Signature of witness**

Declaration by investigator

I *(name)* …………………………………………..……… declare that:

- I explained the information in this document to ………………………………..
- I encouraged him/her to ask questions and took adequate time to answer them.
- I am satisfied that he/she adequately understands all aspects of the research, as discussed above
- I did/did not use an interpreter (i*f an interpreter is used, then the interpreter must sign the declaration below).*

Signed at (*place*) ....….......……………. on (*date*) …………...………..

....

Signature of investigator

Declaration by the interpreter (Only complete if applicable)

I *(name)* ………………………………………….....……… declare that:

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- I assisted the investigator (*name*) ……….……………………………. to explain the

information in this document to (*name of parent/legal guardian*)

……..…………………….….... using the language medium of Afrikaans/Xhosa.

- We encouraged him/her to ask questions and took adequate time to answer them.
- I conveyed a factually correct version of what was related to me.
- I am satisfied that the parent/legal guardian fully understands the content of this informed consent document and has had all his/her questions satisfactorily answered.

Signed at (*place*) ....….......……………. on (*date*) …………...……………….

....

Signature of interpreter   **Signature of witness**

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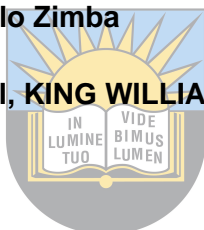
PARTICIPANT INFORMATION LEAFLET AND ASSENT FORM

TITLE OF THE RESEARCH PROJECT: An exploratory study of recidivism of children after completion of the Rhythm of Life diversion programme in the Chris Hani district Eastern Cape

RESEARCHERS NAME(S): Thanduxolo Zimba

ADDRESS: 4 Radue Street, Fort Hill, KING WILLIAMS TOWN, 5600

CONTACT NUMBER: 0827243477

What is RESEARCH?

Research is something we do to find new knowledge about the way things (and people) work. We use research projects or studies to help us find out more about disease or illness. Research also helps us to find better ways of helping or treating children who are sick.

What is this research project all about?

This research is about children who have completed one or more of the five Social Development diversion programmes and have reoffended during the 2014 and 2017 financial years in the Chris Hani district. Chris Hani district consists of Cala, Cofimvaba, Craddock, Lady Frere and Queenstown areas. The ages of the children are ranging from 12-17 at the time of reoffending. The researcher wants to establish what could be the main causes of reoffending and come up with suggestions on how best to prevent them from going back to crime.

The duration of the research project?

The researcher is going to conduct interviews with children, their parents/guardians and probation officers (social workers). The duration of the research project will be approximately three days.

Why have I been invited to take part in this research project?

- *The researcher is of the view that the child is the most relevant person to answer almost all the questions. Moreover, it is the child who participated in the diversion programme.*

Confidentiality

The information obtained from the child will be kept secret. Anonymous names will be used thus the participants' names will not be revealed. The researcher and supervisor are the only persons to access the information.
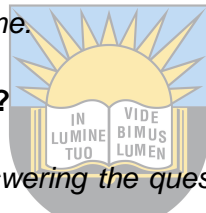
If a sponsor is to be involved

No sponsor will be involved.

Who is doing the research?

The research is conducted by Thanduxolo Zimba, a social work manager at the provincial Department of Social Development in King Williams Town. The researcher wants to establish what could be the main causes of reoffending and come up with suggestions on how best to prevent children from going back to crime.

What will happen to me in this study?

You are expected to participate by answering the questions that the research will ask during the research study. Describe what the participant will be expected to do. A probation officer is a qualified social worker who works with people in conflict with the law. Recidivism refers to reoffending after the completion of a diversion programme.

Can anything bad happen to me?

The questions that are going to be asked will most probably appear to be traumatic and should that happen you may approach your educator, parent/guardian or social worker.

Who else is involved in the study?

Other participants who will be involved in the study are parents/guardians of the children and probation officers. The research will interview twenty (20) children, (10) parents/guardians and five (5) probation officers and all are from the Chris Hani district.

Can anything good happen to me?

Yes, by participating in the study you will most probably gain more knowledge about crime, its causes, and consequences and more importantly, you will be empowered with life skills. The study will also be useful to parents/guardians in that they will be able to find ways of monitoring the behaviours of their children through engagement in parenting skills.

Will anyone know I am in the study?

No one will know that you are participating in this study except the researcher, probation officers and the supervisor.

Whom can I talk to about the study?

If you have any questions regarding the study you may contact Thanduxolo Zimba at 0827243477 or my supervisor Miss VuyaMazibuko at 0834700000.

What if I do not want to do this?

You are not forced to participate in this study and you have the to stop anytime you so wish.

Do you understand this research study and are you willing to take part in it?

YES	NO

Has the researcher answered all your questions?

YES	NO

Do you understand that you can pull out of the study at any time?

YES	NO

_____   _____

      Signature of Child   Date

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Ethics Research Confidentiality and Informed Consent Form

Please note:

This form is to be completed by the researcher(s) as well as by the interviewee before the commencement of the research. Copies of the signed form must be filed and kept on record

(To be adapted for individual circumstances/needs)

Our University of Fort Hare (Department of Social Work and Social Development) is asking people from your community to answer some questions, which we hope will benefit your community and possibly other communities in the future.

The University of Fort Hare is conducting research regarding the extent of reoffending of children after completion of the Rhythm of Life Social Development diversion programme. We are interested in finding out more about reoffending of children who have attended one or more of the Social Development diversion programmes. We are carrying out this research to help contribute to the strengthening of existing policies and the development of new strategies in the area of crime prevention.

Please understand that you are not being forced to take part in this study and the choice of whether to participate or not is yours alone. However, we would appreciate it if you do share your thoughts with us. If you choose not to take part in answering these questions, you will not be affected in any way. If you agree to participate, you may stop me at any time and tell me that you don't want to go on with the interview. If you do this there will also be no penalties and you will NOT be prejudiced in ANY way. Confidentiality will be observed professionally.

I will not be recording your name anywhere on the questionnaire and no one will be able to link you to the answers you give. Only the researchers will have access to the unlinked information. The information will remain confidential and there will be no "come-backs" from the answers you give.

The interview will last around (90) minutes. I will be asking you questions and ask that you are as open and honest as possible in answering these questions. Some questions may be of a personal

and/or sensitive nature. I will be asking some questions that you may not have thought about before, and which also involve thinking about the past or the future. We know that you cannot be certain about the answers to these questions, but we ask that you try to think about these questions. When it comes to answering questions there are no right and wrong answers. When we ask questions about the future, we are not interested in what you think the best thing would be to do, but what you think would happen.

If possible, our institution would like to come back to this area once we have completed our study to inform you and your community of what the results are and discuss our findings and proposals around the research and what this means for people in this area.

INFORMED CONSENT

I hereby agree to participate in research regarding An exploratory study of recidivism of children after completion of the Rhythm of Life diversion programme in the Chris Hani district of Eastern Cape. I understand that I am participating freely and without being forced in any way to do so. I also understand that I can stop this interview at any point should I not want to continue and that this decision will not in any way affect me negatively.

I understand that this is a research project whose purpose is not necessarily to benefit me personally.
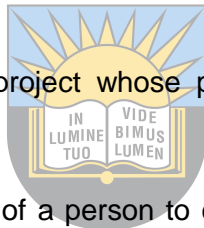
I have received the telephone number of a person to contact should I need to speak about any issues which may arise in this interview.

I understand that this consent form will not be linked to the questionnaire and that my answers will remain confidential.

I understand that if at all possible, feedback will be given to my community on the results of the completed research.

……………………………..

Signature of participant   **Date**:…………………..

I hereby agree to the tape recording of my participation in the study

……………………………..

Signature of participant   **Date**:…………………..

University of Fort Hare – East London Campus

In-depth interview questionnaire for children who have re-offended after completion of a diversion programme: An exploratory study of recidivism of children after completion of Rhythm of Life diversion programme in Chris Hani district, Eastern Cape

Primary Investigator: Thanduxolo Zimba

Contact Number: 0827243477

Email Address: tandozimbatz@gmail.com

A. GENERAL INFORMATION

1. How old are you?

_____

2. What is your gender?

Male	Female

3. Which ethnic group do you belong to?

Asian	Black	Coloured	White	Other (Specify:)

4. What is your home language?

Afrikaans	English	Ndebele	Pedi	Shangaan	Sotho	Swazi	Tswana	Xhosa

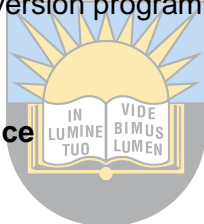| Zulu	Other (Specify:)

5. What grade are you in now?

Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7

Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	University/ College	Left School

6. What year did you complete your diversion programme?

_____

B. Criminal Justice System Experience

7. What were you charged with?

_____

C. Programme Participation

8. What was your favourite session about the programme?

_____

_____

9. What did you dislike about the programme?

_____

_____

10. What skills did you learn from the programme and how are you applying them at home and community?

Yes	No

11. What did you like about the facilitator?

_____

_____

12. Did you understand the content of the programme?

Yes	No

13. Did your parents or guardians participate in some of the sessions?

Yes	No

13.1 If not, why?

_____

_____

14. Did you miss any school because of the programme?

Yes	No

Did you attend all sessions?

Yes	No

14.1 If not, why?

_____

_____

15. Did you have a chance to speak to the victim?

Yes	No

16. Do you know how the offence affected the victim?

Yes	No

16.1 If yes, what did you do to help the victim?

_____

_____

D. Post Programme Information

17. How did you feel after the completion of the programme?

_____

_____

18. Did you receive any support from home and the community?

_____

_____

19. Did you manage to influence the change of behaviours of your peers after completion of the diversion programme?

Yes	No

20.1 If yes, how?

_____

20. What made you re-offend and how do you feel?

_____

_____

21. What is it you can do to be a law-abiding citizen?

_____

_____

University of Fort Hare – East London Campus

Focus group questionnaire: for parents/guardians of participants/children

A. GENERAL INFORMATION

1. What is your relation to the child?

_____

2. Is the child currently living with you?

Yes	No

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B. Criminal Justice System Experience

3. What type of crime did your child commit?

_____

C. Programme Participation

4. Were there any challenges regarding attendance of the programme by your child?

Yes	No

a. If yes, could you explain what the challenges were?

_____

_____

5. Do you feel that your child understood the content of the programme?

Yes	No

Yes	No

6. Did you as a parent/caregiver experience any challenges in making sure that the child attended the programme?

Yes	No

7. Did your child attend all sessions?

Yes	No

8. If not, could you provide a reason why?

_____

_____

9. Was the victim consulted?

a.   If not, do you know why?

_____

_____

10. Did you participate in Restorative Justice processes as part of the programme?
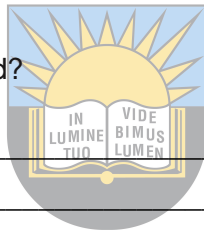
Yes	No

If yes, how did it benefit you personally?

_____

_____

11. In your view did the programme change the behaviour of your child?

_____

_____

12. How did you make sure that your child did not re-offend?

_____

_____

13. Were there any support services provided by probation services practitioners?

_____

Did 14. What makes your child re-offend?

_____

_____

University of Fort Hare

Together in Excellence

University of Fort Hare – East London Campus

Focus group questionnaire: Probation officers/facilitators of a diversion programme

A. Participant information

1. What is the general nature of offences that are committed by participants?

_____

_____

2. How often do the participants re-offend?

_____

_____

3. What are the reasons for non-compliance in diversion programmes?

_____

_____

4. Do you believe that participants understand the importance of their responsibilities?

_____

_____

5. How do victims and communities respond to the participants after completion of the

programme?

_____

_____

6. Do participants struggle to understand the content of the programme?

_____

_____

7. What challenges do some participants have to overcome to attend the programme?

_____

_____

8. Is there any interaction between participants and their victims?

_____

_____

9. Do you know the reasons why children re-offend?

_____

_____

B. Programme Implementation

10. How do you facilitate the sessions?

_____

_____

11. Do you have any necessary resources to conduct the programmes effectively?

_____

_____

12. What challenges do you encounter when it comes to implementation?

_____

_____

13. What assistance do you think is required to make you a better facilitator?

_____

_____

14. Do you include parents when facilitating the programme?

_____

_____

15. Are the venues always accessible to the participants?

_____

_____

C. Programme Theory

16. What approaches do you apply when conducting a diversion programme?

_____

_____

17. Do participants understand the content of the programme?

_____

_____

18. Do you find the restorative justice approach to be beneficial?

_____

_____

D. Programme Impact

19. What are your views about the aftercare programme?

_____

_____

    19.1.   Do you feel that it is effective?

_____

    19.2.   If not, where do you think it can improve?

_____

_____

20. Does the programme contribute to the behaviour modification of participants?

_____

_____

21. Do you think that diversion programmes are in line with the objectives of the Child
    Justice Act?

_____

22. What do you think is the main reason for reoffending**?**

_____

_____

Province of the
EASTERN CAPE
SOCIAL DEVELOPMENT

Beacon Hill Office Park - Corner of Hargreaves Road and Hockley Close – Private Bag X0029 – Bhisho – 5605 – REPUBLIC OF SOUTH AFRICA
Tel: +27 (0)43 605 3227 Fax: 043 605 5612 - Email address: linda.saki@ecdsd.gov.za Website: www.ecdsd.gov.za

28 JANUARY 2020

THANDUXOLO ZIMBA
DEPARTMENT OF SOCIAL WORK AND SOCIAL DEVELOPMENT
UNIVERSITY OF FORT HARE

Dear Mr.Thanduxolo Zimba

REQUEST FOR PERMISSION TO CONDUCT RESEARCH: AN EXPLORATORY STUDY OF RECIDIVISM OF CHILDREN AFTER COMPETION OF RHYTHM OF LIFE DIVERSION PROGRAMME IN CHRIS HANI EASTERN CAPE.
The Department considered your application for permission to conduct a research study in the Eastern Cape, Chris Hani District. The application is hereby approved.

You are requested to adhere to the following conditions:

1. You will liaise with
   - Ms.Linda Saki: Assistant Director: Population Policy Promotion, Provincial Office to keep her abreast of progress and any issues that might arise when conducting your research. Contact details are.lindasaki93@gmail.com/0718814249
   - Ms Mpondwana.District Director at Chris Hani, to facilitate access to the identified respondents. Contact details are veronica.mpondwana@ecdsd.gov.za/043 711 6607/082 411 5773

2. Interviews with the identified respondents must be conducted with the least disruption of service delivery. Interviews with children must always be done in the presence of parents/guardians.Permision should be obtained from case managers all the time.

3. The Department must be afforded a fair opportunity to respond to any issues that might arise from the research before publication.

4. After completion of your research, you must provide the Department (Population Policy Promotion Unit) with a written research report. The report will be used to inform Departmental programmes.

5. The research be undertaken for academic purposes only.

6. Strictly adhere to ethical standards to make sure no harm comes to participants in the study.

7. You avail yourself should the need arise, to make a presentation of the findings and recommendations to the Department.

Wish you well with the research and look forward to the findings and recommendations.
APPROVAL LETTER FOR MR.THANDUXOLO ZIMBA*Building a Caring Society. Together.*

Yours sincerely

MS. N. BAART
HEAD OF DEPARTMENT
DATE: 30|11|2020

ACKNOWLEDGEMENT OF RECEIPT

Please acknowledge and sign this document to indicate that you agree to and accept the conditions as stated above. Return the signed document via e-mail to the Assistant Director: Population Policy Promotion E-mail, lindasakl93@gmail.com

MR. THANDUXOLO ZIMBA
MASTER'S CANDIDATE: UNIV OF FORT HARE
DATE: 04-02-2020

University of Fort Hare
Together in Excellence

University of Fort Hare
Together in Excellence

ETHICS CLEARANCE
REC-270710-028-RA Level 01

Project Number: MAZ011SZIM01

Project title: **An exploratory study of recidivism of children after completion of Rhythm of Live diversion programme in the Chris Hani district Eastern Cape.**

Qualification: Masters in Social Work

Principal Researcher: Thando Zimba

Supervisor: Ms V Mazibuko

Co-supervisor: N/A

On behalf of the University of Fort Hare's Research Ethics Committee (UREC) I hereby grant ethics approval for MAZ011SZIM01.This approval is valid for 12 months from the date of approval. Renewal of approval must be applied for BEFORE termination of this approval period. Renewal is subject to receipt of a satisfactory progress report. The approval covers the undertakings contained in the above-mentioned project and research instrument(s). The research may commence as from the 22/08/19, using the reference number indicated above.

Note that should any other instruments be required or amendments become necessary, these require separate authorisation.
Please note that the UREC must be informed immediately of

- Any material changes in the conditions or undertakings mentioned in the document;
- Any material breaches of ethical undertakings or events that impact upon the ethical conduct of the research.

The Principal Researcher must report to the UREC in the prescribed format, where applicable, annually, and at the end of the project, in respect of ethical compliance.
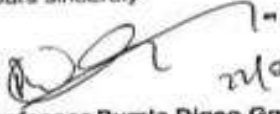
The UREC retains the right to

- Withdraw or amend this approval if
  - Any unethical principal or practices are revealed or suspected;
  - Relevant information has been withheld or misrepresented;
  - Regulatory changes of whatsoever nature so require;
  - The conditions contained in the Certificate have not been adhered to.

- Request access to any information or data at any time during the course or after completion of the project.

Your compliance with DoH 2015 guidelines and other regulatory instruments and with UREC ethics requirements as contained in the UREC terms of reference and standard operating procedures, is implied.

The UREC wishes you well in your research.

Yours sincerely

22/08/2019

Professor Pumla Dineo Gqola
Acting UREC-Chairperson
22 August 2019