APPROACHES TO DIVERSION OF CHILD OFFENDERS IN SOUTH AFRICA: A COMPARATIVE ANALYSIS OF PROGRAMME THEORIES

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APPROACHES TO DIVERSION OF CHILD OFFENDERS IN SOUTH AFRICA: A COMPARATIVE ANALYSIS OF PROGRAMME THEORIES

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Declaration

I declare that the thesis hereby submitted for the qualification *Philosophiae Doctor* at the University of the Free State is my own independent work and that I have not previously submitted the same work for a qualification at/in another university/faculty. I herewith cede copyright of the study to the University of the Free State.

Francois Steyn
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BBBS	Big Brothers Big Sisters
CJA	Child Justice Act
CL	Criminology lecturer
FGC	Family Group Conference
JF	Journey facilitator
IMC	Inter-ministerial Committee on Young People at risk
NICRO	National Institute for Crime Prevention and Reintegration of Offenders
NYCDP	Noupoort Youth and Community Development Project
RJC	Restorative Justice Centre
SWL	Social Work lecturer
UFS	University of the Free State
UKZN	University of KwaZulu-Natal
UP	University of Pretoria
YDO	Youth Development Outreach
YOP	Young Offender Programme

Approaches to diversion of child offenders in South Africa: a comparative analysis of programme theories

Context and background to the study

Before full democracy was introduced in South Africa in 1994, legal responses to the criminal behaviour of children were inhumane as many were subjected to harsh corporal punishment, in particular caning by police officers. Thousands of children awaited trial in abysmal conditions in prison and police cells, where they were often held for lengthy periods of time without their parents knowing their whereabouts (Juvenile Justice for South Africa 1994: 2). In the mid 1990s, the country's legal system commenced a process of transformation, away from a politically-motivated repressive approach to a justice system based on the principles of human rights and dignity. Prior to this period, the legal system had no dedicated strategy to deal with children in conflict with the law. Systems were fragmented and scattered among different ministries and departments, while emphasis was placed on the pathology of criminal behaviour instead of developmental strategies that acknowledge the strengths of communities, families and children in curbing problem behaviour. These stakeholders also had no opportunity to participate in legal decisions that affected them. In addition, statutory intervention received more attention than prevention or early intervention in the problem behaviour of children (Inter-ministerial Committee on Young People at Risk [IMC] 1996: 13).

In the early 1990s, campaigns and initiatives, such as *Justice for children: no child should be caged* - initiated by the Community Law Centre, Lawyers for Human Rights and the National Institute for Crime Prevention and Reintegration of Offenders (NICRO) - placed increasing pressure on Government to respond to the inhumane treatment of child offenders. It was only after a 13-year-old was murdered by his cell-mates in a Robertson police cell in October 1992 that the National Working Committee on Children in Detention was formed. The need for a comprehensive and effective youth justice system became imperative. Around that time, NICRO and state diversion programmes were implemented to prevent children from unnecessarily entering the criminal justice system (IMC 1996: 13-14). Numerous other diversion programmes followed. However, no legal framework existed to govern child justice in general and diversion in particular. Many programmes were developed and established in a haphazard and disjointed fashion without any comprehensive policy framework to guide them. Minimum norms and standards to steer service delivery were absent. Diversion providers were increasingly confronted and frustrated by inadequacies in the Criminal Procedure Act (51 of 1977), the Child Care Act (74 of 1983), and the Correctional Services Act (8 of 1959). In November 1994, the Juvenile Justice Drafting Consultancy published the first comprehensive tool for the management of child offenders in South Africa. The framework proposed procedures for arrest, reception and referral, and also commented on diversion and the sentencing of child offenders (Juvenile Justice Drafting Consultancy 1994: 1). In May 1995, the

IMC was established to manage the process of transforming the child and youth care system. Its interim policy recommendations broadened the work of the Juvenile Justice Drafting Consultancy by, *inter alia*, delineating the roles and responsibilities of service providers in the child justice sphere (IMC 1998: 8).

The National Crime Prevention Strategy (NCPS) was launched in 1996. It emphasised the absence of diversion and child sentencing policies. Moreover, it called specifically for the development of approaches to divert minor offenders away from criminal justice procedures (NCPS 1996: 61). These sentiments were echoed in the white papers and strategic plans of various government departments, including Correctional Services and Social Development. Shortly after the introduction of the NCPS, the South African Law Reform Commission issued two papers relevant to child justice. The first, *Sentencing Restorative Justice* (1997a), dealt with the crime victim's position and role in the justice process. It made specific reference to restitution, compensation and mediation, which today form part of many diversion programmes. The restorative sentiments of the publication eventually became an important thrust in official directives in managing child offending. The second paper, *Juvenile Justice* (1997b), focused particularly on age and criminal capacity, police powers and duties, pre-trial detention, diversion, and sentencing.

In 1997, the Juvenile Justice Project Committee of the South African Law Reform Commission commenced an investigation into youth justice, and, in 1999, published a discussion paper and a draft bill on the matter. The Committee, in the drafting process, consulted a wide range of role players in the criminal justice field, including children. The final report was submitted to the Minister of Justice in August 2000. November 2001 saw its approval by Cabinet for introduction into Parliament, which took place in August 2002 as the Child Justice Bill (49 of 2002). Although the submission represented a milestone for child justice in South Africa, delays characterised the enactment of the Bill as it underwent several revisions by the Portfolio Committee for Justice and Constitutional Development. At last, the Child Justice Act (CJA) (75 of 2008) was approved and enacted in late 2008. However, it only took effect on 1 April 2010 to allow sufficient time for the preparation of role players.

The objectives of the CJA are to (s2(a)-(e)):

- Protect the rights of children as stipulated by the Constitution.
- Promote the spirit of *ubuntu*[1] in the child justice system by: strengthening children's sense of dignity and worth; reinforcing respect for human rights by holding children accountable for their actions; safeguarding the interests of victims and the community; supporting reconciliation by means of

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[1] *Ubuntu* is an African concept of what it means to be human and to live in a community. It is both a philosophy and a way of life, and finds meaning in the phrase "a person is a person through other persons". A human being is understood to be a social entity with the need to be in a social setting with other social entities. The three foundations of *ubuntu* are spirituality, consensus building and dialogue (Brooke 2008: 44; Ovens & Prinsloo 2009: 3).

- restorative processes; and involving parents, families, victims and the community in the reintegration of children.
- Provide for the special treatment of children in a child justice system developed to break the cycle of crime, which will ensure safer communities and encourage child offenders to become law-abiding and productive adults.
- Prevent children from exposure to the negative effects of the formal criminal justice system by using, where appropriate, procedures and services more suitable to the needs of children, including the use of diversion.
- Strengthen cooperation within government and between state departments and civil society to ensure an integrated and holistic approach in the implementation of the CJA.

Diversion is a central feature of the CJA. Section 1 of the CJA defines the strategy as diverting "a matter involving a child away from the formal court procedures in a criminal matter". In essence, diversion can be considered if the child acknowledges responsibility for the offence, a *prima facie* case exist against the child, and the child and his or her parent consent to diversion (s52(1)). Persons under the age of 18, and in exceptional cases those under the age of 21, qualify for diversion. In adhering to the broad objectives of the CJA, diversion sets out to (s51(a)-(k)):

- Deal with child offenders outside the ambit of formal criminal procedures.
- Encourage responsibility and to meet the particular needs of the individual child.
- Promote reconciliation and the reintegration of the child into his or her family and community.
- Allow victims opportunity to express their views and receive compensation for the offence.
- Prevent stigmatisation flowing from contact with the justice system.
- Reduce the potential for recidivism and prevent the child from having a criminal record.
- Promote the dignity and well-being of the child, the development of self-worth and ability to contribute to society.

Diversion in South Africa takes many forms (*cf*. Steyn 2005; Wood 2003). **Lifeskills programmes** set out to impart pro-social skills to children in conflict with the law. Specific foci of these types of intervention are decision-making, communication and conflict resolution skills. Lifeskills training is highly structured and entails group and individual exercises. Pre-trial community service often runs concurrent with lifeskills training. Here, the child offender "repairs" the damages caused by the offence by working a certain number of hours at a community-based structure, such as libraries, clinics and police stations, without remuneration. As the name indicates, **outdoor interventions** are nature-based and cater for a group of children over a number of days. Recreational activities are often challenging and provide opportunity for the strengthening of self-esteem and communication skills. **Mediation programmes** bring together stakeholders to deliberate about the causes, impact and resolution of an offence. These initiatives mostly

involve victim-offender mediation, where only the victim and the offender are present, and family group conferencing, where the child offender, the victim, the families of both parties and members of the community discuss the transgression. The aim is to negotiate an outcome that will suit all parties. Much emphasis is placed on reconciliation between the offender, the victim and others harmed by the offence. In *mentoring diversion*, a troubled child is matched with a concerned adult who provides guidance and support following the criminal event. Mentors usually receive training to facilitate this task. Lastly, expressive interventions make use of music, singing, drama and creative activities such as painting to meaningfully communicate with child offenders.

Numbers, trends and referral to diversion programmes

The number of adult and juvenile cases diverted by South African courts shows a 15% increase, from 37 995 cases in 2005/06 to 50 361 in 2009/10. A total of 16 166 children were diverted in 2009/10 period. Of the 427 344 finalised cases in district courts in 2009/2010, 3.7% represented child diversions. This figure was lower in regional courts, where 0.6% of the 40 962 finalised cases involved diversion of minors (National Prosecuting Authority 2010: 14-18).

NICRO, as South Africa's largest provider of diversion services, provides an indication of the referral profiles concerning diversion. Its latest annual report (2006/07) shows that diversion was delivered to 17 786 children in conflict with the law. The caseload by diversion option was 55.3% lifeskills training, 24.1% pre-trial community service, 9.8% outdoor intervention, 7.9% victim-offender mediation, and 2.5 family group conferencing. Two-thirds (66.9%) of diverted children were Black, followed by 23.4% Coloured, 6.5% White and 3.2% Asian. The majority of diverted children were male (77.5%). The offence profiles amounted to 67.1% property crime, 22.7% crime against a person, and 10.2% victimless crime (NICRO 2007: 6-7).

Origin of and rationale for the study

The present investigation stems from the researcher's longstanding interest and research endeavours in diversion practice over a number of years. In 1997, the Departments of Criminology and Social Work (University of the Free State) and the IMC identified the need for research into the training needs of probation officers who deal with the criminal behaviour of children. This evolved into the researcher's master's degree in Criminology (Steyn 2001) and subsequent publications (*cf*. Steyn & Foster 2001; 2003; Steyn 2003a; 2003b; 2004). Between 2003 and 2004, the researcher conducted an evaluation of the crime prevention and diversion programmes of the Noupoort Youth and Community Development

Project. The study was commissioned by the Open Society Foundation of South Africa (OSF-SA)[2] and one article was published to disseminate the results (*cf*. Steyn 2008). Between 2003 and 2005, the researcher led a team of researchers in reviewing 16 diversion and three reintegration initiatives in South Africa. The review was also funded and the full report published by the OSF-SA (*cf*. Steyn 2005). The study found, amongst others, that at the time, diversion initiatives proliferated, despite the absence of formal legislation to regulate the industry. In addition, diversion delivery followed different approaches to intervention and were developed locally or adapted from international models (Steyn 2005: 290).

The review of local diversion initiatives brought two important aspects to the fore. Firstly, it was found that diversion programmes do not always understand the aetiology of the criminal behaviour they aim to change and rectify. Also, few initiatives displayed a sound understanding of the theoretical underpinnings of their interventions. Yet, it is generally accepted that the manner in which diversion programmes "*interpret and understand the risk factors for child offending should inform the choice of programme participants, as well as the way their behaviour is to be addressed*" (Steyn 2005: 282). Further exploration of local literature revealed similar observations by prominent South African researchers. Frank (2003: 24) notes that very few crime prevention programmes are able to express the set of theoretical and process assumptions that guide and justify their interventions. In turn, Schärf (2003: 11) states that, in order to prevent criminality, agencies should at least know what contributes to such behaviour so that interventions could be tailored to its causes. Muntingh (2005: 6) adds that the most important requirement for any provider of diversion is that it must thoroughly understand its own programme. He proposed a set of interrelated questions that services must be able to answer, among them: What does the programme aim to achieve? Why is the programme approaching the task in this particular manner? In other words, what behaviour is to be influenced, and why do service providers follow particular approaches in attempting to change that behaviour. Consultations with programme officers at the OSF-SA further revealed that diversion programmes are often planned and implemented without the intervention's point of departure (and its resulting intervention) being rooted in some form of theory or paradigm. This deficit runs the risk of its methods failing to address the diversionary needs of child offenders. These observations were deemed a cause for concern as evidence shows that theoretically-informed programmes are (up to five times) more likely to succeed than those without clear theoretical understandings (DuBois *et al.* 2002: 157; Izzo & Ross 1990: 138).

Secondly – and in unison with other authors (*cf*. Wood 2003: 16) – the review of South African diversion initiatives notes that the rapid expansion of programmes far outpaced research about their impact and effectiveness. It was found that recidivism and other outcome data are lacking across most diversion programmes (Steyn 2005: 289). While some initiatives conduct process evaluations to improve diversion

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[2] The OSF-SA has been instrumental in the development of local crime prevention initiatives. Through its Criminal Justice Initiative, the foundation has provided financial and technical support to numerous programmes in the establishment and piloting programmes for youth at risk, primarily those already in the criminal justice system (Steyn 2005: 1-2).

delivery, very few undertake impact evaluations to demonstrate programme success in the form of re-offending, reintegration into the family and community, level of responsibility, etc. In addition, a limited number of outcome studies have been published in South Africa. For example, an electronic search through SA ePublications revealed 49 hits containing the term "diversion", of which 30 related to child offending. Of the 30, 19 were published in the popular magazine *Article 40*, which disseminates policy and practice information mainly to frontline service providers. The majority of publications largely address matters related to the process of formalising diversion practice and standards of service delivery. These were mostly published in the late 1990s and early 2000s when diversion blossomed and calls were made for legislative change. Only five studies could be obtained that directly speak to re-offending by children who have been diverted, and mostly so regarding one specific diversion strategy.

While much theorising and research on diversion have been conducted in North America, Europe and Australia, it is important to bear in mind that these programmes operate under conditions that differ greatly from South African realities. Locally, diversion programmes face important challenges in terms of human and financial resources, sustainability and potential for growth (*cf*. Steyn 2005). As is the case with numerous other civil society initiatives, most diversion initiatives rely heavily on donor support and can only accommodate a limited number of children at a time. Moreover, it can be expected that they cater for client profiles that differ substantially from those in Western countries. South Africa is considered a middle-income country with conspicuous and persisting socio-economic inequalities due to its socio-political past. Many children find themselves in situations plagued by poverty, unemployed parents, inferior education, blocked opportunities and underdevelopment. Many grow up in unstable households due to alcohol and substance abuse, domestic violence and inimitable or absent parental figures. The communities they live in are often characterised by violence and crime, gangs, amid weak social cohesion and control. In addition, the AIDS epidemic is orphaning a growing number of children, often leaving them to their own devices to care for themselves and their siblings. Exposure to these important risk factors could lead to a life of crime if these problems and the resultant deviant behaviour are not addressed at an early age.

With these factors in mind, the unfortunate reality that South African children are confronted with is a far cry from the (Western) developmental status under which the bulk of writings about diversion was conducted. The conditions under which diversion is delivered and the profiles of the clients it caters for are significantly dissimilar across and within countries. These differences and variations understandably warrant localised investigations. In the same light, it must be emphasised that the generalisability and applicability of results from abroad cannot merely be accepted and implemented in South African contexts and conditions. Research must thus reflect on these findings against the backdrop of methodological limitations, contradictions in results, and dilemmas in investigating diversion programmes before making conclusions for local contexts and conditions. Another aspect that requires localised understanding of

diversion relates to the infusion of African cultural traditions in some of the programmes. Although broad similarities can be drawn in conflict resolution among traditional African communities, the Aborigines in Australia, and the native Indians in North America, understanding of how customary practices influence area-specific interventions necessitate localised research into theory and programme delivery. As the CJA indicates, the African concept of *ubuntu* forms the cornerstone of its directives. *Ubuntu* conjures up notions of unity, commonality and a shared existence, which stand in contrast to the Western beliefs of individuality and materialism.

Statement of the research problem

The South African evidence cupboard on the impact of diversion is glaringly empty compared to investigations elsewhere. Very little evidence exists as to what type of interventions work in local, South African contexts and conditions, and also which programmes work best for particular profiles of child offenders. However, before one can embark on meaningful investigations in this domain, it is imperative to first explore the theory, methods, strengths and limitations of different diversion strategies. This is considered an important first step before more rigorous investigations can be undertaken. Also, clarity about the variables that could facilitate or inhibit diversion outcomes is essential in the planning of future research. Furthermore, it is taken that diversion programmes will continue to burgeon in South Africa, even more so following the introduction of the CJA. Although diversion has been practised for nearly two decades in the this country, little local work exists regarding its theoretical underpinnings and the resulting methods in meeting the individual needs of diverted children. Also, no research has been conducted to explore the potential of particular strategies to effectively meet the diversion objectives of the CJA.

Purpose and aims of the study

The current study entails a comparative analysis of the theoretical assumptions that characterise diversion interventions in South Africa. More specifically, it explores and articulates the programme theory of restorative, lifeskills training, nature-based and mentoring programmes, ultimately to compare their understanding of child offending, on the one hand, and the mode(s) of intervention that results from such interpretations, on the other. In addition, the following aspects of diversion are investigated:

- International and local evidence regarding the impact of different diversion interventions.
- The level to which particular approaches have the potential to realise the objectives of diversion as stated in the CJA.
- The methods and elements of approaches to diversion that have potential to change offending behaviour.

- Indications from theory and practice about the profile of child offenders and crime typologies that individual approaches might favour.

Therefore, the study explores, in a South African context, the nature and abilities of different diversionary approaches to effectively intervene with child offending behaviour. Toward this end, various theories and their resulting methods are investigated within a diversion framework, among others, self-efficacy, experiential learning, modelling, belonging and systems theories. The study further explores the potential benefits and challenges of diversion strategies, as well as their likelihood in meeting the objectives of the CJA. In light of the recent introduction of the CJA, it is aimed to communicate and dialogue with academics of diverse disciplines and professionals (i.e. legal practitioners, social workers and probation officers) about diversion theory and practice in South Africa.

Research strategy, design and methodology

Approach and design

As indicated above, limited work has been conducted in South Africa regarding diversion theory and the potential impact of different diversion approaches on child offenders. A qualitative framework was adopted since studies in this paradigm set out to understand realities (Terre Blance *et al.* 2006: 123), in this case the theoretical assumptions and resulting methods of diversion strategies. Qualitative studies are more philosophical and inductive in nature (Leedy 2010: 136) where verbal and textual information is used to develop insight and understanding (Neuman 2000: 122). These characteristics of qualitative research provide a platform from which to investigate the assumptions, mechanisms, benefits and limitations of local diversion delivery. Furthermore, qualitative studies often have an explorative purpose as it accommodates different types of information to investigate the matter under study (Neuman 2000: 21).

In the current study, interview data, programme documentation, literature and existing evidence were used to explore the theoretical underpinnings and methods of different diversion strategies. It is also typical of explorative studies to ask the "what"-question, in this case, "what are the underlying theories and mechanisms of diversion delivery in South Africa?". Furthermore, the "what"-question is usually pursued when little is known about a phenomenon and small-scale studies are used to inform future research (Babbie 2008: 98). As mentioned, the present investigation paves the way for theoretical debate and provides directives for future hypothesis testing about local diversion programming.

An open and flexible research design was followed, in particular that of case study research. Case study designs are used when attention is focused on the in-depth examination of one or a few cases (Maxfield

& Babbie 2009: 133). It uses in-depth exploration of examples of a phenomenon and draws on a variety of sources of data. Case studies have specific importance in researching policy matters as they examine practices (Jupp 2006: 20). In the present study, this is of particular relevance since the potential of different diversion strategies is explored in order to identify the level to which they can meet the needs of diverted children and the diversion objectives of the CJA. Four instrumental case studies have been undertaken to elaborate on theory and gain better insights of lifeskills training, mentoring, outdoor and restorative-based diversion in South Africa. The four case studies are then used in a cross-case analysis, which serves to investigate and identify interconnecting themes and differences among them (Simons 2009: 164). This design is useful to extend and validate theory (Fouché 2005: 273), in this case the foundations and resulting methods of local approaches to diversion.

Study populations and sources of information

Diversion of child offenders is a complex matter and can be investigated from different angles. These include policy making, conceptualisation of diversion programmes, legal and referral practices, and implementation and monitoring of diversion services. Furthermore, numerous agents are involved in the diversion process, among others, police officials, prosecutors, magistrates, social workers, probation officers, the providers of diversion services, and clients. The present study focuses specifically and only on the conceptual and provider sides of diversion. The recipient side, i.e. the views of diverted children (as primary consumers) and their parents (as secondary consumers) warrant separate investigation, as do their experiences about the value of diversion programmes in meeting their expectations and needs. This particular focus was a deliberate choice of the researcher, because researching both sides (providers and recipients) would have been too broad in scope and too complicated in diversity. As it has been noted that service providers themselves often find it difficult to articulate the assumptions and theory that guide their programmes (Frank 2003: 24; Muntingh 2005: 6; Steyn 2005: 282), it was considered unrealistic to pose questions of a theoretical nature to children and their parents.

In exploring the theoretical foundations and the accompanying methods of diversion interventions, as well as the diverse conditions and constraints applying, purposive sampling or selection was used. This type of sampling is considered when specific persons have knowledge and experience that will advance the aims of a study (Babbie & Mouton 2001: 166). A logical process of sampling and selection of organisations/services and respondents was applied.

The first phase of sampling comprised the selection of four different types of diversion services, i.e. a *lifeskills intervention*, a *mentoring programme*, a *restorative-oriented initiative*, and *an outdoor course*. While organisations tend to implement a combination of these, the research set out to find situations where programmes are provided as stand-alone interventions. This was considered important to avoid

potential contamination of results. In cases where this strategy was not possible, the researcher opted for programmes where the researched intervention was not implemented simultaneously with other diversion initiatives. In other words, programmes that ran concurrently, for example lifeskills training during an outdoor adventure, were excluded. The following organisations were purposively selected for the particular type of diversion programme they offer:

- The Noupoort Youth and Community Development Project for its *lifeskills programme.*
- The National Youth Development Outreach in Pretoria for its *mentoring intervention.*
- NICRO's Journey programme in Bloemfontein for its *outdoor initiative.*
- The Restorative Justice Centre in Pretoria for its *family group conference programme.*

The second phase of sampling/selection consisted of identifying persons/implementers responsible for the rendering of the diversion services at the targeted organisations. The number of potential respondents ranged from one to six persons at each of the programmes. Consequently it was decided to gather information from all available programme implementers of the selected programmes. Twelve service providers were interviewed, some of them on more than one occasion.

In the process of data gathering (and as previously indicated), it was evident that service providers were not that knowledgeable about intervention theory. Therefore, a second study population had been introduced, namely informed persons concerned with the furthering of theory on child offending behaviour and interventions in this regard. A third phase of selection followed: In light of the research theme, Criminology and Social Work lecturers at different universities were purposively selected. Two were from the University of the Free State, two from the University of Pretoria, and one was from the University of KwaZulu-Natal. The lecturers were identified on grounds of their field of expertise and practical experience in working with at-risk children, albeit in therapeutic and/or research contexts.

In addition to the primary data gathered from respondents by interviews, secondary information was obtained in the form of annual and progress reports of the organisations, implementation manuals and programme guidelines, and the websites of diversion service providers.

Data gathering and analysis

In line with the study's qualitative approach, basic interviewing was conducted to gather information from the selected diversion service providers/implementers and the selected Criminology and Social Work lecturers. The interviews were flexible and interactive to meaningfully obtain the respondents' views on diversion theory and experiences in diversion delivery. Interviews generally took the form of a

conversation in which the researcher followed a framework of inquiry (Babbie & Mouton 2001: 289). All interviews were conducted at the respondents' work site.

Semi-structured interview schedules were developed based on the literature and the information needs of the study (Babbie & Mouton 2001: 289). The schedules provided direction for the interviews, although the questions did not have to be asked in a specific order. The interview schedule for diversion implementers were divided into the broad categories of establishing the service, programme rationale, methods, outputs/outcomes, potential to realise the objectives of diversion, and the potential of programmes to realise the intent of restorative justice. The interview schedule for Criminology and Social Work lecturers comprised questions about the potential of programmes and challenges related to diversion approaches (see *Appendix A* for the interview schedules). Due to the non-linear nature of qualitative investigations, the first two interviews provided ample opportunity to revisit the research instrument in order to refine it for subsequent data gathering (De Vos *et al.* 2005: 334). The data gathering approach chosen, proved useful in obtaining data of sufficient depth about the rationale of diversion programmes and about the theories underlying the different approaches.

All interviews were voice-recorded using a cassette recorder. The researcher constantly took field notes during the interviews to supplement the interviews and to ensure data recording in case of equipment failure (Easton *et al.* 2000: 707), which fortunately did not occur. The recorded interviews were transcribed with the data gathering instrument guiding the structure for analysis and presentation. The transcribed information was then segmented and taken up in the appropriate categories. Final analyses, in particular the comparative analysis, amounted to the identification of themes and patterns that emerged from the qualitative data (Babbie & Mouton 2001: 493). The flexible nature of case study designs allows for the primary data (interviews) and secondary data (documents) to be intertwined in order to provide a comprehensive picture of the diversion strategies and their theoretical assumptions.

Ethical considerations

Research ethics refers to the general agreement among researchers of what is acceptable and what is not when conducting and reporting on scientific investigations (Babbie & Mouton 2001: 521). The present study paid specific attention to the following ethical considerations (Babbie 2008: 67-72; Babbie & Mouton 2001: 521-526):

- Respondents participated voluntarily in the study. Managers of the identified diversion services and programme implementers had a choice to take part in the research and could stop the interviews with them at any time.

- Participants were provided with the necessary information to make informed decisions regarding their involvement. The purpose and methods of the study, as well as the use of voice recording equipment, were explained to respondents prior to each interview.
- Respondents are kept anonymous throughout the study. The names of participants are not indicated in the text so that responses cannot be linked to individual participants. All respondents received a letter guaranteeing their anonymity.
- Participants were not exposed to any harm during the gathering of data. No personal information or sensitive data was gathered about their lives or experiences in working with child offenders.
- With more than a decade's research experience, the researcher acquired the necessary knowledge on the diversion topic and the necessary skills in qualitative research to conduct the present study and to avoid pitfalls.
- Regarding the publication of results, the organisations included in the study will have opportunity to scrutinise the articles for agreement before they are submitted for publication. Their diverse contributions will be duly acknowledged.

Limitations of the study

It is important to note that the study has indeed several limitations of a diverse nature, in particular those associated with qualitative research and case study designs (*cf.* Babbie 2008: 342-343). The data, interpretations and conclusions need to be considered and valued within the contexts of the research methods used and the cases studied. An interpretivist framework was employed to gain a deeper understanding about the foundations, benefits and limitations of different diversion strategies in South Africa. Also, the observations stem from an investigation of four diversion programmes only and, in each case, from interviews conducted with a small selection of respondents. It is, therefore, possible that other initiatives and different types of diversion interventions could produce divergent experiences in the rendering of diversion to child offenders. They may also have held different theoretical perspectives and pursue different methods of service delivery, and they may have found novel ways of addressing the challenges identified in the present study.

A further shortfall of the study relates to the sampling bias introduced by exploring diversion from the side of service providers and academics only. The experiences of child offenders themselves and of their parents as beneficiaries of diversion, as well as those of legal and psychology practitioners were not determined. As such, it is important to bear in mind that the current study indeed provides broad messages about the practice, strengths and pitfalls of local diversion for child offenders, but that the results cannot be summarily generalised to programmes outside the scope of the investigation. This shortcoming applies to diversion interventions and role players across geographical and demographic

spheres. At best, the study provides process and conceptual insights that could be transferred to broad diversion delivery in South Africa (Simons 2009: 164, 166).

The research report – structure and presentation

Apart from this overarching *Introduction* and an overarching Conclusion at the end of the thesis, the contents of the present investigation are structured in terms of five distinct parts. More specifically, it takes the form of five clearly demarcated articles, each with its own introduction, aims and methods, literature review, results and discussion.

First, a note on the rationale for a doctoral thesis in article format

This format of a doctoral thesis is commonly known as the "article option", and can be followed at several universities, both locally and abroad. The article option counteracts some of the limitations experienced in publishing from the traditional thesis format. This limitation has been attributed to students' reluctance toward the daunting and laborious task of converting a thesis into an article or articles. Often both student and supervisor feel emotionally and academically drained after completion of the thesis and would rather avoid any further work on the study. Furthermore, many theses comprise a lengthy literature study which represents a mere compilation of existing knowledge without much assimilation, critical thought or own views (Louw & Fouché 2003: 65-66).

The main purpose of the article option is twofold. Firstly, it breaks from conventional approaches to post-graduate education by capacitating the student in scientific communication, in this case the generation of publishable articles. Instead of a (mainly bulky) document which is most often only read by the student, promoter(s) and examiners, the article option prepares the student to organise writings for a broader audience of peers, scientists and other interested stakeholders. This feeds into the second purpose, which is to publish the articles in relevant scientific and policy journals, thereby advancing the research output of both the researcher and the institution. Since the results are already prepared in article format, little effort is needed to adapt technical aspects such as referencing to the requirements of targeted journals. In addition, the results of research could be released more speedily via the article option to those interested parties. In essence, the article option facilitates the communication of scientific results to a broader scientific community.

To resume the explanation of the structure and presentation of the research report, the present study entails five stand-alone articles, namely:

1. ***Lifeskills training with children guilty of minor first-time offences***: *principles, methods, strengths and limitations.*
2. ***Mentoring of children guilty of minor first-time offences***: *principles, methods, strengths and limitations.*
3. ***Outdoor intervention with children guilty of minor first-time offences***: *principles, methods, strengths and limitations.*
4. ***Family-, community- and victim-involved diversion for children guilty of first-time minor offences***: *principles, methods, strengths and limitations.*
5. ***Approaches to diversion of child offenders in South Africa***: *a comparative analysis of programme theories.*

As can be anticipated from the titles of the first four articles, they follow a balance in terms of structure and length. Each article consists of an abstract, introduction, definition of concepts, development of the particular diversion strategy in South Africa, its theoretical foundations and resulting methods, and outcome evidence of the specific approach. The case study of each article reflects on the establishment and focus of the particular diversion programme, the rationale for its approach, the programme's purpose and content, the profile of participants it caters for, the value/benefits and limitations/challenges of the intervention, and the extent to which the programme can meet the objectives of the CJA. Each article is furnished with a discussion of the findings and a list of references.

Since the first four articles are guided by the same purpose and structure, it is logical that they will reflect similar aims and methods, and encounter similar limitations. While this may appear repetitive and duplicating, it is important to keep the investigation's comparative aim in mind. The different articles had to study the four programmes in terms of the same dynamics and variables to ensure that the information can ultimately be compared. At the same time, it could be considered a drawback as the text and content of some sections may seem recurring to readers who are not familiar with the article option. In addition, because the same factors and aspects of different diversion programmes are explored, it can be expected that common strengths, weaknesses and challenges will surface. After all, the same spectrum of role players is involved in any diversion approach, i.e. child offenders, their parents, the legal and referral system, and service providers. In line with the benefits of qualitative methodologies, the frequent mentioning of themes, albeit positive or negative, strengthens inductions about the phenomenon under investigation (Babbie & Mouton 2001: 283). Note, however, that in their presentation the articles follow a particular, logical sequence: lifeskills training is introduced first, followed by mentoring, outdoor intervention and then community and victim-involved diversion. These four articles culminate in the comparative analyses of the four diversion strategies.

The fifth article ties together all the gathered and presented information. It provides a brief overview of the diversion service providers and definitions of the particular approaches. The main assumptions of the different approaches are discussed under appropriate headings, followed by their theoretical foundations and methods resulting from these understandings. The profiles, value and limitations of each strategy are compared, after which a discussion is provided. Two tables are presented. The first entails a comparative summary of the assumptions, theory and resulting methods of the four different approaches to diversion. The second table depicts a comparison of the potential of these selected approaches to meet the diversion objectives of the Child Justice Act.

After the presentation of the five separate articles, an overarching *Conclusion* follows. It provides a summary reflecting on the extent to which the study's aims have been achieved; extracts important principles for diversion delivery in South Africa; makes recommendations for diversion training, practice and future research; and comments on the merits of the study.

References

Babbie E 2008

    The basics of social research (4th ed). Belmont (CA): Wadsworth/Thomas.

Babbie E & Mouton J 2001

    The practice of social research. Cape Town: Oxford University Press.

Brooke R 2008

    Ubuntu and the individuation process: toward a multicultural analytical psychology. *Psychological Perspectives* 51(1): 36-53.

CJA (Child Justice Act) 2008

    Act no 75 of 2008. *Government Gazette* 527(32225). Cape Town: Government Printers.

DuBois DL, Holloway BE, Valentine JC & Cooper H 2002

    Effectiveness of mentoring programs for youth: A meta-analytic review. *American Journal of Community Psychology* 30: 157-197.

Easton KL, McComish JF & Greenberg R 2000

    Avoiding common pitfalls in qualitative data collection and transcription. *Qualitative Health Research* 10(5): 704-707.

Fouché CB 2005

    Qualitative research designs. In De Vos AS, Strydom H, Fouché CB & Delport CSL (Eds). *Research at grass roots for the social sciences and human service professions* (3rd ed). Pretoria: Van Schaik. 267-273.

Frank C 2003

    What have we learnt? Social crime prevention in SA: a critical overview. *SA Crime Quaterly* 6: 21-26.

IMC (Inter-ministerial Committee on Young People at Risk) 1996

Interim policy recommendations. Pretoria: Department of Social Development.

IMC (Inter-ministerial Committee on Young People at Risk) 1998

Minimum standards for the child and youth care system. Pretoria: Department of Social Development.

Izzo RL & Ross RR 1990

Meta-analysis of rehabilitation programs for juvenile delinquents. A brief report. *Criminal Justice and Behavior* 17(1): 134-142.

Jupp V 2006

The Sage dictionary of social research methods. London: Sage Publications.

Juvenile Justice Drafting Consultancy 1994

Juvenile Justice for South Africa: proposals for policy and legislative change. Cape Town: Juvenile Justice Drafting Consultancy.

Leedy PD & Omrod JE 2010

Practical research planning and design. New York: Macmillan.

Louw DA & Fouché JB 2003

Writing a thesis in article format: a way to promote a publishing culture? *South African Journal of Higher Education* 16(3): 65-72.

Maxfield MC & Babbie E 2009

Basics of research methods for Criminal Justice and Criminology (2nd ed). Belmont (CA): Wadsworth.

Muntingh L 2005

Minimum standards for diversion programmes. *Article 40* 7(4): 4-6.

National Prosecuting Authority 2010

Annual Report of the National Prosecuting Authority 2009/10. Pretoria: National Prosecuting Authority.

NCPS (National Crime Prevention Strategy) 1996

National Crime Prevention Strategy. Pretoria: Departments of Correctional Services, Defence, Intelligence, Justice, Safety and Security and Welfare.

Neuman WL 2000

Social research methods (4th ed). Boston: Allyn & Bacon.

NICRO (National Institute for Crime Prevention and Reintegration of Offenders) 2007

Annual Report 2006/2007. Cape Town: NICRO.

Ovens M & Prinsloo J 2009

The significance of "Africanness" on the development of contemporary Criminological propositions. Paper presented at the Criminology Society of South African Biannual Conference, University of South Africa, Pretoria, 28-30 September.

Schärf W 2003

Themes emerging from the workshop discussions. Proceedings of the *Crime Prevention and Development Workshop*. Mont Fleur, Stellenbosch, 26-27 June 2003. Cape Town: Open Society Foundation.

Simons H 2009

Case study research in practice. Los Angeles: Sage.

Steyn F 2008

Lifeskills training for children with problem and deviant behaviour: the Noupoort Youth and Community Development Project. *Acta Academica* 40(2): 205-243.

Steyn F 2005

Review of South African Innovations in Diversion and Reintegration of Youth at Risk. Cape Town: Open Society Foundation for South Africa.

Steyn F 2004

The need for close collaboration between police and probation officers in dealing with young offenders. *Servamus* 96(5): 16-19.

Steyn F 2003a

Conceptualising the probation officer's role in crime prevention. *Social Work Practitioner-Researcher* 15(2): 205-211.

Steyn F 2003b

Exploring the probation officer's role in victim support and empowerment. *Social Work/Maatskaplike Werk* 39(3): 282-289.

Steyn F & Foster H 2003

Criminology's role in the training of probation officers working with young offenders. *Acta Criminologica* 16(4): 75-88.

Steyn F 2001

The role of Criminology in the training of probation officers specialising in the management of young offenders in the Free State. Unpublished master's dissertation. Bloemfontein: University of the Free State (Faculty of the Humanities).

Steyn F & Foster H 2001

Impediments in the management of young offenders in the Free State. *Article 40* 3(1): 10-11.

Terre Blanche M, Durrheim K & Painter D 2006

Research in practice: applied methods for the social sciences (2nd ed). Cape Town: UCT Press.

Wood C 2003

Diversion in South Africa: a review of policy and practice, 1990-2003 (Issue Paper 79). Johannesburg: Institute for Security Studies.

Lifeskills training with children guilty of minor first-time offences: principles, methods, strengths and limitations

Abstract

South Africa's Child Justice Act (75 of 2008) was introduced on 1 April 2010. This legislation promotes the diversion of children who have offended away from formal justice procedures. Diversion to lifeskills training is a popular option. This article explores the assumptions, theory, limitations and benefits of the lifeskills strategy. A case study is provided of the Noupoort Youth and Community Development Project to solicit a deeper understanding of what lifeskills training can and cannot offer child offenders. In terms of Bandura's social cognitive theory, the approach has potential to strengthen the symbolic, forethought, vicarious, self-regulatory and reflective abilities of diverted children. Most of the methods employed in lifeskills programming appear to stimulate experiential learning. The strategy also lays the foundation for communication in complementary interventions. On the deficit side, difficulties associated with parental involvement challenge children's ability to implement the newly acquired skills at the domestic level. Also, children are subjected to a fairly standardised programme regardless of the type of offence they have committed. In poverty-stricken environments, it appears that lifeskills training struggles to address economically motivated offences. Programmes of this nature must ensure longer term intervention and more intense follow-up support. The absence of the victim in conventional lifeskills programming renders reconciliation difficult to achieve.

Introduction

Although research confirmed that adolescence is not necessarily characterised by *Sturm und Drang* and related negative experiences and behaviour, it is equally true that this developmental phase can be considered as the "weak link" in the life stages chain (Louw & Louw 2007: 281). Therefore, it is understandable that literature notes an increase in antisocial and problem behaviour during adolescence, but that this should be seen against the natural process of maturation (Algozzine *et al.* 2001: 145-146; Inter-ministerial Committee on Young People at Risk [IMC] 1996: 26-27; Lipsey 1992: 83-81; Moffitt 1993: 674; Muncie 2004: 25-26; Pinnock 1997: 7). Given the transient nature of much misconduct during adolescence, opportunity exists to turn problem behaviour into learning experiences (National Institute for Crime Prevention and Reintegration of Offenders [NICRO] 2000: 6). One strategy to achieve this goal is to employ diversion, which channels children accused of minor first-time offences away from criminal justice procedures into developmental programmes. Diversion endeavours to create a sense of responsibility in child offenders[3] by holding them accountable for their actions and by reinforcing respect for the rights and fundamental freedoms of others (Davis & Busby 2006: 102; Matshego 2001: 4).

Since diversion emerged in the early 1990s in South Africa, a variety of approaches has proliferated despite the absence of formal legislation to guide and regulate service delivery (Redpath 2004: 1-2; Steyn

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[3] Section 4(2)(a) of the Child Justice Act (75 of 2008) describes a child as any person who *"is alleged to have committed an offence when he or she was under the age of 18 years"*. The term "child offender" is used in this article since, according to Section 52(1)(a), the child has to acknowledge responsibility for the offence in order to be diverted.

2005: 290). The decision to divert a child in conflict with the law rests primarily on the discretionary powers of prosecutors and the availability of programmes (Badenhorst & Conradie 2004: 125-126). The introduction of the Child Justice Act (CJA) in 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 CJA creates a new system for dealing with child offenders, including the establishment of procedures to channel them away from courts and correctional institutions. According to Section 51 of the CJA, the purposes of diversion are to encourage accountability and meet the individual needs of child offenders; reintegrate and reconcile the child with his/her family, the community and those affected by the offence; provide opportunity for victims to express their views and benefit from some form of compensation (albeit symbolically); and prevent stigmatisation and the child receiving a criminal record.[4] Section 52(1) of the CJA indicates the criteria for diversion: the child must acknowledge responsibility for the offence, a *prima facie* case exists against the child, and the child consents to diversion.

Globally, the child justice and diversion arena was shaped by reactions to the "nothing works" paradigm that pervaded rehabilitation thinking during the 1970s. Based on a steady stream of research, the counteracting "what works" literature infuses scientific rigour in tertiary crime prevention to prove the value and effectiveness of interventions (Barry 2000: 579). Key features of the movement discussed in local crime prevention literature include: understanding the developmental pathways and epochs to and systemic dynamics of offending behaviour; responding to individual needs; focusing intervention at developmental and risk levels; working in community instead of institutional settings; involving parents and significant others; and basing responses on scientific evidence and within theoretical foundations (Dawes & Donald 2000: 20; Farr *et al.* 2003: 3; Muntingh 2005: 6; Schärf 2003: 11). As to the last, meta-analyses showed that theoretically founded programmes are more effective than those without any theoretical basis (Izzo & Ross 1990: 141). Furthermore, interventions with social-cognitive and behavioural foci have been found especially promising in altering offending behaviour (Andrews *et al.* 1990: 386; Gendreau & Andrews 1990: 181-182; Lipsey & Wilson 1993: 1199).

Given the impetus for crime prevention and reduction in contemporary South Africa, one would expect programmes to be based on "what works" principles. However, it has been noted that, locally, "*very few crime prevention initiatives are able to articulate the set of theoretical and process assumptions that motivate and rationalise the interventions that are undertaken in the field*" (Frank 2003: 24). A review of diversion initiatives in South Africa also noted that interventions do not always show a clear understanding of the causes of childhood transgressions they aim to change (Steyn 2005: 282).

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[4] It is evident that Chapter 8 of the CJA, which deals with diversion, is rooted in restorative justice. This philosophy believes that dealing with offenders should focus on restoring societal harmony and putting wrongs right (IMC 1996: 6). Key themes of the philosophy include responsibility, collective decision-making, forgiveness, reparation, reintegration, and the involvement of the victim, the offender's family and the broader community in dealing with offending (Mousourakis 2004: 1; Muntingh & Monaheng 1998: 13).

Aims and methods

This article explores the potential benefits and limitations of lifeskills training with child offenders in the South African context. More specifically, the foundations and resulting methods of lifeskills training are illustrated to articulate what this type of intervention can and cannot offer diverted children. Attention is also paid to what lifeskills intervention perceives as the causes of child offending, whether such programmes have a possible preference for particular crime types and client profiles, and the extent to which the approach has ample potential to realise the diversion objectives of the CJA.

The research methods amount to the use of secondary data to define lifeskills training, present its development with child offenders in South Africa, explore its theoretical constructs, and illustrate the evidence regarding its impact on the offending behaviour of children. To solicit a deeper understanding as to what lifeskills intervention entails, primary data are presented in the form of a case study of the Noupoort Youth and Community Development Project (NYCDP). The case study reflects on the rationale for the programme, the methods resulting from its understanding of the causes of child offending, the profile of participants, and the benefits and limitations of the approach.

The NYCDP was selected for closer study due to its community-based approach to diversion and the researcher having evaluated the organisation in the past (*cf.* Steyn 2008). In addition, the NYCDP provides lifeskills training as uni-modal diversion strategy, which ruled out any possible contamination of data by other programmes. With the aid of a semi-structured schedule, a two-hour group interview was conducted on 19 November 2008 with three NYCDP officials responsible for lifeskills with diverted children. The beneficiaries of lifeskills diversion, i.e. children and their parents, were excluded from the investigation as it was considered unrealistic to solicit responses of a theoretical nature from them. In light of the study's theoretical focus, interviews were conducted with lecturers from the Criminology and Social Work Departments of the University of the Free State. The lecturers were purposively identified on grounds of their field of expertise and therapeutic experience (Babbie & Mouton 2001: 166).

The study follows the qualitative approach since studies in this paradigm set out to understand social realities (Terre Blanche *et al.* 2006: 123). Limited work has been conducted in South Africa regarding diversion theory and the potential impact of different diversion strategies on children in conflict with the law. Although work in this domain has been undertaken in North America, Europe and Australia, diversion practices and the clients of diversion are in all likelihood context-specific, which requires localised understandings and investigations. In addition, evidence from abroad cannot be taken at face value given differential client profiles, contradicting results, methodological limitations and the circumstances under which these studies have been conducted. The present investigation is explorative in nature given that different types of information are needed to answer the "what" question, namely "What are the underlying

theories and resulting methods of lifeskills diversion in South Africa?". The study takes the form of an instrumental case study. This type of research is used when attention is focused on the in-depth exploration of one or a few cases (Maxfield & Babbie 2009: 133). Case studies serve to elaborate on a theory or to gain better insights of an issue (Fouché 2005: 276; Simons 2009: 3). They also have specific importance in researching policy matters as they examine practices (Jupp 2006: 20). This has relevance for the present investigation since the potential of lifeskills training is explored to determine the approach's potential in meeting the needs of diverted children, as well as meeting the objectives of the CJA.

All interviews were conducted at the respondents' places of work. The interviews were audio-taped, transcribed and content analysed. As is the case with qualitative research, results are presented in descriptive and textual formats. In adhering to the flexible nature of case study methodology (Babbie & Mouton 2001: 281; Neuman 2000: 32), experiences and observations of respondents are interwoven with the case study to articulate the theoretical foundations, value and limitations of lifeskills training with diverted children. Direct quotations are provided to substantiate and emphasise specific observations. Respondents are kept anonymous, although the sources of information are indicated (Kvale & Brinkmann 2009: 72). Participation in the interviews was voluntarily and respondents could stop the interviews at any time. They were provided with letter guaranteeing anonymity and were not exposed to any harm during the research process (Babbie & Mouton 2001: 521-526).

Definition and categories of lifeskills

Professionals disagree as to a single definition of lifeskills due to the complexities of social rules and interactions (Algozzine *et al.* 2001: 232). Most interpretations of the term feature the common themes of individual proficiencies for behaving in a manner that meaningfully and successfully meets the demands of the self, others and the environment (Ebersöhn & Eloff 2003: 43). Against this background, descriptions of lifeskills generally focus on its self-explanatory characteristics, including the ability to function efficiently in society, reacting to life's stressors amicably, competence to effectively adapt in an environment, performing daily tasks effectively, successfully dealing with provocative situations and conflict, mastering challenges in a responsible way, communicating meaningfully, and establishing a value system to guide appropriate behaviour (Ebersöhn & Eloff 2003: 40; Herbert 1987: 25; Hopson & Scally 1981: 43; Masten & Coatsworth 1998: 206; Muthukrishna 2002: 82; Pickworth 1990: 77; Rooth 1995: 2). Therefore, lifeskills are viewed as those acquired attributes that can enhance the quality of life and prevent problem behaviour: the greater the repertoire of lifeskills one possesses, the greater is the range of alternatives for behaviour (Chance 2003: 235; Hopson & Scally 1981: 63).

Various categorisations of and substantial overlap among the types and foci of lifeskills exist, and can briefly be summarised as follows (Ebersöhn & Eloff 2003: 44-45; Hopson & Scally 1981: 64-70; Lindhard & Dlamini 1990: 21-22):

- *Self-skills* (also termed personal, intrapersonal and "my skills") include a healthy self-concept, self-regulation and logical thinking; ability to problem-solve; managing negative feelings and expressing emotions constructively; and recognising personal strengths and weaknesses.
- *Interpersonal skills* (also termed proximal and "me-and-you skills") refer to proper communication, group interaction, conflict resolution and assertiveness; giving and receiving feedback; and making and ending relationships.[5]
- *Planning skills* include micro- and macro-transitions and effectively dealing with such change; being proactive; having realistic life plans and goals; making career decisions; ensuring the development of potential; and making appropriate decisions.

Development of lifeskills training with child offenders in South Africa

Lifeskills training with child offenders was first introduced in South Africa following research in 1987 and 1988 by the Universities of Pretoria and South Africa into the prevalence of shoplifting by minors. A pilot project entitled *The Pretoria Youth Offender School* was implemented during which trespassers and their parents attended information and relationship building workshops with the aim of preventing re-offending and the child not receiving a criminal record (Erasmus & Van der Weshuizen 1991: 10). In 1991, an interdisciplinary committee – with representation from Correctional Services, Justice, Health, Welfare, Police Services, Office of the Attorney General and NICRO – was established in the Cape Peninsula to investigate sentencing options for child offenders. A social skills training programme (encompassing the themes of crime awareness, self-concept, assertive behaviour, norms and laws, and parent-child relationships) was implemented in July 1992. Following its evaluation in August 1992, the committee viewed the initiative as a viable sentencing option for dealing with children accused of minor first-time offences (Howes 1993: 371, 377; Kok 1994: 4). NICRO took responsibility for the structuring and provision of the then-called *Youth Offender Programme* (YOP). Implementation commenced in the Western Cape and was soon expanded to all NICRO's branches across South Africa. The programme paved the way for many initiatives to include lifeskills training in their work with at-risk children and youth (*cf.* Steyn 2005).

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[5] The presence of self-skills is viewed as prerequisite for acquiring interpersonal skills, as it is assumed that the self-concept to a large extent determines how one relates to others (Ebersöhn & Eloff 2003: ix; 46-47; Lindhard & Dlamini 1990: 19-20).

Assumptions of lifeskills training for child offenders

The majority of South African children were subjected to an inferior education system and a poor informal training sector (Ebersöhn & Eloff 2003: 43; Rooth 1995: 2). Fragmented family and community structures strain value systems (Buthelezi-Phori 2000: 2), while parental homes do not always equip children with much needed lifeskills (Ebersöhn & Eloff 2003: 39, 43). Also, depriving life experiences cause many children to lack skills critical for coping with life in a satisfactory manner (Herbert 1987: 79). Yet it is accepted that children commonly require teaching in cognitive, affective and behaviour skills as primary competencies for adulthood (Meletse 1994: 44; Tolan *et al.* 1995: 581). Amongst others, lifeskills education is required for successful independent living, the maintenance of friendships, success at school, and the prevention of prolonged interpersonal problems (Algozzine *et al.* 2001: 231).

In the context of child development, the successful completion of a developmental stage, especially adolescence, entails a shift in the abilities needed to function effectively. Against this background, lifeskills training assumes that offending stems from inadequate skills (whether due to insufficient training, inimitable models, environmental deficits or the reinforcement of existing negative behaviour) to react appropriately to particular situations, and where inadequate management of internal impulses hampers personal growth and pro-social interaction. It is believed that an understanding and appreciation of the aetiology and nature of behaviour is needed to affect change, hence the importance of reflecting on past (offending) behaviour. Lifeskills training, therefore, assumes that the acquisition of appropriate skills strengthens responsibility and accountability, and assist in effectively confronting crises and conflicts, ultimately to promote pro-social behaviour (Algozzine *et al.* 2001: 137; Ebersöhn & Eloff 2003: 39; Izzo & Ross 1990: 141; King & Kirschenbaum 1992: 30; NICRO 2000: 5-6; Steyn 2005: 283-284).

Theoretical foundations of lifeskills training

Using lifeskills training as diversionary mechanism is rooted in social cognitive theory. This paradigm explains human action in terms of the triadic reciprocity between the environment, behaviour and cognition, all of which function as interacting determinants of one another (Bandura 1999: 23; 1986: 18-21; Ebersöhn & Eloff 2003: 41). Seen broadly, social cognitive theory dictates the following interlinked capabilities for behaviour (Bandura 2001: 6-10; 1986: 18-21):

- *Symbolising capability.* Life experiences are transformed into internal models which function as guides for future behaviour. Past experiences and symbolising abilities allow an individual to test possible solutions symbolically and estimate the outcomes before taking action.
- *Forethought capability.* By using future time perspectives, the likely consequences of prospective behaviour can be anticipated. This ability allow for the setting of goals and planning, which might require alterations to present behaviour.

- *Vicarious capability.* Through observing the behaviour of others and the consequences thereof, people can acquire rules for generating and regulating behavioural patterns without engaging in those actions themselves.
- *Self-regulatory capability.* Internal standards and self-evaluative reactions motivate and regulate behaviour. This requires a set of personal standards to dictate discrepancies between an action and the standards against which it is evaluated.
- *Self-reflective capability.* Reflective self-consciousness allows people to analyse experiences and reflect on their own thought processes. Reflection on knowledge and different life experiences construct an understanding of the self and the world one lives in.

With the above in mind, social cognitive theory holds value for lifeskills intervention with child offending in three domains. Firstly, it sets out to affect cognitive restructuring which involves changing the typical way in which an individual organises his/her experiences and thoughts. As Herbert (1987: 78) notes: "*what a person tells himself about his experience affects his behaviour*". Models of thought that promote irrational, self-destructive or faulty patterns have to be eliminated in order to alter the ideas, assumptions and self-communication which people employ for themselves and situations. In this process, emphasis is placed on how the self is viewed, as poor self-esteem and self-concept have been noted to play important roles in behavioural problems during childhood and adolescence (Weitz 1991: 9). In addition, child offenders tend to have poor self-esteem stemming from having been arrested (Steyn 2005: 283).

Secondly, making decisions could involve substantial thought about the merits of various options (Chance 2003: 370). Interventions based on cognitive learning generally entail the encoding of information, contemplating possible outcomes, their evaluation, and inductive and deductive reasoning (Herbert 1987: 79). It is considered that rational reasoning and forethought, among others, brands misconduct as inappropriate, identifies situations conducive to misbehaviour, and sketches likely consequences (Bandura 2001: 7; 1986: 266). Also referred to as cognitive mediation and self-sanction, self-regulation has to take place during which offending behaviour is primarily renounced by contemplating the impact of the offence on others and the self. Such "self-talk" is crucial for the capacity to regulate thinking and behaviour cognitively, and builds on cognitive meaning attribution, motivation and experience (Algozzine *et al.* 2001: 214; Ebersöhn & Eloff 2003: 51-52). For this to take place, self-diagnostic devises are needed in addition to the ability of objective self-observation (Bandura 2001: 8-9; 1986: 340). Such self-directedness is dependent on the presence of internal standards against which to evaluate behaviour, which lifeskills training sets out to impart or strengthen.

Thirdly, although the repertoire of lifeskills taught could be limited, social cognitive theory dictates that people develop generative or symbolic concepts of behaviour that could equally apply to different situations with novel variations of a given form of behaviour. These are also referred to as generalisable

standards that could guide self-regulation of behaviour in a variety of activities (Bandura 1999: 26; 1986: 114, 344). Given the triadic reciprocity of social cognition, the effective internalisation of appropriate self-standards through lifeskills training should transpire in behaviour and interpersonal relationships, while the environment also provides a foundation for the practising and generalisation of newly acquired skills (Ebersöhn & Eloff 2003: 41).

Methods resulting from lifeskills training theory

Since information and instruction do not automatically translate into behaviour (Bandura 1986: 107), knowledge has to become *ability* in order to successfully perform a skill. This requires some form of transferral mechanism (King & Kirschenbaum 1992: 9; Rooth 1995: 3). In view of social cognitive theory dictating that human behaviour is largely learned, it logically flows that learning principles are to be employed in the acquisition of lifeskills. In fact, the very nature of lifeskills training implies that they be acquired in a practical manner and, more specifically, through experiential learning. This mode of learning states that appropriate behaviour must be experienced in the context of an exercise, followed by reflection on reactions and observations, and a period to internalise the learned principles (Ebersöhn & Eloff 2003: 41, 67; Rooth 1995: 4). In essence, therefore, the practical usefulness of lifeskills has to be experienced in order to understand and use them effectively. This necessitates a facilitator and the active involvement of participants to practise, test, accept and apply newly learned behaviour.

A broad framework for acquiring lifeskills entails a declarative phase during which detail about a skill is provided, followed by a procedural phase in which knowledge is embodied in performing the skill. The latter consists of association, rehearsal and feedback, ultimately to promote insight into the value of the skill. The final stage amounts to generalisation where the new behaviour becomes spontaneous and application of the skill takes place across different situations (Algozzine *et al.* 2001: 247; Howes 1993: 375; Pickworth 1990: 1990: 82).

Learning within a group is the norm in lifeskills training (Rooth 1995: 6, 13). Structured activities promote group interaction and sharing, and vicarious, self- and social reinforcement are common. Active participation, especially through role-play and group discussion, facilitates insight into the behaviour generated during group sessions. At the same time, it serves as platform for experimenting, analysing and identifying effective behavioural responses. In addition, participants have opportunity to learn from the mistakes of others (Bandura 1986: 271). Problem-solving is typically employed and serves various functions (Matson & Ollendick 1988: 45-46, 50):

- It provides the child with potential challenging situations that he/she might encounter in life.
- Problem situations evoke emotions which participants must identify and communicate.

- Participants have to determine solutions to the problem.
- Consequences to both appropriate and inappropriate behaviour have to be predicted.
- Behaviour has to be evaluated in terms of the self and others.

Specific methods employed in lifeskills training include: role play; discussions guided by a facilitator; coaching where participants demonstrate and practice the skill; the use of print material and homework; and case studies or critical events where alternatives and outcomes for behaviour are identified and analysed (*cf.* Ebersöhn & Eloff 2003; Hopson & Scally 1981). Methods to strengthen the learning of lifeskills include: making use of peers throughout the process and have them monitor the use of skills; using skills in a variety of circumstances; and establishing self-monitoring procedures to regulate the use of skill (Algozzine *et al.* 2001: 251). Participants need time to absorb, consolidate and convert lifeskills experiences into meaningful learning (Rooth 1995: 13), hence the practice of implementing lifeskills training over weeks with one or two sessions per week (Berg 2004: 25; Steyn 2005: 93).

Evidence of lifeskills intervention with child offenders

Limited evidence has thus far been generated locally on the impact and effectiveness of lifeskills training with child offenders. In addition, attempts to compare results across programmes are challenged by, amongst others, definitions of re-offending, content and situational specificity, methodological issues, and whether lifeskills form part of multi-modal intervention (Steyn 2005: 289). When considering lifeskills training as a uni-modal programme, local research found recidivism rates of 17.1% (Kivedo & Botha 1999: 82), 19.6% (Kok 1994: 32), 21.6% (Steyn 2008: 233) and 25.0% (Morata 2002: 4). This suggests that between one in four and one in five children re-offend following participation in lifeskills-based diversion. When combined with other intervention mechanisms – such as community service, victim-offender mediation, mentoring and outdoor programmes – recidivism decreases to 3.0% (Schmidt 2003: 7), and 6.7% and 9.8% (Muntingh 2001: 33). Research indicates re-offences to amount predominantly to property crimes (Kok 1994: 31; Muntingh 2001: 46).

Research found information on crime and the law, good behaviour, relationships, peer pressure, and decision-making to be mostly retained by participants (Muntingh 2001: 31; Steyn 2008: 231). Evidence also shows that participants generally held positive opinions about lifeskills training, and behavioural changes included desisting from crime and choosing friends more selectively (Kok 1994: 27; Muntingh 2001: 35, 38). In addition, parents were generally pleased with the outcomes of lifeskills programmes, while a key factor for participants to complete the training related to fear of legal action and possible imprisonment (Muntingh 2001: 36, 41; Steyn 2008: 232).

The present investigator fully realises that the alleged positive claims concerning the prognosis potential of lifeskills training with child offenders should not be readily accepted. Variables such as the reliability of data (e.g. how recidivism rates are calculated), the influence of factors not directly related to the specific intervention (e.g. the deterrents of arrest and punishment), and different definitions of core concepts can significantly affect the results of research. However, a positivistic approach will not help to solve the problem. What is needed is to obtain more clarity on this complex issue through research of the present nature.

Case study: The Noupoort Youth and Community Development Project

As mentioned, a case study is presented of the NYCDP's lifeskills programme for child offenders to solicit a deeper understanding of the methods, strengths and limitations of the diversion strategy. Direct quotations stem from the interviews with NYCDP officials and the Criminology (CL) and Social Work (SWL) lecturers. The primary data is supplemented by programme literature.

Establishment and focus

Having attended the *Social Context Course for Magistrates* in 1999, the former magistrate of Noupoort approached community leaders about potential strategies to address the absence of alternative mechanisms for dealing with child offending. At that time, the court had little option but to dismiss the increasing number of minor crimes committed by children. In 2000, the NYCDP was established and ten volunteers were trained on juvenile justice by NICRO's branch in De Aar. The NYCDP focuses on capacitating young people through lifeskills, diversion and life enriching initiatives in order to meaningfully contribute to the upliftment of society. Since its inception, the NYCDP has been engaging in crime intervention at all three tiers of prevention, specifically through community events and educational workshops at schools, intervening with children identified as at-risk of misbehaviour, and diversion services to those who have offended.

Rationale for lifeskills intervention

Once a prosperous community due to a major railroad industry, Noupoort today is a small town with 7 711 inhabitants and an unemployment rate of 59% (StatsSA 2008). According to NYCDP officials, poverty and exposure to its associated ills account for much child offending in the area. Many parents work or seek employment elsewhere and leave their children in the care of grandparents who cannot always maintain the necessarily discipline. Grandparents generally struggle to make ends meet on their pension, with some reportedly caring for as many as six grandchildren. Absent parents and poor parental control are

also perceived to facilitate "*children experimenting with alcohol and dagga from a tender age*" (NYCDP).[6] In this regard, it is noted that "*the child's problem often originates within the family or the inability of the family to address the child's behaviour*" (SWL).

It is further suggested that many adults engage in alcohol abuse as a means of escaping reality: "*The little money that comes in goes to buy alcohol. Those who receive child support grants, their grant cards are kept by the cash loans and tavern owners*" (NYCDP). This causes some children to "*commit crime because they are hungry … We recently had a child who stole spanners. When asked why spanners, he said because he can sell them, he is hungry*" (NYCDP). The Social Work lecturer emphasises that: "*… these children mostly don't have problem-solving skills. If there is no food and he or she is hungry, theft is the only option*". The absence of proper care and attention also result in the typical needs of children not being met: "*Sometimes they steal stuff that children should have when they grow up, like toys*" (NYCDP).

In addition, the HIV and AIDS epidemic gives rise to a number of child-headed households. These children, in their daily battle to meet basic needs, may engage in criminal activities as a means of survival: "*They don't have parents who can guide them*" (NYCDP). To this, the Criminology lecturer adds: "*Where must they learn proper lifeskills? The skills they have are survival skills*". Broader structural realities also impact on the ability of children to problem-solve and plan appropriate responses: "*… essential survival skills, including aggressive behaviour, were the only important skills that most often yielded the desired results*" (CL). In addition, "*marginalised schools and those in rural areas don't always have the best trained and focused teachers … This challenges the development and potential of children in such settings*" (SWL).

In light of the risk factors described above, the NYCDP considers child offending to stem from a lack of guidance, information and skills to prevent transgressions: "*Children don't know what the consequences of their actions are … They don't know how to take decisions, that's where we help*" (NYCDP). The Social Work lecturer adds that lifeskills education is needed to prevent child offenders from "*a life of crime and hardened offending behaviour*". In line with NYCDP officials, it is noted that, for some children, "*the first and most widely used option is taken with little if any regard to the aftermath*" (SWL). As such, the emphasis of lifeskills training is not only on crime prevention, but the ability to negotiate life's challenges in an effective and responsible manner: "*The aim is to help the youth to become more self-reliant and find out that there is something more to life*" (NYCDP). Programme implementers consider communication, problem-solving and decision-making as essential skills toward this end.

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[6] Direct quotations from the participants are presented in italics.

Programme purpose and content

The NYCDP implements the lifeskills-based *Mapping the Future* which NICRO developed in 1993 and revised in 2000. The manual's point of departure is that children do not commonly have the skills to comprehend the consequences of their actions, but that such insight can be learned through a structured process. The programme sets out to (NICRO 2000: 6-7):

- Transfer skills to children that will assist in understanding themselves, relate to others and take responsibility for their deeds.
- Provide a platform for children to share their views and feelings in a non-threatening way.
- Strengthen the ability of children to cope with the challenges in their environment.
- Facilitate communication between children and their parents.
- Promote self-respect and respect for others within a human rights framework.
- Encourage and advance parental responsibility.

The programme is interactive and reality-based regarding the challenges children today face. The manual provides numerous examples and exercises of real events to stimulate learning. It is up to programme implementers to decide which activities and themes to include (NICRO 2000: 8). At the NYCDP, these decisions are informed by assessing the intervention needs of participants. Assessments gather information on the home environment (employment, household composition and communication), performance at school, extramural activities, peer groups, and the offence and its impact on the family. Programme implementers emphasise that lifeskills intervention must be individualised to accommodate the particular needs of an intake group: "*Some groups have a need for communication skills, while others need conflict resolution*" (NYCDP).[7] Furthermore, scope exists to alter the direction of a specific session should the facilitator identify the need: "*Sometimes something suddenly arises that needs to be addressed on the spot … One cannot strictly follow the programme guidelines.*" (NYCDP).

The NYCDP programme content, structured over eight sessions, is summarised below.

- **Who am I?** The first session sets out to develop a healthy self-concept and an understanding of how responsibility relates to choices and actions. Emphasis is placed on the impact of having a criminal record. The session also aims to promote parent-child interaction through role-play.

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[7] In this regard, the Social Work lecturer warns that "*there are some programmes that take from this and that, and combine it all without paying attention to theory. This often happens with lifeskills programmes where too many things are randomly taken and combined*". In a similar vein, the Criminology lecturer adds that "*sometimes one finds that facilitators who did not receive in-depth training merely repeat what is stated in programme manuals. I'm concerned about the ability of volunteers to support a child who has, for example, drug problems*".

- **I am …** The session centres on self-belief and the inherent ability of people to change. Attention is given to stereotyping and how internalised negative labels affect behaviour. The session builds on the first with continuous focus on strengthening the self-concept of participants.

- **I respect you and I can say my say.** The session aims to develop conflict resolution and assertiveness skills, as well as an understanding that conflict is normal and can be managed in appropriate ways. Passive, assertive and aggressive behaviour responses are explained and participants practice effective communication.

- **I have choices …** The session aims to enhance responsible decision-making and instil an understanding of the relationship between choices and achieving personal goals. Central to this stands decisions and offending behaviour. Future planning focuses on longer-term personal and career aspirations, and group discussions appraise these in terms of achievability.

- **I have rights and responsibilities.** The session sets out to inform participants about their rights and how these balance with certain responsibilities. Respecting the rights of others are addressed, the dishonouring of which means forfeiting some personal rights.

- **I am part of …** The session deals with the need for laws and norms in society and why it is necessary to adhere to them. An understanding of the importance of legislation is promoted in addition to awareness about different sanctions for offending behaviour.

- **I respect …** The session facilitates an understanding of socialisation, particularly in terms of gender and how self-perception and self-worth is influenced by stereotyping and the media. Participants are to challenge their own misconceptions, thereby creating awareness about the equality of all people.

- **I commit.** In the final session, it is essential to place participants on a secure path for the future. They are requested to openly pledge achieving something concrete and specific in relation to the goals they have set. In promoting reconciliation and trust, participants ask their parents for forgiveness and communicate about how they wish to relate to them in future.

As to activities, participants write letters of apology, complete personal value shields, record conflict situations and how they resolved them, discuss case scenarios, read about human rights and reconstruct their individual 'crime lines'. The programme is implemented over six weeks, with some sessions spanning two afternoons. The ideal group size is indicated as between five and fifteen participants. Larger groups necessitate two facilitators.

Profile of participants in the lifeskills programme

The entry criteria of the NYCDP's lifeskills programme to a large extent govern the profile of child offenders referred for intervention. Participants are between the ages of 13 and 18, while more boys than girls enter the programme with an estimated ratio of three to one. The greater part still attends school. Given the socio-economic realities facing the broader Noupoort community, participants are "*mostly very*

poor children. We do get some from the middle-class, families with income, but more from the lower economic classes" (NYCDP). The crimes committed include theft, burglary, house-breaking, assault and substance abuse, all of which are minor in nature: "*They break in, but don't always take things like TVs to sell. They often break in to get something to eat*" (NYCDP). However, it is acknowledged that some child offenders "*buy dagga and alcohol as well. Stealing and selling goods is an easy and quick way to get money. This might be why they recommit property crimes*" (NYCDP). A number of participants reportedly have learning disabilities, including challenges in reading and writing.

Value and benefits of lifeskills training with child offenders

It is noted that, since a short or suspended prison sentence allows limited scope for rehabilitation, lifeskills training for children guilty of minor first-time offences provides opportunity for them to "*remain in their domestic environments, practice skills, get feedback from participants and potentially refer cases for further intervention*" (CL). As to the latter, it creates scope to "*communicate family and personal problems to schools, as well as issues such as literacy problems*" (SWL). Lifeskills intervention reportedly has potential to impact positively on substance and alcohol abuse, "*but only if such behaviour is in its early experimental phases and not yet an established behavioural pattern or problem*" (CL). In this context, lifeskills training "*can mean quite a lot for a child who was simply naughty and did a stupid thing*", thereby not being exposed to the negative environment and influences associated with prison life (CL).

NYCDP officials identify numerous benefits of lifeskills intervention which can facilitate behavioural change. A specific value amounts to participants acquiring a broad range of skills: "*At the end of the programme, they must be equipped with skills that apply in the outside world … If you have them, you have them for life*" (NYCDP). Similarly, an important part of lifeskills training relates to promoting thinking abilities: "*Most of the activities promote thinking and decision-making. The homework exercises, especially, force them to think before they answer or write an essay*" (NYCDP). To this the Criminology lecturer adds: "*Lifeskills training holds promise in that it works at the cognitive level … It teaches an alternative thought process that will result in outcomes different to their problem behaviour or actions*".

In light of the above, implementers consider lifeskills training as a pre-requisite for other types of intervention with child offenders: "*He must have skills to effectively communicate during an FGC[8] and realise that his actions were wrong*" (NYCDP). Programme implementers further note that the flexibility of lifeskills training in accommodating additional themes ensures a focus on the intervention requirements of groups: "*We don't follow the lifeskills programme to the letter. It depends on the needs of the children*" (NYCDP). Similarly, the Social Work lecturer states that "*lifeskills training allows scope to deviate should*

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[8] Family Group Conferencing (FGC) is a diversion strategy which brings together the offender, his/her family and the victim to discuss the offence and deliberate on a plan to address the wrongdoing. Outcomes usually entail the offender compensating the victim for the damage or loss, even if only symbolically.

the need arise. This is not necessarily an easy task, especially with a group of children with problem behaviour".

NYCDP officials strongly feel that working with children in a group makes them feel at ease and more responsive to intervention: "*If you have only one child, the programme will be impossible because he will not open up and be spontaneous. Children work better in a group and most of the lifeskills activities need a group of children*" (NYCDP). Linked to this is the mutual learning that group activities facilitate: "*They learn from each other. Situations differ, and the more exposure the child gets to different risks, so much the better*" (NYCDP). It is added that "*working with in a group set-up has important value because they can relate to each other. They don't feel that isolated and vulnerable*" (CL).

Given the enjoyable activities and the platform which lifeskills training creates to voice challenges, participants are reportedly more inclined to share their problems: "*They talk about it in the programme … They share things with the facilitators that they will never tell their parents*" (NYCDP). In addition, the lifeskills training experience serves as a resource if assistance is needed: "*Luckily Noupoort is a small town and we have opportunity to meet with them informally. They come to us if they have problems*" (NYCDP).

Limitations of, and challenges to lifeskills training with child offenders

Various limitations of lifeskills training at both the implementation and outcome levels are identified. A particular weakness of the programme relates to ensuring the active involvement and interest of parents of diverted children: "*We expect the parents to attend the first and last sessions, but often they don't for whatever reasons*" (NYCDP). The situation reportedly impacts negatively on the implementation value of the newly acquired lifeskills in the domestic environment: "*The child might have changed, but he goes back to those circumstances and old habits that caused the problem behaviour*"; and: "*What they learn in the community differs tremendously from what they learn in the programme*" (NYCDP). Asked whether any support is extended to the family, it was noted: "*Not really. But we try to have the youth and his parents communicate about the problem and find a solution among themselves … Still we find that if the parent is not involved, the child often falls back into misbehaving*" (NYCDP).

The Criminology lecturer emphasises the dilemma: "*If the parents are part of the problem and they don't meaningfully participate in the programme, then it has little meaning. Perhaps the parents should be ordered by the court to take part in diversion*". The Social Work lecturer underscores this observation: "*From a systems understanding of problem behaviour, changing only one area and neglecting others won't have the desired impact. Powers within the system are often stronger than the limited areas one can work on*".

Programme implementers acknowledge that limited reading and writing abilities pose a challenge to the proper implementation of lifeskills training: "*To meaningfully participate in some activities the child must be able to read and write*" (NYCDP).[9] In this regard, the Criminology lecturer notes that "*expecting thirteen year olds to express their emotions or dreams in writing is very unrealistic. They barely have abstract thinking abilities, let alone the skills to put it on paper*". The Social Work lecturer agrees: "*Their underdeveloped cognitive abilities make it very difficult to fully verbalise and express emotions and thoughts, even more so if they have to write it down*". Also, "*children often have severe self-worth challenges if they can't read and write properly*" (SWL).

Lifeskills training appears to have limited ability to intervene with transgressions that show a strong negative peer influence: "*We ask participants with problem friends to bring them to the training. Some do come. For the many who don't, we encourage the child to end his friendship with them. But it is very difficult to expect a child to purposefully make new friends*" (NYCDP). In this regard, the Criminology lecturer questions whether lifeskills training is "*suitable for children already caught up in addiction and gangsterism*".

Furthermore, the group approach of lifeskills intervention "*allows for some children to fall through. They can get away with minimal participation*" (CL). An additional challenge is that "*the point of departure here is that all participants have similar needs … If one child has a different experience, it raises questions of how he will benefit from a group intervention approach … one-on-one sessions are very important*" (CL). The Social Work lecturer notes that "*participants must be very similar in terms of developmental levels. One easily gets confronted with participants who become bored or frustrated because of the slow pace of others*" (SWL). Managing children with severe negative and uncooperative attitudes within a group set-up is reportedly equally challenging.

Since emphasis has been placed on poverty as a risk factor for child offending in Noupoort, respondents were asked whether lifeskills training has the ability to intervene in such transgressions. They replied that: "*Lifeskills training can only lay the foundation but it is not always enough. For some, there must be additional intervention*" (NYCDP). In this regard, the Social Work lecturer feels that "*lifeskills training is a small band aid for broader socio-economic challenges … A six or eight week programme will struggle to meet the fundamental needs of a deprived child*" (SWL). Similarly, the Criminology lecturer questions the ability of lifeskills training to address alcohol abuse in the community and notes that "*it is a pity that children don't receive this training before they get to problem behaviour*".

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[9] NYCDP officials report that they once had a child who never attended school: "*We didn't know how to deal with him in the lifeskills programme and tried to implement it verbally. He also had to draw pictures, but it was very difficult because he couldn't read or write*". The parents of this twelve-year old boy who committed theft apparently live in Noupoort, but abandoned him at an early age. The court referred the case to the NYCDP due to the absence of alternative interventions. Implementers noted that such cases require "*less classroom-type*" of intervention.

Time limits and procedural issues are indicated to negatively impact on the potential outcomes of lifeskills training: "*We don't have enough time. You have to stop at a given point and report to the court that the child has completed the programme … Eight sessions are too short*" (NYCDP). To this the Criminology lecturer adds that "*knowledge doesn't change behaviour … You cannot in one session introduce, effectively practice and exercise a new skill so that it forms part of a person's repertoire of normal activities … Even more important, skills must be learned in daily circumstances*".

Since follow-up activities are unstructured and ad hoc, it is noted that "*at least six months' follow-up is needed to prevent fall-back. One cannot invest in behavioural and attitude changes but fail to sustain such efforts*" (SWL). The Criminology lecturer also calls for follow-up of between six months and a year. Acknowledging resource and time limitations, such follow-up need not be expensive and can include those participants who successfully completed the programme: "*Group leaders can be identified from existing intakes. This can also help with the sustainability of the intervention*" (CL).

Lifeskills training and the diversion objectives of the Child Justice Act

Reflecting on lifeskills training in the context of the CJA (and the restorative justice paradigm within which it is rooted), NYCDP officials agree that the intervention encourages accountability and responsibility for the offence: "*As a first step, the child has to admit to the offence. We take it from there and explore how the child feels about it*" (NYCDP). As mentioned, meeting the individual needs of child offenders proves difficult under some conditions: "*It is very difficult when you deal with a large group. Some children slip through the programme. In a group you can't always reach the child. But now we have about three children at a time. It works better*" (NYCDP). Reintegration of the child with his/her family is seemingly difficult to attain: "*Parents don't have a thorough picture of what the programme is about. The two sessions are too few to reintegrate the child with his family*" (NYCDP).

As to reintegration with the community or the community's involvement in lifeskills training, programme implementers indicate that they "*only explain that the action was wrong in the eyes of the community*" (NYCDP). For the Social Work lecturer, "*one would like to see more* ubuntu *in these programmes*". Furthermore, NYCDP officials state that the victims of offences are largely absent in the intervention process. They feel that this challenges the ideals of recognising the rights of victims, allowing them opportunity to express their views and receiving some form of compensation, and being reconciled with and forgiving the child offender. Interaction with the victim to address the crime does not prevail: "*There is not much talk about the victim. Participants write letters to the victims and it is up to them if they want to compensate the victim. We do some role play to strengthen victim empathy, but it is one-sided*" (NYCDP).

To this the Social Work lecturer responds: "*A letter of apology lacks the personal, direct contact between the victim and the offender*" (SWL).

As evidenced in the intervention methods, learning how to solve problems is a central theme in lifeskills training: "*The programme teaches children how to make the right decisions. For example, good communication can prevent incidences of assault*" (NYCDP). Future obligations and planning also enjoy much attention: "*One component deals with the future, what the child wants to become in life. It identifies steps to reach that goal*" (NYCDP). However, implementers note that problem-solving of the offence itself, as understood within a restorative justice framework, takes place neither through interaction and negotiation, nor through healing and restoring a social injury: "*To some extent we empower the child, but again the victim is absent*" (NYCDP). It was re-emphasised that lifeskills intervention does not focus on the offence *per se*, but on strengthening the abilities of child offenders to lead healthy lifestyles in which effective and responsible decision-making plays an important role. Finally, the Criminology lecturer doubts whether diversion completely prevents stigmatisation: "*The system itself still labels participants because a distinction is being made. Does the community differentiate between a 'criminal' and 'diverted' label? This is even more so the case in small communities such as Noupoort*".

Discussion

Assumptions and foundations of lifeskills training with child offenders

Lifeskills intervention considers that minors generally need cognitive training to navigate life's challenges in a conscientious and amicable way (Algozzine *et al.* 2001: 231). In the case of the NYCDP, it is taken that the deficits associated with severe poverty, weak social controls and an inferior education system hamper the effective transfer of positive lifeskills to children. Absent or inadequate parenting is perceived to play a particular role in the problem behaviour of children. In addition, the increased prevalence of child-headed households makes it difficult to meet the material and guidance needs of orphans. Negative environmental factors, including widespread alcohol and substance abuse which result in interpersonal and domestic violence, may also predispose children to emotional stress and misbehaviour. Similarly, peer pressure and gang affiliation are associated with child offending in the Noupoort community. It is assumed that if problem behaviour, including minor crime, is not addressed at an early stage, it may well progress to more serious patterns of criminal behaviour. One solution, therefore, is to equip children with the necessary skills to function responsibly and to be cognisant of the impact of their actions. This is undertaken through the structured provisioning and strengthening of abilities to timeously identify and desist from problem and criminal behaviour.

The triadic reciprocity proposed by Bandura's social cognitive theory between the environment, behaviour and cognition forms the foundations of lifeskills programming with child offenders. Along these lines, problem behaviour stems from negative environmental factors, existing and reinforced patterns of misbehaviour, and insufficient exposure to pro-social cognitive development. It is taken that much of children's problem behaviour and accompanying thought processes have been learned as part of socialisation, albeit in informal ways. Also, it is considered that they have been solidified over time. Therefore, as a point of departure, lifeskills intervention must break the cognitive moulds of diverted children to challenge perceptions of the self and their environments. How one thinks and the decisions stemming from such thinking ultimately determine behavioural outcomes. When considering the NYCDP's lifeskills programme, it is evident that its focus and methods fit the interrelated capabilities for behaviour which social cognitive theory dictates (Bandura 2001: 6-10; 1986: 18-21):

- *Symbolising capability*. Life experiences, in particular existing relationships that are problematic and the offences participants engaged in, are unpacked to explore their implications for future behaviour. In other words, the impact of their transgressions and the way in which they approach problem situations have specific symbolising value in estimating the outcomes of behaviour. Symbolising capabilities also include the ability to generalise criminal experiences and anticipating consequences across different events. The use of case scenarios facilitates such learning.

- *Forethought capability*. Linked to the former is the strengthening of abilities to foresee outcomes of both positive and negative behaviour. Lifeskills training places specific emphasis on decision-making skills and contemplating the consequences of behaviour, such as the implications of a criminal record. Also, an important outcome of lifeskills training is to facilitate the setting of realistic future goals and plans on how to reach them. In all likelihood this requires changing existing behavioural motivations and patterns that are problematic.

- *Vicarious capability*. The group context of lifeskills training makes it possible for participants to learn from each other's experiences. By sharing negative experiences, participants can generate behavioural rules and patterns without engaging in those criminal activities themselves. Role playing is another way of vicarious learning. Learning with others also combat feelings of isolation and being labelled.

- *Self-regulatory capability*. The behavioural rules generated by lifeskills training are focused on individual and interpersonal functioning. Therefore, they focus on internal standards and self-evaluative reactions which can be generalised across situations. Among others, the programme's emphasis on rights, responsibilities, the law and norms serves to construct standards against which behaviour can be evaluated. A positive self-concept, including the belief that people can change for the better, appears essential for the acquisition of self-regulatory skills. Another key capability relates to the healthy resolution of conflict and appropriate behaviour in conflict situations.

- *Self-reflective capability*. Building knowledge and reflecting on life experiences promotes an understanding of the self and the environment. These abilities allow participants to analyse circumstances and reflect on how they perceive them. Lifeskills training sets out to affect cognitive restructuring through, among others, reconstructing the crime and exploring how proper decision-making and alternative behaviour could have ensured more positive outcomes. Rational reasoning is needed to acknowledge the inappropriateness of behaviour, as well as to inform mechanisms of avoiding them.

Who attends lifeskills-based diversion?

In accordance with the diversion stipulations of the CJA, participants in lifeskills training are children guilty of minor and first-time transgressions. The greater part is male adolescents and from lower socio-economic spheres. Some of the offences, in particular housebreaking, appear more serious than, for example, minor theft. Although these two types of crime have a common motive, namely the unlawful acquisition of goods, their tactics are dissimilar which suggest different levels of intervention. Questions can, therefore, be raised as to the practice of subjecting minors who engaged in different types of crimes to the same category and intensity of intervention. In general, indications are that participants, at least in the case of the NYCDP, largely commit property offences to either meet material needs or secure goods that can be sold for drugs. Concurrent with existing evidence (Kok 1994: 31; Muntingh 2001: 46), re-offending reportedly takes the form of property crime.

What lifeskills training offers child offenders

In terms of its overall value, lifeskills training at the NYCDP demonstrates that this diversion option focuses on strengthening the thinking capacity of participants. Its emphasis is not necessarily on the crime *per se*, but on building and reinforcing the abilities of child offenders to lead healthy lifestyles. Although one could question such a generic approach to tertiary crime prevention, the importance of changing the thought patterns of children in conflict with the law should not be underestimated. The acquisition of appropriate lifeskills is central to effectively function in society, where communication, decision-making, contemplating consequences and problem-solving are important attributes for both personal and work life. Also, in light of its assumptions about child offending and the type of offences it caters for, it is taken that lifeskills training serves as a first-line-of-defence programme to intervene in the problem behaviour of children. As NYCDP officials noted, the skills participants obtain in their programme are important for subsequent types of intervention, such as victim-offender mediation where communication and decision-making skills are essential. Therefore, it lays a valuable foundation from which other developmental initiatives can benefit. It is taken that the programme activities of group work, role play and other creative methods such as drawing provide enjoyable opportunities for experiential

learning to take place. Lifeskills training also appear flexible, at least to some degree, to accommodate the intervention needs of an intake group, as well as addressing matters that may arise during the implementation of the programme. At the same time, it offers valuable opportunity to identify problems and refer participants to other intervention or developmental services, including communication with educators and social workers.

What lifeskills training finds difficult to achieve

The nature of recidivism, as well as the profile of children and the types of crimes referred to the NYCDP for diversion, emphasises the poverty-stricken conditions in which many South African children grow up. While it is agreed that children generally need lifeskills training to become good citizens, it is highly debatable whether exposure to a six-week lifeskills programme has the ability to address coping strategies for meeting daily material needs. This has important implications for the outcomes of lifeskills intervention, especially re-offending. Stronger linkages are suggested between lifeskills programmes and socio-economic development services. Also, it appears that crimes often committed in a group context or as a result of peer pressure, such as burglary and drug use, may not effectively be addressed given the potential absence of others guilty of the offence.

Concerns are further expressed regarding the time afforded to and monitoring of the actual practicing of lifeskills. The rationale for lifeskills training centres on the deficit in skills which has been built up over years. As participants need time to absorb, consolidate and transform lifeskills training into meaningful learning (Rooth 1995: 13), eight contact sessions structured over six weeks appear too short in meeting this goal. It is argued here that substantial time is needed to fully commit to the stages of declaring a skill, making the necessary associations, rehearsal, feedback and spontaneous application. The recently introduced CJA allows for intervention of this nature to engage diverted youth for up to two years. Although such time frames have resource and possibly intake implications, the NYCDP should consider implementing its lifeskills programme over a longer period of time to more effectively meet its diversion goals. A longer time frame could also facilitate a more structured follow-up component, including contact with the parents of diverted children.

In a similar vein, questions are raised about the matching of participants' cognitive abilities vis-à-vis some programme activities. In light of the background dynamics of children diverted to the NYCDP, reservations are expressed regarding the value of written exercises. Younger participants may also not have the cognitive capacity yet to express their emotions and thoughts adequately, let alone in writing. The challenges experienced in implementing lifeskills training with the abandoned child who never attended school amplify this point. It is evident that programmes must have a variety of options and activities available to accommodate the developmental and literacy levels of individual participants.

Another important fault line on the implementation side of lifeskills training relates to the meaningful involvement of parents or guardians in the programme. Not only does this test the aim of strengthening parent-child communication, but it restricts the ability of parents to understand the programme content and support the child in implementing and practicing the newly acquired skills at the domestic level. Since a core assumption of lifeskills programming with child offenders revolves around the role of parents, their absence in the intervention raises questions about the ability of this type of diversion programme to meaningfully impact on criminal behaviour. It is, therefore, suggested that parental involvement be made compulsory as part of the diversion referral and that their participation form part of the overall programme outcomes. Similarly, lifeskills-based diversion could benefit from a component dedicated to the advancement of parenting skills.

Meeting the diversion objectives of the Child Justice Act

In the case of the NYCDP, where lifeskills training is implemented as a stand-alone programme, it is evident that the programme fails to fulfil the reconciliation objectives of the CJA. The absence of the victim in the intervention renders the goal of reconciling the offender and those affected by the offence, including the community, impossible. Victims are not provided opportunity to voice their experiences and the impact the transgression had on them. While activities on victim-empathy are noteworthy, the writing of a letter of apology – followed by the option to compensate victims – falls short of the CJA's restorative focus. Challenges related to the involvement of parents in the diversion process, in terms of both attendance and skills-transfer, further limit the proper reintegration of the child offender with his or her family.

Another concern relates to the ability of group-based intervention, such as lifeskills training, to meet the particular needs of individual participants. As the NYCDP officials noted, large groups create opportunity for participants to be inactive and, by default, 'fall through the cracks'. While it is commendable that interventions are structured according to the needs of an intake group, questions can also be raised about the impact of age and developmental differences between participants on overall programme outcomes. The NYCDP appears to have solved this challenge by working with smaller groups, which also creates opportunity for more individualised attention. Some concerns are also raised regarding diversion in small-town areas, where the mere attendance of programmes, i.e. the physical location of service providers, may compromise the goal of preventing stigmatising the child offender.

On the positive side, it is clear that lifeskills training deals with children guilty of minor and first-time transgressions outside the ambit of formal criminal justice procedures. It also prevents those who successfully complete the programme from receiving a criminal record. It is credible that lifeskills training focus specifically on strengthening the ability of child offenders to problem-solve, for which a variety of

activities are employed, including case scenarios and conflict resolution at home. Accountability for the offence is strengthened by the entry criteria of the programme (acknowledging responsibility) and the activity of reconstructing the 'crime-line'.

Limitations and recommendations of the study

It is important to bear in mind that this research is exploratory in nature. It was undertaken from an interpretivist perspective to solicit a deeper understanding about the foundations, benefits and limitations of lifeskills training as diversion strategy. Nevertheless, the deductions made, stem from an analysis of one South African provider of lifeskills services only. It is, therefore, possible that similar initiatives have different implementation and outcome procedures and experiences. They may also have found ways of dealing with some of the challenges identified here. While the study sketches broad lessons about the practice and pitfalls of lifeskills training with diverted children, the results cannot be generalised to other programmes (Maxfield & Babbie 2009: 135). This shortcoming applies to diversion initiatives and participants across geographical and demographic spheres. Still, it is anticipated that the study provides process and conceptual understandings that could be applied to similar programmes (Simons 2009: 164, 166). Furthermore, the experiences of child offenders and their parents as beneficiaries of lifeskills intervention, as well as those of law and psychology practitioners, were not determined.

An understanding of theoretical foundations is imperative in scientific research (Silverman 2010: 110). This study could partially serve that purpose about the potential benefits of and challenges to lifeskills training with diverted children. As mentioned, limited local evidence has thus far been generated about the impact of the strategy with child offenders. In light of the very recent introduction of the CJA, it is anticipated that an increasing number of child offenders will be referred for diversion intervention. It is, therefore, imperative that research either demonstrates or disputes the claims made about the significance of lifeskills training as diversion. Quantitative approaches, and especially longer-term and comparative designs, are needed to assess the value and impact of this strategy. Furthermore, studies must be sensitive for demographic and cultural influences, as well as for the ability of service providers to deliver such services. Given the diversity of peoples in South Africa, it could be that different groups experience lifeskills training in different ways. Investigations should also focus on lifeskills transfer in multi-modal intervention, such as mentoring training and group conferencing, as combinations of programmes could yield different results. While recidivism remains an important outcome variable in measuring the impact of crime prevention and reintegration strategies, other aspects, such as the strengthening of relationships with parents and the ability to resolve conflict should also be kept in mind. Investigators are advised to incorporate the principles of "what works" in their studies (*cf.* Dawes & Donald 2002; Gendreau & Andrews 1990: 181-182; McKenzie 1999; Muncie 2004: 277). These include risk classification, active participation, programme integrity, intervention at cognitive-behavioural levels,

and implementation in community settings. Lastly, it is equally important to reflect on the system dimensions in addition to the demand side of diversion delivery. In this regard, the experiences of referral officers and decision-makers (prosecutors and magistrates) and assessors (social workers and probation officers) must be included.

References

Algozzine R, Serna R & Patton JR 2001

Childhood behavioural disorders: applied research and educational practices. Austin, Texas: Pro-ed.

Andrews DA, Zinger I, Hoge RD, Bonta J, Gendreau P & Cullen FT 1990

Does correctional treatment work? A clinical relevant and psychologically informed meta-analysis. *Criminology* 28(3): 369-397.

Babbie E & Mouton J 2001

The practice of social research. Cape Town: Oxford University Press.

Badenhorst C & Conradie H 2004

Diversion: the present position and proposed future provisions. *Acta Criminologica* 17(2): 115-130.

Bandura 2001

Social cognitive theory: an agentic perspective. *Annual Review of Psychology* 52: 1-26.

Bandura 1999

Social cognitive theory: an agentic perspective. *Asian Journal of Social Psychology* 2: 21-41.

Bandura 1986

Social foundations of thought and action. A social cognitive theory. Englewood Cliffs, NJ: Prentice Hall.

Barry M 2000

The mentor/monitor debate in criminal justice: "what works" for offenders. *British Journal of Social Work* 30: 575-595.

Berg J 2004

Evaluating the SAYStOP Prevention Programme: preliminary findings August-October 2004. Cape Town: Institute for Criminology (University of Cape Town).

Chance P 2003

Learning and behaviour (5th ed). Belmont (CA): Wadsworth/Thomson Learning.

CJA (Child Justice Act) 2008

Act no 75 of 2008. *Government Gazette* 527(32225). Cape Town: Government Printers.

Davis L & Busby M 2006

Diversion as an option for certain offenders: the view of programme participants diverted during the Hatfield court pilot project. *Acta Criminologica* 19(1): 102-114.

Dawes A & Donald D 2000

Improving children's chances: developmental theory and effective interventions in community contexts. In Donald D, Dawes A & Louw J (eds). *Addressing Childhood Adversity*. Cape Town: David Philip. 1-25.

Ebersöhn L & Eloff I 2003

Life skills & assets. Pretoria: Van Schaik.

Erasmus L & Van der Westhuizen CGP 1991

Voorligtingsklasse vir jeugoortreders. *Welfare Focus/Welsynsfokus* 26(1): 31-36.

Farr V, Dawes A & Parker Z 2003

Youth violence prevention and peace education programmes in South Africa: a preliminary investigation of programme design and evaluation practices. Cape Town: Children's Institute (University of Cape Town).

Fouché CB 2005

Qualitative research designs. In De Vos AS, Strydom H, Fouché CB & Delport CSL (eds). *Research at grass roots for the social sciences and human service professions* (3rd ed). Pretoria: Van Schaik. 267-273.

Frank C 2003

What have we learnt? Social crime prevention in SA: a critical overview. *SA Crime Quaterly* 6: 21-26.

Gendreau P & Andrews DA 1990

Tertiary prevention: what the meta-analysis of the offender treatment literature tell us about "what works". *Canadian Journal of Criminology* 32: 173-184.

Herbert T 1987

Conduct disorders of childhood and adolescence: a social learning perspective (2nd ed). New York: John Wiley & Sons.

Hopson B & Scally M 1981

Lifeskills teaching. London: McGraw Hill.

Howes F 1993

Sosiale vaardigheidskoling as strafopsie vir jeugoortreders: die Skiereilandse jeugstrafprojek. *Social Work/Maatskaplike Werk* 29(4): 371-378.

IMC (Inter-ministerial Committee on Young People at Risk) 1996

Interim policy recommendations for the transformation of the child and youth care system. Pretoria: Department of Welfare.

Izzo RL & Ross RR 1990

Meta-analysis of rehabilitation programs for juvenile delinquents. A brief report. *Criminal Justice and Behavior* 17(1): 134-142.

Jupp V 2006

The Sage dictionary of social research methods. London: Sage Publications.

King CA & Kirschenbaum DS 1992

Helping young children develop social skills. Belmont, CA: Wadsworth.

Kivedo M & Botha D 1999

'n Afwentelingsprogram vir jeugoortreders. *Social Work Practitioner – Researcher* 11(2): 74-85.

Kok J 1994

An evaluation of the Youth Offender Programme at NICRO, Cape Town. NICRO Occasional Paper No. 6. Cape Town: National Institute for Crime Prevention and Reintegration of Offenders.

Kvale S & Brinkmann S 2009

Interviews – learning the craft of qualitative research interviewing. Los Angeles: Sage.

Lindhard N & Dlamini N 1990

Lifeskills in the classroom. Johannesburg: Maskew Miller Longman.

Lipsey MW 1992

Juvenile delinquency treatment: a meta-analytic inquiry into the variability of effects. In Cook TD, Cooper H, Cordray DS, Hartmann H, Hedges LV, Light RJ, Louis TA & Mosteller F. *Meta-analysis for explanation: a casebook.* New York: Russell Sage Foundation. 83-126.

Lipsey MW & Wilson DB 1993

The efficacy of psychological, educational, and behavioural treatment. Confirmation from meta-analysis. *American Psychologist* 48(12): 1181-1209.

Louw DA & Louw A 2007

Child and adolescent development. Bloemfontein: Psychology Publications.

Masten AS & Coatsworth JD 1998

The development of competence in favourable and unfavourable environments. *American Psychologist* 53(2): 205-220.

Matshego BJ 2001

Best practices in the institutional and community-based treatment of young offenders. *Article 40* 3(3): 4-5.

Matson JL & Ollendick TH 1988

Enhancing children's social skills: assessment and training. New York: Pergamon.

Maxfield MC & Babbie E 2009

Basics of research methods for Criminal Justice and Criminology (2nd ed). Belmont (CA): Wadsworth.

Meletse I 1994

Primary prevention and the community. In Glanz L (ed). *Preventing juvenile offending in South Africa.* Pretoria: Human Sciences Research Council. 43-46.

Moffitt TE 1993

Adolescence-limited and life-course-persistent antisocial behaviour: a developmental taxonomy. *Psychological Review* 100(4): 674-701.

Morata C 2002

   From scars to stars. *Article 40* 4(4): 4.

Mousourakis G 2004

   Restorative justice: some reflections on contemporary theory and practice. *Journal for Juridical Science* 29(1): 1-27.

Muncie J 2004

   Youth and crime (2nd ed). London: Sage Publications.

Muntingh L 2001

   The effectiveness of diversion programmes – a longitudinal evaluation of cases. Cape Town: National Institute for Crime Prevention and Reintegration of Offenders.

Muntingh L 2005

   Minimum standards for diversion programmes. *Article 40* 7(4): 4-6.

Muntingh L & Monaheng A 1998

   Family matters. How young offenders' families engage in restorative justice. *Track Two* October: 13-14.

Muthukrishna N 2002

   Lifeskills in a multicultural society. In Maree K & Ebersöhn L (eds). *Lifeskills and career counselling*. Sandown: Heinemann. 81-88.

Neuman WL 2000

   Social research methods: qualitative and quantitative approaches. Boston: Allyn & Bacon.

NICRO (National Institute for Crime Prevention and Reintegration of Offenders) 2000

   Mapping the future: empowering the youth. Kenwyn: Juta.

Pickworth GE 1990

   Life skills training: educating youth for life. *Journal of Pedagogics* 11(1): 77-89.

Pinnock D 1997

   Gangs, rituals & rites of passage. Cape Town: African Sun.

Redpath J 2004

   Consultative workshops on the development of diversion minimum standards. *Article 40* 6(4): 1-3.

Rooth E 1995

   Lifeskills – a resource book for facilitators. Manzini: Macmillan Boleswa.

Schärf W 2003

   Themes emerging from the workshop discussions. Proceedings of the *Crime Prevention and Development Workshop*. Mont Fleur, Stellenbosch, 26-27 June 2003. Cape Town: Open Society Foundation.

Schmidt M 2003

   Project gives juvenile offenders a second chance. *Sunday Times* 24 August p. 7.

Sherman LW, Gottfredson DC, MacKenzie DL, Eck J, Reuter P & Bushway SD 1998
Preventing crime: what works, what doesn't, what's promising. National Institute of Justice - Research in Brief. Washington: US Department of Justice (Office of Justice Programs).

Silverman D 2010
Doing qualitative research (3rd ed). Los Angeles: Sage.

Simons H 2009
Case study research in practice. Los Angeles: Sage.

StatsSA 2001
Population Census 2001. Community profile database. Pretoria: StatsSA.

Steyn F 2008
Lifeskills training for children with problem and deviant behaviour: the Noupoort Youth and Community Development Project. *Acta Academica* 40(2): 205-243.

Steyn F 2005
Review of South African innovations in diversion and reintegration of youth at risk. Cape Town: Open Society Foundation of South Africa.

Tolan PH, Guerra NG & Kendall PC 1995
A developmental-ecological perspective on antisocial behaviour in children and adolescents: toward a unified risk and intervention framework. *Journal of Consulting and Clinical Psychology* 63(4): 579-584.

Weitz G 1991
Our youth, our future – the need for a positive self-concept. *Informedia* 38(1): 8-9.

Mentoring of children guilty of minor first-time offences: principles, methods, strengths and limitations

Abstract

In the absence of evidence about the impact of mentoring with child offenders in South Africa, this article explores the principles, methods, strengths and limitations of the approach in local settings. In addition to an investigation of programme theory and resultant methods, a case study is presented of mentoring by the Youth Development Outreach in Pretoria. With the aid of a semi-structured schedule, a group interview was conducted with five mentors and their coordinator. The absence of positive role models and parents, especially fathers, featured as prominent risk factors for child offending, hence the importance of extending services to the family. However, families' buy-in and involvement appear difficult to secure, which limits the potential of the intervention. Elements of effective mentoring amount to the profile and skilling of mentors to facilitate the attractiveness of modelled events. A three-month time frame appears insufficient to meaningfully establish relationships and achieve mentoring goals. Practice suggests children with hardened negative attitudes and chronic offending not to benefit from the approach. Mentoring as unimodal intervention meets most of the objectives of the Child Justice Act, although the absence of the victim renders forgiveness, restoration and compensation unattainable.

Introduction

The numerous negative factors children today face – including poverty, substance abuse, peer pressure, neglect and violence – necessitate appropriate and timeous responses to prevent possible problem and deviant behaviour (Nation *et al.* 2003: 449). One potentially effective strategy entails offering a caring and responsible role model who can impart a positive, lasting impression on a troubled child (Novotney *et al.* 2000:1; Roberts *et al.* 2007: 513). The use of alternative, pro-social adult attention in addressing the at-risk behaviour of children is a seasoned idea and, internationally, has soared since the early 1990s (Jackson 2002: 115; Thompson & Kelly-Vance 2001: 227). Mentoring as a method of intervention with at-risk children has been tailored to serve the needs of, amongst others, those experiencing poor scholastic performance, children in foster care or with incarcerated parents, parenting adolescents, and minors in conflict with the law (DuBois & Rhodes 2006: 647; Keating *et al.* 2002: 720).

Section 53(1)(f) of South Africa's Child Justice Act (75 of 2008) supports the use of mentoring as an intervention strategy. Termed a supervision and guidance order, it stipulates that a child may be placed "*under the supervision and guidance of a mentor or peer in order to monitor and guide the child's behaviour*". In terms of Section 53(5)(a), the order can span up to two years when addressing the minor and first-time offences committed by children between the ages of 14 and 18, and one year for those under the age of 14. The strategy is part of diversion which channels children accused of minor first-time offences away from criminal justice procedures into developmental programmes. Diversion aims to

strengthen responsibility in child offenders[1] by holding them accountable for their actions, and by reinforcing respect for the rights and fundamental freedoms of others (Davis & Busby 2006: 102; Matshego 2001: 4). According to Section 51 of the CJA, the purposes of diversion are to encourage accountability and to meet the individual needs of children in conflict with the law; reintegrate and reconcile them with their families, the community and those affected by the offence; provide opportunity for victims to express their views and benefit from some form of compensation (albeit symbolically); prevent stigmatisation flowing from contact with the criminal justice system; and avoid diverted children receiving a criminal record.[2] Section 52(1) of the CJA indicates the criteria for diversion: the child must acknowledge responsibility for the offence, a *prima facie* case exists against the child, and the child consents to diversion.

Despite its wide international application and local endorsement, mixed results characterise the effectiveness of mentoring with at-risk children. While a number of programmes show significant results, others have little or no impact and some even bear a negative influence (Keating *et al.* 2002: 717; Wandersman *et al.* 2006: 782). Although conflicting findings could be ascribed to differential programme implementation and evaluation methods, calls have been made for researchers to converge on a theoretical understanding of child-adult relationships as an intervention strategy (Dallos & Comley-Ross 2007: 370; Karcher *et al.* 2006: 718; Noam & Rhodes 2002: 8). This observation equally applies to local contexts, as it has been noted that crime prevention initiatives must be able to comprehend and convey the theoretical assumptions that steer and validate their activities (Frank 2003: 24). In addition, a review of diversion initiatives in South Africa found that programmes generally lack a clear understanding of the aetiology of child offending (Steyn 2005: 282). Knowledge of such conjectures is essential in intervention planning and implementation, as evidence shows that theoretically-informed programmes are more likely to succeed than those without such theoretical grounding (DuBois *et al.* 2002a: 157; Izzo & Ross 1990: 138).

Aims and methods

This article investigates the potential benefits and limitations of mentoring with child offenders in the South African context. More specifically, the foundations and resulting methods of mentoring are explored to articulate what this type of intervention can and cannot offer diverted children. Attention is also paid to what mentoring perceives as the causes of child offending and whether such programmes have a

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[1] Section 4(2) of the CJA defines a child as any person under the age of 18, or under certain circumstance between 18 and 21 years of age. The term 'child offender' is used in this article since the child, in terms of Section 52(1)(a), has to acknowledge responsibility for the offence in order to be diverted.

[2] The preamble of the CJA states that the legislation aims to entrench restorative justice in dealing with children who are in conflict with the law. This paradigm considers that addressing child offending should encompass restoring societal harmony and putting wrongs right (Inter-Ministerial Committee on Young People at Risk 1996: 6). Key themes include responsibility, collective decision-making, forgiveness, reparation, reintegration, and the involvement of the victim, the offender's family and the broader community in dealing with the offence (Mousourakis 2004: 1; Muntingh & Monaheng 1998: 13).

possible preference for particular crime types and client profiles. In addition, the article aims to determine the extent to which the approach has ample potential to realise of the diversion objectives of the CJA.

The research methods comprise the use of secondary data to define mentoring, present its development with child offenders in South Africa, explore its theoretical constructs, and to illustrate the contradicting evidence regarding its impact on the problem and criminal behaviour of children. To solicit a deeper understanding as to what mentoring entails, primary data are presented in the form of a case study of the Pretoria-based National Youth Development Outreach (YDO). The case study reflects on the rationale for the organisation's mentoring programme, the methods resulting from its understanding of the causes of child offending, the profile of participants, and the perceived benefits and limitations of the approach. YDO was selected for closer study due to its longstanding commitment to mentoring, having an accommodating research policy, and the researcher having visited the organisation in the past.

The study follows the qualitative approach. This framework sets out to understand realities (Terre Blanche *et al.* 2006: 123), in this case the theoretical underpinnings and resulting methods of mentoring as diversion strategy. It adheres to an explorative design, as no research could be found about the impact of the approach in South Africa. While theoretical work and research have been conducted abroad, in particular studies in North America, situations in the developed world differ substantially from local realities and, therefore, warrant localised investigations. The empirical data takes the form of an instrumental case study. This type of research serves to elaborate on a theory or to gain better insights on an issue (Fouché 2005: 276; Simons 2009: 3). In addition, case studies have particular importance in researching policy issues as they examine practices (Jupp 2006: 20). These characteristics of case study research is of specific value in the present investigation since the potential of mentoring diversion is explored to identify the level to which it can meet the individual needs of child offenders, as well as the objectives of the CJA.

A semi-structured interview schedule was developed, based on the literature and the information needs of the study (Babbie & Mouton 2001: 289). The instrument structured the questions under the broad categories of establishing the service, rationale for the programme, resulting methods, outputs and outcomes, and potential to satisfy the purposes of diversion as stipulated in the CJA. The instrument was flexible in that questions did not have to be posed in a particular order. A group interview was conducted with five YDO mentors and their coordinator on 26 November 2008 in Eersterust, Pretoria.[3] The two-hour interview was audio-taped, transcribed and content analysed using the framework of the interview schedule for categorising the data. As is the case with qualitative research, results are presented in descriptive and textual formats. In adhering to the eclectic nature and multiple configurations of case

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[3] Child offenders and their parents, as the primary and secondary beneficiaries of mentoring services, were excluded from the investigation as it was considered unrealistic to pose questions of a theoretical nature to these stakeholder profiles.

study methodology (Babbie & Mouton 2001: 281; Neuman 2000: 32), experiences and observations of respondents are intertwined with the case study to articulate the theoretical foundations, value and limitations of mentoring with diverted children. Direct quotations are provided to substantiate and illustrate observations and deductions. Respondents are kept anonymous throughout the text (Kvale & Brinkmann 2009: 72). They received a letter about the purpose of the study, how the data would be gathered, and that they could cease their involvement at any time. All respondents voluntarily participated in the group interview.

Definition and types of mentoring programmes

The term 'mentor' stems from the Greek root, meaning 'steadfast' and 'enduring'. Ever since Homer coined the term in his *Odyssey* – in which the goddess Athena disguises herself as Mentor to accompany Telemachus on his travels as a guardian – the word became synonymous with teacher, guide, philosopher and friend (Waller *et al.* 1999: 471). Current literature offers diverse definitions of mentoring, yet, most share common characteristics regardless of their emphasis and structure:

In current usage, mentoring implies a cross-age, dyadic relationship between an experienced, caring adult and a disadvantaged or troubled younger person (Davies & Thurston 2005: 37; Vanderven 2004: 95). By conventional standards, the age difference between the mentor and mentee varies between eight and fifteen years (Day 2006: 196). Mentoring relationships are based on acceptance and support in order for the mentor to provide attention, guidance and understanding. This serves to assist the young person in negotiating life's challenges and to foster his/her potential (Keating *et al.* 2002: 717; Rhodes *et al.* 2006: 692). Although mentoring relationships are generally not prescriptive, expert or overtly therapeutic-driven (Dallos & Cromley-Ross 2007: 370), those involving at-risk populations are usually structured to organise, sustain and monitor matches (McPartland & Nettles 1991: 569).

Mentoring is long-term oriented and generally takes place at regular, predetermined intervals over a specific period of time (Karcher 2005: 65). As with any meaningful relationship, it requires time for participants to get to know and trust each other, even more so when engaging with at-risk children (Jucovy 2001: 1; Larson 2006: 683). At large, mentoring features between unrelated individuals and is voluntary (Hamilton *et al.* 2006: 728; Roberts *et al.* 2007: 512). In addressing problem behaviour, mentoring with troubled minors could extend to leisure activities and assistance with scholastic tasks (Dallos & Comley-Ross 2007: 370).

In addition to classic one-on-one mentoring, alternative mechanisms include individual-team approaches where a panel of participants benefit from one mentor, and peer group mentoring where participants share a common challenge, such as drug dependence (Liabo & Lucas 2006; Phillip & Hendry 1996: 193).

Development of mentoring with child offenders in South Africa

Internationally, and more specifically in the USA, mentoring as a strategy to support disadvantaged children was established in the early 1900s by the Big Brothers initiative (Crowley & McIntyre 1999: 2). In South Africa, however, structured mentoring with child offenders is a relatively new concept (Open Society Foundation [OSF] 2002: 1). In the mid-1990s, the first local mentoring programme was formalised in KwaZulu-Natal when Inanda residents identified the need to have older youth guide at-risk children in the gang-ridden township (Farren 2002: 32). The approach soon gained recognition and was incorporated into the diversion programmes of, among others, the National Youth Development Outreach Centre in Pretoria, Khulisa Child Nurturing Services in Johannesburg, and Diversion Into Music Education in Cape Town.

In 2000, Big Brothers Big Sisters (BBBS) opened its first African branch in Cape Town and introduced structured mentoring as a stand-alone programme. In 2001, BBBS partnered with the National Institute for Crime Prevention and Reintegration of Offenders (NICRO) toward a combined and complementary diversion service. The aim of the partnership was to provide, through mentoring, longer-term and follow-up diversion support in reintegrating child offenders back into their domestic and community environments (Steyn 2005: 226).

Assumptions of mentoring with child offenders

Not all children benefit from the same opportunities in their natural environment to advance resilience and personal development (Anderson & Morgan 2007: 615). Parents are generally viewed as the most important adult in the lives of children since they significantly impact on the beliefs, attitudes, behaviours and goals of their young (Beam *et al.* 2002: 305). Several stressors have been indicated which distort or impede the ability of parents to meaningfully support and develop their children. These include unstable home environments situated in poor and marginalised communities and those characterised by dysfunction, child neglect and deprivation, single and disrupted or inconsistent parenting, as well as alcohol and drug abuse (Campbell 2005: 91; Gur & Miller 2004: 587; Hall 2007: 15; Larson 2006: 677; Vanderven 2004: 95).[4]

Amid these challenging circumstances, children may not have at least one older, more experienced person who can provide guidance and stability. In the context of child offending, mentoring as intervention

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[4] In the South African context, some of these risk factors translate to the following: just under half of households live in poverty (Maclennan 2007); risky drinking behaviour among male adults is estimated at 30% (Parry 2008); and 57% of children grow up without fathers (Posel & Devey 2006: 49). In addition, the HIV/AIDS epidemic will orphan an estimated 1,5 million children by 2010 and 5.7 million by 2015 (Avert 2005).

assumes that the sensitive matching of a child with a concerned and caring adult can counteract the risk factors associated with broken homes and absent parental figures (Steyn 2005: 285). It is considered that such relationships can build self-esteem and resilience, promote mental health, positively influence self-worth and beliefs about personal competence, and strengthen the ability to negotiate the challenges associated with adolescence (Rhodes *et al.* 2000: 1662; Zimmerman *et al.* 2002: 223). In addition, mentoring assumes that positive attributes created or strengthened by facilitated relationships can be generalised to other proximal bonds and life experiences (Dallos & Comley-Ross 2007: 381).

Theoretical foundations of mentoring

Mentoring as intervention has its roots in developmental psychology (Phillip & Hendry 1996: 189). More specifically, it is founded on modelling which believes that children learn behaviour by observing adults and peers. It also considers that learning relationships can be facilitated to promote positive developmental trajectories (Sheehan *et al.* 1999: 50). Modelling theory states that observational learning is an inherent human capacity. Unlike learning by doing, which requires adapting behaviour through repeated results, modelling accepts that new ways of thinking and action can occur by observing a single model and doing so without direct consequence or corrective experience (Bandura 2003: 169; Blechman 1992: 161). Skills and cognitive development thus takes place by emulating the traits and abilities of the model perceived as important (Karcher 2005: 67). However, modelling does not entail mere behavioural mimicry, but conveys rules for generative and innovative behaviour (Bandura 1999: 25). It consists of four sub-functions (Bandura 1997: 89-90):

▪ Attention processes influence what is selectively observed of the model and what information is taken from modelled events. These processes depend on the cognitive abilities, preconceptions and value preferences of the observer, while the prominence, attractiveness and functional value of modelled activities equally play a role.

▪ Cognitive representational processes, or retention, relate to transforming and restructuring information about modelled events for recollection in the form of rules and concepts. Retained behavioural concepts serve as generative guides for actions and variations thereof to fit different circumstances.

▪ In the behavioural production process, concepts are converted into adapted action. Behaviour is subsequently modified to correspond closely with retained concepts. In other words, the adequacy of behaviour is compared against the conceptual model with the aim of matching actions to that of retained concepts.

▪ Performance of observationally learned action is maintained or strengthened through motivational processes in the form of direct rewarding incentives (as opposed to punitive effects), being motivated by the successes of others, and personal standards or worth of conduct.

Methods resulting from mentoring theory

The theoretical foundations of mentoring necessitate suitable structures and processes to facilitate and monitor effective modelling relationships. Agents involved in structured mentoring are adults, at-risk children, and the initiatives that establish and oversee matches (Wandersman *et al.* 2006: 782). Successful mentoring depends upon the interconnectedness of all three these agents.

Two approaches exist to contract adults in mentoring relationships. Firstly, adults can volunteer their time, effort and expenses in meeting with the child. Important recruitment criteria include enthusiasm to work with children, understanding the challenges they face, sensitivity to negative life experiences, and an awareness of responsible behaviour (Gilligan 1999: 194). Recruitment is undertaken through networking, word-of-mouth referrals, newspaper articles and advertisements (Waller *et al.* 1999: 472). For safety reasons, volunteers are usually screened through criminal background checks, employment histories, and following-up on references (Morley & Rossman 1997: 47; Wandersman *et al.* 2006: 788). The second approach amounts to appointing, or at least remunerating, adult mentors. This strategy aims to counteract the high turnover rate associated with voluntary programmes and holding mentors accountable for meeting with children at the prescribed intervals (Steyn 2005: 145).

Regardless of the mentoring approach followed, mentors require some form of training prior to them being matched with participating children. This is, in part, undertaken to identify opportunities for meaningful interaction, provide guidelines on how to optimise the mentoring experience and deal with conflict, and establish a knowledge base for mentoring a troubled child (Belshaw 2007: 2). Training may include themes on diversity, goal-setting, problem-solving, child abuse, alcohol and drug abuse, and domestic violence (Jucovy 2001: 11). Ongoing training and support feature to track progress and reinforce perseverance in the relationship. This could include forums where mentors share experiences and good practice in working with at-risk children (DuBois & Neville 1997: 233; Vanderven 2004: 97)

For structured mentoring to succeed, the likelihood of compatibility between the mentor and the child is imperative (Darling *et al.* 2006: 765). Key variables considered in this matching process include demographic characteristics, the time volunteers have available, intervention needs, preferences, interests and personality (Dubois *et al.* 2002b: 29; Morley & Rossman 1997: 46). Mentoring relationships must be flexible yet tailored to the specific intervention needs of the child (Gray & Seddon 2005: 70; Karcher 2005: 66). Goals and objectives are generally structured around the purpose of the match and the anticipated developmental outcomes, e.g., school attendance, academic achievement, positive peer relationships, or pro-social behaviour (Wandersman *et al.* 2006: 782).

Mentoring requires time to mature and unfold into caring relationships (Steyn 2005: 236). Therefore, the time span of relationships, as well as the frequency and intensity of contacts, are important moderators of mentoring effects. Also, benefits are likely to emerge over longer periods of time (Campbell 2005: 91; Rhodes *et al.* 2006: 297). Programmes thus tend to indicate the duration of the relationship, as well as the number and length of mentoring contacts (Karcher *et al.* 2006: 716). It is generally accepted that mentoring relationships with at-risk children should last for between six and twelve months (OSF 2002: 18).

Activities with enjoyable and developmental characteristics are needed for mentors to establish themselves as significant adults in the lives of troubled children (DuBois *et al.* 2002b: 54). Although the type of activities matches engage in could be stipulated, mentors must be alert to opportunities that can stimulate the relationship and interests of the child (Gilligan 1999: 192). These include cultural, entertainment and sporting activities. Some mentoring organisations provide programme-sponsored events, such as culture evenings and attending sport matches (DuBois & Neville 1997: 233; Vanderven 2004: 97). Regardless of the nature of activities, they must offer conditions for communication, motivation, learning and asset building (Larson 2006: 684-686). Continued support and supervision of relationships are essential (Thompson & Kelly-Vance 2001: 238).

As both potential contributors to, and inhibitors of child offending behaviour, parents must, when available, be involved in the mentoring experience. On the one hand, concerns have to be clarified about the safety of their children and matters related to parental authority (Morley & Rossman 1997: 50). On the other hand, their buy-in and commitment are likely to reinforce the positive influence of mentors, as well as to counteract feelings of being supplanted by alternative adult support for their children (Rhodes *et al.* 2000: 1669). Some mentoring programmes also target other family members in addressing dysfunctional relationships and domestic challenges perceived to generate antisocial and criminal behaviour (Belshaw 2007: 5).

Although some matches terminate prematurely, due to incompatibility or eventual opting out by either participant, most mentoring relationships at some time come to an end (Jucovy 2001: 14). If not carefully planned, such separation could cause severe distress on the part of the child and may even negate the positive gains brought about by the intervention. Mechanisms to facilitate the termination process could include a farewell ceremony or, at least, arranging intermittent contact (Vanderven 2004: 102).

Evidence of the impact of mentoring with child offenders

Locally, no decisive evidence exists about the impact of mentoring as uni-modal intervention with child offenders. An evaluation of the BBBSSA-NICRO partnership highlighted the difficulty of recruiting and matching adult volunteers with child offenders. Moreover, of the initial nine matches, eight were

terminated prematurely due to non-attendance by either mentors or children (Louw 2002: 40). International evidence is limited and plagued by methodological challenges. Contradicting results have been attributed to small sample sizes; relying on self-report as opposed to more objective measures; the non-random assignment of groups in experimental designs; the lack of longer-term impact assessment; instruments that do not have adequate psychometric properties; and investigating mentoring that forms part of multi-modal intervention (Davies & Thurston 2005: 43; DuBois *et al.* 2006: 660; Karcher *et al.* 2006: 720; Keating *et al.* 2002: 718).

Not surprisingly, evidence from the USA shows contradicting results. A six-month intensive mentoring programme with 34 youth deemed at-risk of offending and mental illness found significant improvement in problem behaviour, compared with a group of 34 youth who remained on the waiting list (Keating *et al.* 2002: 717). Similarly, significant achievements in academic gains have been recorded among a treatment group of 13 at-risk boys, as opposed to the 13 in the control group (Thompson & Kelly-Vance 2001: 227). However, another study, also involving 13 adolescents considered at risk of offending showed that, despite significant decreases in parent-reported internalising and externalising behaviour, no significant benefits were recorded in adaptive behaviour. Positive gains were also not consistent over time, and results have been ascribed to mentoring failing to intervene with chronic problem behaviour (Jackson 2002: 120-121). In similar vein, no significant effects have been found over a one-year period regarding the emotional or behavioural adjustment of 67 mentored children, compared with a matched comparison group (DuBois *et al.* 2002b: 46). Moreover, a meta-analysis of 55 mentoring evaluations showed a modest or small benefit for average youth participating in mentoring (DuBois *et al.* 2002a: 187). The authors noted that this result stands in stark contrast to the widespread and commonly unquestioned support for mentoring as intervention.

The challenges associated with research in the mentoring domain compound the contradicting results reported by investigators. As such, the extent to which mentoring can effectively address criminal behaviour among children remains unclear. This is equally true in local contexts, given the conspicuous absence of research in this field. In addition, relying solely on quantitative methods might not yield sufficient insight as to what this particular approach can and cannot offer specific profiles of children in conflict with the law. The present researcher considers an exploration of the theory that underpins mentoring as a step toward such an understanding.

Case study: mentoring at the Youth Development Outreach

As mentioned, a case study of mentoring with child offenders at YDO is presented to solicit a deeper understanding as to the methods, strengths and limitations of this diversion strategy. Primary data is supplemented by YDO documentation and annual reports.

Background and focus

Eersterust in Pretoria was developed as part of the apartheid system's policy of segregation, whereby many people were subjected to forced relocation in terms of race. The township was earmarked for coloured communities and, since its inception, has been characterised by gangsterism and crime. Many inhabitants have spent between five and ten years in prison. Today, the community continues to carry the legacy of crime, substance abuse and other social ills. In 1990, YDO was established with the aim of developing "*a new nation of young, diligent and responsible citizens who will serve our nation with dignity, character and love*" (YDO 2004: 4). The organisation strives to influence Eersterust and surrounding areas to become positive role models for similar communities in South Africa.

As its point of departure, YDO considers the family unit as the most profound influence in the socialisation on children. In this model, children and their families are the primary focus of intervention, with the neighbourhood and community viewed as secondary support systems (YDO 2004: 5). In line with this focus, the organisation's mission statement reads: "*To provide training, education and development programmes to youth at risk and those in conflict with the law through family preservation*" (YDO 2007: 1). In addition to arts, educational, entrepreneurial and health awareness programming, YDO undertakes extra-judicial rehabilitation of child offenders through skills training and mentoring intervention. Since the mid 1990s, the organisation has been at the forefront of formalising mentoring with child offenders in South Africa.

Rationale for mentoring

YDO mentors highlight various contributors to child offending in Eersterust, including substance abuse, poverty and peer pressure, but single out the absence of positive role models and family dysfunction as two primary reasons: "*The whole point to mentoring is giving children role models. Giving them someone to look up to. Because in the communities where we live, the people who have it, the car etc, these are people who do crime*".[5] Three forms of how family dysfunction contributes to offending behaviour are identified. First stands absent parents: "*The fathers are not there and the mothers work. They have to support the family and make sure there is food on the table*", and: "*The mother is a single-parent and working. She comes from work late and tired, but the child needs attention*". Secondly, and linked to the latter quote, some parents reportedly pay little attention to or are disinterested in the lives of their children: "*Sometimes they steal something stupid, like a chocolate or Labello, but the parents have lots of money. It has to do with attention*", and: "*Sometimes parents are there, but they are too focused on the flashy material part of life. All the child wants is their support and love. To feel that they are there … Parents might be there physically, but emotionally they are not*". Thirdly, mentors feel that some parents

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[5] Direct quotations from the participants are presented in italics.

perpetuate a negative relationship with their children: "*Some parents label their children. Like, if the child wants money, the mother says to go and find the father, wherever he is, or dig him out of the grave. Things like that bruise a child. He later thinks: 'Why should I care?'".*

Service providers further comment on the impact of the offence on the family, particularly the ensuing friction between parents and their children that needs to be addressed: "*The family feels exposed. Now they have to come to YDO and discuss their family issues, because of what the child has done. The parents then take a negative attitude to the child*". Therefore, taking a broader approach by involving the family in addressing offending behaviour is necessary: "*If you want to make sure that there is support for the child, we have seen that there is so much work that needs to be done with the parent. It's the family that needs to be worked with*", and: "*When you work with the family and you see that they take the support, at least one from within, then you know you are not the only person fighting the fight*". YDO mentors firmly believe that such support must be provided at multiple levels: "*We work with the child within the family. But with some families we must work at different levels: the mentor with the child, and the family support workers with the family. We try to make sure that whatever led to the crime can be avoided by the family*".

In their task of providing child offenders with a concerned positive role model, mentors place much emphasis on persevering in the mentoring relationship as a mechanism to effectively reach the child: "*It's about consistency, being there for them. It eventually wins them over. Many of the challenging kids have been rejected and let down and disappointed. So, it takes me as a mentor to be there for the child*", and: "*Some think: 'Why is this person not like the others? Why isn't she giving up on me? Why isn't she telling me how useless I am?' But as long as you continue to be there, the child will open up*". YDO mentors describe mentoring as "*a younger brother or sister who looks up to an older brother or sister, someone to support and guide them; to help them bridge problems*".

The mentoring programme

▪ Profile and skilling of mentors

YDO has five paid mentors who provide mentoring and other diversion services on a fulltime basis. Three mentors are female and two are male. Their ages vary from 24 to 28, although it is noted that "*it is about you being able to assist that particular child. It's not just about the age, but connecting. Our oldest mentor was in his thirties, but you wouldn't say that. He was very young at heart*". In appointing mentors, managers consider as essential the qualities of patience and the desire to care for at-risk children: "*Willingness to go the extra mile, because for mentoring you have to give over and above your job description. It is not limited from nine to five*". All mentors acquired the Basic Qualification in Child Care

(BQCC) and the majority completed this training while working at YDO in non-mentoring capacities: "*The BQCC is based on the circle of courage where you look at the sense of belonging of the child. That is where we start from*". Further in-service training comprises HIV and AIDS, counselling, substance abuse, sexuality, family preservation, anger management and facilitation: "*You must have the theoretical basis, but in our work you come across issues like anger management, and must know how to deal with it*". Basic counselling skills are noted as imperative: "*Mentors must have basic counselling skills to deal with information as it comes because much of our work is individually with the child*".

▪ Developmental assessment and matching

Following referral by the court to YDO for diversion intervention, the social worker undertakes a developmental assessment of the child offender to determine his or her intervention needs. Information is also gathered from parents. The assessment informs the mentor profile the child needs to be matched with: "*We look at the strengths of the mentors, because they have different backgrounds and training. Based on that we link the child with the mentor who will be best for that child*". Mentors note that some children need more skilled and experienced mentors for them to optimally benefit from the programme. Age difference is a consideration in matching a mentor and child offender: "*A good age gap is necessary. You shouldn't be too young so that you can be their friend, but also not too old to be like a parent*". Gender, on the other hand, is not viewed as import for successful mentoring: "*We have cross-gender matches. It is not difficult … Gender is not an issue for a good match*". However, attention is paid to the place of residence and the language of participants: "*Eersterust children are mentored by mentors from that area. It has to do with accessibility. The mentor must be from that area so that if there is a problem, the mentor can go there. It is about geographics, but in essence also then about language*". At the time of data collection, each mentor has between two and five child offenders to mentor: "*Ideally we want one mentor to four children, but sometimes they become more than that. We had to bring in more mentors to have more hands for the programme*".

Flexibility in the matching process is reportedly imperative: "*It is not a rigid process. Sometimes we move children to different mentors if we see there are problems with the relationship. We always try to accommodate the child with whom he or she feels comfortable with*". Mentors further feel that the developmental assessment sometimes fails to provide a complete picture of a child offender's needs: "*Sometimes at the date of the assessment the child is scared and doesn't want to open up. But along the line they do open up around certain issues and then your mentoring goals might have to change*". This reality necessitates a flexible approach to setting and achieving mentoring goals: "*Sometimes what we identified as a need turns out not to be the need of the child … We then shift the goalposts, but discuss it during the case conference*".

▪ Mentoring activities

As a first mentoring activity, parents and their diverted children attend an information session at YDO: "*We explain to them what we do. We also explain why we do home visits, to check on the progress of the child. Some are very difficult. Then we bring in the family support workers who are older people*".[6] Participants are visited at their homes at least twice per month over the mentoring period: "*But it depends on the need. You can get a call in the morning from a parent saying 'I need to see you after work, because this and that have happened'. Then you have to go*". As mentioned, YDO's services extend to the parents of diverted children, although they are not necessarily provided by mentors: "*We have teams that work with the children. They also do meetings with the families. Some of the things we as mentors can pick up when working with the child, but with some matters we get the social worker in*".

All children who are diverted to YDO receive mentoring. In addition to visiting participants at home, mentors facilitate a three-month lifeskills course for diverted children. These sessions are followed by group mentoring during which lifeskills messages are discussed in more detail. Younger participants receive individual attention - i.e., outside structured group sessions - in an effort to minimise contact with older children who might be guilty of more serious offences. During school holidays, mentors engage participants in sport and art activities. If resources are available, camps and excursions are arranged: "*There is this mentality that prisons are like five star hotels. So when we go to the prison they can see that it's not. We have camps where sessions are facilitated on different themes like substance abuse*". Mentors state that child offenders actively participate in all activities, and emphasised that communication does not amount to lectures. Often participants initiate contact with mentors: "*They contact us mostly after hours. Then it is off-peak … It is about accessibility and knowing someone they can trust*".

YDO mentors have access to a network of support structures, including child secure care facilities and civil society initiatives: "*We have outside support. Say the child is abusing substances, then we refer to SANCA with whom we have monthly meetings … Some things you can deal with by yourself, but others not*". In addition, mentors have regular case conferences with YDO's social worker for guidance and support: "*The social worker can also meet individually with children for counselling therapy … So, we have that support. It is not like everything weighs on your shoulders*".

▪ Time frame and termination of relationships

Mentoring relationships at YDO span three months, although service providers noted that they often request more time: "*At two months, or just before they go back to court, that's when you get into who the*

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[6] Family support workers work under the auspices of YDO's social worker. The organisation has a firm believe in family preservation: services are provided at the home, are crisis oriented, and focus on the strengths of families.

child is and getting to work with him. But then the three months are up and the child has to re-appear in court. We then request a postponement. If often happens. We always fight for more time". Relationships are time bound and YDO mentors have thus far not experienced serious challenges in terminating relationships. This is ascribed to mentors informally maintaining post-intervention contact with participants. In addition, new intakes reportedly necessitate effective termination of relationships: "*Even if you want to, you cannot invest that much time in the child who has gone. You now have these new children who need your attention*". However, this challenges effective follow-up services: "*We have a need for this* [follow-up], *because you can't work with a child, and then just leave him*". As a counter-measure, YDO plans on appointing a mentor solely for aftercare support to problem cases for a further nine months. No formal debriefing is available for mentors, but they have access to the case manager and the social worker should they experience any difficulties.

Profile of participants

Although YDO's criteria for mentoring intervention are 13 to 18 years of age, mentors note that they mostly engage with children between the ages of 16 and 18. Boys comprise an estimated eighty percent of participants. Offences are first-time and minor in nature, and predominantly amount to assault, theft, malicious damage to property and housebreaking.[7] Substance abuse among participants is seemingly on the increase, especially the use of Nyaope (a methamphetamine).

Mentors feel that there is no strict profile that characterises a child who optimally benefits from mentoring: "*That is why we invest in them and be there for all of them, because you don't know who you are going to win*". Reportedly even some hard-to-reach children benefit from the programme: "*Sometimes it gets so difficult, because you feel like you are always trying and trying but all your efforts get shot down. You don't feel like you are making any difference. But then, when you least expect it, they become the ones who come back to you and thank you for helping them to think differently*". Similarly, it is noted that "*You get kids who get into the programme and they grasp immediately. Others change toward the end of the programme. Then you get kids who just never want to change*". The latter type of child is described as very difficult with strong negative attitudes and those who fail to understand the consequences of their actions. In addition, children who have attended similar interventions appear problematic: "*Sometimes it is children that have been through some programme at another place but didn't take it seriously. These are kids who know the system. They really are streetwise*".

YDO's annual reports reveal a substantial pre-intervention dropout rate among diverted children. Of the 116 cases referred for mentoring during the 2006/2007 financial year, 77 successfully completed the

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[7] Concerns are expressed regarding the court's knowledge about referral to diversion: "*We had two murder cases and one for rape. When they got here, we were like: 'What are we going to do?' We went back to the court and explained that these cases cannot be diverted to our programme, because they need special intervention*".

programme, 15 failed to comply, twelve cases were withdrawn against YDO's recommendations, seven were referred for specialised substance abuse intervention, and five were re-arrested while participating in the programme (YDO 2007: 2-3). In 2007/2008, 30 of the 67 diverted children were sent back to court. Mentors report that these children never attend the programme: "*You only know by name that this is supposed to be my child, but there never is a face to that child*". They estimate that roughly one in ten participants who commences with mentoring drop out during the course of the intervention.

Value and benefits of mentoring

YDO mentors highlight several aspects of mentoring that are especially beneficial for changing the behaviour of child offenders. First and foremost stands the alternative approach that mentoring directs for connecting with troubled children: "*Mentoring is a different approach. It's not about social workers and psychiatrists, but people being informal and concerned about them. We don't wear suits and ties, so they can relate to us. We are young and down to earth. We play soccer and have fun with them, but we are responsible*". Of equal value, they note, is the unconditional support provided to participants: "*… not being judgemental about their behaviour. If the child did something dramatic, you don't judge him. You listen to the child. That is how we connect with them … The relationship you have with the children is very much determined by the fact that you are able to say: 'It's okay. I'm here for you whatever you did'. You accept them*". With this attitude, mentors feel they are in a good position to affect positive behaviour: "*They get to know me. I live in their same street with a tavern around the corner, but they learn why I don't go there*". Asked whether mentoring can positively reach a child amid poor socio-economic circumstances, respondents note that: "*It can, because the mentors are from that environment. It shows that there are young people doing good things with their lives*".

Mentors feel that a particular value of mentoring, as practised by YDO, relates to services extending to families and parents. Those who welcome family support reportedly also benefit from interaction with the mentors: "*Mostly parents are open to you and they listen to what you have to say. Sometimes you also become their confidant. If they are not okay, they will call you and tell you what they are struggling with … They phone if the child is in trouble again*". Respondents also comment on the personal value of mentoring: "*It boosts your self-esteem as a mentor when you see children staying away from bad things. They don't want to disappoint you*".

Limitations of, and challenges to mentoring

YDO mentors identify various limitations and challenges in mentoring child offenders. An important challenge relates to the role and cooperation of some parents: "*We get parents who say that, because the court referred the child to us, they don't have responsibility anymore. It is not supposed to be like that,*

because we have to work together. Often the crime is because of the situation at home". Uncooperative parents reportedly make it difficult for diverted children to attend mentoring sessions: "*You then have to perform close to a miracle to get the child to attend the programme. You can't force them*". This reality challenges the programme's impact at the domestic level: "*Having changed on your own and now you have to go back to home circumstances that haven't changed*", and: "*But then you look at where the child is coming from … they go back to those evil people*".

The limited time frame afforded for mentoring child offenders appears to impact on the potential of the approach to change behaviour: "*You work with the child, but then you are out … It is once-off. It is not continuous support that they have once they are back there*", and: "*Three months to work with a child is too short. When you get involved in the life of a child like we do, you need more time*". A further challenge relates to feelings of despondence in adequately supporting participants: "*You feel as if you are the only positive person in their lives … I must remind myself not to get too involved. Sometimes you just want to change the world for this child, but you can't*". With some cases mentors reportedly find it difficult to terminate relationships: "*You know that now you need to give them their space, but a part of you doesn't want to*".

Furthermore, most mentors find it challenging to work with younger children: "*Younger kids are too childish. They don't always understand what you do … With older ones, you can hold them accountable. We are much more at the same level,*" and: "*I had two kids, one twelve and the other thirteen, and they were all over the place. They stopped coming in, and when I asked them why, they said that after school they want to play. They don't grasp responsibility yet*". With younger participants, mentors reportedly must have substantial patience to cope with their developmental level. Linked to the matter stands the aging profile of existing mentors: "*Some of us never thought we would still be here after so many years. It is good, but it can become a problem because you grow older but the ages of the children we work with stay the same*".

Mentoring and the diversion objectives of the Child Justice Act - views of mentors

In reflecting on the objectives of the CJA, YDO mentors note that the approach instils accountability and responsibility in participants since much discussion with the child focuses on the transgression, its broader instigating factors and ways to prevent misbehaviour: "*The offence itself informs what you discuss with the child. If it is peer pressure, it is part of the curriculum you deal with*". In light of its one-on-one approach, mentors state that the strategy meets the individual needs of participants. As indicated, support services extend to the family, thus promoting reintegration and reconciliation of the child offender with his/her family. Regarding reintegration with the community, mentors attempt to return drop-outs to school: "*If the child was expelled, part of what we do is to write a report to the school advocating for them*

to take the child back". Other than this, mentoring reportedly does not involve the broader community. In line with the CJA, mentors emphasise that the programme prevents participants from receiving a criminal record.

Mentors indicate that the restorative justice principle of involving the victim in addressing the offence is not achieved through mentoring, at least as the approach is practiced by YDO. The programme does not include interaction with the victim, although attempts are made to instil victim empathy: "*Because you are not the only one person stealing, people can loose their jobs because the shop is not making money. Extending it more to people affected by the theft. We try and work towards giving each crime a face*". The making of amends, mentors note, is limited to the family context: "*Because your parents don't trust you anymore. How are you going to get their trust back? How are you going to make things right, because of what you did?*".

Mentors are unsure whether YDO, and the mentoring programme for that matter, can adequately address the stigma stemming from contact with the legal system: '*YDO has some form of stigma. In the communities they call it the 'naughty school', because they know of the children we work with … Even some of the children who attended the programme see it as a place for criminals*". The organisation is reportedly combating this stigma by offering a variety of developmental services, including art and computer literacy classes to the community.

Discussion

Mentoring as a diversion strategy shows a clear understanding of an important risk factor associated with child offending, namely the role of parents as primary influence on the behaviour and attitudes of their young. It acknowledges the negative influence of community and family discord many South African children are subjected to, in particular the lack of positive role models, absent primary caregivers (especially fathers) and the attention needs of minors. As a response to these developmental deficits, mentor intervention establishes a caring relationship between a child offender and a committed older person.

It is evident that mentors require training on a variety of themes in order to adequately support participants. In addition to matters that are of importance to children, e.g., HIV and AIDS, substance abuse and sexuality, the themes of basic counselling, facilitation and anger management appear valuable in the delivery of mentoring services. Applying these skills and knowledge during interaction with participants, and with others in the presence of participants, may strengthen the perceived attractiveness and functional value of modelled activities. The fact that mentors reside in the same communities as

participants - and thus being exposed to the same social and environment challenges - may also strengthen the allure of mentored behaviour.

In the case of YDO, mentors are remunerated. This approach is valid to prevent the turnover rates associated with voluntary mentoring. It also facilitates the building of expertise and continuity in service delivery. A drawback of YDO's approach, however, relates to mentors growing older and moving more toward a *parent* profile, as opposed to the desired *mentor* profile. While the case study notes cross-gender matches to be possible, other experiences emphasise the need for same-gender mentoring when dealing with children in conflict with the law (*cf.* Steyn 2005: 237). It can be argued that the latter option may be more appropriate when discussing matters of relationships and sexuality with participants. Furthermore, practice suggests that a particular profile of mentor is needed to deal with the specific developmental stage of younger participants.

A salient feature of effective mentoring relates to the informal nature of interactions, as well as the perseverance and commitment of mentors to the relationship. Programme sponsored events and personal interaction provide opportunities for participants to communicate matters of concern and learn effective coping strategies from their mentors. In the case of YDO, participants also benefit from a structured lifeskills programme. It is important to note that such endeavours are absent with mentoring as unimodal intervention, as its rationale and resultant methods do not specifically emphasise structured learning. Nonetheless, mentoring provides a platform for participants to practise the skills obtained through complementary diversion endeavours.

A specific value that the YDO case study brings to the diversion and mentoring arena relates to family preservation. Evidence shows family therapy and the skilling of parents as important catalysts in addressing delinquency (Sherman *et al.* 1998: 1). Therefore, the value of both family services and the emotional support that mentors can provide parents who embrace these strategies should not be undervalued. Such endeavours also serve to mend the parent-child relationship that may have been damaged by the offence. On the other hand, practice indicates the challenge of ensuring the buy-in and involvement of some parents, as well as the concomitant inability of children to implement and sustain pro-social behaviour amid such environments.

Longer time frames are needed when mentoring is considered for diversion intervention. Locally, the preferred time span of mentoring with at-risk children has been indicated as between six and twelve months (OSF 2002:18). Not surprisingly, the three-months afforded to YDO appear insufficient to

establish trust and meaningfully engage with participants.[8] A short time frame with limited contact could also explain the general absence of termination anxiety.

The collected information further demonstrates that not all children are suitable candidates for diversion, and that some are not amenable to mentoring intervention.[9] A clear profile of children who may or may not benefit from mentoring is not forthcoming, given that many of the referred children do not attend the programme. In addition, an estimated one in ten default during the intervention. Nevertheless, in line with existing evidence (Jackson 2002: 121) and experiences elsewhere in South Africa (*cf.* Steyn 2005: 230), practice indicates that higher-risk children with hardened negative attitudes and chronic offending do not benefit from this type of intervention. In terms of modelling theory, the following could contribute to the inability of mentoring to impact positively on this profile of child offender:

- Preconceptions and value preferences of participants which contradict those of mentors.
- Inadequate cognitive ability to transform information about modelled events to everyday rules and concepts, thus limiting the potential of reproducing modelled behaviour.
- The mentioned time and contact constraints may yield insufficient opportunity to effectively observe modelled events and, if needed, match adapted action to the model at a later stage.
- The absence of the mentor following termination of the relationship makes feedback and motivational processes from this important source impossible; therefore, adapted behaviour cannot be encouraged and sustained.

Mentoring informs and affirms the objectives of the CJA to varying extents. On the positive side, the strategy succeeds in addressing child offending outside the formal justice system and prevents those who successfully complete the intervention from receiving a criminal record. Practice further suggests that opportunity is created to individually engage participants in understanding their trajectories to offending, which may assist in fostering accountability and responsibility for transgressions. This is further strengthened by discussions and planning on how to prevent similar behaviour. Therefore, mentoring creates a suitable platform to meet the particular needs of the individual child, even more so as participants are individually matched to mentors. Another important value of mentoring, at least as undertaken by YDO, amounts to the individualised developmental assessments that inform the goals of intervention. Family preservation activities (which may be unique to YDO) strongly promotes the reintegration of the child into his/her family, which, in turn, creates opportunity for reconciliation, collective planning, and making of amends to parents and other family members. However, prospects of

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[8] In terms of Section 53(5)(a)(ii) of the CJA, service providers such as YDO have a legal mandate to insist on extended time frames for their interventions. However, for YDO this may restrict the number of children accommodated at any given time, given the limited resources and a small number of mentors to match child offenders with.

[9] Concern is expressed about the referral of cases which do not meet the criteria for diversion. With nearly half of all referrals to YDO not attending the programme during 2007, referral officers might be in need of training on the aims, requirements and processes of diversion. The referral of murder and rape cases adds to this view. The withdrawal of cases, against the advice of service providers, further raises concern about the practice and future support for diversion in South Africa.

reintegrating the child with the broader community, on the one hand, and community involvement in the mentoring process, on the other, appear limited.

An important shortfall of the theory and practice of mentoring relates to the absence of victim involvement. Although mentors can promote victim empathy through discussion, the approach fails to allow those affected by the offence a chance to express their views and experiences. Therefore, the restorative objective of acknowledging the rights and needs of victims, in general, and those directing interaction, forgiveness, reconciliation and compensation, in particular, cannot be achieved through mentoring as a stand-alone intervention. Unless the transgression took place within the domestic context, i.e., against a family member, the broad restorative justice principle of repairing a social injury appears unattainable through mentoring. This shortfall may well limit the strategy's claims of instilling a sense of accountability for the offence on the part of the child. Furthermore, indications are that the very nature of diversion practice promotes stigmatisation of child offenders by the communities in which services are rendered.

Limitations and recommendations of the study

It is important to acknowledge the limitations of the study, in particular those generally experienced with qualitative and explorative investigations. The research was undertaken from a subjective framework to seek insights into the foundations, benefits and limitations of mentoring as diversion strategy. The observations made stem from an exploration of one mentoring programme only. As such, it is possible that similar interventions follow different protocols and could have different experiences regarding mentoring diversion with child offenders. It is also possible that ways have been found to deal with some of the challenges identified by the present investigation. While the study provides broad lessons about the practice and shortfalls of mentoring with child offenders, the results cannot be generalised to other diversion programmes (Maxfield & Babbie 2009: 135). This shortcoming applies to diversion strategies and client profiles across geographical and demographic contexts. Still, it is expected that the study sketches process and conceptual understandings that could hold meaning for similar initiatives (Simons 2009: 164, 166), for example, regarding time frames, exposure to the intervention and the involvement of parents. Furthermore, the views of child offenders and their parents, as well as the experiences of legal and psychology practitioners, were not explored.

An understanding of theoretical underpinnings is important in scientific research (Silverman 2010: 110). The present study in part serves this purpose about the potential benefits of and challenges to mentoring with children in conflict with the law. As mentioned, limited evidence has thus far been generated about the impact of the strategy in South Africa. In light of the recent introduction of the CJA, it can be expected that an increasing number of child offenders will be referred to diversion programmes. As such, it is

imperative that research either confirms or disputes the claims made here about the value of mentoring intervention. Quantitative strategies, and especially longitudinal and comparative designs, are needed to determine the significance and impact of this approach. Furthermore, studies should be sensitive for demographic and cultural variables, as well as the skills of diversion providers to effectively implement such interventions. Given South Africa's diversity of peoples, it could be that different groups react differently to mentoring diversion.

Research should also focus on mentoring in multi-modal programming, such as lifeskills training and group conferencing, as combinations of interventions could have different results. While re-offending remains an important consideration in measuring the impact of crime prevention and reintegration programmes, other aspects, such as the strengthening of relationships and conflict resolution abilities, should not be ignored. Researchers are advised to incorporate elements of "what works" in their studies. These include the classification of risk, active participation, programme integrity, intervention at cognitive-behavioural levels, and community-based approaches (*cf.* Dawes & Donald 2002; Gendreau & Andrews 1990; Muncie 2004). Also, it is important to pay attention to the system dimensions in addition to the demand side of diversion delivery. As such, the experiences of referral officers and decision-makers (prosecutors and magistrates) and assessors (social workers and probation officers) should be determined in future studies.

Recommendations to advance mentoring as diversion strategy include the strengthening of parental involvement throughout the intervention, lengthening the time frame of mentoring relationships, and devising mechanisms to involve victims in the diversion process.

References

Anderson A & Morgan B 2007

 Efficacy of problem solving focused mentoring with minority youth. *Dissertation Abstracts International: Section B: The Sciences and Engineering* 68(1-B): 615.

Avert 2005

 HIV/AIDS orphans statistics. http://www.avert.org/aidsorphans.htm (retrieved 15/10/05).

Babbie E & J Mouton 2001

 The practice of social research. Cape Town: Oxford University Press.

Bandura A 2003

 Commentary: On the psychosocial impact and mechanisms of spiritual modelling. *The international Journal for the Psychology of Religion* 13(3): 167-173.

Bandura A 1999

 Social cognitive theory: an agentic perspective. *Asian Journal of Social Psychology* 2: 21-41.

Bandura A 1997

Self-efficacy – the exercise of control. New York: WH Freeman & Company.

Baumeister RF & Leary MR 1995

The need to belong: Desire for interpersonal attachments as a fundamental human motivation. *Psychological Bulletin* 117(3): 497-529.

Beam MR, Chen C & Greenberger E 2002

The nature of adolescents' relationships with their "very important" nonparental adults. *American Journal of Community Psychology* 30(2): 305-314.

Belshaw SH 2007

National implications in juvenile justice: The influence of juvenile mentoring programs on at risk youth. *The Lamar University Electronic Journal of Student Research.* http://www.googlesyndicatedsearch. com/u/lamaruniversity?q=Belshaw (retrieved 02/01/09).

Blechman EA 1992

Mentors for high-risk minority youth: From effective communication to bicultural competence. *Journal of Clinical Child Psychology* 21(2): 160-169.

Campbell D 2005

Mentoring the least of these. *Reclaiming Children and Youth* 14(2): 91-92.

Child Justice Act 2008

Act no 75 of 2008. *Government Gazette* 527(32225). Cape Town: Government Printers.

Crowley D & McIntyre S 1999

ONE2ONE – a mentoring project for young offenders. Paper presented at the *Children and Crime: Victims and Offenders Conference*, Australian Institute of Criminology, Brisbane, 17-18 June 1999.

Dallos R & Comley-Ross P 2007

Young people's experience of mentoring: Building trust and attachments. *Clinical Child Psychology and Psychiatry* 10(3): 369-383.

Darling N, Bogat GA, Cavell TA, Murphy SE & Sanchez B 2006.

Gender, ethnicity, development, and risk: Mentoring and the consideration of individual differences. *Journal of Community Psychology* 34(6): 765-779.

Day A 2006

The power of social support: Mentoring and resilience. *Reclaiming Children and Youth* 14(4): 196-198

Davis L & Busby M 2006

Diversion as an option for certain offenders: the view of programme participants diverted during the Hatfield court pilot project. *Acta Criminologica* 19(1): 102-114.

Davies S & Thurston M 2005

Establishing a learning mentor service within a cluster of primary schools: Learning from evaluation. *Pastoral Care* September: 37-43.

DuBois DL, Doolittle F, Yates BT, Silverthorn N & Tebes JK 2006

Research Methodology and youth mentoring. *Journal of Community Psychology* 34(6): 657-676.

DuBois DL, Holloway BE, Valentine JC & Cooper H 2002a

Effectiveness of mentoring programs for youth: A meta-analytic review. *American Journal of Community Psychology* 30: 157-197.

DuBois DL, Neville HA, Parra GR & Puch-Lilly AO 2002b

Testing a new model of mentoring. *New Directions for Youth Development* 93: 21-57.

DuBois DL & Neville HA 1997

Youth mentoring: investigation of relationship characteristics and perceived benefits. *Journal of Community Psychology* 25(3) 227-234.

DuBois DL & Rhodes JE 2006

Introduction to the special issue: Youth mentoring: Bridging science with practice. *Journal of Community Psychology* 34(6): 647-655.

Farren T 2002

Someone special for children at risk. *Mail and Guardian* 31 January: 32.

Frank C 2003

What have we learnt? Social crime prevention in SA: a critical overview. *SA Crime Quarterly* 6: 21-26.

Fouché CB 2005

Qualitative research designs. In De Vos AS, Strydom H, Fouché CB & Delport CSL (eds). *Research at grass roots for the social sciences and human service professions* (3rd ed). Pretoria: Van Schaik. 267-273.

Gendreau P & Andrews DA 1990

Tertiary prevention: what the meta-analysis of the offender treatment literature tell us about 'what works'. *Canadian Journal of Criminology* 32: 173-184.

Gilligan R 1999

Enhancing the resilience of children and young people in public care by mentoring their talents and interests. *Child and Family Social Work* 4: 187-196.

Gray P & Seddon T 2005

Prevention work with children disaffected from school. Findings from the evaluation of two innovative community-based projects. *Health Education* 105(1): 62-72.

Gur M & Miller L 2004

Mentoring improves acceptance of a community intervention for court-referred male persons in need of supervision (PINS). *Child and Adolescent Social Work Journal* 21(6): 573-591.

Hall M 2007

Mentoring the natural way: native American approaches to education. *Reclaiming Children and Youth* 16(1): 14-16

Hamilton, SF, Hamilton MA, Hirsch BJ, Hughes J, King J & Maton K 2006

Community contexts for mentoring. *Journal of Community Psychology* 34(6): 727-746.

Izzo RL & Ross RR 1990

Meta-analysis of rehabilitation programs for juvenile delinquents. A brief report. *Criminal Justice and Behavior* 17(1): 134-142.

Jackson Y 2002

Mentoring for delinquent children: An outcome study with young adolescent children. *Journal of Youth and Adolescence* 31(2): 115-122.

Jucovy L 2001

Supporting mentors. Philadelphia: Northwest Regional Educational Laboratory.

Jupp V 2006

The Sage dictionary of social research methods. London: Sage Publications.

Keating LM, Tomishima MA, Foster S & Alessandri M 2002

The effects of a mentoring program on at-risk youth. *Adolescence* 37(148): 717-734.

Karcher MJ 2005

The effects of developmental mentoring and high school mentors' attendance on their younger mentees' self-esteem, social skills, and connectedness. *Psychology in the Schools* 42(1): 65-77.

Karcher MJ, Kuperminc GP, Portwood SG, Sipe CL & Taylor AS 2006

Mentoring programs: A framework to inform program development, research, and evaluation. *Journal of Community Psychology* 34(6): 709-725.

Kvale S & Brinkmann S 2009

Interviews – learning the craft of qualitative research interviewing. Los Angeles: Sage.

Larson R 2006

Positive youth development, wilful adolescents, and mentoring. *Journal of Community Psychology* 34(6): 677-689.

Liabo K & Lucas P 2006

One-to-one mentoring programmes and problem behaviour in adolescence. What works for children www.whatworksforchildren.org.uk/docs/Nuggets/pdfs/Mentoring%20nugget.pdf (retrieved 13/11/07).

Louw J 2002

The difference an hour can make. An early outcome study of Big Brothers Big Sisters of South Africa. Cape Town: Research & Evaluation Services.

Maclennan B 2007

SA to set official 'poverty line'. *Mail and Guardian.* http://www.mg.co.za/article Page.aspx?articleid=299828&area=/budget07_home/budget07_news/ (retrieved 31/03/08).

Matshego BJ 2001

Best practices in the institutional and community-based treatment of young offenders. *Article 40* 3(3): 4-5.

Maxfield MC & Babbie E 2009

  Basics of research methods for Criminal Justice and Criminology (2nd ed). Belmont (CA): Wadsworth.

McPartland JM & Nettles SM 1991

  Using community adults as advocates or mentors for at-risk middle school students: A two-year evaluation of project RAISE. *American Journal of Education* 99(4): 568-586.

Muncie J 2004

  Youth and crime (2nd ed). London: Sage Publications.

Nation M, Crusto C, Wandersman A, Kumpher KL, Seybolt D, Morrissey-Kane E & Davino K 2003

  What works in prevention. Principles of effective prevention programs. *American Psychologist* 58(6/7): 449-456.

Neuman WL 2000

  Social research methods: qualitative and quantitative approaches. Boston: Allyn & Bacon.

Noam GG & Rhodes JE 2002

  A critical view of youth mentoring. *New Directions for Youth Development* 93: 5-8.

Novotney LC, Mertinko E, Lange J & Baker TK 2000

  Juvenile mentoring program: A progress review. *Juvenile Justice Bulletin* September: 7

Open Society Foundation 2002

  Mentoring programmes. http://www.osf.org.za/File_Uploads/docs/MentoringProgrammesfor Youth18June2002.pdf (retrieved 13/03/04).

Parry CDH 2008

  Alcohol misuse and public health: a 10-point action plan. *SA Health Info.* http://www.sahealthinfo.org/admodule/alcoholmisuse.htm (retrieved 31/03/08).

Phillip K & Hendry LB 1996

  Young people and mentoring – towards a typology? *Journal of Adolescence* 19: 189-201.

Posel D & Devey R 2006

  The demographics of fathers in South Africa: an analysis of survey data, 1993-2002. In Richter L & Morrell R (eds). *Baba – men and fatherhood in South Africa*. Cape Town: HSRC Press. 38-52.

Rhodes JE, Spencer R, Keller TE, Liang B & Noam G 2006

  A model for the influence of mentoring relationships on youth development. *Journal of Community Psychology* 34(6) 691-707.

Rhodes JE, Grossman JB & Resch NL 2000

  Agents of change: pathways through which mentoring relationships influence adolescents' academic adjustment. *Child Development* 71(6): 1662-1671.

Roberts H, Liabo K, Lucas P, DuBois D & Sheldon TA 2007

  Mentoring to reduce antisocial behaviour in childhood. *BMJ Education and Debate* 328: 512-514.

Sheehan K, DiCara JA, LeBailly S & Christoffel KK 1999

  Adapting the gang model: peer mentoring for violence prevention. *Paediatrics* 104(1): 50-54.

Silverman D 2010

Doing qualitative research (3rd ed). Los Angeles: Sage.

Simons H 2009

Case study research in practice. Los Angeles: Sage.

Steyn F 2005

Review of South African innovations in diversion and reintegration of youth at risk. Cape Town: Open Society Foundation for South Africa.

Steyn F 2004

Evaluation of the Noupoort Youth and Community Development Project. Bloemfontein: Centre for Health Systems Research & Development.

Thompson LA & Kelly-Vance L 2001

The impact of mentoring on academic achievement of at-risk youth. *Children and Youth Services Review* (23): 227-242.

Tinsley S 1996

The development of a self-empowerment programme for juvenile delinquents. Unpublished masters dissertation. Johannesburg: Rand Afrikaans University.

Vanderven K 2004

Adults are still needed! Intergenerational and mentoring activities. *Reclaiming Children and Youth* 13(2): 94-102

Wandersman A, Clary EG, Forbush J, Weinberger SG, Coyne SM & Duffy JL 2006

Community organizing and advocacy: Increasing the quality and quantity of mentoring programs. *Journal of Community Psychology* 34(6): 781-799.

Waller MA, Brown B & Whittle B December 1999

Mentoring as a bridge to positive outcomes for teen mothers and their children. *Child and Adolescent Social Work Journal* 16(6): 467-480.

YDO (Youth Development Outreach) 2004

National YDO presents heritage arts festival. Pretoria: YDO

YDO (Youth Development Outreach) 2007

Annual Report 2006/2007. Pretoria: YDO

Zimmerman MA, Bingenheimer JB & Notaro PC 2002

Natural mentors and adolescent resiliency: A study with urban youth. *American Journal of Community Psychology* (30): 221-243.

Outdoor intervention with children guilty of minor first-time offences: principles, methods, strengths and limitations

Abstract

In light of the contradicting evidence surrounding outdoor intervention with child offenders, this article investigates the value and limitations of the approach in South African contexts. From a theoretical stance, Bandura's premise of self-efficacy (1977) is used to investigate the benefits and challenges associated with the strategy. In addition, a case study is presented of the adventure-based Journey Programme of the National Institute of Crime Prevention and Reintegration of Offenders to illustrate what the approach can and cannot offer child offenders. In dealing with the dysfunctional family and depriving community environments of participants, mechanisms of the strategy amount to physical and mental challenges in order to create positive self-expectations and to effectively deal with negative personal histories. It is argued that the generality principle of effectance theory appears difficult to achieve through outdoor intervention. This is in part due to the use of metaphors and the parents of participants not benefiting from similar developmental experiences. Addressing the personal trauma of child offenders through this strategy proves challenging, while an estimated half of participants do not access post-adventure support. Child offenders with well-established defence mechanisms and resistance to change appear less amenable to outdoor intervention. The absence of victims of crimes in the intervention process renders most of the reconciliation objectives of the Child Justice Act unattainable.

Introduction

The need to treat minor offences committed by children differently from serious and adult crime is clear and compelling. Children are regarded as less responsible for their actions and more amenable to behavioural change than adults. In addition, some of the deficits associated with correctional facilities (e.g. stigma and labelling) are considered detrimental to their healthy development and emotional well-being (Riley 1999: 17). Therefore, alternatives to the institutionalisation of children guilty of minor and first-time offences are imperative.

In South Africa, strategies to align child justice practices with international directives, in particular the Convention on the Rights of the Child, the Beijing Rules and the Riyadh Guidelines, realised through the introduction of the Child Justice Act (CJA) in 2008. Diversion is a key feature of the CJA. It entails referring offenders under the age of 18, although there is sufficient evidence to prosecute, away from formal legal proceedings into crime prevention and developmental programmes (Davis & Busby 2006: 102; Sloth-Nielsen & Gallinetti 2004: 32).[1] With firm roots in restorative justice philosophy, diversion sets out to encourage accountability, meet the individual needs of child offenders, promote reconciliation and

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[1] Apart from age and the nature and severity of the offence, key criteria for diversion include the child acknowledging responsibility for the offence, and the child and his/her parent(s)/guardian consent to diversion and the intervention option (CJA s52(1)). The term 'child offender' is used in this article (as opposed to 'child-at-risk') since the minor has to admit responsibility for the offence in order to be diverted.

reintegration with the family and community, allow victims to express their experiences and receive some form of compensation (albeit symbolically), and prevent the child from receiving a criminal record (CJA s51).

Arguments have been made regarding the appropriateness of diversion programmes vis-à-vis the individual intervention needs of children (Inter-Ministerial Committee on Young People at Risk [IMC] 1998: 45; Muntingh 2005: 6). In fact, the diverse origins of unlawful behaviour justify an array of approaches to accommodate the developmental levels and background characteristics of child offenders (Bruyere 2002: 207). Fortunately, the emergence of diversion in the early 1990s in South Africa saw the burgeoning of a variety of intervention responses, each with unique methods and strategies to manage the child offender phenomenon (Redpath 2004: 1-2; Steyn 2005: 290). One such approach is outdoor programmes, which caters for children considered less responsive to conventional interventions, especially counselling (Russell 2003: 322; Sheldon & Arthur 2001: 67).

Despite the international popularity of outdoor programmes to address child problem behaviour (Long 2001: 100; Rasol 2000: 42), meta-analyses show contradicting results regarding their impact on recidivism (*cf*. Cason & Gillis 1994; Wilson & Lipsey 2000). In addition, research often focuses on specific outcome variables and tends to ignore the theory behind outdoor programmes. This hampers an understanding of why, how and for how long the approach should work (McNamara 2001: 2353; Weston & Tinsley 1999: 37). Such insights are considered vital for successful intervention with child offending (Muntingh 2005: 6). Locally, calls have been made for crime prevention initiatives to be able to express and understand the theoretical and process assumptions that guide and justify their activities (Frank 2003: 24). It is equally important for programmes to understand the causes of child offending they aim to change (Bruyere 2002: 210; Steyn 2005: 282).

Aims and methods

Given the paucity of South African research on the outcomes of outdoor programmes with child offenders, this article sets out to generate new insights regarding the potential benefits and limitations of such programmes in local contexts. More specifically, the foundations and resulting methods of outdoor programming are investigated to illustrate what this type of intervention can and cannot offer diverted children. Attention is also paid to what outdoor intervention perceives as the causes of child offending and whether it has a possible preference for particular crime typologies and client profiles. In addition, the extent to which the approach has the potential to realise the diversion objectives of the CJA is explored.

The research methods involve two strategies. Firstly, secondary data is used to define outdoor intervention, present its development with child offenders in South Africa, explore its theoretical

constructs, and to illustrate the contradicting evidence regarding its impact on the criminal behaviour of children. Secondly, primary data are presented in the form of a case study of the Journey programme of the National Institute of Crime Prevention and Reintegration of Offenders (NICRO). The case study reflects on the rationale for the programme, the methods resulting from its understanding of the causes of child offending, the profile of participants, and the benefits and limitations of the approach.

NICRO's Journey was identified for closer study on the grounds of the organisation having been at the forefront of developments in the child justice arena and the researcher having approached the Free State Branch in Bloemfontein for previous information needs. The Journey facilitator of this branch was selected purposively to advance the goals of the study (Babbie & Mouton 2001: 166). Three in-depth interviews were conducted with the facilitator during the course of 2008. Diverted children and their parents were excluded from the sample, as it was taken that questions of a theoretical nature would yield inadequate information regarding the underpinnings and resulting methods of outdoor intervention. Instead, interviews were conducted with lecturers from the Criminology and Social Work Departments at the University of the Free State. The two lecturers were also selected purposively on grounds of their field of expertise, and because both had a therapeutic background.

The study follows a qualitative approach to allow for an open and flexible exploration of the theory underlying outdoor intervention in South Africa. Very little local research has been published on the outcomes of the strategy on child offending – only one study could be retrieved which dealt with the development of resilience among at-risk boys confined to a rehabilitation centre (*cf.* Bloemhoff 2006). As such, an explorative design was adopted to investigate local understandings of the foundations and resulting methods of outdoor diversion. An explorative design was also needed to accommodate the different sources of information, i.e. literature, existing evidence, programme documentation and interview data. Although research on outdoor diversion has been conducted abroad, it is important to keep in mind that the conditions of implementation and the profile of beneficiaries are likely to differ between developed and developing settings. In the same light, evidence from abroad cannot merely be accepted as necessarily valid and generalisable to South African contexts, given the methodological challenges related to these investigations and the contradicting results they present. Therefore, it was considered important to conduct research from an interpretivist paradigm perspective in order to gain insight into what these types of programmes can and cannot offer local diversion delivery. The study also follows an explorative purposive to accommodate different types of information (Neuman 2000: 21), in this case programme documents and interview data from different sources.

The case study of the Journey programme takes the form of an instrumental case study. This type of investigation serves to elaborate on a theory or to gain better insights of an issue (Fouché 2005: 276; Simons 2009: 3), in this case the theoretical underpinnings and methods of outdoor diversion. A semi-

structured interview schedule was developed based on the information needs of the study. The instrument was flexible in that questions could be posed in a random order to facilitate data gathering in a conversation-style (Babbie & Mouton 2001: 289). All interviews were audio-taped and transcribed, after which the emerging themes were categorised. As is the case with qualitative research, results are presented in descriptive and textual formats. In adhering to the flexible nature of qualitative investigation (Babbie & Mouton 2001: 281; Neuman 2000: 32), experiences and observations of respondents are intertwined with the case study to articulate the theoretical assumptions, value and limitations of outdoor intervention with diverted children. Direct quotations are provided to substantiate and illustrate observations and deductions (Kvale & Brinkmann 2009: 72). Respondents participated in the research voluntarily and could stop the interviews at any time. They were provided with a letter indicating the purpose of the study and the method of data collection. The letter also confirmed that all information would be treated anonymous (Babbie & Mouton 2001: 521-526).

Definition and categories of outdoor intervention

Despite a number of initiatives operating under the terms 'outdoor', 'wilderness', and 'adventure' intervention, a standard and acknowledged definition across such programmes is lacking (Russell 2001: 70). This could be ascribed to the diverse nature, purposes and target groups of programmes, including those aimed at personal growth (e.g. leadership and team building), recreation (e.g. relaxation and enjoyment), and therapy (e.g. rehabilitation and treatment) (Berman & Davies-Berman 2000). Although various definitions exist regarding its use in therapeutic contexts (*cf.* Glass & Meyers 2001: 104; Priest 2001: 34; Mbambo 2005; Sheldon & Arthur 2001: 67; Weston & Tinsley 1999: 31), they tend to share unifying themes. The most apparent is the notion of *outdoors* where specific intervention objectives are pursued in a natural setting by means of structured and facilitated group activities. Objectives might be known to participants, but not necessarily regarding the programme's content or treatment mechanisms. Furthermore, participants tend to perceive programme activities as insoluble, risky and even dangerous. Experiences based on the successful completion of these activities are to be processed, internalised and transferred to daily life. Against this backdrop, definitions generally highlight that outdoor diversion programmes make use of physical and emotional experiences – based on a sense of achievement in relation to the unknown – to alter perceptions of the self, others and the environment in advancing positive psychological and behavioural change.

Categories of outdoor programmes feature according to the aims of implementing organisations (i.e. whether they follow a broad developmental or treatment-specific mandate); the profiles of intake groups vis-à-vis their intervention needs; the duration and setting of programme implementation; the level and nature of activities (i.e. high, medium or low element challenges); and the types and depth of facilitation required (Russell 2003: 324; Steyn 2005: 289).

Development of outdoor intervention with child offenders in South Africa

Globally, outdoor programmes for young people and children have expanded remarkably since the 1950s (Hopkins & Putnam 1993: 35). Locally, however, the use of outdoor intervention with children in conflict with the law only realised in the 1990s. International initiatives largely influenced and shaped developments in this domain. Outward Bound International opened its South African Branch in 1992 and shortly thereafter started catering for the country's youth. Toward this end, collaborations were established for the inter-organisational referral of at-risk and offending children (Outward Bound Trust of South Africa 2002: 5). Partner organisations included Boys Town, Othandweni, the South African Police Service and Chrysalis Academy. Although Outward Bound's endeavours did not directly target child offending *per se* – the focus was instead on leadership, personal development and intercultural understanding – its mandate and partnerships nevertheless created awareness of outdoor intervention with at-risk children.

In 1995, the IMC initiated NICRO's Journey Programme. In 1996, the Journey's outdoor component was developed by Educo Africa, a non-profit organisation established in Cape Town by Educo International (Monaheng 1997: 9; Van Eeden 1997: 49). Educo Africa engages in adventure-based developmental and experiential programmes aimed at vulnerable, disadvantaged and traumatised groups (Educo Africa 2002: 3). Following successful implementation of the Journey in the Western Cape, the intervention was rolled out nationally. Although stemming from an international initiative, it is noteworthy that programming was adapted to meet local diversion needs (Steyn 2005: 281).

Assumptions of outdoor intervention with child offenders

The literature suggests a set of assumptions which guide outdoor intervention with child offending. Foremost stands the conjecture that the often self-destructive paths of children guilty of more serious and persistent problem behaviour have their roots in prolonged exposure to adverse social conditions and negative life experiences. Among these are the risk factors associated with disrupted family life, deprivation, violence and personal trauma (Bruyere 2002: 210; Steyn 2005: 283). A sense of imbalance or disequilibrium between the self and others is thereby created. This is accompanied by defence and coping strategies that involve lower levels of impulse control and risk measurement, decreased empathy toward others and reality, and indifference to consequences (Peterson & Stumbo 2000: 32). In turn, heightened defence mechanisms result in strong resistance to treatment and change, which necessitates an alternative intervention method (Gass 1993a: 6). This alternative, it is assumed, can be achieved by placing the child offender in an unfamiliar environment where the usual leisure of home and factors predisposing offending and problem behaviour are absent (Bartholomew 2002: 2; Garst *et al.* 2001: 48).

The situation causes a level of vulnerability and dissonance since previous strategies to cope with reality no longer work as effectively (Hattie *et al.* 1997: 75; Hopkins & Putnam 1993: 100).

By using positive stress in the form of physical challenges, emphasis is placed on the strengths rather than weaknesses of participants (Glass & Meyers 2001: 113). Outdoor intervention considers a healthy self-concept as a precursor for behavioural change (Larson 2007: 314). In addition, it is assumed that intense therapeutic processes could assist participants in facing and understanding past experiences and emotions that have been suppressed or clouded by anger, alcohol, drugs and depression (Russell 1999: 241). Therefore, the combination of personal mastery, a caring and supportive environment, and the transformative power of insight into offending pathways could strengthen resilience against recidivism (Bloemhof 2006: 148; Steyn 2005: 283). It is believed that outdoor programming, as a form of experiential intervention, serves as a 'hook' to draw adolescents into treatment (Long 2001: 101). Programmes set out to fulfil the risk-taking, physical activity and competition needs of adolescents (Bruyere 2002: 210). They also create a platform for participants to learn from each others experiences and goals.

Therefore, outdoor programming assumes that an unfamiliar milieu, where child offenders are faced with challenging physical activities and opportunities to come to terms with their often dysfunctional pasts, have the ability to bring about a psychological apex that will stimulate protective factors and behavioural change.

Theoretical foundations of outdoor intervention

The theoretical underpinnings of outdoor intervention constitute an eclectic therapeutic model based primarily within a cognitive framework (Russell 2001: 74). This paradigm views human action in terms of the triadic reciprocity between the environment, behaviour and cognition (Bandura 1999: 23). As mentioned, this interface is often tainted by negative environmental factors, life experiences, and coping strategies. An intervention theory is needed to elucidate how self-competence, resilience and mastery can be attained with higher-risk child offenders. Bandura's theory of self-efficacy (1977) meets this requirement. Self-efficacy relates to the strength of a person's belief that a task which tests his/her abilities can be achieved successfully.

The first tenet of effectance theory relates to the magnitude and strength of efficacy expectations. Perseverance in activities that are subjectively perceived as daunting (but in fact relatively safe) enhances self-efficacy and reduces defensive behaviour. The theory postulates that cognitive processes "*are induced and altered most readily by experience of mastery arising from effective performance*" (Bandura 1977: 191). Strong perceptions and personal conviction of self-efficacy will thus result in more

active efforts. In addition, persistence in subjectively threatening activities facilitates corrective experiences, which reinforces notions of efficacy and reduces defensive behaviour (Bandura 1977: 193).

The second dimension of self-efficacy entails generality and refers to the extent to which self-efficacy levels can be transferred to different situations. For instance, expectations of efficacy may be limited to similar situations, or could substantially be generalised to various circumstances, particularly outside the treatment focus (Bandura 1977: 194; Klint 1990: 165). A key determinant in this process relates to how environmental information is interpreted and transformed, as experiences of success do not *per se* translate into generalised expectations. In fact, it is theorised that expectations which contradict established self-protective functions are not easily altered. As a counter-measure, the safeguard boundaries which individuals set up for themselves regarding efficacy expectations have to be broadened. In the context of outdoor intervention, this translates into increased levels of self-doubt under less secure conditions. The effects and experiences produced under such circumstances play a key function in the generalisation of efficacy expectation. In addition, the more varied the circumstances in which threats are mastered, the greater the potential for generality (Kimball & Bacon 1993: 21; Badura 1977: 200). Self-efficacy theory also states that learning a skill with characteristics similar to others will enhance the transfer of learning. However, the value of less obvious skill necessitates some form of facilitation (Haas & Sibthorp 2004: 30).

The third principle of self-efficacy theory revolves around the effort needed to sustain pro-social behaviour amid contradictory information, existing barriers and absence of experience (Klint 1990: 165). For example, weak strength dimensions may decrease self-efficacy levels after one failure, while strong strength elements could maintain high self-efficacy despite some failure. Similarly, success with easy tasks provides little directive for increased self-efficacy, while mastery of a major challenge could surpass numerous small setbacks (Bandura 1977: 201). Finally, information obtained through performance accomplishments (as opposed to vicarious experiences and verbal persuasion) are considered most influential and stable, since it stems from actual experience (Klint 1990: 166). It is also taken that the relationship between performance and self-efficacy is reciprocal, whereby heightened efficacy expectations influence performance, which, in turn, influences levels of self-efficacy.

Methods resulting from outdoor intervention theory

The vehicle through which outdoor programming pursues self-efficacy in child offenders is experiential learning. This entails specific events that change the way participants feel, think or behave, and primarily involves reflection, integration and continuation (Priest 2001: 34). The key methods of outdoor intervention are discussed following a model of experiential learning.

Firstly, outdoor experiences and facilitation techniques are designed in terms of learning outcomes (Bruyere 2002: 209; Peterson & Stumbo 2000: 32). With diverted children, higher-element challenge activities are predominantly employed, including ropes courses, canoeing, abseiling, mountaineering and river-rafting. Limited individual activity exists and features largely in the form of journal writing and solo expeditions where participants spend at least one night on their own in the outdoors. The course curriculum usually consists of an array of challenges which incrementally increase in difficulty. As mentioned, participants perceive activities as affectively and physically insurmountable or even hazardous, although they are in reality designed to be safe. The resultant stress and anxiety set the stage for transformational experience and new psychological perceptions, either consciously or unconsciously. The greater part of challenges requires the active, problem-solving and cooperative engagement of all participants. Group cohesion is thus imperative for successful mastery of tasks (Kimball & Bacon 1993: 11, 21; Long 2001: 102). At the same time, outdoor experiences serve as a mirror for participants to view the impact of their actions on others, thereby opening new doors for learning (Sheldon & Arthur 2001: 68).

Secondly, action is followed by some form of review and reflection (Hopkins & Putnam 1993: 95). Sufficient time and attention should be devoted to assist participants in understanding the meaning and relevance of experiences, especially in the contexts of their lives and functional deficits. Confrontation, feedback and the views of peers often facilitate such insights, while individual and group counselling techniques are frequently employed (Kimball & Bacon 1993: 11). The latter usually takes the form of the 'circle', a group problem-solving strategy that encourages open discussion of personal problems (Castellano & Soderstrom 1992: 24). Through narrative therapy, personally relevant concepts are explored and deconstructed to better understand and assist participants with their problem behaviour (Cassidy 2001: 25; Steyn 2005: 174). In reflection and debriefing, metaphors from the outdoor experience represent both pathways to problem behaviour and possible solutions (Russell 2001: 74). The use of metaphors is, however, largely dependent on the therapeutic communication of the group facilitator. The facilitator usually initiates reflection, and should at all times display the characteristics of genuineness, unconditional positive regard and empathy when instigating discussion around the campfire or following completion of a challenge (Bruyere 2002: 211; West-Smith 1997: 74). Nevertheless, the process of contemplation could also be initiated prior to the experience itself where participants are requested to attend to personally salient issues throughout the activity. Also coined 'direct frontloading', the actual challenge itself thus becomes a metaphor for participants' lives (Gass 1995: 6; Sheldon & Arthur 2001: 68).

The third stage, namely learning and generalisation, entails how new insights and knowledge can be weaved to address and cope with challenging environments and daily realities (Custer 1994: 49; Herbert 1998: 202). Goal-setting and contracting are frequently used for both having participants to commit to behavioural change and for establishing expectations about what should be transferred to daily life (Parks

& Recreation 2004: 30; Steyn 2005: 214). Toward this end, outdoor experiences are framed to recognise the connection between metaphors and reality. Because of the profound differences between the outdoors and domestic environments, transference is an important aspect of outdoor intervention. Mechanisms to enhance transference include (Gass 1995: 1-5; Kimball & Bacon 1993: 31-32):

- Spontaneous metaphoric transference where participants independently recognise key connections between outdoor experiences and daily life.
- Analogous transference which builds on verbal therapy and social learning techniques to assist participants retrospectively gain insight into experiences.
- Structured metaphoric transference where facilitators frame the experience in order to increase spontaneous metaphoric discovery.

Cognitive insight developed through experiential learning should facilitate the recognition of parallels between outdoor experiences and pro-active behaviour. This could be strengthened by providing a variety of practice applications and examples to identify cues for tapping into past learning, as well as ensuring that participants connect what they are learning with potential application (Parks & Recreation 2004: 30).

Evidence of the impact of outdoor intervention with child offenders

In line with the 'what works' movement, the claimed benefits of outdoor intervention became a matter for scientific inquiry since the 1970s (Hattie *et al.* 1997: 77). Despite numerous investigations, mixed results characterise the evidence landscape of outdoor intervention with at-risk groups, including child offenders. In fact, authors generally agree that this intervention strategy lacks a well-organised, indisputable and widespread knowledge base about effectiveness (Bruyere 2002: 207; Garst *et al.* 2001: 42; Gass 1993b: 301; Larson 2007: 326; Neill 2003: 317; Sprouse & Klitzing 2005: 17). Locally, many anecdotal reports – particularly in the media (*cf.* Roberts 2003) – feature about the benefits of outdoor programmes, yet descriptions are almost exclusively based on its esoteric properties for bringing about healing and personal growth.

The absence of empirical evidence in the domain of outdoor intervention has been ascribed to poor impact evaluations and methodological limitations, among others, small and convenient samples, simplistic methods, failure to isolate independent variables, and the lack of control groups (Priest 2001: 34; Russel 2006: 243; Weston & Tinseley 1999: 36). Nevertheless, even more rigorous investigations have thus far yielded contradicting results across key outcome variables. Although some support has been generated for the intervention's objective of bringing about a healthy self-concept, self-esteem and resilience among at-risk adolescents (Bloemhoff 2006: 148; Cross 2002: 253; Garst *et al.* 2001: 48), other studies recorded no such impacts (Gecevis 2004: 2087; Kaly & Heesacker 2003: 102; Larson 2007: 326;

O'Connell 2001: 2568). Evidence on recidivism among child offenders shows a similar trend. A meta-analysis of 28 outdoor programmes found a moderate recidivism rate of 29%, as opposed to 37% for comparison groups (Wilson & Lipsey 2001: 11). A meta-analysis of 96 studies recorded greater effect sizes for child offenders than for normal participants (Hattie *et al.* 1997: 59). Other investigations, including a meta-analysis of 43 studies, found neither such benefits nor results any different from other forms of intervention (Cason & Gillis 1997: 46; Sakofs 1991: 49).

In cases where positive impacts were recorded, effects appear to deteriorate over time. Castellano and Soderstrom (1992: 19) found that offending reduced for both serious and less serious child offenders after one year, but not after two years (the majority was rearrested and a quarter eventually imprisoned).[2] Furthermore, some studies showed longer treatment dosage to be more effective than shorter ones (Cason & Gillis 1997: 46; Hattie *et al.* 1997: 70), although others dispute such claims (Garst *et al.* 2001: 48; Wilson & Lipsey 2000: 10). In addition, some investigations noted younger clients to be more amenable to outdoor intervention (Cason & Gillis 1997: 46; Gecevis 2004: 2087; Larson 2007: 236), while a meta-analysis indicated the longer-term benefits for adults to be twice that of children (Hattie *et al.* 1997: 57). This could be ascribed to the voluntary nature of adult-enrolment as opposed to the compulsory attendance of children referred for problem behaviour.

While appreciating the methodological challenges associated with research in the domain of outdoor intervention and acknowledging the limited comparative potential of different types and foci of programmes, it is evident that outdoor intervention with child offenders lacks irrefutable proof to substantiate its positive claims. The paucity of local empirical evidence also contributes to a poor understanding of what the strategy can and cannot offer diverted children. This does not mean that quantitative methods will automatically facilitate such insight. What is needed is to obtain more clarity on this complex issue by conducting research of the present qualitative nature.

Case study: The Journey

As mentioned, a case study of NICRO's Journey Programme – as implemented in the Free State province – is presented to solicit a deeper understanding of the methods, strengths and limitations of outdoor diversion. Direct quotations stem from the interviews with the Journey facilitator (JF) and involved Criminology (CL) and Social Work (SWL) lecturers. The primary data is supplemented by programme literature (Moolman 2002; Ryklief 2002).

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[2] The eroding effect of outdoor intervention has also been recorded among other target groups, including drug users (Bennett *et al.* 1998: 469) and the mentally challenged (Herbert 1998: 201).

Rationale and objectives

NICRO believes that people can change to live a life away from crime. It also follows an individualised approach in addressing offending behaviour. This is considered important when dealing with child offenders whose life experiences render lecture-type programmes less suitable for intervention, or in cases where they previously attended entry-level programmes: "*The adventure is a platform to transfer messages one cannot achieve in an office or classroom*" (SWL).[3] While some children may benefit from lifeskills training only, others are reportedly in need of more intense, rigorous and interactive strategies. In addition, it is noted that "*in therapy, some children cooperate and you think that progress is made. But when they walk out that door, nothing changed. This strategy might not work that effectively with outdoor programmes*" (CL).

The Journey acknowledges that some children grow up in dysfunctional environments, are neglected, lack a positive father figure, have unfulfilled childhood needs, and are exposed to some form of trauma (Moolman 2002: 2). The Journey facilitator indicates that "*these are not just children being naughty. There are certain underlying factors that are contributing to their criminal behaviour … the mother is living this life or there is no father, or there are fights in the house*". Without addressing the primary factors that contribute to deviant behaviour, it is believed that children carry such unresolved matters to the next life phase, the reality of which may hamper emotional maturity and responsibility in adulthood (Ryklief 2002: 7). It is indicated that "*the programme helps participants to understand whatever is keeping them from succeeding in life*" (JF). It is further reasoned that their domestic settings keep severely-troubled children from facing their sense of disconnection, hence they need to be removed from their "*comfort zones*" into unfamiliar environments in order to deal with their pasts and domestic problems: "*Here the child can't use his old defence and coping mechanisms, because he is out of his depth*" (CL). Throughout, planning to prevent further offending is considered important in addressing child offending. The Journey has the following objectives (Moolman 2002: 1):

- Employ outdoor activities in challenging participants to discover their strengths, strengthen confidence and re-examine their needs and values.
- Enable participants to acknowledge and deal with their past in a constructive way.
- Support participants in regaining control over their lives through skill development and raising consciousness.
- Assist participants in developing a realistic and comprehensive plan for the future.

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[3] Direct quotations from the participants are presented in italics.

Implementation and content

The Journey accommodates 15 to 20 diverted children and two to three facilitators at a time. The Programme consists of preparation, adventure and follow-up phases. The adventure phase takes place at the Zastron Outdoor Centre in the southern Free State.

a) Preparation phase

Prior to the adventure component, the identified individual needs of participants are compiled into common needs of the group, which, in turn, inform the specific aims and design of the intervention: "*The facilitators know from the assessments what issues the children are struggling with. If you find that problem-solving is not what we need to work on, but rather conflict management, then you include it … You must bring together the same profile of children*" (JF). Therefore, the Journey is considered flexible and dynamic in meeting the intervention needs of intake groups. The preparation phase sets the stage for participants to get to know each other and to become familiar with the process of the Journey. Details of the Programme are not disclosed before-hand in order to achieve the desired outcomes. Over a two-day period, group cohesion, a supportive structure and trust is strengthened through various teambuilding activities. Group rules are formulated and participants commit themselves to the programme by signing these rules. Meetings with parents are also undertaken to inform them about the purpose of the intervention, as well as to obtain consent and indemnity for their children's participation (Moolman 2002: 3).

b) Adventure phase

The adventure phase is undertaken over a five-day period. It consists of various outdoor activities such as rope and problem-solving courses, hiking, mountaineering, abseiling, navigation, horse riding and generally "*roughing it out*" through camping. Each activity has specific goals and includes a combination of the following (Moolman 2002: 3):

- Strengthening the ability of participants to preserve.
- Facilitating communication skills (in particular leadership and listening).
- Promoting adaptability, self-discipline, cooperation and responsibility.
- Drawing out the particular strengths of individual participants.

The outdoor activities serve to propel and extend the physical abilities of participants parallel to their emotional capacities (Ryklief 2002: 6). The Journey facilitator notes that: "*the techniques we use challenge the children. We aim to help the youths realise that they need confidence and patience*". In

addition, conflict within the group is welcomed as it provides opportunity to implement and strengthen problem-solving skills. At the same time, "*a sense of belonging is important. Activities must foster this notion for participants to share their emotions*" (SWL). The task of programme facilitators is to guide the "*inner experience*" of participants by using metaphors to connect physical and mental experiences. It is worth quoting the Journey facilitator for examples on the matter: "*Mountain climbing is one of the activities where children realise self-esteem and confidence. It tells you that, as it is difficult to come up the mountain, in life there are certain things that are restricting you from progressing. Those things you need to off-load in your life*", and: "*The high ropes challenge your own potential and abilities to overcome things … The Journey then tells them, 'You know what, if you keep your mind focused, you can achieve'*".

The adventure activities are followed – either immediately or around campfire at night – by a debriefing process where participants have opportunity to express what they have experienced, and how this relates to their daily lives and pressures. As such, the therapeutic sessions provide a platform to deal with their past experiences and plan immediate and longer term goals for their future. Future plans are developed with the input of fellow participants. Equally important are the communication and problem-solving lessons they learned during the adventure activities, and how to transfer these to the home, school and community environments: "*We sit with the group and talk about how they can solve their problems. When they go outside again, they have to apply what they learned*" (JF). At all times, facilitators strive to ensure an environment that is safe and conducive to empathy and the sharing of intimate life experiences and trauma. Matters that may require follow-up intervention are identified and taken up during the next phase of the Journey.

c) Follow-up and aftercare

Following completion of the adventure phase, parents are provided with feedback and the child's future plan is discussed. A victory function is held where participants can share their experiences and commit themselves to change their behaviour. Certificates are provided as tokens of appreciation for their bravery. Follow-up takes the form of regular group meetings to assess progress and individual sessions with participants and their parents.

Profile of participants

The Journey has been developed with the following profile of child offender in mind: male and female high-risk youth between 16 and 18 years of age, uncontrollable behaviour (including substance abuse, truancy and aggression), poor scholastic performance or school drop-outs with no employment, identified past trauma, dysfunctional home environments, and engaging in gang-related and more serious and repeated offending. In addition, only children who did not sufficiently respond to previous interventions,

such as lifeskills training and community service, are considered for the Journey: "*Some cases are very serious and you realise that the child needs something more*" (JF).[4] Participants are predominantly accused of housebreaking, theft and serious assault. Many reportedly have learning difficulties, low literacy levels and poor interpersonal skills, while the majority grow up without a caring father-figure in their lives. Most are from lower socio-economic environments, hence their reported vulnerability to risk and crime. More boys than girls are referred to the Journey.

Value and benefits of outdoor intervention

The Journey provides for an enjoyable excursion to often marginalised children: "*These are children who probably never experienced nature like this*" (CL). Moreover, it provides "*time out*" for participants to stimulate their mindsets, while scope exists for practical experience: "*The problem-solving activities teach children that they can actually use the skills that they have learned*" (JF). The Criminology lecturer echoes this sentiment: "*The tasks can be frightening, but also empowering because new skills must be developed and practised*". Of equal value is the opportunity created for participants to reflect on the offences they have committed: "*We take the cases that they were arrested for. We mainly focus on their cases and what is it that actually caused them to commit crime*" (JF).

Linked to the above, the Journey reportedly focuses on the "*total experience*" of participants: "*It reconstructs their lives in order for them to deal with their pasts effectively*" (JF). Similarly, the platform created to ventilate their angers and fears facilitates healing and identifying ways to manage with their daily challenges. At the same time, the "*five days of the Journey provide you with the opportunity to say, 'Okay, there are certain things that really need to be dealt with'*" (JF). Such realisation often facilitates the buy-in of participants for referral to additional therapeutic intervention.

Limitations of, and challenges to outdoor intervention

Despite some practical challenges, in particular participants not having proper footwear to traverse difficult terrains, some process and outcome limitations of the Journey are identified. Not all participants necessarily function well in a group set-up: "*Obviously you find a few who cannot respond in group situations, so they are taken aside and talked with separately*" (JF). The Criminology lecturer also expressed concern about the level of involvement of timid and physically weaker participants. In practice, coping with the diverse backgrounds of participants sometimes proves challenging: "*If the assessment was not done properly, it will always throw the Journey off course … too many dynamics to get to all children in the group*" (JF). In this regard, it is noted that not all participants will benefit to the same extent:

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[4] In light of this profile, and given the stipulations of diversion, a limited number of child offenders are considered for the Journey. During 2006/2007, only 87 (4.1%) of the 2 118 cases diverted to NICRO Free State were taken up in the Journey (NICRO 2007).

"*Let's say out of ten, seven will benefit … During day one and two they will benefit, but not during the whole week*" (JF).

Participants reportedly "*open up when they want to. Especially the boys, they start crying. They get angry because they cry in front of people*" (JF). The Criminology lecturer questions whether participants can cope with such intense emotions within a short period of time. Not surprisingly, facilitators sometimes have difficulty to appropriately manage these emotions: "*It can be difficult to deal with, honestly. But you must be there and be very supportive of the child, and try to find a way to work around this … If you feel that this is an issue that is outside my scope, you then have to refer the child*" (JF). However, concerns are raised whether post-intervention support will share the same "*weight*" as the "*emotional high*" brought about during the outdoor experience, as well as the participant's responsiveness to therapy if it was not provided in the first instance (CL).

The Journey reportedly has difficulty to positively impact on children with strong defence mechanisms, very negative attitudes and resistance to change: "*The Programme comes with new teachings, a new lifestyle. This is where believes start to clash. It is a problem, and if you can't break that, you won't find a way to work*" (JF). In addition, previously institutionalised children are seemingly difficult to manage: "*They provide serious problems. They are way up there with crime levels. They cannot benefit and need something other than the Journey*" (JF).

An important drawback of the Journey relates to the implementation of future plans amid challenging environments: "*For many it is difficult to come back to the same situation, the same home and same community … Their environment promotes criminal behaviour*" (JF). Parents feature as a central factor: "*Some say that their households make it difficult to implement what they have learned … Steps should be taken to get the parents involved*" (JF). The Criminology lecturer emphasises this concern: "*I doubt whether parents fully appreciate what their children experienced. For many, their parents had a key stake in their behaviour, but they* [the parents] *didn't go out on the adventure … From an ecological stance, the concept of outdoor intervention is problematic*". The Social Work lecturer supports this view: "*From a holistic point of view, one cannot just put the child through a diversion programme and then send him home where nothing has changed. Parents must be involved and they must receive training in parenting skills*".

The Journey facilitator notes that the resources to provide sufficient follow-up intervention and support, also in the domestic milieu of participants, are limited. In this regard, both the lecturers highlight follow-up as an important risk in the overall philosophy of outdoor programming: "*The group supported the child during the adventure. They have learned and applied new skills in a supportive group set-up with a facilitator, but often this is absent once they are back in the real world. It has implications for the overall*

aim of the programme" (CL). The absence of effective follow-up could even be "*dangerous as the child can experience a deep sense of failure if he can't implement all the nice things he promised during and immediately after the adventure*" (SWL).

Linked to the above is the limited time frame attached to diversion: "*With some children, when the case is withdrawn, it is all over. You can't force them to come back*" (JF). It is estimated that "*out of a 100% of children participating in the Journey, I would say about 50% you get to engage with afterwards*" (JF). It is added that "*outdoor intervention is not a once-off solution. Aspects must be implemented over a longer and continuous basis. One or two month's exposure to an intervention is insufficient, especially with children who have serious problem behaviour*" (SWL). In addition, "*follow-up must include exercises to practise the new skills across different situations. Otherwise, they have little meaning*" (CL). Furthermore, similar initiatives have "*an adventure phase of over three weeks. This, I believe, provides more opportunity to practise skills. The* (Journey's) *dosage might be strong enough, but the timeframe of exposure is too short*" (CL).

Both the Criminology and Social Work lecturers express concern about the use of metaphors as an essential element of the Programme. It is reasoned that metaphors must have specific strength and meaning to positively impact on the mindset of participants: "*Metaphors can't be forced on children*" (CL). However, "*children who are cognitively underdeveloped struggle with this type of programme. They find it difficult to extract and understand the metaphors … One then has to work at a very basic level in transferring lessons*" (SWL). As metaphors function on abstract thinking, and "*given the profile of these children, one might question their ability to fully understand metaphors*" (CL). This reportedly has important implications for the transferability of symbolic insight: "*If the child does not fully understand, embrace and own the metaphor, there is no way that he will be able to generalise and apply the knowledge … At that moment, they might understand the metaphor, but can they really use the symbolism of climbing a mountain in, for example, a family fight?*" (CL). In this regard, it is noted that "*more impact should be observed if the metaphors are implemented on a continuous basis. I doubt whether this profile of child can do it on his own, especially in light of environmental factors and the lack of follow-up*" (CL).

The training and therapeutic skills of facilitators, in particular their counselling and debriefing abilities, have been identified as important considerations in nature-based programming. In addition, "*it is not only about the type of crime, but more about the type of child. These are very difficult children and some psychologists will have problems in working with them*" (CL). The Social Work lecturer questions whether auxiliary workers, or even third year social work students, will have the abilities to effectively implement a programme of the Journey's nature.

The Journey and the diversion objectives of the Child Justice Act

In light of the Journey's focus, it is believed that the intervention encourages responsibility for the offence. However, meeting the individual needs of child offenders might be difficult to achieve as the combined needs of an intake group direct the focus of intervention: "*They must have similar cases so that when you deal with something you are able to address it*" (JF). However, the Criminology lecturer notes that "*the emphasis on the value of the team may undermine the ability of the individual participant to function on his own. Almost all activities take place in a group context, which often excludes concepts of individuality and personal responsibility*". As mentioned, promoting reintegration of the child with his/her family proves equally problematic: "*We only see parents during the assessment and after the Journey to find out how things are going. But even this is on a case basis*" (JF).

As with all NICRO's diversion programmes, participation and successful completion of the Journey prevent the child from receiving a criminal record. Its focus on future planning, in particular, is believed to strongly inform the restorative justice goals of problem-solving and future obligations: "*The child has to plan how he is going to deal and overcome certain things … It is a guide to say, 'This is what he needs to do to achieve*'" (JF). Of equal value is viewing the offence in broader terms of causation, which reportedly facilitates planning activities.

Given the nature of the Journey, limited opportunity exists to reintegrate the child with the community, and neither is the community involved in addressing the offence through restorative practices. Awareness about the impact of the crimes on the community is reportedly created, but in an *ad hoc* manner: "*In part we deal with how the community is affected. In debriefing, we are able to talk about the injuries that people do to the community*" (JF). However, the Social Work lecturer emphasises that outdoor intervention "*must attach training in social responsibility, generosity, concern and respect for others. They must be taught that they can in fact contribute to society*". Furthermore, the victim is absent throughout the intervention as talk about victims only surfaces if a participant raises the matter: "*We have options like the family group conference and victim-offender mediation, but they are not part of the Journey. You need certain programmes to address certain issues. The Journey won't address reconciliation*" (JF). Therefore, it is noted that the Programme does not accommodate the restorative justice principle of addressing crime through interaction and negotiation with the victim of the offence.

Discussion

The Journey illustrates that the risk factors associated with child offending necessitate different approaches to diversion intervention. The programme has been designed with a particular profile of child offender in mind, namely those with greater vulnerability to crime, school drop-outs and, to some degree,

children guilty of more serious and repeated offending. Their backgrounds are mostly characterised by dysfunction, adverse socio-economic conditions, and exposure to negative life experiences. Understandably, these children might not be amenable to classroom-based programmes that often require some level of reading and writing skills. In addition, working with them in their domestic and community contexts may not have the anticipated effects, as these are considered factors which contribute to their problem behaviour. With these developmental and offending trajectories in mind, outdoor programmes aim to strengthen the resilience, self-consciousness and psychological health of participants to lead a life away from crime. The "time-out" afforded by outdoor programmes could go far in providing child offenders with an enjoyable adventure, while also setting the stage for reflection, self-understanding and, potentially, behavioural change.

In addressing the defensive behaviour and negative self-perceptions of high-risk child offenders, self-efficacy theory postulates that challenging experiences create the vehicle to affect mastery and positive expectations about the self (Bandura 1977: 191). The mechanisms of outdoor intervention have been designed to facilitate this process, in particular activities that are perceived as daunting and even insurmountable. Through perseverance and exposure to a variety of physically and mentally challenging tasks, opportunity exists to strengthen participants' personal conviction about self-efficacy and potential. With programmes such as the Journey, a further dimension is added in that child offenders are to deal with their personal histories. In light of the approach's understanding of offending behaviour, it is considered that most have psychological matters to address, including potential trauma. Exposing such emotional turmoil, even more so in the presence of others, requires effective treatment plans. The case study suggests this process difficult to steer, which begs the question whether professional therapists should rather facilitate debriefing sessions. Fortunately, the adventure phase serves as opportunity to identify psychological difficulties for which participants can be referred.

The second tenet of effectance theory, namely that of generality, introduces a particular challenge to outdoor intervention. The theory states that experiences of success do not necessarily translate into generalised expectations (Klint 1990: 165). While valuing the use of metaphors in communicating with high-risk children, participants might find it difficult to transfer the symbolic experiences gained in the outdoors to their mostly urban, socio-economically deprived environments. The theory further notes that expectations of efficacy might only be limited to situations similar to the intervention. In other words, participants may struggle to apply the outdoor lessons to a variety of day-to-day circumstances. In addition, efficacy theory states that expectations which contradict established self-protective functions are not easily altered (Bandura 1977: 194). Expecting high-risk children to rise above their socio-economic deprivation based on a five-day nature adventure might place too high a premium on the approach to effectively impact on attitudes and behaviour that have been shaped over time. Hardened coping strategies, fuelled by inabilities to affect change at the domestic level or to sustain positive mindsets, may

well contribute to the estimated half of participants who default on post-adventure support. The very nature of the Journey's target group, therefore, also characterise those perceived less beneficial of outdoor intervention, i.e. child offenders with strong defensive mechanisms, very negative attitudes, resistance to change, and those engaging in repeated offending. The eroding effects of outdoor programming (Castellano & Soderstrom 1992: 19) further decrease prospects for positive intervention outcomes.

Evidence shows the skilling of parents and family therapy as important mediums in addressing child offending (Sherman *et al.* 1998: 1). In the Journey, parents are absent in the adventure phase. Therefore, it might be prudent for programmes of this nature to pay more attention to the role of parents in dealing with the offending behaviour of their young. Informing parents about the intervention and providing them with feedback does not necessarily build capacity to support their children in leading a life away from crime. As such, the Journey has potential to impact positively at the individual (participant) level, but it fails to meaningfully include the broader proximal and system dimensions within which child offenders function and act.

The above challenges to outdoor intervention could be counteracted by effective follow-up and post-intervention services. Efficacy theory directs that the more varied the circumstances in which threats are mastered, the greater the potential for mastery and generalisation (Kimball & Bacon 1993: 21). Therefore, programme facilitators must assist participants in sustaining pro-social behaviour amid contradictory information, existing barriers, and absence of experience by applying outdoor lessons across similar and dissimilar situations over time. The Journey's post-adventure group and individual sessions provide opportunities to this effect. Of concern, however, is that half of participants seemingly do not return for such support. In light of the limitations related to generalisation and parental involvement, it is questionable whether these participants optimally benefit from the intervention. Practice further suggests that the time limits attached to diversion contribute to this challenge.

In terms of meeting the objectives of the CJA, outdoor programming, such as the Journey, succeeds in dealing with child offenders outside the formal criminal justice system. It also prevents them from receiving a criminal record. The intervention's emphasis on building resilience and mastery, in particular, serves to develop the dignity and self-worth of participants. Opportunity to encourage accountability is created through discussions about the offence, its contributing factors and future obligations to prevent similar behaviour. In the case of the Journey, reintegrating the child offender with his/her family appears limited to the sharing of information with parents. In addition, the programme makes no attempt to reintegrate the child with the community, and neither is the community involved in the intervention. Given its emphasis on group cohesion and cooperation to facilitate learning, it is not clear whether outdoor programmes as stand-alone intervention meet the particular needs of individual participants. With the

Journey, it is noteworthy that children facing similar challenges are grouped together and a homogenous intervention goal and strategy is developed. However, practice suggests that not all children benefit from the programme to the same extent. Albeit limited, opportunity exists to engage with participants individually, both during and after the adventure. With stronger focus on family strengthening and a longer time frame for (compulsory) follow-up support, outdoor intervention holds potential to reduce re-offending.

An important shortfall of the Journey, as well as the literature on outdoor intervention consulted for this article, amounts to the absence of victim involvement in the diversion process. No opportunity is created for victims to express their experiences and views, and child offenders are not requested to make amends for their transgressions. Therefore, the programme neither specifically recognises the rights of victims, nor does it address offending behaviour by viewing it as a social injury. Its point of departure focuses on the child offender and not on restoring societal harmony by putting wrongs right through negotiation. With this in mind, possibilities for forgiveness, reparation and compensation – considered fundamental themes in restorative justice – are severely restricted, even absent. Unless outdoor intervention forms part of a basket of diversion options, as a unimodal programme it fails to realise the essential reconciliation objectives of the CJA.

Limitations and recommendations of the study

This study is qualitative and explorative in nature, which inherently means that limitations in terms of value and scope can be expected. An interpretivist framework was followed to obtain deeper insight into the theoretical foundations, benefits and limitations of outdoor programming as diversion strategy. The observations and conclusions of the study originate from an investigation of one local provider of outdoor diversion only. As such, it is possible that similar programmes follow different procedures and may have experiences different from those observed in the present investigation. In addition, they may also have found ways of addressing some of the shortfalls identified here. Furthermore, it is important to bear in mind that the results cannot be necessarily generalised to other programmes; only broad process and conceptual understandings of outdoor intervention could be transferred to similar initiatives (Maxfield & Babbie 2009: 135; Simons 2009: 164, 166). This shortcoming applies to diversion initiatives and participants across geographical and demographic spheres. A further shortcoming of the study is that the experiences and views of child offenders and their parents, as well as legal and psychology practitioners, were not explored.

Scientific research depends on an understanding of theoretical constructs (Silverman 2010: 110). The present study takes a step in that direction by exploring the underlying philosophy, benefits and challenges of outdoor diversion. As indicated, little local evidence exists about the impact of the strategy on diverted children. It is taken that diversion services will increase given the recent introduction of the

CJA. Therefore, it is important that more rigorous investigations confirm or dispute the observation made here. Quantitative approaches, and specifically longer term and comparative designs, should be used to determine the value and outcomes of outdoor diversion. In addition, research should keep in mind that the demographic and cultural profiles of clients could influence the results. South Africa has a diverse population and it could be that different groups experience outdoor diversion in different ways. It is equally important to investigate outdoor intervention in multi-modal programming, such as lifeskills training and group conferencing, as combinations of interventions could have different experiences and outcomes. Broader aspects of diversion outcomes, such as the strengthening of relationships and ability to resolve conflict, should be explored in addition to recidivism. Researchers should also incorporate evidence of what works in their studies (*cf.* Dawes & Donald 2002; Gendreau & Andrews 1990: 181-182; McKenzie 1999; Muncie 2004: 277). These include risk classification, participation by stakeholders, programme integrity, intervention at cognitive-behavioural levels, and implementation in community settings. Studies should also focus on the system aspects of diversion delivery in addition to the demand side of services, i.e. the experiences of referral officers and decision-makers (prosecutors and magistrates) and assessors (social workers and probation officers) as stakeholders in the diversion chain.

References

Babbie E & J Mouton 2001

The practice of social research. Cape Town: Oxford University Press.

Bandura A 1977

Self-efficacy: toward a unifying theory of behavioural change. *Psychological Review* 84(2): 191-215.

Bartholomew DA 2002

Wilderness therapy – recreational therapy *ad absurdum* or to the highest degree of effectiveness? *Healing* 7(1): 2-4.

Bennett LW, Cardone S & Jarczyk J 1998

Effects of a therapeutic camping program on addiction recovery: the Algonquin Haymarket Relapse Prevention Program. *Journal of Substance Abuse Treatment* 15(5): 469-474.

Berman DS & Davis-Berman J 2000

Therapeutic uses of outdoor education. Charleston: ERIC Clearinghouse on Rural Education and Small Schools. ED448011 2000-12-00, www.eric.ed.gov (accessed 04 June 2007).

Bloemhoff HJ 2006

Impact of facilitation on the effectiveness of an adventure-based recreation programme for the development of resiliency in at-risk adolescent boys confined to a rehabilitation centre. *African Journal for Physical, Health Education, Recreation and Dance* 12(2): 138-151.

Bruyere BL 2002

Appropriate benefits for outdoor programs targeting juvenile male offenders. *Journal of Experiential Education* 25(1): 207-213.

Cason D & Gillis HL 1994

A meta-analysis of outdoor adventure programming with adolescents. *Journal of Experiential Education* 17(1): 40-47.

Cassidy K 2001

Enhancing your experiential program with narrative theory. *Journal of Experiential Education* 24(1): 22-26.

Castellano TC & Soderstrom IR 1992

Therapeutic wilderness programs and juvenile recidivism: a program evaluation. *Journal of Offender Rehabilitation* 17(3&4): 19-46.

Child Justice Act 2008

Act no 75 of 2008. *Government Gazette* 527(32225). Cape Town: Government Printers.

Cross R 2002

The effects of an adventure education program on perceptions of alienation and personal control among at-risk adolescents. *Journal of Experiential Education* 25(1): 247-254.

Custer G 1994

Adventure therapy can help self-esteem. *Monitor on Psychology* 25(9): 48-49.

Davis L & Busby M 2006

Diversion as an option for certain offenders: the view of programme participants diverted during the Hatfield court pilot project. *Acta Criminologica* 19(1): 102-114.

Educo Africa 2002

Funding proposal submitted to the Open Society Foundation of South Africa. Cape Town: Educo Africa.

Frank C 2003

What have we learnt? Social crime prevention in SA: a critical overview. *SA Crime Quaterly* 6: 21-26.

Fouché CB 2005

Qualitative research designs. In De Vos AS, Strydom H, Fouché CB & Delport CSL (eds). *Research at grass roots for the social sciences and human service professions* (3rd ed). Pretoria: Van Schaik. 267-273.

Garst B, Scheider I & Baker D 2001

Outdoor adventure program participation impacts on adolescent self-perception. *Journal of Experiential Education* 24(1): 41-49.

Gass MA 1995

Book of metaphors (Volume II). Dubuque: Kendall/Hunt.

Gass MA 1993a

Foundations of adventure therapy. In Gass MA (ed). *Adventure therapy: therapeutic applications of adventure programming*. Dubuque: Kendall/Hunt. 3-10.

Gass MA 1993b

The evaluation and research of adventure therapy programs. In Gass MA (ed). *Adventure therapy: therapeutic applications of adventure programming*. Dubuque: Kendall/Hunt. 301-310.

Gecevis AV 2004

Outdoor challenge programs in middle school: effects on self-concept and achievement. *Dissertation Abstracts International* 65(6): 2087.

Gendreau P & Andrews DA 1990

Tertiary prevention: what the meta-analysis of the offender treatment literature tell us about 'what works'. *Canadian Journal of Criminology* 32: 173-184.

Glass JS & Meyers JE 2001

Combining the old and the new to help adolescents: individual psychology and adventure-based counselling. *Journal of Mental Health Counselling* 23(2): 104-114.

Haas C & Sibthorp J 2004

Making benefits last: transferring learning from park and recreation programs. *Parks & Recreation* 39(6): 24-32.

Hattie J, Marsh HW, Neill JT & Richards GE 1997

Adventure education and Outward Bound: out-of-class experiences that make a lasting difference. *Review of Educational Research* 67(1): 43-87.

Herbert JT 1998

Therapeutic effects of participating in an adventure therapy programme. *Rehabilitation Counselling Bulletin* 41(3): 201-216.

Hopkins D & Putnam R 1993

Personal growth through adventure. London: David Fulton Publishers.

IMC (Inter-Ministerial Committee on Young People at Risk) 1996

Interim Policy Recommendations. Pretoria: IMC (Department of Social Development).

Kaly PW & Heesacker M 2003

Effects of a ship-based adventure program on adolescent self-esteem and ego-identity development. *Journal of Experiential Education* 26(2): 97-104.

Kimball RO & Bacon SB 1993

The wilderness challenge model. In Gass MA (ed). *Adventure therapy: therapeutic applications of adventure programming*. Dubuque: Kendall/Hunt. 11-41.

Klint KA 1990

New directions for inquiry into self-concept and adventure experiences. In Miles JC & Priest S (eds). *Adventure education*. State College, PA: Venture Publishing. 163-172.

Kvale S & Brinkmann S 2009

Interviews – learning the craft of qualitative research interviewing. Los Angeles: Sage.

Larson BA 2007

Adventure camp programs, self-concept, and their effects on behavioural problem adolescents. *Journal of Experiential Education* 29(3): 313-330.

Long AE 2001

Learning the ropes: exploring the meaning and value of experiential education for girls at risk. *Journal of Experiential Education* 24(2): 100-108.

Maxfield MC & Babbie E 2009

Basics of research methods for Criminal Justice and Criminology (2nd ed). Belmont (CA): Wadsworth.

Mbambo B 2005

Diversion: a central feature of the new child justice system. In Maepa T (ed). *Prospects for restorative justice in South Africa.* Institute for Security Studies Monograph No. 111. http://www.iss.org.za/pubs/Monographs/No111/Chap7.htm (accessed 26 July 2005).

McNamara DN 2001

Adventure-based programming: analysis of therapeutic benefits with children of abuse and neglect. *Dissertation Abstracts International* 62(7): 2353.

Monaheng A 1997

Overview of the diversion programmes within NICRO. In Muntngh LM & Shapire R (eds). *NICRO Diversion Options* (3rd edn). Cape Town: National Institute for Crime Prevention and Reintegration of Offenders.

Moolman A 2002

Journey Programme Training Manual. Bloemfontein: National Institute for Crime Prevention and Reintegration of Offenders.

Muncie J 2004

Youth and crime (2nd ed). London: Sage Publications.

Muntigh L 2005

Minimum standards for diversion programmes. *Article 40* 7(4): 4-6.

Neill JT 2003

Reviewing and benchmarking adventure therapy outcomes: applications of meta-analysis. *Journal of Experiential Education* 25(3): 316-321.

Neuman WL 2000

Social research methods: qualitative and quantitative approaches. Boston: Allyn & Bacon.

NPAT (National Peace Accord Trust) 2003

Ecotherapy facilitator training. Johannesburg: NPAT.

O'Connell 2001

   Self-concept: a study of outdoor adventure education with adolescents. *Dissertation Abstracts International* 62(7): 2568.

Outward Bound Trust of South Africa 2002

   Outward Bound South Africa – Winter 2002. Knysna: Outward Bound Trust of South Africa.

Parks & Recreation 2004

   Research into action: examples of successful learning transfer programs. *Parks & Recreation* 39(6): 30.

Peterson CA & Stumbo NJ 2000

   Therapeutic recreation program design: principles and procedures. Boston: Allyn & Bacon.

Priest S 2001

   A program evaluation primer. *Journal of Experiential Education* 24(1): 34-40.

Rasol M 2000

   Wilderness therapy for youth-at-risk. *Parks & Recreation* 35(9): 42-52.

Redpath J 2004

   Consultative workshops on the development of diversion minimum standards. *Article 40.* 6(4): 1-3.

Riley V 1999

   Our youth is our future. *Nexus* June: 17.

Robertson G 2003

   Young lions in the wilderness: overview of a wilderness therapy intervention with militarised youth of Kathorus. Johannesburg: National Peace Accord Trust.

Russell KC 2006

   Publishing to the choir or digging deep: implications of a snapshot of experiential education research. *Journal of Experiential Education* 28(3): 243-247.

Russell KC 2003

   A nation-wide survey of outdoor behavioural healthcare programs for adolescents with problem behaviour. *Journal of Experiential Education* 25(3): 322-331.

Russell KC 2001

   What is wilderness therapy? *Journal of Experiential Education* 24(2): 70-79.

Russell KC 1999

   Theoretical basis, process, and reported outcomes of wilderness therapy as an intervention and treatment for problem behaviour in adolescents. Unpublished doctoral dissertation, University of Idaho (College of Graduate Studies).

Ryklief AR 2002

   The Journey programme – a brief outline. Cape Town: National Institute for Crime Prevention and Reintegration of Offenders.

Sakofs M 1991

Assessing the impact of an Outward Bound Program for adjudicated youth. *Journal of Experiential Learning* 14(2): 49-50.

Sheldon NM & Arthur N 2001

Adding adventure to therapy. *Guidance & Counselling* 16(2): 67-72.

Sherman LW, Gottfredson DC, MacKenzie DL, Eck J, Reuter P & Bushway SD 1998

Preventing crime: what works, what doesn't, what's promising. National Institute of Justice - Research in Brief. Washington: US Department of Justice (Office of Justice Programs).

Silverman D 2010

Doing qualitative research (3rd ed). Los Angeles: Sage.

Simons H 2009

Case study research in practice. Los Angeles: Sage.

Sloth-Nielsen J & Gallinetti J 2004

Child Justice in Africa: a guide to good practice in Africa. Cape Town: University of the Western Cape (Community Law Centre).

Sprouse JKS & Klitsing SW 2005

Youth at risk: recreation and prevention. *Parks & Recreation* 40(1): 16-21.

Steyn F 2005

Review of South African innovations in diversion and reintegration of youth at risk. Cape Town: Open Society Foundation for South Africa.

Van Eeden K 1997

The Journey Programme. In Muntingh LM & Shapire R (eds). *NICRO Diversion Options* (3rd ed). Cape Town: National Institute for Crime Prevention and Reintegration of Offenders.

West-Smith L 1997

Basic therapeutic communication: theoretical and practical information for outdoor adventure professionals. *Journal of Experiential Education* 20(2): 68-74.

Weston R & Tinsley HEA 1999

Wilderness adventure therapy for at-risk youth. *Parks & Recreation* 19(5): 30-39.

Wilson SJ & Lipsey MW 2000

Wilderness challenge programs for delinquent youth: a meta-analysis of outcome evaluations. *Evaluation and Program Planning* 23: 1-12.

Family, victim and community-involved diversion for children guilty of first-time minor offences: principles, methods, strengths and limitations

Abstract

In South Africa, restorative justice entered the diversion lexicon in the mid 1990s. The paradigm forms the foundation of the Child Justice Act which came into effect in 2010. Despite obvious support for restorative practice, national data shows that its realisation in the form of family group conferencing (FGC) is seldom used as diversion strategy. This article investigates the value and limitations of FGC in local contexts. Belonging, systems and humanistic theories are employed to identify benefits and challenges associated with the strategy. In addition, a case study is presented of FGC at the Restorative Justice Centre in Pretoria. It is demonstrated that FGC does not follow specific assumptions about the aetiology of child offending apart from the notions of healing damaged relationships. Much emphasis is placed on reconciliation, which may overshadow the impetus of addressing causal factors. It is also argued that restorative endeavours may have insufficient potential to prevent further offending, especially crimes motivated by severe deprivation. Similar to evidence from abroad, local experiences suggest that female child offenders and those with lower risk profiles are more amenable to FGC intervention. Despite these limitations, FGC adds specific value to diversion by actively involving and empowering victims through the diversion process. FGC also shows ample opportunity to meet the diversion objectives of the Child Justice Act if programmes have effective linkages to refer relevant cases for specialised intervention.

Introduction

The way in which crime is managed could have a profound effect on whether an offender will again commit crime. This strongly applies to children who engage in minor offending, as the absence of appropriate responses could propel them toward further and more serious criminal behaviour. South Africa's Child Justice Act (CJA) (Act 75 of 2008) took effect on 1 April 2010. The CJA is the country's first comprehensive legal framework for the administration of child justice. A central aim of the CJA is to, in appropriate cases, deal with child offenders outside formal criminal procedures. This strategy, known as diversion, entails channelling child offenders away from the justice system into non-custodial developmental programmes, although there is sufficient evidence to prosecute them (Davis & Busby 2006: 102; Muncie 2004: 307; Wood 2003: 1).[1] Section 51 of the CJA states that the aims of diversion are to encourage accountability and to meet the individual needs of child offenders; reintegrate and reconcile them with their families, the community and those affected by the offence; provide opportunity for victims to express their views and benefit from some form of compensation (albeit symbolically); prevent stigmatisation flowing from contact with the criminal justice system; and avoid diverted children receiving a criminal record.

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[1] The term "child offender" is used in this article to refer to a person under the age of 18 who have engaged in a criminal act. This description is used since, according to Section 52(1) of the CJA, the child has to acknowledge responsibility for the offence and consent to the diversion option in order to be diverted.

Considering the aims of diversion, it is clear that the CJA sets out to entrench restorative justice in child justice procedures. This philosophy emphasises that crime should first and foremost be seen as an act against others. Although it does not deny that the state has an important role to play in preventing and resolving crime, restorative justice provides steps by which those directly affected by the offence have opportunity to be part of restoring the harmony that was disrupted by the criminal act (Bradshaw 2006: 88; Roche 2002: 517; Umbreit & Zehr 1996: 24). Section 53 of the CJA stipulates a variety of diversion options, including orders regarding school, family and peer associations, supervision of behaviour, attendance of specific programmes and counselling, as well as restitution and community service. However, Section 61 is unique in the sense that it specifically deals with the use of family group conferencing (FGC) as diversion method. This strategy is rooted in restorative justice as it brings together the child offender, his/her family, the victim and community members in order to discuss the offence and develop a plan on how the child will redress the impact thereof (Bezuidenhout 2007: 44; Dzur & Olson 2004: 92; Umbreit *et al.* 2004: 279).

Despite the popularity of restorative justice in many South African legal circles, referral to and uptake of FGC appear limited. Data from the National Institute for Crime Prevention and Reintegration of Offenders (NICRO) provides an indication of the use of FGC.[2] Its latest report indicates that, of a total of 17 786 cases diverted in 2006/2007, only 2.5% were referred for FGC intervention (NICRO 2007: 6). This suggests that the strategy may cater for a narrow profile of clients. Furthermore, Badenhorst and Conradie (2004: 115) emphasise the importance of knowledge on different diversion options, as well as their content and limitations, in order to ensure informed recommendations in the administration of child justice. This view extends to prosecutors and other decision makers in the diversion process. Also, calls have been made for crime prevention agencies themselves to understand and articulate the set of assumptions that guide their interventions, including the methods that result from such understandings (Frank 2003: 24; Muntingh 2005: 6).

Aims and methods

No published evidence exists of the impact of FGC on child offending in South Africa. This article takes a step in that direction by investigating the potential benefits and limitations of FGC in local context. More specifically, the foundations and resulting methods of FGC are illustrated to explore what this diversion option can and cannot offer diverted children. Attention is also paid as to what FGC perceives as the causes of child offending, whether the strategy has a possible preference for particular crime types and client profiles, and the extent to which the approach has ample potential to realise the diversion aims of the CJA.

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[2] NICRO is South Africa's largest provider of diversion services. Coverage of its services is mainly confined to urban areas, although the organisation has been making inroads in rural areas as well (NICRO 2007: 6).

A two-pronged research strategy is followed. Firstly, it comprises the use of secondary data to define FGC, present is development in South Africa's diversion arena, construct its theoretical assumptions, and to reflect on evidence from abroad regarding its impact on child offending. Secondly, a case study of FGC at the Restorative Justice Centre (RJC) in Pretoria is presented to solicit a deeper understanding of what the strategy entails. The case study focuses on the rationale for FGC, the methods resulting from its understanding of the aetiology of child offending, the profile of participants, and the benefits and limitations of the strategy. Family-, victim- and community-involved diversion at the RJC was purposively selected (Babbie & Mouton 2001: 166) for closer study due to the organisation's academic and service standing in the restorative justice field.

The study follows a qualitative approach since this framework develops understanding of realities (Neuman 2000: 122; Terre Blanche *et al.* 2006: 123), in this case the underpinnings, methods, benefits and limitations of FGC in South African contexts. Moreover, an explorative design is pursued in light of the absence of local evidence about the impact and outcomes of FGC with child offenders. Explorative studies set out to ask the "what" question. In the present investigation, this translates to "What are the theories and mechanisms of FGC in South Africa?". Toward this end, the identified FGC programme is presented in the form of an instrumental case study. This type of investigation serves to elaborate on a theory or to gain better insights of an issue (Fouché 2005: 276; Simons 2009: 3). While much work has been conducted on FGC in North America and Australia, it must be borne in mind that diversion delivery is shaped by the needs and resources of particular settings. In addition, the evidence generated abroad cannot necessarily be accepted as applicable to South African contexts given the diverse profiles that programmes cater for.

Two RJC officials were purposively selected for their knowledge and experience with diversion (Babbie & Mouton 2001: 166). Interviews were conducted at the RJCs offices in November 2008. Documents were also obtained in the form of programme and training manuals, annual reports and marketing brochures. Diverted children and their parents were excluded from the study as it was considered unrealistic to pose questions of a theoretical nature to them. Instead, interviews were conducted with Criminology lecturers, one from the Department of Criminology at the University of KwaZulu-Natal, and two from the Department of Social Work and Criminology at the University of Pretoria. The lecturers were selected on grounds of their field of expertise regarding restorative justice and at-risk children.

A semi-structured interview schedule was developed based on the literature and the information needs of the study (Babbie & Mouton 2001: 289). The schedule provided direction for the interviews, although the questions did not have to be asked in a particular order. All interviews were audio-taped, transcribed and categorised in terms of the emerging themes. The framework developed in the interview schedule

assisted in this regard. As is the case with qualitative research, results are presented in descriptive and textual formats. In adhering to the flexible nature and multiple configurations of case study methodology (Babbie & Mouton 2001: 281; Neuman 2000: 32), experiences and observations of respondents are intertwined with the case study to articulate the theoretical foundations, value and limitations of FGC with diverted children. Direct quotations are provided to substantiate and illustrate observations and deductions. Respondents are kept anonymous, although the sources of information are indicated (Kvale & Brinkmann 2009: 72). They were provided with the necessary information to make an informed choice about their participation in the study. All the respondents voluntarily shared their insights and experiences. Each received a letter explaining the purpose of the study (Babbie & Mouton 2001: 521-526).

Definition and types of family group conferencing

Any attempt to define FGC cannot be separated from the notions of restorative justice. However, the meaning of "restorative justice" appears vague given the bewilderingly array of practices and programmes that function under this rubric (Roche 2002: 516; Zehr 2004: 306). Restorative justice has been considered as alternative, complementary and even parallel processes to traditional adjudication procedures (Baffour 2006: 575; Umbreit *et al.* 2007: 25). Restorative practices are broadly understood as strategies which mediate meetings between offenders and those affected by the offence (Mousourakis 2004: 11; Szmania 2006: 111). For FGC, this means creating a platform for child offenders and those affected by the criminal act to discuss the events surrounding the crime and its impact in order to develop a mutually beneficial strategy to remedy it (Braithwaite 2000: 438; CJA 2008 Section 61(1)(a); Kuloane 2002: 6; McCold & Wachtel 2000: 1; Schneider 2000: 269; Zehr 2004: 307). FGC provides for a range of potential outcomes, including an apology, community service, restitution, compensation, or attendance of rehabilitation programmes (Baffour 2006: 557; Morris 2002: 599). The approach has conventionally been used with first-time non-violent offenders, such as property crime and minor assault (Baffour 2006: 557; Bradshaw *et al.* 2006: 88; Hudson 2002: 621). However, it has also been employed to intervene in some cases of adult assault and domestic violence (Dissel 2004: 2; Hargovan 2009: 75).

Restorative programmes vary considerably within and across types. They also follow different terminologies that generally include the concepts of mediation, peace-making, accountability and conferencing (Abrams *et al.* 2006: 244; Mousourakis 2004: 13; Roach 2000: 256). When considering the basket of restorative options, two aspects generally guide the type of programmes. Firstly, the stakeholders in restorative interventions vary (Umbreit *et al.* 2007: 34). In some instances, mediation involves only the victim, offender and the facilitator, which is commonly known as victim-offender mediation. In other instances, the presence of broader stakeholders is needed to support the victim and offender in finding a solution to the crime. The nature of the dispute and the wishes of the concerned

parties mostly determine which supporters are to be involved in restorative procudures (Roche 2002: 517). Secondly, the goal and priority of goals differ across restorative programmes, especially between the level of victim-involvement and empowerment, issues of accountability and the nature of restoration by the offender, and the role and place of communities in resolving conflict (Umbreit *et al.* 2007: 29). Additional factors that determine the type of restorative intervention include the length and location of the meeting, as well as the role and identity of the facilitators (Roche 2002: 516).

Development of restorative justice programmes in South Africa

Mediation has a rich cultural heritage and draws upon various indigenous problem-solving techniques (Baffour 2006: 573; Dissel 2000: 5). Its formulation into restorative justice in the 1980s stems from the traditional conflict resolution techniques of the Maori in New Zealand and Indians in North America (McCold & Wachtel 2000: 1; Roche 2002: 517; Zehr 2004: 306). Restorative justice was also backed by international moves toward the de-institutionalisation of punishment and empowerment of victims (Umbreit *et al.* 2007: 26).

Although the term "restorative justice" is a fairly new concept in South African legal rhetoric, elements thereof have been part of African customs for hundreds of years. Traditional models of conflict resolution included meetings by elders to deliberate matters such as war and domestic problems (Skelton & Frank 2001: 104). Prior to colonialisation, African societies did not have prisons. While this does not deny the existence of crime, it implies that people followed other mechanisms to resolve disputes which enabled normal co-existence (Makhathini 1996: 9). Typically, if someone offended, the reputation and dignity of the whole family was at stake. They often had to compensate for the criminal act or risk having to leave the village. These customary norms ensured a high level of social control and responsibility for each member of society (Muntingh & Monaheng 1998: 12). Another driving force behind the adoption of restorative justice in South Africa was the revitalisation of *ubuntu*, which is the principle of caring for each other's wellbeing within an attitude of mutual support (Inter-Ministerial Community on Young People at Risk [IMC] 1996: 4). Similarly, the Truth and Reconciliation Commission of the 1990s exposed the South African public to restorative practices, particularly by giving the victims of political crimes a voice while demanding accountability from perpetrators (Mousourakis 2004: 18; Skelton 2002: 496).

In the 1980s, FGC first took shape informally when concerned practitioners in the Western Cape mediated cases of child offending instead of them receiving corporal punishment (Farren 2002: 30). In 1992, NICRO took the lead in framing restorative justice as a diversion strategy. It adopted elements of the victim-offender model followed by the Mennonite Central Committee in Ontario, USA. Later, NICRO opted for the New Zealand model which incorporates broader communities of care in mediation (Skelton 2002: 497). In 1995, FGC was tested with randomly selected youth offences at the Wynberg court in

Cape Town. Between 1996 and 1997, the IMC formally piloted the approach in Pretoria with cases involving relatively serious offences. Its success prompted the expansion of FGC to other areas, in particular through the Victim Offender Conferencing Project (*cf.* Branken & Batley 1998; Dissel 2000; Skelton & Frank 2001). Family, a number of civil society initiatives in South Africa currently provide community and victim-involved diversion.

Assumptions of family group conferencing

Restorative justice represents a significant departure from the dominant goals of justice that were followed over the past two centuries (Northey 1994: 5). Conventional systems of jurisprudence are essentially adversarial in nature. They are preoccupied with defence where justice is structured as a contest between the state and the offender (Zehr 1990: 181). The passing of judgement implies that there is a winner and a looser (Pule 2002: 9; Schneider 2000: 273). Retributive justice believes that delivering pain, stigma and shame through severe punishment will somehow vindicate victims (Fivaz 2002: 6; Jacobs-du Preez 2002: 40; McCold & Wachtel 2000: 2). In retributive systems, offenders do not participate in developing their treatment plans or strategies to prevent re-offending. Instead, these decisions are made by justice officials and human service professionals (Carrillo & Carter 2001: 3; Zehr 1990: 33). Very little scope, if any, exists for personal apologies and reconciliation. It is assumed that retributive justice does not necessarily create an understanding in offenders of the human impact of their criminal behaviour. This hampers awareness about and an internalised shift in attitudes away from offending (Morris 2002: 598; Skelton 2002: 510).

Another characteristic of conventional justice is that victims are largely ignored since their interests are represented by either the state or legal practitioners (Mousourakis 2004: 7; Shearar 2005: 9). Crime of any kind can have an immense impact on victims. Not only does victimisation often imply financial costs, but it leaves the victim with many unanswered questions (Zehr 1990: 26). Yet victims mostly become witnesses in the unfolding of justice since most emphasis of legal proceedings is placed on the offender (Coates *et al.* 2006: 18; Umbreit & Fercello 1997: 1). Also, victims generally have little direct say in the sentencing of offenders (Muntingh & Monaheng 1998: 14). As mentioned, a sense of closure on the victim's part depends on retributive principles. Under these circumstance, little empowerment of victims takes place (Dzur & Olson 2004: 91; Pule 2002: 9).

It is further taken that families have strengths and resources. They must be provided opportunity to address misbehaviour within the family system (Carrillo & Carter 2001: 3; Jacobs-du Preez 2002: 40). In many cases, a crime committed by a child removes the power of the family to intervene. Also, parents sometimes want the state to take over this function, through formal procedures, because the disciplinary measures they used were no longer effective. Therefore, families need to be re-empowered to play their

rightful role in the upbringing of children (Morris 2002: 598; Muntingh & Monaheng 1998: 13). Also, crimes are often committed against people with whom the child interacts regularly (Kuloane 2002: 7). In *ubuntu* philosophy, every child is a child of the nation. Therefore, problem behaviour ought to be handled in a *kgotla* (homely) fashion before the conflict can be considered irresolvable (Pule 2002: 9). In this framework, the broader community also has stake in the raising of children, which includes dealing with their problem behaviour (Badenhorst & Conradie 2004: 121; Mousourakis 2004: 13).

With the above in mind, FGC assumes that an offence causes social, emotional, physical and/or financial harm to victims, offenders, their families and the community. It is, therefore, considered that damaged relationships must be healed for the affected parties to move forward (Schneider 2000: 273; Umbreit 1997: 202). In terms of FGC philosophy, this depends primarily on remorse by the offender and forgiveness by the victim (Braithwaite 2002: 571; Shearar 2005: 2).

Theoretical foundations

The underpinnings of FGC draw from belonging, systems and humanistic schools of thought. Building and maintaining relationships are human characteristics. Most of what people do takes place in group context. Although it is possible to live on the fringes of groups, social isolation and loneliness are regarded as problems in modern society (Gray 2010: 87). Attachment to others and a sense of belonging provides the structure through which personal relationships are carried out. It also serves as a motivating factor in the identification of goals and guiding of behaviour (Toseland & Rivas 2009: 3). The need to be accepted by and receive positive recognition from significant others starts at birth. Children are born into groups, i.e. the family, which is primarily tasked to care for, protect and socialise them (Zastrow 2009: 244). In light of this important task, poor communication and problems within the family are considered important catalysts in the behavioural problems of children (Farley *et al.* 2003: 80; Rose 1998: 3).

In addition to familial bonds, children and adolescents constantly interact with multiple social systems such as peers, schools and the communities they grow up in. As they develop into adults, they increasingly live their lives as part of a variety of groups in workplace, religious and recreation settings (Gray 2010: 87; Rose 1998: 3). Groups do not exist in a vacuum but make up the parts of a broader system that legitimises and influence their purpose (Toseland & Rivas 2009: 12). With this in mind, the ecological perspective considers the meaningful structures within a person's life and how he or she functions within that environment (Bronfenbrenner 1977: 513; 1994: 37). It explains interrelationships within the system, which holds specific value for the assessment of problems and the level or sub-system which requires intervention (Gray 2010: 82, 86). It also provides for recapitulation, which Toseland and Rivas (2009: 17) explain as the opportunity to address unsatisfactory relationships among family members or other affiliations. From a therapeutic framework, the strengths of and existing capabilities

within the system play a pivotal role in promoting an individual's effective functioning. The key concepts of systems theory are (Zastrow 2009: 4):

- Wholeness, which implies that no system can holistically be understood once it has been reduced to its component parts.
- Relationship, which rejects simple cause-effect explanations since the interactions between structures are as important as the elements within those structures.
- Homeostasis, as any system seeks a balance to maintain and preserve the system. Disequilibrium distorts harmony within the system.

From the above, it is evident that theorising about FGC represents a shift from individual theories to that of collective existence. Gray (2010: 81) notes that this has important implications for contemporary South Africa given its diverse population and traditional notions of collectiveness. While it can be argued that many traditional norms have and are being eroded by Western influences, a focal point in present day South Africa nevertheless revolves around mutual understanding and respect for fellow human beings, regardless of ethnic origin and personal preferences. From a humanistic approach, the values underlying the very nature of human existence, conflict and the search for healing include (Umbreit 1997: 204-205):

- Beliefs in the connectedness of a common humanity and the desire of most people to live peacefully and to grow through life experiences.
- The capacity of all people to draw upon inner reserves to overcome adversity and to assist others in similar circumstances.
- The inherent dignity and self-determination that arise from embracing conflict through dialogue and mutual aid.

Resulting methods

In light of the assumptions and theories underpinning FGC, it is evident that mechanisms are needed to establish meaningful dialogue among the parties affected by the offence. Group work as intervention method meets this requirement. It is defined as goal directed activities with two or more people aimed at achieving socio-emotional goals and accomplishing tasks (Toseland & Rivas 2009: 12). Activities take place within a system of service delivery and set out to reduce or eliminate blockages to socially desirable behaviour. In group work, the individual remains the focus of concern with the group serving as vehicle for growth and change (Farley *et al.* 2003: 83, 85). Group work generally pursues the goals of improving social functioning, promote feelings of belonging with others, stimulate positive personality traits, and assist in solving problems (Strydom & Strydom 2010: 126).

Groups that are purposively established by some form of outside influence differ from self-help, mutual aid and other types of naturally occurring groups as they are mostly guided by a facilitator (Gray 2010: 88; Toseland & Rivas 2009: 51). This person assists interaction among participants to help individuals gain self-awareness and improve social functioning (Farley *et al.* 2003: 87). In structured, time-limited groups, problem-solving approaches have the advantage of being specific, concrete and replicable. They have the potential of addressing immediate challenges while also strengthening the interpersonal abilities of participants (Rose 1998: 27-28). Closed-ended group work implies that members are identified prior to the commencement of the group (Zastrow 2009: 11).

The careful preparation of participants is an essential component of effective group work (Strydom & Strydom 2010: 136). As a first step, the facilitator has to become acquainted with the members through a series of individual interviews. These meetings also serve to formulate individual expectations and the overall goal which the group needs to achieve (Farley *et al.* 2003: 90, 93). Initial meetings may expose underlying problems which contributed to the matter being referred for intervention. When dealing with participants from diverse backgrounds, preliminary interactions also provide opportunity to identify possible challenges to effective cooperation. Socio-cultural practices, in particular how people communicate and show respect, can have a profound impact on group processes and outcomes if they are misunderstood (Branken 1997: 42-43; Strydom & Strydom 2010: 127).

The process phase represents the interaction among group work participants. Following introductions, a composite list of the expectations and goals drafted during the preparation phase is presented to and refined by the group (Zastrow 2009: 93). In the process phase, the facilitator awards each person sufficient opportunity to talk, express views and make suggestions. Participants are guided toward the best solution for the matter at hand (Strydom & Strydom 2010: 132-133). Flexibility and innovation in the decision-making process is imperative (Shearer 2005: 6).

An important outcome of the group work process is the compilation of a contract (Farley *et al.* 2003: 90). This binds an individual to the obligations determined by the group. It may also contain supplementary activities for the individual or group members (Rose 1998: 17). Contracts tend to have a motivational effect because when people commit to the terms of an agreement they feel a moral obligation to see their commitment through. A contract should contain the goals to be accomplished, tasks to be completed, time frames, strategies to monitor activities, rewards, and consequences upon non-fulfilment (Zastrow 2009: 415-416).

The number and type of persons involved in group work depend on the aim of the group. Seven to nine members are considered sufficient for open discussion without compromising the quality of communication (Farley *et al.* 2003: 94). Generally, one hour does not allow for sufficient discussion of the

matter, while more than three hours lead to fatigue (Zastrow 2009: 12). Similarly, too large a venue can create illusions of distance which may limit intimacy, while a small space may cause anxiousness and feelings of being forced into the group (Strydom & Strydom 2010: 130).

The plans developed during group work must be followed-up. Procedures for how outcomes will be monitored and evaluated must be established (Rose 1998: 19). Different components of the plan that need monitoring can be delegated to different members of the group. Regular contact will increase the likelihood of participants honouring the agreement. In the case of non-compliance, another group session can be convened to identify challenges and remedies (Branken 1997: 47).

Evidence of restorative programmes with child offenders

A search for published evidence about the effectiveness of restorative procedures with child offenders showed the South African cupboard glaringly empty. Investigations from other countries, especially the United States, Australia and New Zealand, provide indications of the influence of restorative practice on offending behaviour. However, these studies are often marred by small sample sizes, lack of representation to study populations, absence of experimental controls, and incomparable definitions of recidivism. In addition, many studies focus on process measures, in particular experiences of fairness and restoration, without considering outcomes such as recidivism (Baffour 2006: 574; Bergseth & Bouffard 2007: 434; Bonta *et al.* 2002: 320; McCold & Wachtel 2000: 6). It is also important to keep in mind that results are influenced by self-selection bias since programmes are voluntary and participants may be more motivated to ensure positive outcomes (Hudson 2002: 626; Latimer *et al.* 2005: 138).

The greater part of investigations, including three meta-analyses, suggests that about a third (28-34%) of offenders recidivate following participation in restorative programmes; in experimental studies, the majority of offenders were less likely to re-offend when compared to control groups (Bergseth & Bouffard 2007: 441; Bonta *et al.* 2006: 117; Bonta *et al.* 2002: 320; Bradshaw *et al.* 2006: 87; Latimer *et al.* 2005: 137; Rodriguez 2007: 355). For FGC, in particular, a randomised study of 225 property and violent children revealed that 28% were re-arrested within 18 months following the programme (Baffour 2006: 571). In general, victims and offenders express high levels of satisfaction with the mediation process (Bonta *et al.* 2006: 114; Bradshaw *et al.* 2006: 89; Hargovan 2009: 77-78; McCold & Wachtel 2000: 16; Mutter & Dugmore 2008: 262; Umbreit & Fercello 1997: 8; Wemmers & Cyr 2005: 540). Re-offences also tend to be less serious compared to those committed by non-restorative groups (Nugent & Paddock 1995: 365). On the negative side, restorative intervention appears to have little impact on the recidivist behaviour of higher risk offenders (Bonta *et al.* 2006: 117).

Previous contact with the police serves as an important predictor of poorer restorative outcomes (Baffour 2006: 572; Bergseth & Bouffard 2007: 442; De Beus & Rodriguez 2007: 344; Rodriguez 2007: 355). Female offenders demonstrate better outcomes than males (Baffour 2006: 572; De Beus & Rodriguez 2007: 343; Rodriguez 2007: 355). Also, longer periods of follow-up result in lower re-offending rates (Bradshaw *et al.* 2006: 89). Younger participants show improved outcomes for restorative programming than older ones (De Beus & Rodriguez 2007: 344). In addition, Maxwell and Morris (2002: 139) found that indicators for poorer restorative outcomes include a lack of parental support and supervision; parental problems in the form of crime, alcohol and drugs; poor relationships between the child and others; and poor scholastic performance, truancy and suspension. A study involving 2 428 cases that went through restorative procedures found that participation in mediation is less likely for cases involving personal offences than for those involving property offences. Also, as time passes, the probability of participation increased for personal offences and decreased for property offences. The study further shows that victims decide along racial and ethnic lines whether they want to participate in mediation (Wyrick & Costanzo 1999: 265).

While the above studies provide an indication of the impact of restorative programmes on offending behaviour, their generalisability to South African context cannot be readily accepted. As a first step, one needs to consider what this type of diversion strategy can and cannot offer diverted children by exploring, through qualitative approaches, its theoretical constructs and resulting methods.

Case study: The Restorative Justice Centre

As mentioned, a case study of restorative intervention with child offenders at the RJC is presented to solicit a deeper understanding as to the methods, strengths and limitations of this diversion strategy. Direct quotations stem from the interviews with the RJC service providers (RJC 1 and 2) and Criminology lecturers (CL) from the University of Pretoria (UP) and the University of KwaZulu-Natal (UKZN).

Establishment and focus

The RJC was founded in 1998 by two social workers who, during 1995 and 1996, piloted FGC in Pretoria. Prior to this, they investigated restorative procedures in New Zealand (RJC s.a.[1]). That country's restorative ethos and the potential of restorative practices on the crime situation in South Africa inspired the establishment of the RJC. From a social development paradigm, the RJC believes that restorative justice applies to all the groups in which children, youth and their families function. The organisation aims to promote restorative justice through advocacy, training and the rendering of services such as FGC, mediation, lifeskills training, probation and victim empowerment (RJC 2001: 1). The RJC's vision is to

"*see a society in which communities value peacebuilding and the constructive resolution of conflict, and where people care about one another, fostering individual and social well-being*" (RJC 2009: 3).

Rationale for family group conferencing

Restorative justice approaches, such as FGC, are useful in contemporary South Africa given the country's divided history and subsequent moves to establish peace and reconciliation among its people. Also, "*long time ago, before there were courts, there were community justice systems. They had their own way of practicing justice based on* ubuntu *… It is al about the old way of doing things through talking*" (RJC1).[3] Traditional leaders continue the use of restoration between parties that are in conflict with each other. An important catalyst in remedying conflict is for troublemakers to take responsibility and engage in dialogue about the damage that was caused. Furthermore, "*very often the victim and the offender are known to each other, like neighbours*" (CL UKZN). As such, "*one finds that the families get into conflict with each other*" (RJC2).

Victims are considered important in addressing criminal behaviour "*because they are marginalised by the criminal justice system*" (CL UKZN). FGC provides scope to restore "*what was taken from the victim, whether in a sense of material or power*" (RJC2). Since child offending can originate from various causes, mechanisms are needed to "*understand the problem of the child*" (RJC2). Restorative practices can facilitate such understandings "*by delving into individual reasons for crime to get a holistic picture of needs*" (CL UKZN). Against this backdrop, the RJC considers restorative practices essential in addressing the hurts and the needs of victims while, at the same time, holding offenders accountable in an affirming manner. An important outcome of FGC relates to restoring relationships that were damaged by the offence. The principles that guide restorative processes are (RJC s.a.[2]):

▪ Crime causes injuries to victims, communities and the offender. Criminal justice should seek the healing of breeches, the redressing of imbalances and the restoration of broken relationships.
▪ In addition to state responses, victims and communities should be actively involved in legal procedures at the earliest point and to the maximum extent possible.
▪ In promoting justice, the government is responsible for preserving order and the community is responsible for maintaining peace.

Purpose and process of family group conferencing

The aim of FGC is to find practical and helpful solutions about the offending behaviour of children, and to make recommendations to the court in this regard (RJC s.a.[2]). The conference brings together the

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[3] Direct quotations from the participants are presented in italics.

parties and their support systems relevant to the offence in order to find a resolution to the crime and its aftermath (RJC s.a.[1]). The FGC process entails four broad phases.

a) Referral and reception

If they meet the criteria for diversion, child offenders are referred for FGC intervention by the Pretoria and Pretoria North magistrate courts. RJC officials interact with probation officers or social workers responsible for assessments prior to the diversion being ordered. This is needed to ensure that a case is suitable for FGC and that victims will voluntarily participate in the programme. The referral itself serves to start orienting the child about what can be expected of the conferencing process and "*that it is important for them to attend*" (RJC1). Referral documentation also provides background information about the crime and the child offender.

b) Preparation

Preparation of the parties involved is considered essential for effective conferencing, especially when dealing with children of younger age groups. Consultations with the family are needed to identify how they can assist the child in the FGC process, because "*without this the child is not going to stick to the plan*" (CL UKZN). These meetings also provide opportunity for the facilitator to identify factors that may have contributed to the crime, such as substance abuse or domestic problems. They also provide time for the facilitator to determine the extent to which the young person accepts responsibility for the offence. The child and his or her parents are informed about the FGC process. Their voluntary participation is also confirmed. Preparation of the victim and his or her family entails assessing the impact that the crime had on them. Separate meetings with the concerned parties allow the facilitator to identify common themes in their experiences. The facilitator spends between three and four hours on these individual meetings. Preparation consultations take place either at the RJC's offices or at a place convenient to the persons involved.

c) Conferencing

The conference follows a logical process in establishing dialogue and promoting reconciliation (RJC s.a. [1]). A safe place is created within which participants can express their feelings openly. The facilitator, who remains neutral throughout the meeting, structures the conference and maintains order during the proceedings. All parties take a turn in relating their views and experiences, in particular listening "*to what the victim says, how the whole thing affected him or her*" (RJC1). All parties have to verbalise their emotions. The facilitator must manage strong emotions as the child is sometimes exposed to severe

scolding. The offender has time to apologise to the victim and the families, while the victim has time to forgive. Usually the presence of legal representation in the conferencing phase is not permitted.

Once all parties have expressed their views, they engage in a brainstorming session about the actions needed to remedy the offence. FGC is by no means prescriptive about the agreement since cases are treated individually: "*Sometimes they do community service or they have to pay for what they have stolen. Or repair what they have broken in a case of vandalism*" (RJC2). Still, it is acknowledged that children are not necessarily in a position to pay for the damage, "*for example R100 is a lot of money for a child to have. That is why we need the parents on board, to assist the child with the agreement*" (RJC1). The child offender can also be requested to, as part of the agreement, attend further developmental programmes such as lifeskills training. Some activities are reportedly symbolic in nature, where the child performs a service to the victim in the form of domestic tasks. Care is taken to ensure that any type of restitution entails a positive experience in the child as opposed to feelings of being punished. The RJC has linkages with welfare and treatment agencies to which participants can be referred, for example in cases of drug dependency or family dysfunction.

The length of the actual conference depends on the nature of the offence and the level of victimisation, but seldom takes less than two and a half hours' time. The conference is held in the community so as to be accessible to participants. It also promotes a sense of the intervention being based in the community. Facilitators make use of venues at schools and churches for this purpose. In addition to the facilitator, a minimum of six people attend the conference. Some conferences accommodate up to 15 participants. Care is taken not to allow one party to bring too many supporters to the meetings so that the conference and the opinions do not become one-sided.

d) Follow-up

Once the case is withdrawn by the court, "*that doesn't mean that it is the end … We still see them for about three months*" (RJC1). Effective monitoring is reportedly an essential component of FGC since the court expects the agreement to be fulfilled. The length and scope of follow-up largely depends on the needs of participants and the nature of the agreement. Individual cases are tracked until the agreement is fully honoured. The RJC submits a final report to the referral court.

Profile of child offenders

The FGC programme is aimed at minors between the ages of 12 and 18 years. In most cases the offender and the victim know each other. The greater part of diverted children is from lower socio-economic spheres, while more boys than girls are referred for FGC intervention. Girls, however, appear

more amenable to the intervention than boys: "*When the girls read their apologies to their parents and to themselves, you can hear the emotions of regret … The boys are the problem*" (RJC2). The RJC believes that FGC can be used for most types of crime. The focus is not so much on the type of offence but on the suitability of participants, i.e. accepting responsibility and voluntarily participation in the diversion process. The crimes participants commit largely amount to assault, vandalism, theft and housebreaking. It is noted that girls mostly engage in shoplifting, while boys commit serious assault and common robbery. With property crime, often "*the main influence is to buy drugs … They come to us as a case of robbery, but if you trace it back it has a different cause*" (RJC1). An increasing workload with cases of violence at school is noted: "*Children nowadays are very aggressive and angry*" (RJC1). The main causes why children engage in crime are perceived by a facilitator to be "*because of their friends and because they are poor*" (RJC2).

Value and benefits of family group conferencing

At the policy and legislative levels, FGC shows that "*there should not be an extreme dichotomy between restorative and retributive justice … Doing some community service as part of the restorative plan can rightfully and with value also be seen as retributive*" (CL UKZN). In a similar vein, "*asking someone for forgiveness can be a lot more difficult than just to receive punishment. It is difficult to face up to your mistakes*" (CL 2 UP). At the intervention level, FGC provides an important opportunity to "*understand the reasons behind the offence*" (RJC 1). This restorative strategy is "*intervention-based and an ideal opportunity to formulate an individual response to the offence*" (CL UKZN). FGC service providers and Criminology lecturers equally stress the value of instilling victim empathy and meeting their needs. Victim empowerment takes place through various mechanisms, particularly the opportunity to relate experiences of victimisation directly to the offender, receiving an apology, and "*getting answers to what you were wondering about, the 'why me' and 'what could I have done differently'*" (CL 2 UP). At the same time, victims have a direct say in the scope of restitution, thereby "*at least getting something back*", even if "*most of the time it is symbolic*" (CL 2 UP).

The very nature of FGC allows for direct intervention at the domestic level since the child remains in the care of his or her parents. It is noted that, in prison, "*there is no rehabilitation and they don't attend school. Nothing happens*" (CL 1 UP). Additionally, the strategy provides "*parents with an eye opener of what is happening with their children … making them aware of what their children do, that they are not only angels*" (CL 1 UP). It is further noted that too often parents rely on other structures, in particular the school, to address the problem behaviour of their young. Furthermore, FGC facilitates insight through the sharing of information "*because children very often simply don't understand the negative impact of their crimes*" (RJC 1). Such opportunities are applicable to serious offences, but equally so in cases where offenders might perceive their actions as negligible and of little impact on victims: "*… he just stole a car radio, but he doesn't realise the costs involved in replacing the radio and fixing the window, as well as the*

fear that goes along with having been victimised" (CL 1 UP). Such insights also extend to offenders realising what the impact of a criminal record entails. Another dimension of FGC is that it exposes children "*to other means of resolving conflict, and not violent means which only perpetuate cycles of violence*" (CL UKZN).

Limitations of, and challenges to family group conferencing

Various potential and actual shortfalls of FGG are identified, predominantly so from the side of Criminology lecturers. One important challenge relates to the concept of remorse versus the benefits of diversion: "… *the child can agree to the conference as a means to escape prosecution. It can be tears and all that, but whether he really feels bad about what he has done is another question … They can basically complete the programme and go free*" (CL 1 UP). The lecturer from UKZN shares this view by observing that "*as long as he doesn't have to go to court he is happy because he is being diverted*" (CL UKZN). In practice, it is noted that often "*the offender is willing to talk to the victim because the court sent him and he must comply*" (RJC 2). Moreover, "*the children are sometimes very manipulative. They will do exactly what you want to see or hear, but when they are back in the community they misbehave … They will tell you 'Thank you, you have changed me', but after a month the mother is back here to complain about the same behaviour*" (RJC 2).

With FGC, it is taken that "*parents must want to help their child not to fall back to crime*" (CL 2 UP). However, it sometimes happens that parents are not "*encouraging the child to change the wrongs … [They] defend the child … Sometimes you can see that the child is willing to take responsibility for the offence, but the parent is leading him away from that*" (RJC 1). It might also be difficult to "*fully impact on situations where the child has a poor relationship with his parents*" (CL 2 UP). Challenges are reportedly experienced with children "*who have committed more serious crimes. They have attitudes. They talk like they don't care. The parents will tell us that they do many serious crimes, but they are here for one crime only*" (RJC 2). It is anticipated that sexual offences require substantial preparation time because "*one has to be very mindful of the damage that was caused to the victim*" (CL UKZN). Similar concerns are forwarded with regard to cases involving interpersonal and domestic violence. Another concern is that, given the crime climate in South Africa, "*magistrates and judges might think twice before sending more serious offences to diversion*" (CL 1 UP).

In practice, it happens that "*both parties are not cooperative. They simply don't want to see each other. Sometimes the victim is too angry to talk to the offender*" (RJC 2). It is argued that "*relationships can even be damaged further if the victim decides not to participate in the FGC*" (CL 1 UP). It is emphasised that forgiveness is "*a process and not a once-off incident … For some, forgiveness starts sooner and that is why they are willing to be part of the conference. Others won't forgive at all. It depends on where the*

victim is, and that is very difficult to determine if you are not properly trained" (CL 2 UP). As a first step, victims "*should first go for counselling followed by a report saying that they are okay for FGC*" (CL 2 UP). This might have implications for time frames and resources. A further challenge relates to offences "*like shoplifting, because who is going to be the victim … The offender must realise that there is an impact of his crime*" (CL 2 UP). Concerns are also expressed regarding the actual role of victims in FGC as they can "*easily be forced to again take the back seat if too much emphasis is placed on the offender. Even the time each has to talk can really impact on the victim's experience of conferencing*" (CL 1 UP). It is emphasised that "*helping the offender and in the process empower the victim is doing this the wrong way. The focus should be more on the victim*" (CL 2 UP).

It is noted that restorative programming entails a number of processes with separate goals. This necessitates excellent communication and facilitation skills on the part of the conference convenor: "*It is highly specialised work and can be extremely emotional … We need restorative justice specialists*" (CL UKZN). An understanding of one's own potential biases is also important when conducting FGC. Facilitators "*might not understand the cultural background of participants, for example coming from a wealthy background and not understanding the issues of poverty*" (CL UKZN). Similarly, insights and skills are needed to timeously identify and manage cultural imbalances between parties. It is anticipated that conferencing is more difficult to conduct with participants from diverse backgrounds: "*What is respect in one culture can be disrespect in another … When we consider where the FGC comes from, it's with aboriginal cultures where they all had the same ideas, beliefs and the ideas of what morality is*" (CL 2 UP). When differences along economic lines are present, "*monetary reparation is being used, but the motivation is often misplaced … Because if an offender is rich, he can pay his way out*" (CL UKZN).

It is noted that child offending stems from various influences, including peer pressure, gang affiliation and substance use. With this in mind, FGC "*might not effectively focus on the causes of crime, because in itself the programme does not have enough power to influence, for example, drug dependency … In the conference, a secondary aspect to criminal behaviour is dealt with*" (CL 1 UP). A further concern is that, following completion of the FGC, "*the child is in the same environment and exposed to the same dynamics … What exactly has changed?*" (CL 1 UP). For example, "*if a child steals because he is hungry, yes, he can see why the theft was wrong, but still the situation will not be remedied by having an FGC*" (CL 2 UP). As such, FGC appears "*too narrow*" to address the root causes of crime since "*it only deals with one specific incident*" (CL 1 UP). Linkages with other intervention and developmental programmes are imperative, "*otherwise we will keep on having these conferences and nothing will change*" (CL 2 UP).

Follow-up is an integral part of FGC, yet this process may present challenges. For example, "*if the agreement says that he must be home by seven and he stayed out late partying but told his mother that he was at a school function, it is difficult to track*" (RJC 1). Furthermore, "*the victim also needs follow-up*",

but it appears that this takes a back seat as "*too much emphasis is still placed on the offender*" (CL 2 UP). It is noted that the actual meeting may receive substantially more attention than follow-up activities, although the intervention "*actually only starts then, because you have to follow-up on whether the issues underlying the offence have been addressed … The FGC is only the beginning*" (CL 2 UP).

The nature of FGC appears to discriminate against certain profiles of child offenders, in particular street children as "*they don't even have guardians*". In cases where children are being cared for by guardians, they "*are not always as committed to children they look after*" (CL 1 UP). Another challenge is that it might be "*difficult to hold an individual child accountable for a crime that was committed by a group where one gets a kind of shared responsibility. To what extent are such cases excluded from FGC?*" (CL 2 UP). Lastly, FGC appears to be "*very labour intensive and time consuming. Only when they* [i.e. all participants] *are ready do you bring them together*" (CL UKZN). It is felt that "*there simply won't be enough FGC facilitators if all children had to go through this type of programme*" (CL 2 UP). It is also noted that diversion "*is a numbers game … The numbers must look nice when evaluations are done … It is not about how satisfied the victims are with the outcomes*" (CL UKZN).

Family group conferencing and the diversion aims of the Child Justice Act

In line with the benefits of FGC indicated above, it is noted that the strategy has ample potential to meet the diversion aims of the CJA. Accountability in child offenders is encouraged since the agreement is "*not only about paying, but also about the child taking responsibility*" (RJC 1). Also, "*we can look at each child's case individually and address the individual circumstances*" (CL 2 UP). It is warned, however, that inadequate follow-up would render the actual conference insufficient to address the underlying causes of a child's problem behaviour. The FGC further creates sufficient opportunity to reintegrate the child with his or her family given the strategy's reconciliation focus. However, reintegration with the community "*can be difficult because the community must start trusting the child again. This is a process*" (CL 2 UP). In addition, communities are "*angry about crime*" and if they don't understand FGC it can be perceived as a "*soft option*" which can lead to strong negative reactions by the community, even vigilantism (CL 2 UP). Also, it is not clear "*who and what is meant by community in FGC*" (CL 1 UP). Community members who mostly participate in mediation processes are reportedly people in the safety and security services and "*not the people on the street who are really angry about crime*" (CL 2 UP).

FGC clearly encourages victim participation in justice processes. Those victims who agree to mediation programmes benefit from a safe environment in which they can air their experiences and frustrations. Also, compensation activities are designed "*in terms of what exactly will work for that specific offence and that it is possible to perform*", thereby meeting the needs of both the victim and the offender (CL 2 UP). Moreover, victims can have closure on the crime by reconciling with and forgiving the offender.

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Furthermore, it is noted that stigmatisation commences when the child commits the offence. When considering the possible outcomes of agreements, such as "*cleaning the streets or performing some duty that is out of the ordinary, they will be labelled and stigmatised*" (CL 2 UP). It is emphasised that, true to the purpose of diversion, FGC prevents children who successfully complete the programme from receiving a criminal record.

Discussion

Crime undeniably affects individuals, communities and society. At the interpersonal level, it damages bonds between the offender and his or her family, and when the offender and the victim know each other. This is of particular importance when dealing with the criminal behaviour of children, as healthy bonds with significant others are pivotal for effective socialisation (Zastrow 2009: 244). From an ecological stance, child offending disrupts the homeostasis of the system in which the child functions (Bronfenbrenner 1994: 37). If problem behaviour is not successfully addressed, it could threaten the overall balance and wellness of the system. Fortunately, the ecological perspective provides opportunity to identify and guide interventions to remedy disequilibrium within the system (Gray 2010: 82, 86). FGC acknowledges these underpinnings in its approach to diversion. It assumes that conflict stemming from criminal behaviour can only effectively be resolved by restoring harmony to the disrupted system. As such, parents, victims and members of the community must form part of the intervention. It is assumed that restoration commences with apology and forgiveness, followed by strategies and actions to remedy imbalances. Restorative practice considers that it is only human to give someone a second chance and to provide that person with opportunities to atone for the wrongdoing. These understandings flourished in post-apartheid South Africa, where renewed interest in traditional methods of conflict resolution paved the way for the restorative justice movement to prevail. The *ubuntu* philosophy also rekindled notions of interconnectedness and collective care for others.

Group work strategies appear effective to give shape to the foundations of FGC. Group settings provide the structure to bring parties together in a safe atmosphere to deliberate about the offence and to strategise remedial actions. As with traditional practices where elders steered conflict resolution (Skelton & Frank 2001: 104), trained FGC facilitators guide dialogue and decision-making while also maintaining order and balance in proceedings. The time-bound and focused nature of FGC appears appropriate to achieve to goals of reconciliation and devising of restitution plans. As a first step, the thorough preparation of participants is an important variable for successful FGC outcomes. Preparation serves to orientate stakeholders, determine their readiness to participate in reconciliation activities, and creates opportunity to identify factors that contributed to the offence. The role and tasks of the facilitator clearly

necessitates specific skills, among others to manage power imbalance between parties[4] and to manage the strong emotions that might surface during the conference phase. Neutrality throughout the FGC process is paramount and calls for facilitators to be aware of the personal biases they may introduce to the diversion process. Observations could, therefore, rightfully directed to the need for specialised training in restorative practices. An important contribution of FGC to the diversion arena rests with its concrete outcomes in the form of an agreement which stipulates the activities for atonement. Experiences at the RJC demonstrate this to be a flexible and tailor-made process. Agreements provide the court with measurable indicators regarding the progress of the individual child and satisfaction levels of parties. Also, they provide scope for affected and interested parties to monitor progress and re-establish bonds with the child offender. Monitoring and follow-up should not only be undertaken by FGC facilitators, but also by those affected by the offence. This may ease the burden of FGC facilitators and could ensure longer periods of follow-up, which in fact shows stronger prospects for non-recidivism than shorter periods of follow-up (Bradshaw *et al.* 2006: 89).

In the past, restorative and retributive orientations to justice have been viewed as two opposing philosophies. FGC demonstrates the benefits of merging the two paradigms. The approach aims to understand the causes of crime. It creates various opportunities, i.e. assessment, individual meetings and the actual conference, to identify the factors that gave rise to the criminal act. While responses may be limited to an apology and forgiveness, FGC opens the door for referral to other developmental and intervention programmes. A further value of FGC is its potential of infusing victim empowerment in the administration of justice. This can take five forms, namely providing them opportunity to voice their experiences and air their frustrations, receiving an apology from the offender, obtaining clarity on the circumstances surrounding the crime, obtaining compensation for losses suffered, and having direct input in the dispensation of a criminal case. In cases where victims and offenders wholeheartedly concede to FGC intervention, it comes as no surprise that the approach shows promise given that it involves a once-off facilitated meeting (Bradshaw *et al.* 2006: 95). Furthermore, FGC exposes participants to alternative methods of solving interpersonal disputes.

Despite its obvious appeal, FGC must be understood in the contexts of crime, punishment, relationships and community perceptions (Shearar 2005: 3). Its foundations and resulting methods suggest potential challenges and shortfalls in the implementation of restorative justice. As with other diversion options, FGC is open to abuse. Mechanisms are needed to determine whether child offenders have sincere remorse for their actions and whether they truly wish to be reconciled with the victim. As experiences at the RJC demonstrate, child offenders can even in the conferencing phase deny or be influenced not to accept

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[4] One can assume that, because child offenders in this type of programme often know their victims, the bulk of offences take place in the communities in parties reside. Therefore, power imbalances in terms of race and income may not play that much of a role as suggested by the theory. Nevertheless, in cases where this is the reality, one would expect substantial sensitivity on the part of the facilitators.

responsibility. Moreover, FGC facilitators note that participants can manipulate convenors and fellow participants simply to benefit from non-custodial programmes. These realities have important implications for restorative practices and call for objective strategies to determine the readiness of child offenders for such programmes. Furthermore, follow-up appears limited to the offender. FGC service providers must guard against prioritising the needs of offenders over those of victims. Restorative justice should remain a victim-centred approach to resolve conflict emanating from crime. Counselling should be available for victims who experience emotional discomfort as a result having met with the offender during the conference.

The philosophy and practice of restorative justice present complications at the conceptual level, which could affect the nature and focus of FGC services, in particular its potential for crime prevention. Clear assumptions about the aetiology of child offending (such as negative peer influence, absent role models, substance use, etc.) are not that forthcoming. Questions can rightfully be raised as to what exactly FGC aims to achieve apart from healing damaged relationships and addressing shortfalls in traditional justice procedures. The concept "restorative justice" implies that something must be restored. While it can be argued that the approach is flexible to accommodate most type of offences, the lack of clarity about the causes of offending - amid much emphasis on reconciliation - may draw attention away from where it is most needed. In addition, while asking forgiveness and atoning for the wrongdoing is commendable, it is debatable whether awareness about the impact of criminal behaviour is sufficient to prevent future crime. Furthermore, while FGC strongly promotes victim empathy, this does not rule out the possibility that future offences could be aimed at persons with whom the offender has no relationship. In fact, social process theories of criminal behaviour propose that delinquents use denial of injury or the victim to neutralise their actions.

It is not clear whether FGC as uni-modal intervention has the ability to positively intervene in crimes that has multiple causes and those that progressed over time. This introduces a particular challenge for FGC since a specific criminal incident appears to be referred to a largely once-off intervention. If assessments are not conducted properly, or if the agreements fail to accommodate broader causal factors, the programme runs severe risks of falling short on its promises. This may explain why experiences at the RJC underscore evidence that younger child offenders (De Beus & Rodriguez 2007: 2007: 344) and those with lower risk profiles (Bonta *et al.* 2006: 117; Maxwell & Morris 2002: 139) are be more amenable to restorative intervention. Along similar lines, the prognosis of FGC to address poverty-motivated offences adequately is overshadowed by the often rational choice to engage in crimes such as theft. Realising the impact of one's behaviour on others may be insufficient to prevent further offending. With these offences FGC interventions must have firm linkages with other socio-economic and developmental programmes. This might necessitate longer time frames to holistically address crimes associated with deprivation and poverty.

Despite the concerns and potential limitations noted above, the design of FGC shows ample opportunity to meet the diversion aims of the CJA. The approach promotes accountability in child offenders since they have to acknowledge responsibility for the offence, ask victims and other parties for forgiveness, and engage in restitution activities as part of the FGC agreement. Sufficient scope exists to reintegrate the child with his or her family as parents and other family members participate in the FGC process. However, prospects to reintegrate the child with the community could be constrained by the possible lack of understanding and support for restorative practices on the community's part. Also, the very nature of the agreement could fuel stigmatisation of the child offender. Victims play a central role in FGC intervention. As mentioned, the approach strengthens victim empowerment and participation in justice procedures. FGC prevents the child from receiving a criminal record if the reconciliation process is effectively implemented and the agreement is fully honoured.

In summary, various explanations can be forwarded for the low referral to or uptake of FGC in South Africa. Victims may not necessarily be interested in meeting and reconciling with offenders. Some offences might be too negligible in nature for victims to engage in restoration endeavours. With others, victims could suffer from trauma and may not wish to personally meet and communicate with perpetrators. In other instances, such as shoplifting from large retail stores, the absence of a direct victim could negate the potential impact of FGC. Furthermore, justice officials might be reluctant to refer more serious offences for restorative intervention given the high crime rate in the country. In the present crime climate, legitimate concerns exist regarding diversion being perceived as a "soft option" by victims and communities alike. Matters of power imbalances and incompatibility due to diverse backgrounds, as well potential abuse by wealthier offenders to pay their way out of crime could also influence referral decisions. Lastly, programmes may not be easily accessible, and if they are, appear to accommodate a limited number of cases given their demands on time and resource.

Limitations and recommendations of the study

It is important to keep in mind that this study is qualitative and explorative in nature. An interpretivist paradigm guided the research to solicit a deeper understanding about the foundations, benefits and limitations of FGC as diversion strategy. The observations stem from an exploration of one South African provider of FGC only. It is, therefore, possible that other family, community and victim-based diversion programmes follow different implementation protocols. They may also have found ways of addressing some of the challenges identified here. While the study sketches broad lessons about the practice and shortfalls of FGC diversion delivery, the results cannot be generalised to other programmes (Maxfield & Babbie 2009: 135). This applies to diversion services and clients across geographical and demographic spheres. Still, it is anticipated that the study provides broad process and conceptual understandings that

could be of relevance to similar programmes (Simons 2009: 164, 166). Furthermore, the experiences of child offenders, their parents and victims as beneficiaries of FGC, as well as those of law and psychology practitioners, were not determined.

An understanding of theoretical assumptions is imperative in scientific research (Silverman 2010: 110). This study takes a step in that direction about the potential benefits of and challenges to FGC with diverted children. As mentioned, limited local evidence has thus far been generated about the impact of the strategy with child offenders. In light of the very recent introduction of the CJA, it is anticipated that an increasing number of child offenders will be referred for diversion. It is, therefore, imperative that research confirms or disputes the claims made here about the significance of family and victim-involved diversion. Quantitative approaches, and especially longer term and comparative designs, are needed to assess the value and impact of the strategy. Furthermore, studies must be sensitive for demographic and cultural influences, as well as the ability of service providers to deliver such services. Research must also be sensitive toward the cultural and biographic diversity of peoples in South Africa. Different profiles of child offenders and victims could experience restorative intervention in different ways. Investigations must also focus on FGC in multi-modal intervention, such as mentoring and lifeskills training, as combinations of programmes could yield different outcomes. While recidivism remains an important outcome variable in measuring the impact of crime prevention and reintegration strategies, other aspects such as the level to which FGC strengthens the relationships between affected parties should be kept in mind as well. Another area for research relates to evidence and observations that female offenders appear more amenable to restorative intervention. Furthermore, investigators will be wise to incorporate the principles of "what works" in their studies. These include risk classification, active participation, programme integrity, intervention at cognitive-behavioural levels, and implementation in community settings (*cf.* Dawes & Donald 2002; Gendreau & Andrews 1990; Sherman *et al.* 1998). Lastly, it is equally important to reflect on the system dimensions in addition to the demand side of diversion delivery. In this regard, the experiences of referral officers and decision-makers (prosecutors and magistrates) and assessors (social workers and probation officers) must be included.

References

Abrams LS, Umbreit M & Gordon A 2006
    Young offenders speak about meeting their victims: implications for future programs. *Contemporary Justice Review* 9(3): 243-256.
Babbie E & Mouton J 2001
    The practice of social research. Cape Town: Oxford University Press.
Badenhorst C & Conradi H 2004
    Diversion: the present position and proposed future provisions. *Acta Criminologica* 17(2): 115-130.

Baffour TD 2006

Ethnic and gender differences in offending patterns: examining family group conferencing interventions among at-risk adolescents. *Child and Adolescent Social Work Journal* 23(5-6): 557-578.

Bergseth KJ & Bouffard JA 2007

The long-term impact of restorative justice programming for juvenile offenders. *Journal of Criminal Justice* 35: 433-451.

Bezuidenhout C 2007

Restorative justice with an explicit rehabilitative ethos: is this the resolve to change criminality? *Acta Criminologica* 20(2): 43-60.

Bonta J, Jesseman R, Rugge T & Cormier R 2006

Restorative justice and recidivism: promises made, promises kept? In Sullivan D & Tifft L (eds). *Handbook of restorative justice: a global perspective.* New York: Routledge. 108-120.

Bonta J, Wallace-Capretta S, Rooney J & McAnoy K 2002

An outcome evaluation of a restorative justice alternative to incarceration. *Contemporary Justice Review* 5(4): 319-338.

Bradshaw W, Roseborough D & Umbreit MS 2006

The effect of victim offender mediation on juvenile offender recidivism: a meta-analysis. *Conflict Resolution Quarterly* 24(1): 87-98.

Branken N 1997

An introduction to Family Group Conferences (FGC). In Muntingh LM & Shapiro R (eds). *NICRO Diversion Options.* Cape Town: National Institute for Crime Prevention and Rehabilitation of Offenders. 41-48.

Branken N & Batley M 1998

Family group conferences: putting the wrong rights. Pretoria: Inter-Ministerial Committee on Young People at Risk.

Braithwaite J 2000

Decomposing a holistic vision of restorative justice. *Contemporary Justice Review* 3(4): 433-440.

Bronfenbrenner U 1994

Ecological models of human development. In Gauvain M & Cole M (eds). *International Encyclopedia of Education* (2nd ed). New York: Freeman. 37-43.

Bronfenbrenner U 1977

Toward and experimental ecology of human development. *American Psychologist 32:* 513-531.

Carrillo R & Carter J 2001

Guidelines for conducting family team conferences when there is a history of domestic violence. San Francisco: Family Violence Prevention Fund.

Coates RB, Umbreit MS & Vos B 2006

Responding to hate crimes through restorative justice dialogue. *Contemporary Justice Review* 9(1): 7-21.

Child Justice Act 2008

Act no 75 of 2008. *Government Gazette* 527(32225). Cape Town: Government Printers.

Davis L & Busby M 2006

Diversion as an option for certain offenders: the view of programme participants diverted during the Hatfield court pilot project. *Acta Criminologica* 19(1): 102-114.

Dawes A & Donal D 2000

Improving children's chances: developmental theory and effective interventions in community contexts. In Donal D, Dawes A & Louw J (eds). *Addressing childhood adversity.* Cape Town: David Philip. 1-25.

De Beus K & Rodriguez N 2007

Restorative justice practice: an examination of program completion and recidivism. *Journal of Criminal Justice* 35: 337-347.

Dissel A 2004

Restorative Justice Initiative research report on the Victim Offender Conferencing Project. Johannesburg: Centre for the Study of Violence and Reconciliation.

Dissel A 2000

Restoring the harmony: a report on a victim offender conferencing pilot project. Johannesburg: Centre for the Study of Violence and Reconciliation.

Dzur AW & Olson SM 2004

The value of community participation in restorative justice. *Journal of Social Philosophy* 35(1): 91-107.

Farley, OW, Smith LL & Boyle SW 2003

Introduction to social work. Boston: Pearson Education.

Farren T 2002

Justice without jail. *Mail & Guardian.* 18 July 2002, p. 30.

Fivaz L 2002

Changing the mind-set. *Article 40* 4(4): 6-7.

Fouché CB 2005

Qualitative research designs. In De Vos AS, Strydom H, Fouché CB & Delport CSL (eds). *Research at grass roots for the social sciences and human service professions* (3rd ed). Pretoria: Van Schaik. 267-273.

Frank C 2003

What have we learnt? Social crime prevention in SA: a critical overview. *SA Crime Quaterly* 6: 21-26.

Gendreau P & Andrews DA 1990

Tertiary prevention: what the meta-analysis of the offender treatment literature tell us about 'what works'. *Canadian Journal of Criminology* 32: 173-184.

Gray M 2010

Theories of social work practice. In Nicholas L, Rautenbach J & Maistry M (eds). *Introduction to Social Work*. Claremont: Juta and Company. 75-102.

Hargovan H 2009

Doing justice differently: a community-based restorative justice initiative in KwaZulu-Natal. *Acta Criminologica* 22(3): 63-87.

Hudson B 2002

Restorative justice and gendered violence: diversion or effective justice? *British Journal of Criminology* 42: 616-634.

IMC (Inter-ministerial Committee on Young People at Risk) 1996

Interim policy recommendations for the transformation of the child and youth care system. Pretoria: Department of Welfare.

Jacobs-du Preez N 2002

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice applied in an African context. *Acta Criminologica* 15(2): 35-41.

Kuloane T 2002

Victim-offender mediations rule the day. *Article 40* 4(2): 6-7.

Kvale S & Brinkmann S 2009

Interviews – learning the craft of qualitative research interviewing. Los Angeles: Sage.

Latimer J, Dowden C & Muise D 2005

The effectiveness of restorative justice practices: a meta-analysis. *The Prison Journal* 85(2): 127-144.

Makhathini O 1996

The law could learn a lot from "Ubuntu". *Child & Youth Care* 14(8): 8-9.

Maxfield MC & Babbie E 2009

Basics of research methods for Criminal Justice and Criminology (2nd ed). Belmont (CA): Wadsworth.

Maxwell G & Morris A 2002

Restorative justice and reconviction. *Contemporary Justice Review* 5(2): 133-146.

McCold P & Wachtel T 2000

Restorative justice theory validation. Paper presented at the Fourth International Conference on Restorative Justice for Juveniles, Tübingen, Germany, October 1-4.

Mousourakis G 2004

Restorative justice: some reflections on contemporary theory and practice. *Journal for Juridical Science* 29(1): 1-27.

Morris A 2002

Critiquing the critics: a brief response to critics of restorative justice. *British Journal of Criminology* 42: 596-615.

Muncie J 2004

Youth and crime (2nd ed). London: Sage.

Muntingh L & Monaheng A 1998

Family matters. How young offenders' families engage in restorative justice. *Track Two* October, 13-14.

Muntingh L 2005

Minimum standards for diversion programmes. *Article 40* 7(4): 4-6.

Mutter R & Dugmore P 2008

Family group conferences in youth justice. *Health and Social Care in the Community* 16(3): 262-270.

NICRO (National Institute for Crime Prevention and Reintegration of Offenders) 2007

NICRO Annual Report 2006/2007. Cape Town: NICRO.

Neuman WL 2000

Social research methods: qualitative and quantitative approaches. Boston: Allyn & Bacon.

Northey W 1994

Restorative justice: rebirth of an ancient practice. Québec: MCC US Office of Criminal Justice.

Nugent WR & Paddock JB 1995

The effect of victim-offender mediation severity of reoffense. *Mediation Quarterly* 12(4): 353-367.

Pule B 2002

An experience with a family group conference. *Article 40* 4(2): 9.

RJC (Restorative Justice Centre) 2009

Annual Report 2008-2009. Pretoria: Restorative Justice Centre.

RJC (Restorative Justice Centre) 2001

Constitution of the Restorative Justice Centre. Pretoria: Restorative Justice Centre.

RJC (Restorative Justice Centre) s.a. [1]

The Restorative Justice Centre – an introduction. Pretoria: Restorative Justice Centre.

RJC (Restorative Justice Centre) s.a. [2]

Victim offender conferencing (brochure). Pretoria: Restorative Justice Centre.

Rodriguez N 2007

Restorative justice at work: examining the impact of restorative justice resolutions on juvenile recidivism. *Crime and Delinquency* 53(3): 355-379.

Roach K 2000

Changing punishment at the turn of the century: restorative justice on the rise. *Canadian Journal of Criminology.*

Roche D 2002

Restorative justice and the regulatory state in South African townships. *British Journal of Criminology* 42: 514-533.

Rose SR 1998

Group work with child and adolescents. Thousand Oaks: Sage.

Schneider CD 2000

What it means to be sorry: the power of apology in mediation. *Mediation Quarterly* 17(3): 265-280.

Shearar A 2005

A new approach to youth justice? Exploring the feasibility of restorative justice in South Africa. Cape Town: University of Cape Town (Department of Social Development).

Sherman LW, Gottfredson DC, MacKenzie DL, Eck J, Reuter P & Bushway SD 1998

Preventing crime: what works, what doesn't, what's promising. National Institute of Justice - Research in Brief. Washington: US Department of Justice (Office of Justice Programs).

Silverman D 2010

Doing qualitative research (3rd ed). Los Angeles: Sage.

Simons H 2009

Case study research in practice. Los Angeles: Sage.

Skelton A 2002

Restorative justice as framework for juvenile justice reform. *British Journal of Criminology* 42: 496-513.

Skelton A & Frank C 2001

Conferencing in South Africa: returning to our future. In Morris A & Maxwell G (eds). *Restorative justice for juveniles: conferencing, mediation and circles.* Oregon: Hart Publishing. 103-119.

Strydom H & Strydom C 2010

Group Work. In Nicholas L, Rautenbach J & Maistry M (eds). *Introduction to Social Work.* Claremont: Juta and Company. 120-155.

Szmania SJ 2006

Mediators' communication in victim offender mediation/dialogue involving crimes of severe violence: an analysis of opening statements. *Conflict Resolution Quarterly* 24(1): 111-127.

Toseland RW & Rivas RF 2009

An introduction to group work practice (6th ed). Boston: Pearson.

Umbreit MS 1997

Humanistic mediation: a transformative journey of peacemaking. *Mediation Quarterly* 14(3): 201-213.

Umbreit M & Zehr H 1996

Restorative family group conferences: differing models and guidelines for practice. *Federal Probation* 60(3): 24-29.

Umbreit MS & Fercello C 1997

Woodbury Police Department's restorative justice community conferencing program: an initial assessment of client satisfaction. St Paul: University of Minnesota (School of Social Work).

Umbreit MS, Coates RB & Vos B 2004

Victim-offender mediation: three decades of practice and research. *Conflict Resolution Quarterly* 22(1-2): 279-303.

Umbreit MS, Coates RB & Vos B 2007

Restorative justice dialogue: a multi-dimensional, evidence-based practice theory. *Contemporary Justice Review* 10(1): 23-41.

Wemmers J & Cyr K 2005

Can mediation be therapeutic for crime victims? An evaluation of victims' experiences in mediation with young offenders. *Canadian Journal of Criminology and Criminal Justice* 47(3): 527-544

Wood C 2003

Diversion in South Africa: a review of policy and practice, 1990-2003. Institute for Security Studies Paper 79.

Wyrick PA & Costanzo MA 1999

Predictors of client participation in victim-offender mediation. *Mediation Quarterly* 16(3): 253-267.

Zastrow CH 2009

Social work with groups – a comprehensive workbook (7th ed). Belmont (CA): Brooks/Cole.

Zehr H 2004

Commentary: restorative justice: beyond victim-offender mediation. *Conflict Resolution Quarterly* 22(1-2): 305-315.

Zehr H 1990

Changing lenses. Scottdale: Herald Press.

Approaches to diversion of child offenders in South Africa: a comparative analysis of programme theories

Abstract

The Child Justice Act (75 of 2008) provides for the non-custodial treatment of children in conflict with the law. A variety of diversion programmes proliferated since the early 1990s. This article investigates and compares the foundations and resulting methods of four diversion strategies to illustrate their benefits and limitations in addressing child offending. It also explores the potential of different strategies to meet the diversion objectives of the Child Justice Act. The strategies amount to lifeskills training, mentoring, outdoor intervention, and family group conferencing. A series of personal interviews were conducted with service providers and Criminology and Social Work lecturers. The data demonstrates that diversion strategies hold particular assumptions about the aetiology of child offending. They also follow unique methods in addressing what they perceive as the needs of child offenders. However, diversion strategies tend to cater for a fairly uniform profile of client, which questions whether they always impact on the factors that primarily contribute to criminal behaviour. The time frames of diversion strategies also appear constrained to achieve their intended outcomes. Parents feature as a facilitating and inhibiting factor in diversion practices. Apart from fundamentally restorative programmes, diversion strategies generally fail to meet the reconciliation objectives of the Child Justice Act.

Introduction

The democratisation of South Africa in 1994 necessitated important changes to, among others, the country's legal and criminal justice landscapes. Previously, children who engaged in minor crime were often subjected to the harsh realities of formal prosecution, while many received corporal punishment. Because Section 28(2) of the Constitution (Act 108 of 1996) considers these practices to contravene the best interest of the child, procedures were needed for the humane and age-appropriate treatment of children in conflict with the law. One such measure is diversion, which is the channelling of child offenders, in appropriate cases, away from formal justice procedures, although there is sufficient evidence to prosecute them (Davis & Busby 2006: 102; Gallinetti *et al.* 2004: 32). The strategy aims to strengthen responsibility in child offenders by holding them accountable for their actions, and by reinforcing respect for the rights and fundamental freedoms of others (Matshego 2001: 4). Diversion has been practiced in South Africa since the early 1990s, albeit in a selective and disjointed manner due to the absence of formal legislation. Since then, the types and scope of programmes expanded considerably amid the burgeoning of referrals for diversion (Steyn 2005: 290; Wood 2003: 16).

The promulgation of the Child Justice Act (CJA) (Act 75 of 2008) is seen as a milestone in South Africa's response to children in conflict with the law. The CJA was introduced on 1 April 2010 following a lengthy process of development and consultation. It contains, among others, directives for diversion of child offenders. According to Section 51 of the CJA, the aims of diversion are to encourage accountability in child offenders and meeting their individual needs; reintegrate and reconcile them with their families, the

community and those affected by the offence; provide opportunity for victims to express their views and benefit from some form of compensation (albeit symbolically); prevent stigmatisation following contact with the criminal justice system; and avoid diverted children receiving a criminal record. In essence, the options for diversion amount to supervision and guidance orders, instructions for appropriate behaviour, attendance of counselling or therapy, restitution to those affected by the offence, and community service.

The CJA calls for the entrenchment of restorative justice in the child justice system. This paradigm considers crime as a harm to society and not only victims (Gallinetti *et al.* 2004: 36). It is understood as strategies that involve the offender, the victim, their families and community members to collectively identify and address the damage caused by the offence (Bradshaw 2006: 88; Roche 2002: 517). Key features of restorative programmes are active involvement, taking responsibility, cooperative decision-making, forgiveness, reparation and reintegration (Mousourakis 2004: 1; CJA 2008: s1). However, it has been argued that not all programmes that function under the rubric of restorative justice completely satisfy these demands (*cf.* Skelton & Batley 2006; Steyn 2005; Zehr 2002). Instead, practices function on a continuum between "fully restorative" and "restorative limited", depending on the nature of stakeholder involvement and the activities in which the offender engage.

McCold and Wachtel (2000: 1) note that the social sciences can play an important role in providing description, theory and evaluation of child justice services. The rapid expansion of local diversion programmes and support for restorative practice far outpaced research about its impact and effectiveness (Steyn 2005: 289; Wood 2003: 16). In particular, concerns have been expressed about the ability of crime prevention initiatives, including diversion, to understand and express the theoretical and process assumptions that guide their activities (Frank 2003: 24; Muntingh 2005: 6). This is deemed imperative for a programme's success, as it has been shown that theoretically-informed programmes are more likely to achieve their goals than those without adequate theoretical groundings (DuBois *et al.* 2002: 157; Izzo & Ross 1990: 138). An important aspect when dealing with intervention theory relates to what programmes understand as the aetiology of child offending, as this generally direct the intervention methods they follow (Bruyere 2002: 210; Steyn 2005: 282). Furthermore, Badenhorst and Conradie (2004: 115) emphasise the importance of knowledge on different diversion options, as well as their content and limitations, in order to ensure informed recommendations in the administration of child justice. This view applies to assessors, referral officers and service providers in the diversion chain.

Aims and methods

This article sets out to generate insights regarding the potential benefits and limitations of local diversion strategies. More specifically, the foundations and resulting methods of different types of diversion interventions are investigated and compared to illustrate what they can and cannot offer diverted children.

Attention is also paid to what the approaches perceive as the causes of child offending and whether they have a possible preference for particular crime typologies and client profiles. In addition, the extent to which the strategies have ample potential to realise the diversion objectives of the CJA, which are largely restorative in nature, is explored.

A qualitative approach to data gathering and analysis is followed. Qualitative studies set out to understand realities and are more philosophical and inductive in nature (Leedy 2010: 136). This approach was deemed appropriate as limited work has been conducted in South Africa regarding diversion theory and the potential impact of different diversion approaches on child offenders. Only five studies could be found that speak directly to re-offending following participation in diversion, four of which focused on one type of programme only.[1] In addition, qualitative studies often have an explorative focus in order to answer the "what" question (Babbie 2008: 98). In the present investigation, this translates to "What are the theories and mechanisms of diversion delivery in South Africa?". The study draws on different case studies and takes the form a cross-case analysis where several cases are investigated to identify interconnecting themes and differences among them (Simons 2009: 164). Fouché (2005: 273) notes that this method is useful to extend and validate theory, in this case, the foundations and mechanisms of local diversion strategies.

Four types of diversion programmes were selected for comparison, namely lifeskills training, mentoring, outdoor intervention, and family-group conferencing. These types of programmes have been chosen due to many diversion initiatives implementing the strategies (*cf.* Steyn 2005; Wood 2003). The study attempts to find programmes that are implemented as stand-alone interventions. Where this was not possible, programmes that did not run concurrently with other types of diversion delivery were identified. The following organisations and their diversion services were purposively selected to advance the goal of the study (Babbie & Mouton 2001: 166):

- The Noupoort Youth and Community Development Project in the Northern Cape for its lifeskills programme.
- The National Youth Development Outreach in Pretoria for its mentoring initiative.
- The National Institute for Crime Prevention and Reintegration of Offenders (NICRO) in Bloemfontein for its outdoor intervention.
- The Restorative Justice Centre in Pretoria for its family group conference programme.

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[1] Although theoretical work and research on diversion strategies have been conducted abroad, in particular North America, Europe, Australia and New Zealand, it is important to keep in mind that these programmes operate under conditions that differ greatly from South African realities. Children are exposed to differential and different combinations of risk factors depending on the social, economic and political situations they grow up in. The conditions under which diversion is delivered and the profiles of clients catered for are context-specific and demands localised investigation. In addition, evidence from abroad is not necessarily generalisable to local situations given the contradicting results they offer and challenges associated with their research methodologies.

Respondents at the identified organisations were purposively selected on grounds of their knowledge and experience in diversion delivery (Babbie & Mouton 2001: 166). The beneficiaries of diversion services, i.e. children and their parents, were excluded from the study. It was considered that inadequate data would be obtained by posing questions of a theoretical and programme assumption nature to them. Instead, the study approached five Criminology and Social Work lecturers at various South African universities to solicit a deeper understanding as to the theoretical underpinnings and potential benefits and limitations of diversion strategies. These lecturers were purposively selected on grounds of their field of expertise and therapeutic backgrounds. They were from the Criminology and Social Work Departments of the University of the Free State (UFS), KwaZulu-Natal (UKZN) and Pretoria (UP).

Twelve programme implementers took part in either individual or group interviews. One respondent was interviewed on three separate occasions. In line with the non-linear nature of qualitative investigations, the first two interviews served as opportunity to revisit and refine the instrument for data collection (De Vos *et al.* 2005: 334). A semi-structured interview schedule was developed based on the literature and information needs of the study. The instrument was flexible in that the questions did not have to be posed in a specific order. This allowed the data gathering to take the form of a conversation (Babbie & Mouton 2001: 289). All interviews were conducted at the respondents' places of work. In addition, literature was obtained from the selected organisations in the form of programme manuals, annual reports and marketing brochures, while the websites of service providers also provided valuable information.

All interviews were audio-taped and transcribed with the data gathering instrument guiding the structure for analysis and presentation. The information was then segmented and taken up in appropriate categories. Due to the lengthy nature of data gathered through conversation methods, meaning condensation was undertaken to abridge responses into shorter formulations (Kvale & Brinkmann 2009: 205). Final analysis amounted to the identification of themes and patterns that emerged from the qualitative data (Babbie & Mouton 2001: 493). As is generally the case with qualitative research, results are presented in descriptive and textual formats. In adhering to the flexible nature and multiple configurations of case study methods (Babbie & Mouton 2001: 281; Neuman 2000: 32), data and literature are intertwined to articulate the theoretical foundations, value and limitations of the selected approaches to diversion. Direct quotations are provided to substantiate and illustrate observations and deductions. Respondents are kept anonymous, although the sources of information are indicated (Kvale & Brinkmann 2009: 72).

The standard ethical considerations applicable to social investigations were followed (Babbie & Mouton 2001: 521-526). These included guaranteeing the respondents anonymity and confidentiality of the information they share, not causing them any harm or discomfort, providing sufficient information for them to make an informed choice prior to being interviewed, and voluntary participation. Respondents also

received a letter delineating the purpose of the study and indicating the contact particulars of the researcher.

Overview of diversion service providers

The case study design followed warrants a brief description of the providers of the diversion programmes that are investigated. The Noupoort Youth and Community Development Project (NYCDP) is situated in the small town of Noupoort in Northern Cape. The NYCDP was established in 2000 to address the increasing number of crimes committed by children. At that time, the court had little option but to dismiss cases of minor offending given the absence of alternative measures (Steyn 2008: 219). The NYCDP undertakes crime prevention through community events, educational workshops at schools, intervening with children at-risk of offending, and diversion in the form of lifeskills training. This investigation focuses on the NYCDP's lifeskills programme.

The National Youth Development Outreach (YDO) is situated in Eersterust, Pretoria. The area was developed as part of the apartheid system's policy of segregation and was earmarked for people of mixed racial decent. YDO was established in 1990 and strives to influence Eersterust and surrounding areas to become positive role models for similar communities in the country. It provides an array of community development programmes, including arts and culture, family preservation, business skills training, HIV and AIDS awareness, sports and recreation, and youth justice. The latter takes the form of extra-judicial rehabilitation of child offenders through skills training, restorative intervention and mentoring (YDO 2004: 4). YDO's mentoring programme is explored in the present investigation.

NICRO is South Africa's largest civil provider of crime prevention services. It was established in 1910, initially to assist offenders upon their release from prison. Today the organisation has branches in all nine provinces, although services are mainly confined to urban areas (NICRO 2007: 6). NICRO has four main focus areas, namely offender reintegration, community victim support, economic development, and diversion and youth development. The organisation offers diverted children an array of programmes, including lifeskills training, community service, victim-offender mediation and outdoor intervention. NICRO's Journey programme is investigated here to further insights about outdoor diversion.

The Pretoria-based Restorative Justice Centre (RJC) was founded in 1998 following a pilot project on family group conferencing which was commissioned by the Inter-Ministerial Committee on Young People at Risk (IMC). The RJC has specific focus on victim empowerment and mediation. It also undertakes assessment of child offenders and compilation of pre-sentencing reports at the courts in Atteridgeville, Bronkhorstspruit and Mamelodi. Restorative justice through awareness and training is strongly pursued

(RJC 2009: 3-4). Diversion at the RJC takes the form of family group conferencing and lifeskills training through drama and role play. In this study, attention is paid to the organisation's family group intervention.

Definitions of approaches to diversion

In most instances, definitions of diversion interventions vary considerably within and across the types of services rendered. Explanations are generally structured in terms of the purpose of programmes, their clientele, and the methods of intervention. The literature has been consulted to compile the following definitions of the core constructs of the investigated diversion strategies:

Lifeskills are individual proficiencies for behaving in a manner that meaningfully and successfully meets the demands of the self, others and the environment (Ebersöhn & Eloff 2003: 43). Lifeskills training focuses on the transfer or strengthening of abilities needed to function effectively in society, reacting to life's stressors amicably, and successfully dealing with conflict situations (Chance 2003: 235; Muthukrishna 2002: 82).

Mentoring refers to a cross-age, dyadic relationship between an experienced, caring adult and a disadvantaged or troubled younger person (Davies & Thurston 2005: 37; Vanderven 2004: 95). Mentoring relationships are based on acceptance and support in order for the mentor to provide attention and guidance. This serves to assist the young person in negotiating life's challenges and to foster his/her potential (Keating *et al.* 2002: 717; Rhodes *et al.* 2006: 692).

Outdoor intervention implies nature-based experiences, by means of physical and emotional challenges, that bring about the psychological awareness needed to advance behavioural change. Outdoor programmes are structured in such a way that participants perceive activities as insoluble, risky and even dangerous, when they are in fact quite safe (Glass & Meyers 2001: 104; Sheldon & Arthur 2001: 67).

Family-group conferencing refers to the opportunities that are created for the offender, the victim, their families and concerned community members to discuss the events surrounding the crime and its impact in order to develop a mutually beneficial strategy or settlement to remedy it. Repairing the harm caused by the offence and reconciling those affected by the action are two important concepts in family group conferencing (Kuloane 2002: 6; Schneider 2000: 269).

Assumptions of approaches to diversion

Child offenders do not necessarily share the same problems other than having engaged in crime (Barry 2000: 588). If crime is to be prevented, agencies should at least know what causes it (Schärf 2003: 11). In this study, assumptions refer to the conditions or factors that give rise to the crimes committed by children. Those reported here constitute by no means an exhaustive list of the potential causes of the child offending phenomenon. Instead, they provide direction as to how diversion approaches understand the aetiology of child offending, which in turn guides their theoretical and intervention models. As far as possible, assumptions from local literature are intertwined with the primary data to articulate what the selected diversion programmes perceive as the causes of child offending.

Deficits in social and decision-making skills

Structural, socialisation and parental factors represent the main assumptions about lifeskills training as diversion method. It is stated that most children in South Africa are subjected to an inferior education system (Ebersöhn & Eloff 2003: 43). Marginalised schools do not always have highly qualified and motivated teachers, a situation which "*challenges the development and potential of children*" (SWL UFS).[2] Poverty also exposes children to numerous developmental challenges and social ills. When parents work or seek employment elsewhere, children are left in the care of relatives. Some parents try to escape their poverty-stricken realities by abusing alcohol, leaving "*no money to support the children*" (NYCDP official). Inadequate child care could cause children to commit crime in an effort to meet basic needs: "*If there is no food and he or she is hungry, theft is the only option*" (SWL UFS). For many children, "*the skills they have are survival skills*" (CL UFS). Without learning proper skills, children could present problem and criminal behaviour, for example "*experimenting with alcohol and dagga from a tender age*" (NYCDP official). Against this background, lifeskills training assumes that the acquisition of relevant skills promotes responsibility and accountability, and assist in effectively confronting crises and conflicts (NICRO 2000: 5-6).

Absence of positive role models

Similar to lifeskills intervention, mentoring considers parenting and, more specifically, the lack of positive role models to play an important role in child offending. Parents are regarded by many as the most profound influence in the socialisation of children (Beam *et al.* 2002: 305). It is understood that children commonly need "*someone to support and guide them, to help them bridge problems*" (YDO official). However, many children are exposed to unstable home environments, broken homes and a variety of

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[2] Direct quotations from the participants are presented in italics. Quotations indicate the organisation of participants. SWL indicates Social Work lecturer and CL denotes Criminology lecturer.

other stressors that impede the ability of parents to meaningfully develop and support their children. Against this background, role modelling is of central importance in mentoring since, for many children, the "*fathers are not there*" and "*the mother is a single-parent and working*" (YDO). Also, the "*parents might be there physically, but emotionally they are not*" (YDO official). This leaves children with an emotional void regarding interest and involvement in their lives. Furthermore, family dysfunction frequently strains the quality of parent-child relationships. For example, "*if the child wants money, the mother says to go and find the father, wherever he is, or dig him out of the grave*" (YDO official). In addition, many impoverished communities provide few positive role models for children: "*The people who have it, the car etcetera, these are people who do crime*" (YDO official). With this in mind, mentoring considers that the sensitive matching of a child with a caring adult can counteract the risk factors associated with broken homes, absent parental figures and inimitable role models (Steyn 2005: 285).

Negative life experiences and personal trauma

Outdoor diversion acknowledges that many children who present more persistent problem behaviour have had prolonged exposure to adverse social conditions and negative life experiences, including disrupted family life, deprivation, violence and personal trauma (Bruyere 2002: 210; Moolman 2002: 2). These experiences are often clouded by anger, alcohol, drugs and depression (Russell 1999: 241). It is taken that this profile of child offender requires intense, rigorous and interactive intervention methods, as there are "*certain underlying factors that are contributing to their criminal behaviour*" (NICRO official). Therefore, methods are needed to assist the child in understanding "*whatever is keeping them from succeeding in life*" (NICRO official). Outdoor intervention considers that adventure can serve as "*a platform to transfer messages one cannot achieve in an office or classroom*" (SWL UFS). It is assumed that their domestic milieu keeps severely-troubled children from facing their sense of disconnection with life, hence they need to be removed from their "*comfort zones*" into unfamiliar environments in order to deal with their past challenges. In such settings, "*the child can't use his old defence and coping mechanisms*" (CL UFS). With this in mind, outdoor intervention assumes that child offenders need to be challenged at varies levels in order to promote self-worth and insights into their offending pathways. This, it is believed, could in turn strengthen resilience against recidivism (Bloemhof 2006: 148).

Damaged relationships and reconciliation

In terms of family group conferencing, it is taken that crime not only affects victims, but also the offender, his or her family and the broader community (Kuloane 2002: 7). Conferencing emphasises that shortfalls in retributive justice systems prevent the effective resolution of conflict that arises from a criminal act. More specifically, victims need to be given "*a voice because they are marginalised by the criminal justice system*" (CL UKZN). Also, conventional justice does not facilitate an understanding in offenders of the

human impact their behaviour had on others (Skelton 2002: 510). Not only was a harm committed to the victim, but often "*one finds that the families get into conflict with each other*" (RJC official). In fact, in many instances "*the victim and the offender are known to each other, like neighbours*" (CL UKZN). As such, mechanisms are needed to "*understand from what the problem emanates*" (RJC official) and to "*get a holistic picture of needs*" (CL UKZN). In such processes, the role of the family in resolving conflict and addressing the behaviour of their young must be acknowledged (Jacobs-du Preez 2002: 40). With this in mind, family group conferencing assumes that crime can only effectively be managed if all stakeholders are actively involved in the diversion process. Dialogue and negotiation are important steps in the restorative process (Steyn 2005: 283).

Theoretical foundations of approaches to diversion

Programme theory indicates how and why intervention processes ought to work. It also provides the parameters within which the process of change should take place, and serves to link treatment methods with the desired outcomes (Louw 2000: 71). Dawes and Donald (2000: 1) argue that the effectiveness of interventions with children will be enhanced if they are underpinned by theory. In fact, theoretically informed programmes have been found five times more effective than those without a particular theoretical basis (Izzo & Ross 1990: 141). A brief overview is provided of the theoretical foundations that inform the investigated approaches to diversion.

Lifeskills training and social cognitive theory

Lifeskills training is rooted in social cognitive theory. This perspective proposes a reciprocal relationship between the environment, behaviour and cognition (Bandura 1999: 23; Ebersöhn & Eloff 2003: 41). In light of the assumptions of lifeskills training, social cognitive theory postulates that the way in which child offenders think needs to be altered in order to challenge perceptions of the self and their environments. The theory proposes five capacities that need to be strengthened in efforts to restructure the cognitive processes of child offenders (Bandura 2001: 6-10; 1986: 18-21):

- Symbolising capacity implies that behaviour must first be understood in order to generalise lessons for future behaviour.
- Forethought capacity entails the ability to contemplate the consequences of behaviour, both in terms of positive and negative outcomes.
- Vicarious capability means that the child can generate behavioural rules without engaging in activities themselves.
- Self-regulatory capabilities suggest that participants are equipped with internal standards and self-evaluative actions to guide behaviour.

- Self-reflective capability, or rational reasoning, considers that the child can analyse experiences in order to understand the self and the environment.

Mentoring and modelling theory

Mentoring is founded on modelling theory which believes that children learn behaviour by observing adults and peers. Modelling draws on cognitive theory. It views observation as an inherent human capacity which allows learning without directly experiencing the consequences of the observed actions (Bandura 2003: 169). The theory further states that learning relationships can be facilitated to promote positive developmental trajectories (Sheehan *et al.* 1999: 6). Modelling theory consists of four sub-functions (Bandura 1999: 25):

- Attention processes influence what information is taken from modelled events. This depends on the value preferences of the child and the attractiveness and functional value of modelled activities.
- Retention relates to transforming and restructuring information about modelled events for recollection in the form of rules and concepts.
- In the behavioural production process, concepts are converted into adapted action. Behaviour is, therefore, modified to correspond closely with retained concepts.
- Performance of observationally learned behaviour is maintained through motivational processes in the form of direct reward, being motivated by the successes of others, and personal standards.

Outdoor intervention and self-efficacy theory

An intervention theory to elucidate how self-competence and resilience can be achieved in child offenders with troubled pasts and negative coping strategies is found in conjectures of self-efficacy. In the context of outdoor diversion, this theory relates to the strength of a child offender's belief that a task which tests his or her abilities can be achieved successfully. Self-efficacy theory consists of three aspects (Bandura 1977: 191-201; Klint 1990: 165-166):

- Perseverance in activities that are perceived as daunting enhances self-efficacy and reduces defensive behaviour. Strong perceptions of self-efficacy will, therefore, result in more active efforts.
- Experiences of self-efficacy may be limited to similar situations, or could be generalised across situations, in particular those outside the treatment focus. The more varied the conditions under which efficacy is experienced, the greater the potential for generality.
- Effort is needed to sustain self-efficacy amid contradicting information, existing barriers and absence of experience. Information obtained through personal accomplishment (as opposed to vicarious experiences and verbal persuasion) is more influential since it stems from direct experience.

Family group conferencing and belonging, systems and humanistic theories

The theoretical underpinnings of family group conferencing draw from belonging, systems and humanistic perspectives. Building and maintaining relationships are human characteristics. Attachment to others provides the structure in which relationships exist (Toseland & Rivas 2009: 3). In addition to familial bonds, children function within school, recreational and other settings. These groups constitute the parts of a broader system which provides an ecological understanding of relationships and the influences that shape them (Bronfenbrenner 1977: 513; 1994: 37). A systems perspective contains three concepts (Zastrow 2009: 4):

- Wholeness implies that a system cannot be holistically understood once it has been reduced to its component parts.
- Relationships entail interaction between the components of a system. Simple cause-effect explanations should be rejected due to the interactive nature of relationships.
- A system strives toward homeostasis, or balance, to maintain and preserve the system. Disequilibrium ultimately distorts harmony within the system.

In systems theory, the interconnectedness of relationships holds value for the identification of factors that distort homeostasis, as well as the level or sub-system which requires intervention (Gray 2010: 82, 86). With this in mind, a humanistic stance on child offending considers that, when dealing with human relationships that were damaged by conflict, healing must be based on beliefs of connectedness and the strengths of people to overcome adversity through dialogue and mutual aid (Umbreit 1997: 204-205).

Diversion strategies resulting from assumptions and theory

Crime reduction strategies follow different activities to address the intervention needs of offenders. The methods used, the way in which the programme is implemented and the nature of the human relationships involved could all affect outcomes (Bandura 1986: 263, 266). A description is provided below of how the investigated diversion strategies give effect to their assumptions about child offending.

Lifeskills training at the Noupoort Youth and Community Development Project

The methods of lifeskills training aim to promote learning and insights through structured processes. At the NYCDP, eight contact sessions with diverted children take place over a six week period. Parents attend the first and last sessions. The ideal group size is indicted as between five and fifteen participants. The intervention is reportedly interactive and reality-based regarding the challenges children today face. Toward this end, numerous examples and exercises of real events are included in the programme

manual to stimulate learning. Facilitators decide which activities and themes to include, which is informed by assessing the needs of participants. It is noted that "*some groups have a need for communication skills, while other need conflict resolution*" (NYCDP). Although the programme's content is compiled in advance, implementation is flexible to attend to matters that arise during contact sessions. Central themes of the programme include a healthy self-concept, taking responsibility, understanding consequences, conflict resolution, communication, decision-making, understanding rights, and pro-social behaviour. In group context, participants discuss case scenarios, role play different offending behaviours and their impact, and reconstruct the pathways that led to their criminal behaviour. Apart from the group activities, participants individually write letters of apology to their victims and record conflict situations at home and how they resolved them. Follow-up is provided on an *ad hoc* basis.

Mentoring at the Youth Development Outreach

In YDO's mentoring programme, developmental assessments also inform the intervention requirements of participants. In addition, the assessment indicates the profile of mentor needed for the intervention. Five mentors provide diversion services on a fulltime basis. All received training in child care. Their ages vary from 24 to 28. It is noted that a mentor "*shouldn't be too young so that you can be their friend, but also not too old to be like a parent*" (YDO). Gender is viewed as a secondary criterion after the place of residence and the home language of diverted children. The mentors have between two and five child offenders to mentor at any given time. The programme is reportedly flexible since "*we move children to different mentors if we see there are problems with the relationship*" (YDO). As a first activity, parents and their diverted children are informed about the programme and its purpose. Home visits are conducted at least twice per month, but reportedly take place more frequently. During school holidays, mentors engage participants in sport and art activities. If resources are available, camps and excursions, for example to a prison, are arranged. Mobile communication is welcomed, with parents also contacting mentors in times of crisis. YDO's mentoring programme is linked to a network of support services, including drug rehabilitation. Mentoring relationships span three months. Children are informed about the time frame in order to prevent termination anxiety. Aftercare is provided to problematic cases.

The Journey of the National Institute for Crime Prevention and Reintegration of Offenders

NICRO's outdoor programme accommodates between 15 and 20 diverted children at a time. Prior to the outdoor component, the identified individual needs of participants are compiled into common needs of the group. These needs inform the specific aims and design of the intervention, which implies that one "*must bring together the same profile of children* (NICRO). During the preparation phase, participants learn more about each other and group cohesion is promoted through various teambuilding exercises. The adventure phase is undertaken over a five-day period. It consists of various outdoor activities such as

rope courses, hiking, mountaineering, abseiling, navigation, horse riding and generally "*roughing it out*" through camping. Group conflict is welcomed as it provides opportunity to strengthen problem-solving skills. The task of the facilitator is to guide the "*inner experience*" of participants by using metaphors to connect physical and mental experiences. Activities are followed by debriefing where "*we sit with the group and talk about how they can solve their problems. When they go outside again, they have to apply what they learned*" (NICRO). Future plans are developed with the input of fellow participants. Parents are provided with feedback about the adventure phase. Follow-up takes the form of regular group meetings to assess progress. Individual sessions with participants and their parents are also arranged.

Family group conferencing at the Restorative Justice Centre

The RJC's facilitators of family group conferencing are trained mediators who remain neutral throughout the conferencing process. They structure the meeting and keeps order during the proceedings. Prior to the mediation, the facilitator meets separately with all parties to prepare them for the conference and to identify the goals of the intervention. All participants must voluntarily agree to be part of the conference. Friends and family of the child offender and the victim are present to offer support and assist in reaching an agreement. It is imperative for the parents of the child to be present since, without their involvement, "*the child is not going to stick to the plan*" (CL UKZN). The conference creates a safe place for participants to freely express their views and experience. Ample time is availed for dialogue and problem-solving. Time is also afforded for the child offender to make apologies to the victim and their families. Up to 20 hours are spent on the preparation and mediation phases of a single case. Family group conferencing appears non-prescriptive regarding the outcomes of the meeting since cases "*are referred to us by the court and they are treated individually*" (RJC). Agreements involve a variety of restitution activities, such as "*community service or they have to pay for what they have stolen or broken in a case of vandalism*" (RJC). Once the agreement has been finalised, it "*doesn't mean that it is the end … We still monitor them for about three months*" (RJC).

The table below provides a comparative summary of the assumptions, theory and resulting methods of the investigated approaches to diversion.

Table 1: Comparative summary of the assumptions, theory and resulting methods of approaches to diversion

	Lifeskills training	Mentoring	Outdoor intervention	Family group conferencing
Assumptions	Lifeskills are needed to effectively function in society. Many children have limited or inferior formal opportunities to learn proper lifeskills. Absent parents and poor parenting hamper the effective transfer of lifeskills. Inadequate care could also propel children to commit crime. Child offending stems from the inability of children to make proper decisions and to predict the consequences of their behaviour. Learning of relevant lifeskills promotes responsibility which, in turn, prevents offending.	Parents play an important role in the socialisation of children. Many children grow up in broken homes, (especially in the absence of father figures), while others receive little emotional support from their parents. Some communities have few positive role models. Criminal behaviour stems from the absence of a caring adult to provide guidance and support. Matching a child with a concerned adult can counteract the criminal behaviour associated with absent and inimitable role models.	The persistent problem behaviour of some children stems from adversity and negative life experiences. This profile of child offender needs rigorous and intense intervention that cannot be offered in office or classroom settings. Child offenders need to be removed from of their familiar environments to a place where their defence mechanisms are no longer effective. The understanding of offending pathways and strengthening of self-worth will prevent re-offending.	Criminal behaviour impacts on victims, families, the community and the offender. Often victims and offenders know each other. In the past, people affected by crime did not have much say in how offences should be dealt with. Opportunities are needed for those affected by crime to voice their views and experiences. The causes and impact of crime needs to be understood to find amicable solutions. Remorse by offenders and forgiveness by victims is needed to prevent re-offending.
Theory	Social cognitive theory states that the environment, behaviour and cognition impact on each other. Cognitive restructuring involves understanding past behaviour; anticipating outcomes; learning from others; generating rules and internal standards for behaviour; and rational reflection to analyse personal experiences.	Modelling theory postulates that behaviour is learned by observing others. This depends on the attention paid to models and their attractiveness. Information of modelled events is retained in the form of rules and concepts. Learned behaviour is motivated by rewards and personal standards of conduct.	Self-efficacy theory directs that experiences of accomplishment promote perseverance, especially when seeing difficult tasks through. Experiences of self-efficacy can influence other areas of life, even more so when they are practiced across situations. Effort is needed to sustain self-efficacy amid existing challenges.	Belonging theory states that children are part of groups that constitute broader system of care. Systems strive toward harmony. Crime distorts the balance within the system. Attempts to heal disequilibrium must be based on beliefs in the connectedness and inner strength of people to overcome adversity.
Methods	Child offenders are accommodated in groups. Individual needs inform the intervention focus for the group. Contact sessions take place over several weeks, with parents attending some sessions. Emphasis is placed on self-value, responsibility, decision-making, conflict resolution, communication and contemplating the impact of behaviour. Participants engage in structured, interactive and reality-based individual and group activities.	Children are matched individually to a trained adult mentor. The child's developmental assessment informs the profile of mentor needed, while home language and the area of residence are also considered. Regular home visits are undertaken over several weeks, while mentors also have contact with parents. Recreational activities take place. Participants and their parents are informed of the time span of mentoring relationships.	Groups of child offenders attend an outdoor adventure which spans several days. Individual needs are compiled into group needs, which inform the programme's design. The adventure involves various physical activities to strengthen self-worth and conflict resolution skills. Few individual activities take place. Through the use of metaphors, debriefing serves to transfer lessons and insights to daily realities. Parents are informed about the outcomes.	Child offenders attend restorative meetings with their families and other stakeholders, including victims. Preparation of participants informs the goals for the conference. Participants express their views and experiences during the mediation session, followed by the offender asking for forgiveness. An agreement is reached in which the child has to compensate for the criminal act. The child's family plays an important role in ensuring that the agreement is honoured.

Profiles of children attending diversion strategies

A clear profile of the child offenders who attend different diversion approaches is not forthcoming. The data suggest only minor variations, especially regarding outdoor intervention. With lifeskills training, mentoring and conferencing, participants are between the ages of 13 and 18, while outdoor intervention caters for those between 16 and 18 years of age. It is noted that older children more readily understand accountability, while younger ones "*don't grasp responsibility yet*" (YDO). Across all types of interventions, substantially more male than female children are referred for diversion intervention. The greater part of participants comes from lower socio-economic spheres. The crimes they commit include vandalism, substance use, theft, burglary and assault. Most of these crimes are minor in nature. Apart from these characteristics, mentors could not elaborate further on the profiles of their clients since "*we invest in them and be there for all of them, because you don't know who you are going to win over*" (YDO). However, in conferencing, cases are sometimes of a more serious nature, such as assault with the intent to inflict grievous bodily harm. Similarly, clients in outdoor intervention reportedly engage in gang-related, more serious and repeated offending. Many of these children do not attend school and are unemployed. As such, they are considered at higher-risk for chronic offending than those referred for lifeskills, mentoring or conferencing intervention. Children in outdoor intervention also have not responded positively to previous interventions.

In all diversion programmes, many children reportedly commit property crime because "*stealing and selling goods is an easy and quick way to get money*" (NYCDP). Some also "*steal to use the money for substances*" (RJC). Many diverted children reportedly have learning disabilities, low literacy levels and poor scholastic performance. Those with strong defence mechanisms, negative attitudes and resistance to change appear not to benefit from diversion because "*they are way up there with crime levels*" (NICRO). Children who have already attended other types of programmes and those who have been institutionalised previously are seemingly resistant to diversion because they "*know the system. They really are streetwise*" (YDO).

Value and benefits of diversion strategies

The data reveal various benefits of diversion for child offenders and their families. However, different approaches appear to yield particular benefits. A number of cross-cutting benefits of diversion strategies are firstly presented, followed by a brief description of the more specific advantages of individual approaches.

An important value of diversion strategies is that child offenders remain in their home environments as opposed to custodial measures where "*there is no rehabilitation and they don't attend school*" (CL UP). Depending on the nature of the diversion programme, skills can for example be practiced at home or conflict with family members can be resolved. Strategies also allow scope to identify domestic challenges such as family dysfunction or substance abuse: "*If you feel that this is an issue that is outside my scope, then you have to refer the child*" (NICRO). Also, diversion workers can "*communicate family and personal problems to schools, as well as issues of literacy problems*" (SWL UFS). The diversion strategies clearly promote contact between service providers and the parents of child offenders. Contact varies between active engagements, as is the case in conferencing, to mere information sharing such as with outdoor intervention. Nevertheless, it opens the door for parents to seek assistance "*if the child is in trouble again*" (YDO). In addition, engagements provides "*parents with an eye opener of what is happening with their children … making them aware of what their children do*" (CL UP).

Another common benefit of the diversion strategies is that they promote accountability in children because "*children very often simply don't understand the negative impact of their crimes*" (RJC). In this regard, diversion approaches contain various activities to stimulate reflection and thinking about the consequences of behaviour or, more specifically, individual pathways to crime. Despite the structured nature of some approaches, diversion strategies generally appear flexible in their implementation. In the mentoring programme, for example, it is mentioned that "*sometimes what we identified as a need turns out not to be the need of the child … We then shift the goalposts*" (YDO).

The group versus child-focused methods of different diversion strategies offer unique opportunities. On the one hand, group methods such as lifeskills and outdoor programming allow children to feel at ease among their peers and promote spontaneity, mutual learning and the sharing of information. On the other hand, mentoring and family group conferencing facilitate individualised focus on a single case throughout the diversion endeavour. Furthermore, it is evident that the activities of diversion programmes mostly entail enjoyable and creative experiences to engage child offenders. In mentoring, "*we play soccer and have fun with them*" (YDO), while in outdoor intervention, "*these are children who probably never experienced nature like this*" (CL UFS).

As to the value and benefits of specific approaches, lifeskills training transfers a broad range of abilities "*that apply in the outside world … If you have them, you have them for life*" (NYCDP). In contrast to other approaches, lifeskills training features as the only strategy where structured methods are employed to purposefully effect cognitive structuring. In addition, the outcomes of

the strategy are considered important for the successful participation in other diversion mechanisms, such as communication and conflict resolution in outdoor and conferencing programmes. Mentoring has specific value in the sense that "*it's not about social workers and psychiatrists, but people being informal and concerned about them. We don't wear suits and ties, so they can relate to us*" (YDO). In addition, mentors live in the same communities as participants and face similar challenges. Their availability and close proximity to diversion participants are also considered beneficial in times of crisis.

A particular value of outdoor intervention relates to removing participants from their domestic milieus where negative peer influences and substance abuse make way to reconstruct "*their lives in order for them to deal with their pasts effectively*" (NICRO). This is needed to understand their trajectories to criminal behaviour. It is also emphasised that this "*time out*" is imperative to meaningfully engage with hard-to-reach children. A specific value of family group conferencing relates to victim and community involvement in justice processes. Victims have opportunity to voice their experiences directly to the offender, receive an apology, and obtain clarity on the matters surrounding the offence, in other words "*the 'why me' and 'what could I have done differently'*" (CL UP). They also benefit from restitution activities, even if these are symbolic in nature.

Limitations of, and challenges to diversion strategies

The data indicate various challenges to diversion practice, although some factors appear more applicable to particular approaches. An important challenge across strategies relates to the role of parents. In programmes where they are not actively involved in the diversion process, such as lifeskills and outdoor intervention, it is questionable whether parents "*fully appreciate what their children experienced*" (CL UFS). Moreover, when parents fail to actively participate in relevant activities, "*the child often falls back into misbehaving*" (NYCDP). This is not surprising since, from a systems perspective, "*changing only one area and neglecting others won't have the desired impact. Powers within the system are often stronger than the limited areas one can work on*" (SWL UFS). In family group conferencing, some parents reportedly discourage "*the child to change the wrongs … [They] defend the child*" (RJC). In mentoring, some parents claim that "*because the court referred the child to us, they don't have responsibility anymore … Often the crime is because of the situation at home*" (YDO). It is emphasised that if parents are "*part of the problem and they don't meaningfully participate in the programme, then it has little meaning*" (CL UP). In addition to views that diversion programmes must incorporate training in parenting skills, "*perhaps the parents should be ordered by the court to take part in diversion*" (CL UP).

With the above in mind, the extent to which the domestic environments of diverted children support the intentions of programmes are drawn into question. It is worthwhile to provide several quotations on the matter:

- "*The child might have changed, but he goes back to those circumstances and old habits that caused the problem behaviour … What they learn in community differs tremendously from what they learn in the programme*" (NYCDP).
- "*Having changed on your own and now you have to go back to home circumstances that haven't changed … they go back to those evil people*" (YDO).
- "*For many it is difficult to come back to the same situation, the same home and same community … Some say that their households make it difficult to implement what they have learned*" (NICRO).
- "*The child is in the same environment and exposed to the same dynamics … What exactly has changed?*" (CL UP).[29]

With this in mind, a diverted child can "*experience a deep sense of failure if he can't implement all the nice things he promised*" during the programme (SWL UFS). Crimes that occur mostly because of peer influence, such as substance use, may present challenges to diversion strategies because broader influences are not directly targeted. In this regard, a service provider notes that "*it is very difficult to expect a child to purposefully make new friends*" (NYCDP). It is questioned whether entry-level programmes such as lifeskills training are "*suitable for children already caught up in addiction and gangsterism*" (SWL UFS). In addition, the time frames attached to conventional diversion orders influence potential outcomes. Some service providers feel that "*we don't have enough time. You have to stop at a given point and report to the court that the child has completed the programme … Eight sessions are too short*" (NYCDP). Mentors indicate that their intervention is "*once-off. It is not continuous support … Three months to work with a child is too short. When you get involved in the life of a child like we do, you need more time*" (YDO). Regarding the unstructured and ad hoc nature of follow-up activities, it is noted that "*one cannot invest in behavioural and attitude changes but fail to sustain such efforts*" (SWL UFS). In part, effective and longer-term follow-up is made difficult by the mentioned time frame of diversion since, "*when the case is withdrawn, it is all over. You can't force them to come back*" (NICRO). However, it is emphasised that in programmes such as conferencing, the intervention "*actually only starts then, because you have to follow-up on whether the issues underlying the offence have been addressed*" (CL UP).

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[29] Understandably, providers of diversion services at times experience feelings of helplessness and despondence: "*You feel as if you are the only positive person in their lives … Sometimes you just want to change the world for this child, but you can't*" (YDO).

Group approaches open the door "*for some children to fall through. They can get away with minimal participation*" (CL UFS). In lifeskills training, for example, the programme content for the group is developed with the needs of a number of participants in mind. However, "*if one child has a different experience, it raises questions of how he will benefit from a group intervention approach*" (CL UP). In the case of nature-based intervention, it is noted that "*obviously you find a few who cannot respond in group situations … Let's say out of ten, seven will benefit … During day one and two they will benefit, but not during the whole week*" (NICRO). Moreover, "*if the assessment was not done properly, it will always throw the Journey off course … too many dynamics to get to all children in the group*" (NICRO). In this regard, "*one easily gets confronted with participants who become bored or frustrated because of the slow pace of others*" (SWL UFS). Participants also "*have learned and applied new skills in a supportive group set-up with a facilitator, but often this is absent once they are back in the real world*" (CL UFS).

A further challenge to diversion strategies relates to possible abuse of the system. Some child offenders appear to agree to diversion because "*as long as he doesn't have to go to court he is happy*" (CL UKZN). In family group conferencing, for example, "*the child can agree to the conference as a means to escape prosecution. It can be tears and all that, but whether he really feels bad about what he has done is another question*" (CL UP). In practice, "*the children are sometimes very manipulative. They will do exactly what you want to see or hear, but when they are back in the community they misbehave*" (RJC). A specific challenge in this regard is that the child is referred to diversion for one incident only, yet "*the parents will tell us that they do many serious crimes*" (RJC). This inherent shortfall in diversion might cause legal officers to "*think twice before sending more serious offences to diversion*" (CL UP). Furthermore, concerns are raised regarding the ability of diversion approaches to effectively intervene in poverty-motivated offences. In the case of lifeskills training, it is noted that "*a six or eight week programme will struggle to meet the fundamental needs of a deprived child*" (SWL UFS). With conferencing, it is stated that "*if a child steals because he is hungry, yes, he can see why the theft was wrong, but still the situation will not be remedied by having* [a conference]" (CL UP).

Some approach-specific challenges and limitations are noted. To meaningfully participate in some activities of lifeskills training, "*the child must be able to read and write*" (NYCDP). However, the low literacy levels and cognitive abilities of some participants could present pitfalls in expressing their thoughts and emotions in writing. Outdoor intervention faces similar challenges in that "*children who are cognitively underdeveloped struggle with this type of programme. They find it difficult to extract and understand the metaphors*" (SWL UFS). During the adventure phase "*they might understand the metaphor, but can they really use the symbolism of climbing a mountain in, for example, a family fight?*" (CL UFS). Since conferencing essentially sets out to

remedy the damages of an offence, it "*might not effectively focus on the causes of crime, because in itself the programme does not have enough power to influence, for example, drug dependency*" (CL UP).

Approaches and meeting the diversion objectives of the Child Justice Act

Taking responsibility and being accountable for the offence is an important objective of the CJA. This aim appears to be facilitated by the actual diversion process since, "*as a first step, the child has to admit to the offence*" (NYCDP). In individualised approaches, such as mentoring and conferencing, the actual offence "*informs what you discuss with the child*" (YDO). In conferencing, specifically, the entire group activity centres on the offence and its aftermath. All types of diversion programmes are reported to have responsibility as a central goal. When implementing diversion in group contexts, such as lifeskills training and outdoor intervention, it is commonly understood that participants "*must have similar cases*" (NICRO). However, group approaches may fail to fulfil the objective of meeting the needs of individual participants since "*the emphasis on the value of the team may undermine the ability of the individual participant to function on his own*" (CL UFS). Also, groups create opportunity for some participants to "*slip through the programme. In a group you can't always reach the child*" (NYCDP). These scenarios appear absent in mentoring and conferencing where a case-centred approach ensures individualised attention and intervention plans.

The methods followed by lifeskills training and outdoor approaches to reintegrate the child with his or her family appear constrained as parents are only involved in the early and final stages of the programme. As such, "*they don't have a thorough picture of what the programme is about. The two sessions are too few to reintegrate the child with his family*" (NYCDP). In addition, "*parents don't receive any form of training*" (NYCDP). With the community also absent, "*one would like to see more* ubuntu *in these programmes*" (SWL UFS). Mentoring, on the other hand, provides ample scope for contact with the child's parents. Mentoring is also community-based since services are rendered in residential areas. Conferencing, in particular, fulfils the reintegration objectives of the CJA by actively involving the family and the victim in its mediation approach. It is also the only approach strategy where victims can benefit from compensation. While conferencing provides for the involvement of community members in decision-making processes, very few can actually be accommodated which raises questions about "*who and what is meant by 'community'*" in restorative strategies (CL UP).

Apart from family group conferencing, few approaches directly involve the victims of offences in their intervention methods. With mentoring, it is noted that "*we try and work towards giving each*

crime a face" (YDO). The facilitator of the outdoor initiative states that "*you need certain programmes to address certain issues. The Journey won't address reconciliation*" (NICRO). In the case of lifeskills training, participants "*write letters to the victims and it is up to them if they want to compensate the victim. We do some role play to strengthen victim empathy, but it is one-sided*" (NYCDP). It is clear that this strategy "*lacks the personal, direct contact between the victim and the offender*" (SWL UFS). While the resulting methods of all four approaches have potential to protect children from stigmatisation following contact with the justice system, questions have been raised whether the "*community differentiate between a criminal and diverted label*" (CL UFS). In community-based settings, agencies providing diversion could carry some form of stigma. In the case of YDO, "*they call it the 'naughty school', because they know of the children we work with … Even some of the children who attended the programme see it as a place for criminals*". Only outdoor intervention takes place outside the community. Lastly, in line with the CJA, all approaches and their resulting methods are set to prevent the child from receiving a criminal record. The table below provides a summary of the potential of diversion strategies for meeting the objectives of the CJA.

Table 2: Potential of approaches to meet the diversion objectives of the Child Justice Act

Objective	Lifeskills training	Mentoring	Outdoor intervention	Family group conferencing
Encourage accountability in the child	↑	↑	↑	↑
Meet individual needs of a child	↔	↑	↔	↑
Reintegrate the child with family	↔	↑	↔	↑
Reintegrate the child with community	↓	↔	↓	↔
Reintegrate the child with victim	↓	↓	↓	↑
Involvement of the victim	↓	↓	↓	↑
Victim compensation	↓	↓	↓	↑
Avoid stigmatisation	↔	↔	↑	↔
Avoid criminal record	↑	↑	↑	↑

Symbols: ↑ represents ample potential, ↔ indicates average potential, and ↓ demonstrates weak potential.

Discussion

Theory as explanation has value for the understanding of phenomena (Winfree & Abadinskry 2003: 8). A central feature of theories relates to guiding how and why change should occur. A value of this study is that the assumptions of child offending are taken further to explain, from a theoretical stance, why strategies ought to work.

The introduction of the CJA represents a milestone in South Africa's response to children in conflict with the law. The formalisation of diversion directs non-custodial, extra-judicial and developmental ways for dealing with child offending. The CJA also allows for a rich variety of strategies to cater for the intervention needs of child offenders. Local programmes reflect this variety in terms of their approaches to the child offending phenomenon. They are generally formulated in terms of what they perceive as a deficit in the healthy development of children, which is then turned into an intervention strategy. The understandings of diversion approaches appear quite logical given the challenges many South African children face. They also incorporate elements of family and domestic characteristics, personal attributes, and levels of risk exposure which require attention. It is broadly observed that diversion strategies demonstrate the core assumptions of what they aim to change. Although the assumptions of some programmes appear elementary in their understanding of child offending and what needs to be done, they nevertheless employ credible methods in pursuing their goals.

The methods resulting from intervention assumptions and theories are diverse. Differentiations can be made in terms of the following, which also provide a useful framework for the classification of diversion programmes:

▪ The purpose and aims of programmes are directed at specific risk factors. Those dealt with here amount to skills deficits and socialisation, absent and inimitable role models, trauma and dysfunctional pasts, and damaged relationships.
▪ The methods of achieving programme goals are unique. Lifeskills intervention uses structured cognitive training and mentoring matches a child with a concerned adult. Outdoor intervention uses physical and emotional challenges, while conferencing entails restorative mediation.
▪ The nature of participation varies in terms of the methods used. Child offenders are either accommodated in groups (lifeskills and outdoor intervention) or individually (mentoring and conferencing). Some strategies also involve the community and the victims of crime.
▪ Programme duration fluctuates across interventions. Although conferencing takes about three hours to complete, substantial preparatory and follow-up work is undertaken. Lifeskills

participants meet once a week over two months, while mentors have longer-term interaction with participants. The actual outdoor intervention is of a fairly short duration.

- Interventions vary from being highly structured (lifeskills training), to semi-structured (outdoor intervention), and even fairly unstructured (mentoring). Along similar lines, programmes can be placed on a continuum between formal and informal strategies.

- The nature of service providers' involvement and the skills they need differ. Skills vary in terms of the programme's intervention strategies. In lifeskills training, service providers are facilitators, while a more personal relationship is anticipated with mentoring.

- Resource needs are expected to differ across programmes, with lifeskills training requiring materials and a venue, and outdoor intervention demanding specific equipment and space. Mentoring may require minimal resources since services are community-based.

- The types of activities that participants engage in vary in terms of how programmes pursue their goals. Activities range from writing exercises, physical activities in highly specialised courses, role play, dialogue, services to victims, etc.

- The nature of restorative practices in diversion programmes differs (this matter is explored in more detail below).

The data suggest minor differences in the profiles of children who attend diversion programmes. Slight variations feature in terms of age, although this might be associated with the developmental levels of participants. For example, mentors reportedly find it difficult to manage younger children, while participants in outdoor intervention appear older in order to understand metaphors. Low literacy levels among diverted children have implications for interventions that employ reading and writing activities, in particular lifeskills training. Practice also suggests that children with hardened and negative attitudes, as well as those who previously had contact with the justice system, may be less amenable to diversion intervention.

The types of offences which diverted children commit appear fairly uniform across programmes. It is observed here that, apart from perhaps outdoor intervention, approaches accommodate a general profile of child offender despite the fundamental differences in their aetiological understandings of such behaviour. This raises important questions about the assumptions and resulting methods of strategies vis-à-vis participants' risk factors they aim to address. Will children with similar risk profiles show similar outcomes when they attend different diversion programmes? Will any intervention, regardless of the type, achieve the same results? Although this research is explorative in nature, it nevertheless raises important issues about the claims of different diversion strategies. Another confounding factor in this argument relates to the availability and accessibility of diversion programmes. For example, the NYCDP is the only provider of diversion in Noupoort. In the absence of alternative interventions, the only available

intervention could, therefore, provide a midway between withdrawing a case or deciding on formal prosecution. What is clear from the data is that, in practice, the risk profiles of child offenders are not necessarily matched to specific diversion strategies. A "one-size-fits-all" approach to diversion will, in all likelihood, only be eliminated once a variety of diversion options are available to decision-makers.

The case studies demonstrate a variety of potential benefits for diversion participants, their families and the victims of offences. Benefits to some extent depend on the philosophy of approaches and the methods they follow. An overarching benefit of diversion interventions is that participants remain mostly in their domestic environments, thereby counteracting the deficits associated with institutionalisation. Diversion also provides opportunity for facilitators to engage with parents and assess intervention progress. Also, programmes have referral potential. Service providers sometimes identify or are confronted with factors in the child's life that fall outside their scope of intervention. In this regard, it appears that programmes frequently have linkages with specialised intervention agencies. Furthermore, diversion strategies follow unique methods to promote an understanding of criminal pathways, whether through reconstructing crime lines, dialogue, or reflecting on past experiences. From what is observed here, local programmes appear to be flexible in both planning and implementation phases. Such flexibility prevents rigid, unfocused practices. Except perhaps for conferencing, most strategies entail enjoyable experiences – they are informal in nature with most encompassing recreational and creative activities.

On the deficit side, the conceptualisation and design of diversion strategies bring to the fore limitations in their ability to impact on criminal behaviour. The role and involvement of parents, in particular, could have a profound effect on diversion outcomes. Group-oriented programmes tend to exclude parents in important programme phases. Requests for parents to attend some sessions may also limit their interest in and understanding of interventions. This ultimately undermines the ability of children to give effect to the good intentions brought about by programmes. Absent and disinterested parents could seriously compromise the potential of participants to implement what they have learned in their domestic settings. It is, therefore, important that assessments pay specific attention to parents as both facilitators and inhibitors of child offending, and how interventions should factor in these variables. In addition, parental involvement should be made mandatory by the court and should also form part of reporting back on outcomes.

Poverty and adversity are realities for a large number of children in South Africa. Many households find it difficult to provide in daily needs, which could turn children toward crime. In

these conditions, it is debatable whether exposure to a short-term programme has the ability to prevent economically-motivated crimes. This has important implications for diversion as programmes must form part of other developmental initiatives if they wish to succeed. With this in mind, it is not clear whether diversion strategies always impact on the factors that primarily contribute to criminal behaviour. Very often child offending shows multiple causes and also progression over time. Diversion strategies run the risk of focusing only on the crime for which a child has been arrested. Therefore, causal factors and risk profiles, and not only the secondary manifestations thereof, must inform diversion decisions.

Programmes with longer time frames show more success in preventing child offending than shorter ones (Lipsey 1992: 124). The limited time frames of local diversion programmes and their often *ad hoc* follow-up activities may severely constrain anticipated outcomes. Fortunately, the recently introduced CJA directs that service providers can extent their intervention and follow-up endeavours for up to a year, in some cases even two years. While extended programming may go a long way to ensure improved outcomes, resource limitations may restrict the number of diversion cases that service providers can accommodate. In addition, care must be taken that longer-term programming does not promote stigma and labels attached to diversion participants.

The approaches demonstrate varying abilities to meet the diversion objectives of the CJA. Taking responsibility is an inherent entry requirement for diversion. However, practice suggests this to open the door for abuse which could, in turn, undermine the credibility of diversion philosophy and procedures. Furthermore, it is debatable whether group approaches fully address the individual needs of child offenders. Similarly, group strategies engage parents to a limited extent in the diversion process, which may hamper the effective reintegration of the child with his or her family. Community involvement in diversion is seemingly difficult to achieve, with only conferencing taking steps in this direction. Preventing stigmatisation following contact with the justice system could be difficult given the negative labels attached to service providers, as well as the activities child offenders engage in, for example community service. Communities easily form perceptions about children and criminal labels could prove difficult to remove.

An important shortfall of most diversion strategies relates to the lack of victim involvement. Apart from fundamentally restorative-based programmes, most approaches appear indifferent to the needs of victims. Attempts to create victim empathy through role play and writing letters are simply insufficient to infuse restorative justice in the child justice system. Considering the continuum of "restorativeness", it can be argued that the greater part of diversion approaches appear restorative-limited. On the positive side, it is clear that diversion programmes deal with child offending outside the ambit of formal criminal justice procedures. It also prevents those who

successfully complete the programmes from receiving a criminal record. While it is acknowledged that diversion strategies pursue different intervention outcomes, service providers would be wise to critically reflect on the aims of diversion in order to adapt their methods or pair with other initiatives to meet most, if not all, of the CJA's diversion objectives.

Limitations and recommendations of the study

It is important to bear in mind that this research is exploratory in nature. The data must be read in the contexts of the research methods used. It was undertaken from an interpretivist paradigm to solicit a deeper understanding about the foundations, benefits and limitations of different diversion strategies. The deductions stem from an analysis of four South African service providers only. It is, therefore, possible that other initiatives have different implementation and outcome procedures and experiences. They may also have found ways of dealing with some of the challenges identified here. In addition, the diversion approaches were investigated as uni-modal interventions, while some in fact form part of a basket of diversion options available to referral officers. While the study sketches broad lessons about the practice and pitfalls of diversion for child offenders, the results cannot be generalised to other programmes (Maxfield & Babbie 2009: 135). This shortcoming applies to diversion initiatives and participants across geographical and demographic spheres. Still, it is anticipated that the study provides process and conceptual understandings that could be transferred to similar programmes (Simons 2009: 164, 166). Furthermore, the experiences of child offenders and their parents as beneficiaries of diversion, as well as those of law and psychology practitioners, were not determined.

An understanding of theoretical foundations is imperative in scientific research (Silverman 2010: 110). This study takes a step in that direction about the potential benefits of and challenges to diversion programmes. As mentioned, limited local evidence has thus far been generated about the impact of different strategies. In light of the recent introduction of the CJA, it is anticipated that an increasing number of child offenders will be referred for diversion intervention. It is, therefore, imperative that research demonstrates or disputes the claims made about the significance of different intervention strategies. Quantitative approaches, and especially longer term and comparative designs, are needed to assess the value and impact of programmes. Furthermore, studies must be sensitive for demographic and cultural influences, as well as the ability of service providers to effectively render such programmes. Given the diversity of peoples in South Africa, it is possible that particular client profiles experience interventions in different ways.

Investigations must also focus on diversion outcomes in multi-modal intervention, as combinations of programmes could yield different results. While recidivism remains an important

outcome variable in measuring the impact of crime prevention and reintegration strategies, other aspects such as the strengthening of relationships with parents and the ability to resolve conflict should also be kept in mind. Investigators will be wise to incorporate the principles of "what works" in their studies. These include risk classification, active participation, programme integrity, intervention at cognitive-behavioural levels, and implementation in community settings (*cf.* Dawes & Donald 2002; Gendreau & Andrews 1990; Sherman *et al.* 1998). It is equally important to reflect on the system dimensions in addition to the demand side of diversion delivery. In this regard, the experiences of referral officers and decision-makers (prosecutors and magistrates) and assessors (social workers and probation officers) must be included.

References

Babbie E & Mouton J 2001

   The practice of social research. Cape Town: Oxford University Press.

Badenhorst C & Conradie H 2004

   Diversion: the present position and proposed future provisions. *Acta Criminologica* 17(2): 115-130.

Bandura 2001

   Social cognitive theory: an agentic perspective. *Annual Review of Psychology* 52: 1-26.

Bandura 1986

   Social foundations of thought and action. A social cognitive theory. Englewood Cliffs, NJ: Prentice Hall.

Bandura A 2003

   Commentary: On the psychosocial impact and mechanisms of spiritual modelling. *The international Journal for the Psychology of Religion* 13(3): 167-173.

Bandura A 1999

   Social cognitive theory: an agentic perspective. *Asian Journal of Social Psychology* 2: 21-41.

Barry M 2000

   The mentor/monitor debate in criminal justice: 'what works' for offenders. *British Journal of Social Work* 30: 575-595.

Beam MR, Chen C & Greenberger E 2002

   The nature of adolescents' relationships with their "very important" nonparental adults. *American Journal of Community Psychology* 30(2): 305-314.

Bloemhoff HJ 2006

   Impact of facilitation on the effectiveness of an adventure-based recreation programme for the development of resiliency in at-risk adolescent boys confined to a rehabilitation centre. *African Journal for Physical, Health Education, Recreation and Dance* 12(2): 138-151.

Bradshaw W, Roseborough D & Umbreit MS 2006

The effect of victim offender mediation on juvenile offender recidivism: a meta-analysis. *Conflict Resolution Quarterly* 24(1): 87-98.

Bronfenbrenner U 1994

Ecological models of human development. In Gauvain M & Cole M (eds). *International Encyclopedia of Education* (2nd ed). New York: Freeman. 37-43.

Bronfenbrenner 1977

Toward and experimental ecology of human development. *American Psychologist* 32: 513-531.

Bruyere BL 2002

Appropriate benefits for outdoor programs targeting juvenile male offenders. *Journal of Experiential Education* 25(1): 207-213.

Chance P 2003

Learning and behaviour (5th ed). Belmont (CA): Wadsworth/Thomson Learning.

CJA (Child Justice Act) 2008

Act no 75 of 2008. *Government Gazette* 527(32225). Cape Town: Government Printers.

Davies S & Thurston M 2005

Establishing a learning mentor service within a cluster of primary schools: Learning from evaluation. *Pastoral Care* September: 37-43.

Davis L & Busby M 2006

Diversion as an option for certain offenders: the view of programme participants diverted during the Hatfield court pilot project. *Acta Criminologica* 19(1): 102-114.

Dawes A & Donald D 2000

Improving children's chances: developmental theory and effective interventions in community contexts. In Donald D, Dawes A & Louw J (eds). *Addressing Childhood Adversity.* Cape Town: David Philip. 1-25.

DuBois DL, Neville HA, Parra GR & Puch-Lilly AO 2002b

Testing a new model of mentoring. *New Directions for Youth Development* 93: 21-57.

Ebersöhn L & Eloff I 2003

Life skills & assets. Pretoria: Van Schaik.

Frank C 2003

What have we learnt? Social crime prevention in SA: a critical overview. *SA Crime Quarterly* 6: 21-26.

Fouché CB 2005

Qualitative research designs. In De Vos AS, Strydom H, Fouché CB & Delport CSL (eds). *Research at grass roots for the social sciences and human service professions* (3rd ed). Pretoria: Van Schaik. 267-273.

Gallinetti J, Muntingh L & Skelton A 2004

   Child justice concepts. In Sloth-Nielsen J & Gallinetti J (eds). *Child justice in Africa: a guide to good practice.* Cape Town: University of the Western Cape (Community Law Centre). 30-39

Gendreau P & Andrews DA 1990

   Tertiary prevention: what the meta-analysis of the offender treatment literature tell us about 'what works'. *Canadian Journal of Criminology* 32: 173-184.

Glass JS & Meyers JE 2001

   Combining the old and the new to help adolescents: individual psychology and adventure-based counselling. *Journal of Mental Health Counselling* 23(2): 104-114.

Izzo RL & Ross RR 1990

   Meta-analysis of rehabilitation programs for juvenile delinquents. A brief report. *Criminal Justice and Behavior* 17(1): 134-142.

Jacobs-du Preez N 2002

   The United Nations Standard Minimum Rules for the Administration of Juvenile Justice applied in an African context. *Acta Criminologica* 15(2): 35-41.

Keating LM, Tomishima MA, Foster S & Alessandri M 2002

   The effects of a mentoring program on at-risk youth. *Adolescence* 37(148): 717-734.

Klint KA 1990

   New directions for inquiry into self-concept and adventure experiences. In Miles JC & Priest S (eds). *Adventure education.* State College, PA: Venture Publishing. 163-172.

Kuloane T 2002

   Victim-offender mediations rule the day. *Article 40* 4(2): 6-7.

Kvale S & Brinkmann S 2009

   Interviews – learning the craft of qualitative research interviewing. Los Angeles: Sage.

Lipsey MW 1992

   Juvenile delinquency treatment: a meta-analysis inquiry into the variability of effects. In Cook TD, Cooper H, Cordray DS, Hartmann H, Hedges LV, Light RJ, Louis TA & Mosteller F (eds). *Meta-analysis for explanation – a casebook.* New York: Russell Sage Foundation: 83-127.

Lipsey MW & Wilson DB 1993

   The efficacy of psychological, educational, and behavioural treatment – confirmation from meta-analysis. *American Psychologist* 48(12): 1181-1209.

Louw J 2000

   Improving practice through evaluation. In Donald D, Dawes A & Louw J (eds). *Addressing childhood adversity.* Cape Town: David Philip. 60-73.

Matshego BJ 2001

   Best practices in the institutional and community-based treatment of young offenders. *Article 40* 3(3): 4-5.

Maxfield MC & Babbie E 2009

Basics of research methods for Criminal Justice and Criminology (2nd ed). Belmont (CA): Wadsworth.

McCold P & Wachtel T 2000

Restorative justice theory validation. Paper presented at the Fourth International Conference on Restorative Justice for Juveniles, Tübingen, Germany, October 1-4.

Moolman A 2002

Journey Programme Training Manual. Bloemfontein: National Institute for Crime Prevention and Reintegration of Offenders.

Mousourakis G 2004

Restorative justice: some reflections on contemporary theory and practice. *Journal for Juridical Science* 29(1): 1-27.

Muntingh L 2005

Minimum standards for diversion programmes. *Article 40* 7(4): 4-6.

Muthukrishna N 2002

Lifeskills in a multicultural society. In Maree K & Ebersöhn L (eds). *Lifeskills and career counselling.* Sandown: Heinemann. 81-88.

Neuman WL 2000

Social research methods: qualitative and quantitative approaches. Boston: Allyn & Bacon.

NICRO (National Institute for Crime Prevention and Reintegration of Offenders) 2007

NICRO Annual Report 2006/2007. Cape Town: NICRO.

NICRO (National Institute for Crime Prevention and Reintegration of Offenders) 2000

Mapping the future: empowering the youth. Kenwyn: Juta.

Rhodes JE, Spencer R, Keller TE, Liang B & Noam G 2006

A model for the influence of mentoring relationships on youth development. *Journal of Community Psychology* 34(6) 691-707.

RJC (Restorative Justice Centre) 2009

Annual Report 2008-2009. Pretoria: Restorative Justice Centre.

Roche D 2002

Restorative justice and the regulatory state in South African townships. *British Journal of Criminology* 42: 514-533.

Russell KC 1999

Theoretical basis, process, and reported outcomes of wilderness therapy as an intervention and treatment for problem behaviour in adolescents. Unpublished doctoral dissertation, University of Idaho (College of Graduate Studies).

Schärf W 2003

Themes emerging from the workshop discussions. Proceedings of the *Crime Prevention and Development Workshop*. Mont Fleur, Stellenbosch, 26-27 June 2003. Cape Town: Open Society Foundation.

Schneider CD 2000

What it means to be sorry: the power of apology in mediation. *Mediation Quarterly* 17(3): 265-280.

Sheehan K, DiCara JA, LeBailly S & Christoffel KK 1999

Adapting the gang model: peer mentoring for violence prevention. *Paediatrics* 104(1): 50-54.

Sheldon NM & Arthur N 2001

Adding adventure to therapy. *Guidance & Counselling* 16(2): 67-72.

Sherman LW, Gottfredson DC, MacKenzie DL, Eck J, Reuter P & Bushway SD 1998

Preventing crime: what works, what doesn't, what's promising. National Institute of Justice - Research in Brief. Washington: US Department of Justice (Office of Justice Programs).

Simons H 2009

Case study research in practice. Los Angeles: Sage.

Skelton A 2002

Restorative justice as framework for juvenile justice reform. *British Journal of Criminology* 42: 496-513.

Skelton A & Batley M 2006

Charting progress, mapping the future: restorative justice in South Africa. Pretoria: Restorative Justice Centre.

Steyn F 2008

Lifeskills training for children with problem and deviant behaviour: the Noupoort Youth and Community Development Project. *Acta Academica* 40(2): 205-243.

Steyn F 2005

Review of South African innovations in diversion and reintegration of youth at risk. Cape Town: Open Society Foundation.

Toseland RW & Rivas RF 2009

An introduction to group work practice (6th ed)*. Boston: Pearson.

Umbreit MS 1997

Humanistic mediation: a transformative journey of peacemaking. *Mediation Quarterly* 14(3): 201-213.

Vanderven K 2004

Adults are still needed! Intergenerational and mentoring activities. *Reclaiming Children and Youth* 13(2): 94-102.

Winfree LT & Abadinskry H 2003

Understanding crime: theory and practice (2nd ed). Toronto: Wadsworth/Thomson.

Wood C 2003

Diversion in South Africa: a review of policy and practice, 1990-2003. Institute for Security Studies Paper 79.

YDO (Youth Development Outreach) 2004

National YDO presents heritage arts festival. Pretoria: YDO

Zastrow CH 2009

Social work with groups – a comprehensive workbook (7th ed). Belmont (CA): Brooks/Cole.

Zehr H 2002

The little book of restorative justice. Intercourse (PA): Good Books.

Conclusions: approaches to diversion of child offenders in South Africa

This study analyses and compares the theoretical assumptions that characterise diversion interventions in South Africa. It further explores and articulates the specific programme theories and the resulting methods of lifeskills training, mentoring, outdoor and restorative-focused programming to investigate what they can and cannot offer diverted children. Attention is particularly paid to the potential of strategies to meet the diversion objectives of the Child Justice Act (CJA). A qualitative approach was adopted since little theoretical and empirical work in this domain has been conducted in South Africa. Literature, existing evidence, interview data and programme documentation were used to present case studies about a selection of local approaches to diversion.

In this **Conclusion**, the extent to which the aims initially set for the study have been achieved are discussed by briefly reflecting on the key results and observations emerging from the research. Important principles for diversion delivery in South Africa are extracted from the research reported in the different articles. Recommendations for research, practice and training are briefly presented, followed by a short reflection on the researcher's experience in presenting the thesis in article format.

Meeting the aims of the study

Theoretical assumptions and resulting methods of approaches to diversion

Diversion finds expression in different models of intervention strategies. The strategies are fairly unique in terms of what they consider as the core factors that contribute to the criminal behaviour among the youth. In most instances, their assumptions appear quite logical, given the challenges many South African children face. The assumptions of child offending gives rise to theory, which ultimately explains, informs and justifies the mechanisms to alter behaviour. The assumptions thus explored in the present investigation, their theories and resultant methods are briefly summarised below.

Lifeskills training assumes that many children have limited opportunity to learn proper lifeskills and are thus deprived in this regard. This deficit could lead to inadequate abilities in decision-making and predicting the consequences of behaviour. Social cognitive theory notes that the environment, behaviour and cognition are reciprocal in nature. Skills are learned from others, while insights generate rules and standards for behaviour. Cognitive restructuring is needed to understand past behaviour. Rational reflection is used to analyse personal experiences and

behaviour. The methods of lifeskills training amount to group approaches that are structured over time. Activities are interactive and reality-based to promote learning. Emphasis is placed on self-value, responsibility, conflict resolution and communication skills.

Mentoring assumes that parents play an important role in the socialisation of children. Many children grow up in single-parent homes, while others receive insufficient emotional support from their parents. It is, therefore, considered that criminal behaviour stems from absent or inimitable role models. Modelling theory stipulates that criminal behaviour can be remedied by exposing the child to positive role models. The modelled behaviour needs to be attractive or appealing to participants in order to generate rules for future behaviour. In addition, the learned behaviour is motivated by rewards and personal standards of conduct. In practice, mentoring entails the matching of a troubled child to a trained adult mentor. Children and their mentors engage in home visits and recreational activities that stimulate communication and learning.

Outdoor intervention assumes that the environments in which child offenders live, perpetuate criminal behaviour. It also believes that much problem behaviour stems from personal trauma and negative life experiences. Self-efficacy theory postulates that experiences of accomplishment promote perseverance, especially when difficult tasks are mastered. The more varied the tasks, the more a sense of accomplishment can be achieved across situations. The strategy is, therefore, to remove child offenders from their domestic environments in order to facilitate experiences of mastery in unfamiliar settings. This takes place in the outdoors where physical and mental activities strengthen self-worth, communication, conflict resolution and experiences of self-efficacy.

Family group conferencing (FGC), as a restorative-based intervention, does not present clear assumptions about the aetiology of child offending. Instead, it focuses on the impact of the offence on victims, families, the community and the offender. It is taken that a platform is needed for the affected parties to voice their views and experiences. The underpinnings of FGC state that children belong to broader systems of care that constantly strive toward balance. When disequilibrium is introduced into the system by means of a crime, the balance has to be regained. It is believed that dialogue promotes insight into the crime. Also, negotiation is needed to find amicable solutions to remedy the harm caused by the offence. Therefore, a meeting is arranged where stakeholders share their views, parties reconcile with each other, and a plan is devised for the child to make amends for his or her wrongdoing.

Potential of diversion strategies to change the criminal behaviour of children

As indicated above, diversion programmes follow unique strategies to prevent the criminal behaviour of children. The mechanisms of programme delivery usually encompass a cognitive component to impact on the way child offenders perceive themselves, their environments and their behaviours. It is generally accepted that children have less responsibility than adults. In fact, the developmental stage of adolescence is in particular characterised by much learning to prepare them for adulthood. Learning is a cognitive process. It is, therefore, not surprising that many diversion programmes build on cognitive processes to alter the ways in which participants think and behave. In *lifeskills training*, strategies draw on symbolising, prediction, reflection and self-regulation to stimulate pro-social behaviour. *Outdoor diversion* embraces the cognitive processes of self-belief and mastery amid challenging circumstances. *Mentoring* entails cognitive procedures in the form of observation, retention, internalisation and motivation. Any process of learning promotes understanding. The importance of understanding is in fact emphasised across diversion strategies. Understanding is needed of life experiences, criminal trajectories and the impact of behaviour on others. Understanding is sense-making, and can also assist in predicting factors or situations that facilitate criminal misbehaviour. A further feature of diversion intervention is the generalisation potential of insights. The lessons and experiences have to have application value in daily life and the challenges children face.

Despite much focus on preventing crime through cognitive processes, some realities challenge its potential to affect problem behaviour. *Lifeskills training*, for example, makes use of written exercises to promote forethought abilities. Yet many participants have difficulties in reading and writing. In *mentoring*, younger participants may have inadequate cognitive ability and attention span to restructure modelled events in the forms of rules and regulation. In *outdoor intervention*, participants may fail in the cognitive process of transferring metaphors, because outdoor experiences differ tremendously from daily life. This has important implications for the transferability of symbolic insight. Moreover, cognitive training requires the practicing of new abilities and meaning across situations, in particular the domestic environments of participants. As mentioned, the greater part of child offenders comes from lower socio-economic spheres and dysfunctional family backgrounds. Coupled with the absence of parents in and short duration of diversion programming, serious questions can be raised regarding current diversion models to effectively address child offending. Expecting children to rise above their depriving circumstances - based merely on a short-term programme that is not supported by their (criminogenic) environments - is unrealistic, despite the good prognosis of cognitive strategies. Therefore, tension exists between the potential of cognitive intervention versus support for behavioural change within the environments of participants.

Family group conferencing is unique in the sense that this strategy does not rely substantially on cognitive mechanisms of behavioural change. The insights brought about by discussing the offence may be insufficient to prevent further criminal behaviour. The conference itself focuses only on one incident. A single corrective experience and the absence of structured opportunities to practice new insights may not yield the desired effect.

Diversion programmes, profiles of child offenders and crime typologies

The study's aim of identifying whether different diversion strategies favour particular profiles of child offenders and crime typologies was met to varying extents. A clear profile of child offenders who attend different programmes was not forthcoming, possibly due to the qualitative methods employed. Three observations can, nevertheless, be presented:

- *Lifeskills training*, *mentoring* and *FGC* cater for a wider age range of diverted children (13-18 years), while *outdoor intervention* focuses on older adolescents (16-18 years).
- *Outdoor intervention* favours children guilty of more serious and repeated offending, unemployed school drop-outs, and children who did not respond positively to other types of interventions.
- *FGC* prefers cases where child offenders are guilty of interpersonal crime and where the victim and the offender know each other.

The qualitative data suggests that diversion programmes cater for a fairly uniform profile of child offender, except perhaps in the case of outdoor intervention. Slight variations feature in terms of age, although this might be associated with the developmental levels of participants. The bulk of clients come from lower socio-economic spheres. This could explain their proneness to acquisition crimes and substance abuse. In light of the challenges facing the education system, many child offenders have low literacy levels, inadequate learning abilities and poor scholastic performance. Male participants far outnumber their female counterparts in all programmes. This may suggest that interventions embrace a gendered-approach in diversion delivery, and potentially include messages from masculinity theory when dealing with male offenders.

The research raises concerns about the profile of child offenders that programmes cater for vis-à-vis the fundamental differences in their aetiological understandings of criminal behaviour. It appears as if child offenders are diverted to programmes without their intervention needs taking precedence in referral and programme decisions. This observation is cautiously made, since many programmes form part of multi-modal strategies. Nevertheless, in the general absence of

diversion programmes, particularly in rural areas, diversion to the only available or readily accessible service may provide a midway between complete withdrawal of a case, i.e. without any intervention, and formal prosecution.

Evidence of the impact of diversion programmes

Very little local evidence exists regarding the impact of diversion on the criminal behaviour of children. In addition, published results mainly comment on the influence of lifeskills training. The available studies suggest though that between one in four and one in five children re-offend following completion of lifeskills intervention (Kivedo & Botha 1999: 82; Kok 1994: 32; Morata 2002: 4; Steyn 2008: 233). A larger, longitudinal study reveals self-reported recidivism of 9.8% among diverted children who attended multiple interventions. However, information supplied by alternative sources nearly doubled this figure (Muntingh 2001: 33). Therefore, the available evidence suggests a recidivism rate of around 20%. In line with other observations (Bonta *et al.* 2006: 117; Jackson 2002: 120-121), the present investigation suggests that offenders with higher risk profiles, chronic problem behaviour, previous contact with the justice system, strong defence mechanisms, negative attitudes, and resistance to change appear less responsive to diversion intervention. However, local research and more rigorous investigations are urgently needed to determine the effectiveness of different diversion strategies as stand-alone and as part of multi-modal interventions.

The greater part of the evidence from abroad paints a rather bleak and contradicting picture in terms of the effectiveness of diversion. Meta-analyses show a modest or small benefit for children participating in a variety of interventions, including mentoring (DuBois *et al.* 2002: 187), outdoor intervention (Wilson & Lipsey: 2001: 11) and restorative-based interventions (Bradshaw *et al.* 2006: 87; Latimer *et al.* 2005: 137). The evidence further demonstrates a deteriorating impact over time (Castelano & Soderstrom 1992: 19; Jackson 2002: 120-121), which raises questions about the longer-term impact of interventions.

What becomes clear from the review of evidence is that diversion outcomes are complex to measure. Investigations in this domain can easily fall in a number of traps given the numerous variables that researchers have to account for. In addition, the quality of research evidence is often compromised by inferior research methodologies, methods and techniques, including small sample sizes; varying definitions of re-offending; lack of generalisability to study populations; relying on self-report as opposed to more objectives measures; the absence of control groups and longer-term assessment; the use of instruments that do not have adequate psychometric properties; investigating programmes that form part of multi-modal interventions; the influence of

self-selection bias; and difficulties in isolating independent variables. Prospective researchers are advised to take note of these potential impediments in investigating diversion outcomes.

Potential and strengths of diversion programmes to realise the objectives of the Child Justice Act

The nature of diversion implies that some of the CJA's objectives can be met easily, provided that participants complete the assigned programmes. Among the strengths inherent in diversion programmes are the following: First, the child is dealt with outside the ambit of formal criminal procedures. Second, responsibility and accountability are encouraged since the child has to admit guilt to the offence. Third, diversion prevents the child from having a criminal record. All diversion strategies could meet these objectives without trouble. It appears, however, that some approaches have difficulties in meeting the restorative aims of the CJA. The lifeskills training, mentoring and outdoor programmes investigated in this study have few, if any, victim-involved activities. They do not provide victims opportunity to express their views, experiences and needs regarding the offence. The objectives of reconciliation, forgiveness and compensation cannot take place without their meaningful participation in diversion. As a result, only FGC holds ample potential to meet the restorative objectives of the CJA. It is also the only strategy that appears to meaningfully reconcile child offenders with their parents. Moreover, all strategies seemingly neglect the involvement of the community in their interventions. This objective of the CJA could prove difficult to achieve given the absence of guidance of what exactly "community" means in diversion.

It is debatable whether the investigated diversion strategies can meet the particular needs of individual child offenders. This observation relates primarily to programmes that accommodate diverted children in groups, i.e. lifeskills and outdoor interventions. In group settings, participants must share a common profile and similar exposure to risk factors for the intervention to have meaning for individuals. Only mentoring and FGC appear to follow a case-centred approach in ensuring individualised attention and intervention plans. Furthermore, experiences suggest that it is difficult to prevent the stigmatisation of child offenders. Most often diversion programmes are community-based and where the movement of diversion clients can thus be observed. In addition, one can question whether communities differentiate between a "criminal" and a "diverted" label. On the positive side, all strategies seemingly have the best interest of child offenders at heart. Strategies pay much attention to their dignity and well-being, and generally aim to develop the self-worth of participants. The prevention of re-offending is throughout a central focus of diversion programmes. However, evidence is still needed to corroborate or reconfirm these claims.

Value and benefits of diversion and diversion interventions

Diversion undeniably holds a diversity of benefits for child offenders, their families and the justice system. Child offenders seldom pose a threat to society. When diverted, they remain in their home environments as opposed to being exposed to the harsh realities of custodial settings. This eases work and cost burdens on the justice system, while children remain in the care of their parents and can continue normal daily activities. Children who successfully complete diversion interventions do not acquire a criminal record, but a second chance to lead productive lives. Parents can also be assisted or referred to professional services if there is a need to do so. It is generally accepted that early intervention could prevent a life of continued crime.

An important value of diversion programmes is that they commonly aim to strengthen accountability. It is taken that children do not necessarily understand the impact of their behaviour. Programmes use different strategies to stimulate reflection and thinking about the consequences of behaviour and how participants ended up committing a crime. A further benefit is that diversion programmes generally appear flexible to accommodate the needs of children in conflict with the law. In this regard, the different types of programmes provide referral officers with an array of choices to best deal with child offenders. At large, individual and group approaches provide for enjoyable and unique learning experiences.

In summary: The value and benefits of lifeskills training rest with its structured methods to purposefully effect cognitive structuring. Mentoring provides children with the support of a caring adult. Outdoor intervention promotes self-understanding by removing the child from environments that stimulate problem behaviour. Family group conferencing has particular value for reconciliation, forgiveness and making of amends.

Challenges of diversion strategies and diversion delivery

The study identified various challenges in providing diversion, although some obstacles appear more relevant to particular types of programmes. A cross-cutting challenge relates to the absence of parents in programme delivery. It is commonly understood that parents could inhibit or unknowingly facilitate the problem behaviour of children. Without their meaningful involvement and empowerment, programmes may find it difficult to impact on domestic factors contributing to criminal behaviour. In a similar vein, diversion might find it difficult to address behaviour that stem from peer influences.

Sufficient exposure to an intervention is needed to effectively impact on behaviour. Generally, local diversion strategies appear too short in duration to meet their objectives. Given the multiple risk factors that many children are confronted with, it is debatable whether participation in short-term interventions will prevent further offending. This observation is of specific concern given the socio-economic needs of many children who are in conflict with the law. Similarly, meaningful follow-up often seems unstructured, ad hoc or completely absent in the many programmes. In some cases, it appears that the withdrawal of a case by court (following successful completion) supposedly negates the need for follow-up. Not surprisingly, many children find it difficult to sustain the good intentions of programmes in their day-to-day environments.

Furthermore, diversion delivery might be confronted with child-specific determinants, for example low literacy levels, poor abilities to meaningfully communicate and express emotions, and inadequate cognitive development. Lastly, the diversion systems are often open to abuse. Children and their parents may well agree to the diversion option merely to escape prosecution.

Principles and guidelines for diversion practice

The literature and data allow for the following broad principles or guidelines to be deducted in respect of diversion and diversion practice in South Africa:

- Initiatives should at all times have the best interest of the child offender in mind. Knowledge about Constitutional mandates and international instruments, such as the Beijing Rules, is imperative.
- Service providers have to be familiar with the contents of the CJA as well as the directives of the National Prosecuting Authority regarding diversion.
- Programmes have to be rooted in relevant theories of behavioural change. The assumptions of what causes child offending should inform theoretical foundations and their resulting methods.
- Initiatives need to understand their own assumptions about child offending, as well as why and how their strategies ought to work.
- The needs of diverted children, and the risk factors they are exposed to, should inform decisions about the most appropriate diversion option available.
- Interventions should ensure that diversion clients have the cognitive abilities required to meaningfully engage with and learn from the programme's content.
- Relevant stakeholders should be involved in diversion procedures, in particular parents who may benefit from parenting skills and family preservation training.

- Programme planners have to strive toward the inclusion of restorative elements in diversion interventions. Attention should also be paid to the principles of *ubuntu*.
- Diversion services should be holistic in nature. Toward this end, linkages are needed with educational, health and social development opportunities.
- Programmes must be of the required length and depth to ensure that participants are exposed to the appropriate measure of intervention dosage.
- Follow-up and after-care are integral components of diversion delivery and must thus extend to parents and others who have a stake or interest in the offence.
- Service providers should have the required knowledge and skills to implement diversion programmes.

Merits of the current study

Although diversion is not a new concept and initiative in South Africa, programmes were introduced and implemented in quite a haphazard and disjointed manner over the past two decades. Initially no legal framework guided the implementation or the quality of diversion interventions. The introduction of the CJA in April 2010 represents a milestone in the country's legal response to child offending. As can be expected, the CJA opens the door for much research in the policy, decision-making and practice spheres of dealing with child offenders. The present research took a step in that direction by exploring the theoretical assumptions, methods and strategies, value/benefits and challenges/limitations of four local, i.e. South African diversion strategies. Continually calls have been made for referral officers and service providers to understand the strategies that they are making use of or implementing (cf. Frank 2003: 24; Muntingh 2005: 6; Schärf 2003: 11; Steyn 2005: 282). As such, the results and insights generated by this study have important relevance for magistrates, prosecutors, probation officers, social workers and providers of diversion services. The findings and insights also have value for education and training, especially in the disciplines of Criminology, Psychology, Social Work and Law. Moreover, the study makes an important contribution to diversion debates by delineating the potential of diversion strategies to meet the diversion objectives of the CJA. No such insights have been staged thus far.

Diversion is a vast area of study. The strategy involves numerous role players, follows a variety of referral and monitoring systems, and takes form in different types of interventions. This study explores some aspects relevant to decision-making and implementation of diversion. It brings to the fore important challenges and limitations in diversion delivery, and also comments on the value and strengths of different strategies. The first four articles, in particular, undertook an in-depth exploration of programme assumptions, theories and methods of diversion delivery. They

provide insights for referral officers and those at the coalface of service delivery about what different programmes can and cannot offer children in conflict with the law. The fifth article contrasts these aspects and demonstrates that different diversion strategies share common limitations and challenges.

Recommendations for research, training and practice

In light of the study's limitations (see *Introduction*), numerous questions regarding diversion delivery in South Africa remain unanswered. One important question relates to the experiences and views of diversion beneficiaries (children and their parents) regarding aspects such as referral, participation in decision-making, value and limitations of diversion programmes, and perceived benefits vis-à-vis their expectations of diversion. In addition, research is needed to assess diversion practices in different settings, in particular as they apply in urban and rural environments as well as to the demographic profiles of both the providers and recipients of diversion services.

It is imperative that the envisaged benefits of diversion be clearly determined, specifically on the crime situation in South Africa. Toward this end, research is needed regarding the impact and outcomes of diversion and different diversion programmes, not only in terms of recidivism, but also regarding the aims of diversion as articulated in the CJA, i.e. reinforcing respect for human rights, promoting accountability, reintegration into the family and community, participation of victims, etc. These understandings must be sensitive toward the type of interventions used and the influence of different combinations of diversion strategies.

The introduction of the CJA necessitates the establishment of dedicated systems to address child offending through diversion. Studies are needed to continuously assess the functioning of these systems and procedures, as well as potential barriers in referral to and difficulties in accessing diversion services. Systems aspects have to be investigated from the vantage points of decision-making, referral and programme delivery. As to the last, researchers should in particular pay attention to the reactions of diversion delivery toward the directives of the CJA, e.g. how programmes adapt to and align with the new legislation. In addition, public opinion and reactions of communities toward diversion have to be investigated systematically with a view to assess the acceptability of the strategy.

The study allows for recommendations regarding the training of stakeholders involved in the diversion system. Prosecutors and magistrates need to have knowledge about the legal dimensions of diversion. In addition, they have to be informed and knowledgeable about different

diversion strategies and what these hold for the rehabilitation of individual cases. In this regard, referral to particular approaches must be informed by sufficient information about the intervention needs of individual children. Social workers and probation officers, who are primarily tasked with assessment and referral recommendations, should also have proper knowledge about diversion strategies, what these offer, and whether they can meet the needs of child offenders. Institutions responsible for the training of these legal, referral and implementing officers should incorporate the themes of diversion and diversion delivery into their curricula.

Regarding the five individual articles comprising this study: they each presents programme-specific recommendations to improve diversion delivery in South Africa. A synopsis of emerging cross-cutting recommendations for diversion providers is presented below:

- Child offenders have specific needs to which interventions should respond. Programmes have to understand whether their assumptions about the causes of child offending correlate with and can address the needs of diverted children.
- Effective services to a large extent depend on the ability of facilitators to implement programmes. With diversion, counselling is important. Some strategies, in particular outdoor intervention, may benefit from implementers with specialised counselling and therapeutic planning skills.
- Parents are both facilitators and inhibitors of child offending. Diversion strategies must actively involve them. Without the buy-in and commitment of parents, programmes run the risk of failing to impact on the broader system dimensions that contribute to the criminal behaviour of children.
- Meaningful follow-up and after-care are integral parts of rehabilitation. Diversion services must have specific strategies and dedicated resources in place to track the progress (or lack thereof) of diverted children (in order to intervene timeously). Diversion orders should specify follow-up activities and their duration.
- Diversion addresses one specific social ill, namely child offending. However, the problem behaviour of children often involves broader influences and ramifications, including those associated with poverty and unmet material needs. Diversion programmes must thus have strong linkages with other role players in the social welfare arena in order to provide a holistic response to the child offender phenomenon.
- The CJA has recently been introduced. Diversion programmes should be familiar with the purposes, procedures and specifications of the CJA. They must also determine the extent to which their strategies meet the demands of the Act (and restorative justice focus) in order to take remedial steps if needed.

The "article option" in thesis writing – experiences and recommendations

From the view and experience of the researcher, the writing of a thesis in the form of series of closely linked articles holds numerous advantages, both in terms of the educational process and research outcomes:

- It trains the researcher in skills that could be used for future tasks, in particular the compilation of concise pieces of work and, equally important, the ability to write succinctly.
- It transfers skills for the carefully planning and demarcation of a task into separate yet interconnecting parts (each article must stand alone, while still speaking to the other articles in the study).
- It breaks down a study into smaller and more manageable parts that succeed each other; this also facilitates supervision which often spans a number of years.
- It prepares the work in a format that can meet the increasing demand for scientific publications; this is of particular value to researchers who start or pursue an academic career.
- It facilitates a productive way of conducting research and communicating results with peers (as opposed to the lengthy, unpublished traditional thesis).
- It speeds up the dissemination of novel research results on topical issues that might otherwise be delayed in cases where the researcher opts for the elaborate and protracted thesis format.

Despite these advantages, the article option introduces one very specific challenge to the researcher, namely that of limited space. Qualitative investigations generate vast amounts of information. Although the researcher is expected to reduce the volume of data in order to make sense of it, qualitative studies demand room for thick descriptions. The data must bring to the fore the required 'insider' perspective by richly mirroring the views and experiences of respondents. This the article option does not necessarily provide for. Direct quotations, in particular, must be limited to the absolute essence of what is to be conveyed. In this process, some latent meaning of empirical data could easily become lost. In a similar vein, theoretical aspects cannot be explored and argued at length, given the restricted space to do so. Researchers should thus weigh the advantages and disadvantages of the article option against the nature and purpose of their studies. If they aim for qualitative depth, the traditional thesis might often prove to be the better option.

Lastly, the assessment of a thesis as a series of articles may present challenges in the examination process and to examiners. The article option must be evaluated alongside additional criteria. Assessment protocols should measure the scientific value and contribution of the study, on the one hand, and the significance of the individual articles, on the other. This may entail that

examiners have to judge the articles as peer reviewers in addition to the contribution of the larger study. Also, examiners have to understand the purpose, guidelines and procedures of the article option, which certainly require a clear orientation to this approach in thesis writing.

References

Bonta J, Jesseman R, Rugge T & Cormier R 2006
  Restorative justice and recidivism: promises made, promises kept? In Sullivan D & Tifft L (eds). *Handbook of restorative justice: a global perspective.* New York: Routledge. 108-120.
Bradshaw W, Roseborough D & Umbreit MS 2006
  The effect of victim offender mediation on juvenile offender recidivism: a meta-analysis. *Conflict Resolution Quarterly* 24(1): 87-98.
Castellano TC & Soderstrom IR 1992
  Therapeutic wilderness programs and juvenile recidivism: a program evaluation. *Journal of Offender Rehabilitation* 17(3&4): 19-46.
Child Justice Act 2008
  Act no 75 of 2008. *Government Gazette* 527(32225). Cape Town: Government Printers.
DuBois DL, Holloway BE, Valentine JC & Cooper H 2002
  Effectiveness of mentoring programs for youth: A meta-analytic review. *American Journal of Community Psychology* 30: 157-197.
Frank C 2003
  What have we learnt? Social crime prevention in SA: a critical overview. *SA Crime Quaterly* 6: 21-26.
Jackson Y 2002
  Mentoring for delinquent children: An outcome study with young adolescent children. *Journal of Youth and Adolescence* 31(2): 115-122.
Kivedo M & Botha D 1999
  'n Afwentelingsprogram vir jeugoortreders. *Social Work Practitioner – Researcher* 11(2): 74-85.
Kok J 1994
  An evaluation of the Youth Offender Programme at NICRO, Cape Town. NICRO Occasional Paper No. 6. Cape Town: National Institute for Crime Prevention and Reintegration of Offenders.
Latimer J, Dowden C & Muise D 2005
  The effectiveness of restorative justice practices: a meta-analysis. *The Prison Journal* 85(2): 127-144.

Morata C 2002

From scars to stars. *Article 40* 4(4): 4.

Muntingh L 2001

The effectiveness of diversion programmes – a longitudinal evaluation of cases. Cape Town: National Institute for Crime Prevention and Reintegration of Offenders.

Muntingh L 2005

Minimum standards for diversion programmes. *Article 40* 7(4): 4-6.

Schärf W 2003

Themes emerging from the workshop discussions. Proceedings of the *Crime Prevention and Development Workshop.* Mont Fleur, Stellenbosch, 26-27 June 2003. Cape Town: Open Society Foundation.

Steyn F 2008

Lifeskills training for children with problem and deviant behaviour: the Noupoort Youth and Community Development Project. *Acta Academica* 40(2): 205-243.

Steyn F 2005

Review of South African innovations in diversion and reintegration of youth at risk. Cape Town: Open Society Foundation of South Africa.

Wilson SJ & Lipsey MW 2000

Wilderness challenge programs for delinquent youth: a meta-analysis of outcome evaluations. *Evaluation and Program Planning* 23: 1-12.

Summary

Diversion of children in conflict with the law has been practiced in South Africa since the early 1990s. From that time, the number of referrals and the scope of programmes burgeoned despite the absence of legislation to regulate diversion. The Child Justice Act (CJA) came into effect on 1 April 2010 and provides measures for assessment, referral and management of children who are eligible for diversion. It also stipulates the options for diversion intervention. This study investigates the theoretical foundations, methods, value and limitations of four diversion strategies, namely lifeskills training, mentoring, outdoor intervention and family group conferencing. Attention is also paid to the interventions' potential to realise the diversion aims of the CJA. Qualitative methods guided the research, in particular case study designs. A series of semi-structured interviews were conducted with the providers of the targeted diversion strategies. Programme documentation was also obtained in the form of training manuals and annual reports. In addition, interviews were conducted with Criminology and Social Work lecturers to further explore the theories that guide diversion strategies.

Diversion programmes demonstrate particular understandings of the aetiology of child offending. The assumptions they make about the phenomenon to a large extent inform the methods used in the intervention process. Their assumptions include inadequate socialisation and personal abilities, absent and inimitable role models, negative life experiences and trauma, and reconciliation and reparation. Despite their unique assumptions, strategies appear to accommodate a fairly uniform profile of child offender. This raises questions about the assumptions of approaches regarding criminal behaviour vis-à-vis the risk factors they aim to address. Furthermore, parents feature as an important facilitator and inhibitor of diversion intervention. Their disinterest in or absence during significant intervention phases could restrict the outcomes and credibility of diversion programmes. Strategies that accommodate child offenders in groups are seemingly more inclined to exclude parents during the actual intervention. They may also fail to meet the individual intervention needs of participants as programmes are structured around a common goal for the group. Individual approaches, however, lack opportunities for vicarious learning. The time frames of diversion programmes and ad hoc follow-up procedures appear insufficient to optimally impact on criminal behaviour.

Children who engaged in crime must acknowledge guilt for the offence in order to be diverted. Practice suggests that some children abuse the system in attempts to avoid formal prosecution. This could, in turn, compromise accountability which is a central aim of the CJA. Strategies show varying abilities to reintegrate diverted children with their families and communities. Moreover, only approaches that are fundamentally restorative in nature meaningfully involve the victims of

offences. The lack of victim participation in diversion strategies fails to give effect to the reconciliation and reparation objectives of the CJA. Stigma stemming from contact with the criminal justice system appears difficult to avoid given the fixed location of service providers and some of the activities participants engage in. Despite these shortfalls, diversion shows promise in dealing with child offenders outside the ambit of formal justice procedures. It also prevents those who successfully complete the programmes from receiving a criminal record.

Opsomming

Die wegwending van kinders in konflik met die gereg word sedert die vroeg 1990s in Suid-Afrika beoefen. Sedertdien het die getal verwysings na en omvang van programme gefloreer ten spyte van die afwesigheid van wette om wegwending te reguleer. Die Kinderregwet (*Child Justice Act*) het op 1 April 2010 in werking getree en voorsien maatreëls vir assessering, verwysing en bestuur van kinders wat vir wegwending kwalifiseer. Die wet stipuleer ook die opsies vir wegwending intervensie. Hierdie studie ondersoek die teoretiese onderbou, metodes, waarde en beperkinge van vier wegwendingstrategieë, naamlik lewensonderrig, mentorskap, buitelug en familie-groep beraadslaging. Aandag word ook geskenk aan die potensiaal van programme om die wegwendingsdoelwitte van die Kinderregwet te verwesenlik. Kwalitatiewe metodes is gevolg, spesifiek die gebruik van gevallestudie ontwerpe. 'n Reeks semi-gestruktureerde onderhoud is met diensverskaffers van wegwending gevoer. Dokumentasie rakende die benaderings, spesifiek programhandleidings en jaarverslae, is ook bekom. Hierbenewens is onderhoude met Kriminologie en Maatskaplike Werk lektore gevoer ten einde die teorieë wat wegwending lei, verder te ondersoek.

Wegwendingsprogramme het bepaalde opvattings rakende die etiologie van jeugoortreding. Hul aannames rakende die fenomeen gee grootliks rigting aan hul metodes van intervensie. Die aannames sluit in onvoldoende sosialisering en persoonlike tekortkominge in vaardighede, afwesige en onnavolgbare rolmodelle, negatiewe lewenservaringe en trauma, en hereniging en vergoeding. Ten spyte van hul unieke aannames blyk dit dat strategieë 'n redelike uniform profiel van jeugoortreder bedien. Hierdie waarneming bevraagteken hul aannames oor kriminele gedrag in lig van die risiko faktore wat hul poog om aan te spreek. Verder figureer ouers as beide fasiliteerders en inperkers van wegwending. Swak belangstelling of afwesigheid in belangrike fases van intervensies kan die uitkomste en geldigheid van wegwendingsprogramme kniehalter. Strategieë wat jeugoortreders in groepe akkommodeer blyk meer geneë te wees om ouers uit intervensies te laat. Hierdie tipe programme kan ook faal om die individuele behoeftes van jeugoortreders direk aan te spreek omrede intervensies rondom die behoeftes van die groep saamgestel word. Aan die ander kant laat individuele benaderings min ruimte vir

plaasvervangende leer toe. Die tydsraamwerk van programme, asook hul ad hoc benaderings tot opvolgprosedures, blyk onvoldoende te wees om kriminele gedrag effektief aan te spreek.

Kinders wat misdade pleeg moet skuld vir hul handelinge erken ten einde in wegwendingsprogramme opgeneem te kan word. Vanuit die praktyk blyk dit dat sommige kinders dié sisteem misbruik om formele aanklagte vry te spring. Hierdie realiteit kan aanspreeklikheid affekteer, wat 'n sentrale doel van die Kinderregwet is. Die wegwendingstrategieë varieer in hul potensiaal om kinders met hul families en die gemeenskap te reïntegreer. Slegs benaderings wat essensieel op herstellende geregtigheid gebaseer is betrek slagoffers in die wegwendingsproses. Die afwesigheid van slagoffers in verskeie programontwerpe slaag moeilik daarin om die doelwitte van hereniging en vergoeding te bewerkstellig. Stigma wat spruit uit kontak met die regstelsel blyk moeilik voorkombaar te wees gegewe die plasing van diensverskaffers en sommige van die aktiwiteite wat jeugoortreders in programme onderneem. Ten spyte van hierdie tekortkominge hou wegwending die moontlikheid in om kinders buite formele regsprosedures te hanteer. Dit voorkom ook 'n kriminele rekord in gevalle waar deelnemers hul programme voltooi.

Key terms

Diversion

Diversion programmes

Child Justice Act

Child offender / juvenile delinquent

Family group conferencing

Lifeskills training

Mentoring

Nature-based / outdoor treatment

Restorative justice

Appendix A – Research instruments

Interview schedule for diversion providers/managers

Establishment

- When was the programme established? / What was the process?

Programme rationale

- Why was the programme established? / What gave rise to its establishment?
- Who are the targeted beneficiaries? Why them?
- In your experience, what factors contribute to offending behaviour (only cases referred for diversion intervention)?
- What are the principles guiding the programme?

Methods

- How would you define the intervention with child offenders?
- What are the criteria for diversion to your programme?
- How do you determine whether a particular case is suitable for your programme?
- How does your programme work? [Obtain programme/implementation documentation]
- How many children are taken in at a time?
- How would you describe the profile of a facilitator?

Output/outcomes

- How many children thus far went through your programme? [stats per year]
- How would you define a successful diversion intervention?
- What is the value of your programme with child offenders? Please elaborate.
- What profile of child offender will best be served by your programme? [type/nature of offence, age, sex, developmental stage, peer groups, household dynamics, education, socio-economic status] –
- What type offence will most likely be prevented by means of your programme?
- What is the typical profile of a child not reached through your programme? Please elaborate.
- What are the limitations of your programme?
- To what extent can your programme inform the diversion objectives of the Child Justice Act and restorative justice?

Potential of programme to realise the purpose of diversion (CJA)

	Yes	No	N/S
Encourage accountability/responsibility for the offence			
Meet the individual needs of child offenders			
Promote reintegration of the child with his/her family			
Promote reintegration of the child with his/her community			
Encourage victims to participate in the diversion process			
Provide opportunity for victims to express their views			
Promote compensation/reparation/restitution to the victim (symbolically)			
Assist in reconciling the child with the person affected by the offence			
Prevent stigmatisation/labelling flowing from contact with the justice system			
Prevent the child from receiving a criminal record			

Potential of programme to realise the intent of restorative justice

	Yes	No	N/S
Offending behaviour is the violation of one person's rights by another			
Crime is an offence against the broader community/society			
The emphasis is on problem-solving			
The emphasis is on future obligations			
Addressing crime is interactive and involve negotiation			
Crime prevention takes place through reconciliation			
Crime prevention takes place through restoration			
Emphasis is on repairing a social injury			
The community plays an active role in the restorative process			
The victims rights and needs are recognised			
The offender is encouraged to take responsibility			
The offender is encouraged to make amends			
The offence is viewed in broader terms (of causation)			
Stigma is removed through restorative action			
Possibilities exist for repentance and forgiveness			
Community members are involved in the process			
Parents are involved in the process			

Interview schedule for lecturers

When considering the assumptions, theoretical foundations and resulting methods of [type of diversion programme] with child offenders:

- What profile of child offender can best be served by this approach? [age, sex, developmental stage, peer groups, household dynamics, education, and socio-economic status]
- What types of offences will most likely be prevented by this type of intervention? Why?
- What profiles of child offenders are not well suited for this type of programme? Why?
- What types of problem behaviour are not well suited for this diversionary approach? Why?
- Why should this type of programme work in intervening with child offending?

In your view:

- What is the value of the approach with child offenders? Please elaborate.
- Why should this type of programme work in intervening with child offending?
- What are the limitations of the programme with child offenders?
- To what extent can this approach inform the diversion objectives of the Child Justice Act and restorative justice? [see table]