RISK ASSESSMENT OF CHILD OFFENDERS: A SOUTH AFRICAN SOCIAL WORK PERSPECTIVE

by

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I declare that RISK ASSESSMENT OF CHILD OFFENDERS: A SOUTH AFRICAN SOCIAL WORK PERSPECTIVE is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

SIGNATURE
(MR E E SMITH)

DATE
18.11.2013
Dedications

This work is dedicated to my grandparents, MA and PA, for their unconditional love, sacrifices and teaching that education is important, as well as to my mum and dad.
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LIST OF ACRONYMS AND ABBREVIATIONS

CCI - Children’s Court Inquiry
CRC - Convention on the Rights of the Child
CUBAC - Children used by adults to commit crime
CYCC – Child and Youth Care Centre
CUBAC - Children used by adults to commit crime
DSD - Department of Social Development
IDP – Individual Development Plan
PGWC - Provincial Government Western Cape
RNR - Risk-Need-Responsivity Model
SA – South Africa
SALRC- The South African Law Reform Commission
UNISA- University of South Africa
USA - United States of America
WCED - Western Cape Education Department
ABSTRACT

This study was interested in exploring the perceptions and experiences of social workers about the nature and contents of conducting risk assessments with child offenders. Considering the high level of crime and reoffending in South Africa, effective assessment is imperative.

The goal of the research was to develop an in-depth understanding of how risk assessments of child offenders are conducted in practice. This was done by applying a qualitative research methodology. The study was conducted in the Western Cape. Data were collected by means of semi-structured interviews. Purposive sampling was employed and data were analysed according to the framework provided by Tesch.

The findings indicated that although prescribed instruments are used in the risk assessment of children in South Africa, they all have definite limitations. To enhance the quality of service rendered to child offenders, the development of a standardised risk assessment instrument is needed.

Key words:

Assessment, Child and Youth Care Centre, Child Offender, Ecometrics, Probation Officer, Restorative Justice, Risk Assessment, Risk Management, Risk-Need-Responsivity Model, Social Worker.
CHAPTER 1

INTRODUCTION AND GENERAL ORIENTATION TO THE STUDY

1.1 INTRODUCTION AND BACKGROUND TO THE STUDY

Assessments of child offenders by social workers and probation officers are important in South Africa (SA) and worldwide. For the purpose of this research, risk and risk assessment in the context of child offending are discussed.

Risk is being described as the probability or likelihood that harm will happen, however, it is not the harm itself (Kemshall & Pritchard 1996:236). Baker (2004:1) elucidates that risk can mean: The risk of reoffending – how likely a child offender is to reoffend and the timescale; risk of harm to others – the probability of the child offender committing an offence that is likely to inflict harm or serious harm to others; risk of harm to the child offender – whether the child will be harmed by his/her own actions or by the actions or omissions of others. Baker (2004:2-3) goes further and explicate risk of serious harm is a more in-depth assessment to ascertain if a child offender presents a risk of serious harm to others, which includes assessing risk of violence and sexual violence.

Risk assessment is a reasonably new idea in child justice but has a long history in other sectors, especially in those of health and finance (Disney & Morgan, 2005:4). Kemshall and Pritchard (1996:10) suggest that risk assessment emerged as a concept in social policy in child protection and juvenile justice in the 1970s and 1980s, and is now established in both social policy and theory (Andrews & Bonta, 2010:342, Baker, 2008:1463).

Burman, Armstrong, Batchelor, McNeill and Nicholson (2007:vi) define risk assessment as follows: “Risk assessment is the process of estimating and evaluating risk. A probability calculation that a harmful behaviour or event will occur, which involves an assessment about the frequency of the behaviour/event, its likely impact and who it will affect”.

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For Roestenburg (2012:229-231), the Framework for Risk Assessment and Evaluation (FRAME) Planning for Local Authorities and Partners (2011:5), and Baker’s (2004:5) risk assessment entails identification of key pieces of information, analysis of their meaning in the time and context of the assessment and evaluation against the appropriate criteria. It is based on the best available information, gathered from documents and interviews. Risk assessment is conducted in an evidence-based, structured manner, using standardised tools and professional decision-making acknowledging any limitations of the assessment. The results of risk assessment must be communicated reliably, in a way that is meaningful and understood by all professionals involved, specifically including child offenders and parents. Risk assessed by probation officers, social workers and youth offending officers must be communicated in terms of the likelihood, pattern, nature and seriousness of offending. On the other hand, Vincent, Guy and Grisso (2012:24-25) as well as Andrews and Bonta (2010:328-329) elucidate a risk assessment will estimate the likelihood that on-going child offending behaviours will occur for a child if professionals do not intervene. Many standardised tools can indicate with reasonable accuracy whether a child is at relatively low or relatively high risk for reoffending. Risk assessment can guide intervention planning by indicating which areas may be the best targets for intervention in order to reduce the likelihood of reoffending for a child. For example, some risk assessments help answer the question: “What factors in that child in conflict with the law’s life or characteristics of the child are likely driving him/her to offend and may lead to more offending?”. Of utmost importance in order for a standardised risk assessment tool to facilitate intervention planning, it must contain dynamic risk factors, sometimes known as criminogenic needs factors. Risk assessment provides a standardised method of important data collection for an agency denoting the occurrence of some problem areas of the child offender so resources can be planned accordingly. Further, if implemented scientifically a risk assessment can provide a measure of the overall progress of the child offender in an agency’s care. Vincent et al. (2012:5-6), however, warn risk assessment tools are not prescriptive. In other words, a risk assessment tool will not tell the rater (assessor, practitioner, probation officer, youth offending officer, social worker) exactly what course of action should be taken with the child offender. Chiefly, risk assessment tools for child offenders were not developed to assess risk for sexual offending nor in mental health assessments. Risk assessments usually do not include items that are unrelated to future offending, like “well-being needs”. Risk assessment tools do not prescribe legal decisions and are not appropriate for determinations of failure to appear.
In view of the aforementioned, while it is reasonable to assume that practitioners have a shared understanding of risk internationally, nationally and across the various sectors, the researcher deduced that they may have different understandings of risk and risk assessments.

Risk assessment concerns the classification of each child offender into a general risk category (low, medium or high) and an evaluation of the specific nature of the risk they pose. This includes the identification of any circumstances which may increase the risk of an offence being committed (Andrews & Bonta, 2010:301). Risk and risk assessment can be classified into micro, meso, exosystem and macro categories. Examples of micro level risk factors are difficult temperament, low intelligence and family violence. Examples of meso level factors are economically disadvantaged neighbourhoods, high levels of substance availability and substandard housing. Examples of the ecosystem include parents’ workplace and community service agencies, while macro level examples include poverty and unemployment (Allers, 2012:8, Disney & Morgan, 2005:9, McCarthy, Laing & Walker, 2004:49).

Within a risk assessment, the term ‘dangerous’ is sometimes used by probation officers. Baker et al. (2011:183) define dangerousness as where “offenders who have committed a specific or serious specified offence, and who have been assessed by a court as presenting a significant risk to the public of serious harm”. This accounts for the use of the term for certain individuals who present actual or potential harm to others (Kemshall, 2003:50).

The term ‘risk management’ is used in a variety of fields, ranging from financial management to social work case management. Burman et al. (2007:vi) provide the following definition:

“Risk management is the development of a systematic approach within an organisation which allows for the planning of strategies and for monitoring and reviewing accountability and support for staff.”

Kemshall (2001:32) notes that risk management takes a range of forms, depending upon the level of assessed risk, the status of the offender concerning the criminal justice system, and the policies, priorities and resources of the agencies involved.

In SA, the social work interview is still regarded by social workers as the most versatile and effective tool with which to conduct a risk assessment of child offenders. However,
Roestenburg and Van Breda (2003:1) contend that it is a method of assessment that has its own inherent bias and subjectivity. This lack of reliability and validity of assessments are rigorously questioned in courts. As experienced by this researcher, probation officers’ reports are often questioned, criticised and even rejected by courts. Roestenburg and Van Breda (2003:1) argue that measurement and defensible assessments often do not feature in most direct practice contexts as assessments are based on the practitioner’s ability to interview. In the researcher’s experience, assessment is regarded as an art, based on ‘practice wisdom’ and experience. Roestenburg and Van Breda (2003:6) propagate that the situation in SA calls for more rigorous scale, tool, instrument, indigenisation, development efforts, validation studies and coordinated research to standardise instruments.

From personal experience, in talking to social workers and reading the literature (Skelton & Tshehla 2008, Pinnock 1997, Inter-Ministerial Committee on Young People at Risk, 1996), it seems that in the past 20 years numerous research endeavours have been conducted on the child offending system in SA focusing on child centeredness, transformation, governance, law reform and human rights (Allers, 2012, Badenhorst, 2011, Gallinetti, 2009, Odongo, 2005, Palmer, 2004, Raymond, 2004, Shabangu, 2004 and Sloth-Nielsen, 2001). However, it seems that the voices of social workers have not been heard in the current discourse in relation to the risk assessments of child offenders. This discourse was dominated by the Department of Social Development (DSD), the Department of Correctional Services, Parliament, service delivery organisations, academics and human rights activists.

By ratifying the Convention on the Rights of the Child (CRC) on 16 June 1995, SA embraced its responsibilities towards children (i.e. boys and girls below the age of 18 years). According to Article 40 of the CRC, children accused of crimes are entitled to be treated in a way that promotes their sense of dignity and worth, and encourages them to respect the rights of others (Skelton & Tshehla, 2008:16, Inter-Ministerial Committee on Young People at Risk (IMC), 1996:15).

The Constitution states that “every child has the right not to be detained except as a measure of last resort, in which case, in addition to the right a child enjoys under Section 12 and 35, the child may be detained only for the shortest appropriate period of time, and has a right to be treated in a manner, and kept in conditions that take account of the child’s age” (The Constitution, 1996, Section 28(1)). However, even in cases where children are detained, this
does not negate the child’s human rights to dignity and safety. It is argued that if the state deprives children of their liberty, it takes on certain responsibilities to safeguard, protect and uphold their dignity. Conducting risk assessments might be a means to this end.

Certain international documents lay down standards for children who are in conflict with the law, and SA as a country which embraces human rights should comply with these documents (United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Riyadh Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Skelton & Tshehla, 2008:15, Inter-Ministerial Committee on Young People At Risk (IMC), (1996:15).

After the democratic elections in 1994, the need to develop a child justice system for SA was raised on numerous occasions. This was because thousands of children suffered an inhumane criminal justice system designed primarily for adults (Raymond, 2004:80). For example, guardians were not contacted, few attempts were made to divert children, and no assessments of children were conducted (Badenhorst, 2011:3).

The “Justice for Children - No child should be caged” campaign was launched and the South African National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) introduced the concept ‘Diversion’ during 1992.

The Juvenile Justice Drafting Consultancy was formed to draft policy and legal proposals and the concept of restorative justice was introduced in 1993. Children’s Rights were written into the Constitution, therefore “Children could not be detained except as a measure of last resort”. The sentence of whipping was abolished in 1994.

The Inter-Ministerial Committee on Young People at Risk was established in May 1995 to drive the transformation of the child and youth care system. Article 40(3) of the CRC obliges the state to establish a separate body of legislation to govern children in conflict with the law. The South African Law Commission initiated the Project on Juvenile Justice with the aim of drafting child justice legislation. The South African Law Reform Commission (SALRC) was requested to investigate the feasibility of developing a child justice system in SA and to submit recommendations for the reform of this specialist area of the law. The SALRC set up a project committee in 1996. (Issue Paper 9 on Juvenile Justice was published in 1997,
consulted by both government and civil society role players.

In 1998 a comprehensive Discussion Paper, accompanied by a draft Child Justice Bill (Bill 49 of 2002) was published. With this bill a new system was introduced for consideration. This new system gained support and a report with a proposed draft Child Justice Bill (Bill 49) of (2002) was submitted to the then Minister of Justice and Constitutional Development in August 2000. The Child Justice Bill (Bill 49) of (2002) was introduced into Parliament in August 2002. However, before it could be finalised, Parliament recessed for the elections in 2004. There is no any progress on the Child Justice Bill (Bill 49) of (2002) in 2005 or 2006. This delay meant that a new version of this bill was released in October 2007 and reintroduced into Parliament in January 2008. After written submissions and a public hearing on this bill in early 2008, it gained momentum in being finalised as various civil society organisations and other institutions under the patronage of the Child Justice Alliance were permitted to participate directly in this process.


Since the implementation of the Child Justice Act (Act No 75) of (2008) on 1 April 2010, the courts have demanded more accurate risk assessments in order for the child justice system to play its part in the assessment, reduction and management of child offending. Reliable and valid risk assessments will provide the courts, Correctional Services, the South African Police Service, the DSD, probation officers, lawyers, families, social workers, victims and children in trouble with the law, with important information that will influence decisions to be made about the risk to society and management of child offenders (Roestenburg, 2012:9, Londt, 2004:124).

In terms of Chapter 5 of the Child Justice Act (Act No 75) of (2008), it is mandatory to evaluate or assess the circumstances of the child and the alleged offence/s with a view to formulate appropriate recommendations. An assessment by a probation officer must take place as soon as possible after the arrest of a child, and before a preliminary inquiry is held (Skelton & Tshehla, 2008:45). Although the assessments of child offenders are now
compulsory, it appears that a defensible risk assessment remains lacking.

Badenhorst (2011:32) asserts that probation officers are not acquainted with the timeframes for assessments, the requirements and standards for assessments, the submission of adequate assessment reports, the need to do after-hours assessments, and the other duties conferred upon them in terms of the Child Justice Act (Act No 75) of (2008). Gxubane (2008:13) opines that current assessment reports do not meet the needs and requirements of the court, the child offender and the community. In addition, Skelton and Badenhorst (2011:50) state that the quality and accuracy of assessment reports are concerning because probation officers in SA are still using outdated theories of criminal behaviour. Information gathering and the tools used by probation officers must thus be updated in line with international best practice. Namibia became the first country in Africa to implement a standardised offender risk and need assessment framework (Hesselink-Louw, 2004:137).

Internationally, numerous risk assessment tools are used. In SA, however, it appears that a systematic, standardised and empirically-based framework is lacking (Fouché, 2007:2, Van Der Merwe & Dawes, 2007:4, Londt, 2004:124 and Palmer, 2004:59-60). These are primarily designed for two (not mutually exclusive) reasons, namely to determine the appropriate level of supervision or custodial sentence, and to determine the intervention required and to measure change.

Internationally, different standardised risk/need assessment tools are used in child justice contexts. Upon reading the literature, it seems that two risk/need assessment tools are commonly used in different parts of the world. These are Asset and the Youth Level of Service/Case Management Inventory (YLS/CMI) (Baker et al., 2011:68, Andrews & Bonta, 2010:329). An example of an adult standardised risk assessment tool is the Offender Assessment System (OAsys) (Baker, 2008:1464).

Kemshall and Pritchard (1996:15) posit risk assessment is a specialised skill that cannot be learned in a generic training programme such as a degree in social work. Kemshall (2002:22) introduces the concept of defensibility. Baker et al. (2011:32) suggests that a defensible decision is made when "all reasonable steps have been taken; reliable assessment methods have been used; information is collected and thoroughly evaluated; decisions are recorded; staff work within agency policies and procedure; grounded in evidence; staff communicate
with others and seek information they do not have; assessment of risk was conducted with risk management plans in place and on-going, and practitioners are capable of responding to risk over time.”

The theoretical framework which underpins the present study is the Risk Need Responsivity (RNR) model. This model has been used with increasing success to assess and rehabilitate offenders around the world (Burman et al., 2007:15). The RNR model contains three basic principles of rehabilitation:

- **Risk principle:** Match the level of service to the offender's risk of reoffending. More intensive service should be provided to high-risk offenders.
- **Need principle:** Assess criminogenic needs and target them in treatment.
- **Responsivity principle:** Maximise the offender's ability to learn by providing cognitive-behavioural treatment and adapting the intervention to the learning style, motivation, abilities and strengths of the offender (Andrews & Bonta, 2010:309-310).


Andrews and Bonta (2010:58-60) refer to the ‘central eight’ major risk/need factors: (1) history of antisocial behaviour; (2) antisocial personality pattern; (3) antisocial cognition; (4) anti-social associates; (5) family/marital relationship; (6) school/work; (7) leisure/recreation; and (8) substance abuse. Burman et al. (2007:16) and Hesselink-Louw (2004:91) postulate that many scales, tools, instruments and indices are tailored to both the RNR principles and the ‘central eight’, for adult, male, female, juvenile, child and mentally-disturbed offenders. Hesselink-Louw (2004:91) asserts that many jurisdictions have thus revised their risk and needs assessments to include the RNR model.

Different approaches to risk assessment exist. Actuarial approaches draw from statistical calculations of probability correlating specific risk factors with reconviction data. These methods employ statistical techniques to produce risk predictors. Actuarial risk prediction is mainly based on information about group risk of reoffending, analysed in extensive studies of populations using meta-analytical techniques (Baker et al., 2011:33, Baker, Jones, Roberts & Merrington, 2002:10).
Clinical methods involving diagnostic assessments originated in part from the medical and mental health fields. Clinical judgements rely on the professional knowledge, skills, experience and expertise of individual practitioners (Kemshall, 2001:vii). The structured clinical judgement (SCJ) approach combines the systematic and evidence-based elements of the actuarial approach with the sensitivity to individual risk factors of the clinical approach. SCJ supports a multidisciplinary approach and places a high value on professional clinical skill, experience and expertise and is used extensively in Canada (Baker et al., 2011:34, Burman et al., 2007:31). Internationally, the combined use of clinical and actuarial methods in a holistic approach to risk assessment is now advocated as the method most likely to enhance both the predictive accuracy and usefulness of risk assessments for child offenders (Baker et al., 2011:33, Burman et al., 2007:24).

Furthermore, four generations of risk assessment have been identified. The first generation (professional judgement) consists mainly of unstructured clinical judgements of the probability of offending behaviour (Kemshall & Pritchard, 1996:136). Second generation (evidence-based) tools are empirically-based instruments which stress static, historical risk factors, such as the number and type of convictions (Burman et al., 2007:26). Third generation (evidence-based and dynamic) tools utilise both clinical and actuarial methods and are theoretically informed (Andrews & Bonta, 2010:311) while fourth generation (systematic and comprehensive) tools assess an offender’s history and needs, in order to inform levels of supervision, treatment planning and case management (Skelton & Badenhorst, 2011:40, Andrews & Bonta, 2010:318, Burman et al., 2007:26).

No research on the issue of child offending in SA can be conducted without linking it with the ‘culture of violence’ thesis. Many commentators (Van der Merwe, 2009:12-14; Burton, Artz, Bonora, Bruce, Jefthas, Kipperberg, Leoschut & Ward, 2007:1-2, Mokwena, 1991:1) note that a culture of violence prevails in SA. The ‘culture of violence’ thesis suggests a victim-perpetrator cycle in which victims are so desensitised to violence that they become perpetrators.

South African social work has developed a method that facilitates professional and accountable assessment, namely ecometrics. The South African Council for Social Service Professions (SACSSP, 2003:3) defines ecometrics as follows:
“the measurement (or quantification) of people-in environment. Ecometrics is concerned with the measurement of the degree of fit (or adaptation) between people and their bio-psychosocial environments” (SACSSP, 2003:5).

Ecometric scale development is a developing area and is gaining popularity in SA. It offers a new approach and should be researched for possible use by researchers and instrument developers, in order to inform the development of indigenous standardised risk assessment instruments with which probation officers can conduct risk assessments of child offenders (Roestenburg, 2012:222-236).

In many countries (e.g. Canada, United States of America, Australia, New Zealand, Scotland and England), standardised risk assessment instruments are being used by assessors to conduct risk assessments with child offenders. In SA, however, standardised risk assessment tools are not yet part of the child justice system. If research in relation to these tools is not done, probation officers will continue to provide inadequate services to the court and do an injustice to the children involved. Therefore, research is needed to explore and describe how the risk assessment of a child offender is conducted, how it should be conducted as well as determining the contents of such a risk assessment instrument.

1.2 RATIONALE FOR THE STUDY

The researcher’s motivation for the choice of this research was both personal and professional. This researcher has practised as a social worker in SA in a CYCC for ten years. The previous child justice system was not designed with young people in mind but was based on the retributive model (Palmer, 2004:3, Raymond, 2004:38). Post-1994, a new juvenile justice system has been developed and implemented in SA to promote the rights of child offenders and to bring policy and legislation in line with The Constitution (1996). The transformation of this juvenile justice system led to the adoption of the Restorative Justice approach. As stated elsewhere, the Child Justice Act (Act No 75) of (2008) came into operation on 1 April 2010. With this, the researcher realised that South African legislators enacted a very progressive policy to address child justice.

The researcher started conducting research about child and youth offending as practised internationally, as well as in SA. This led to an interest in the nature of risk need assessments,
risk assessments and standardised risk assessment tools, their use and implementation. The researcher realised that little research exists in social work in SA regarding the use of risk assessment tools used to assess child offenders. In England, for example, the Youth Justice Board adopted Asset, a standardised risk assessment tool developed by Oxford University. The Crime and Disorder Act 1998 in England led to the development of multidisciplinary Youth Offending Services at local level (municipal level in SA). All Youth Offending Services use Asset to assess all young persons in trouble with the law. This led the researcher to look towards the validity and applicability of instruments developed internationally, for possible use in South African settings.

The researcher has a longstanding personal interest in working with young people. Furthermore, he would like to use this research as a tool to gain in-depth knowledge about risk assessment tools for child offenders, as used nationally and internationally.

1.3 PROBLEM FORMULATION

Fouché and De Vos (2005:100) view problem formulation as an effective point of departure for new research. Creswell (2007:102) argues that the term ‘problem’ may be a misnomer and prefers to call the ‘problem statement’ the ‘need for the research’. Therefore, the question that can be asked is: What is the need for this research?

Van Der Merwe and Dawes (2007:5) indicate that little research exists within SA of how social workers, probation officers and psychologists conduct risk assessments with child offenders. The Child Justice Act (Act No 75 of 2008) established a criminal justice system for children who are in conflict with the law and are accused of committing offences, in accordance with the values underpinning The Constitution (1996) and the international obligations of SA. The Child Justice Act (Act No 75 of 2008) in its preamble recognised that, before 1994, SA had not provided many of its children - particularly black children - the opportunity to live and act like children. As a result of the circumstances in which they found themselves, some children have come into conflict with the law. Aims important to this research were twofold: (1) for practitioners to ensure that the individual needs and circumstances of children in conflict with the law were assessed, and (2) to provide a wide range of appropriate sentencing options well-matched to the needs of children.
Chapter 5 of the Child Justice Act (Act No 75 of 2008) requires a more comprehensive risk assessment when probation officers conduct risk assessments with child offenders. According to Roestenburg and Van Breda (2003:5), many new instruments need to be developed for different contexts. Many scales that are used on a daily basis by practitioners are not standardised for the South African context (Hesselink, 2012:207). The lack of consistency or validity of assessments is meticulously questioned in court settings. In the researcher’s experience, probation officers’ reports are still often questioned, criticised and even rejected (Roestenburg & Van Breda, 2003:5).

Van Breda (2008:1) asserts that in SA, with its extreme cultural diversity, scales that were developed in the West were often not suitable for use with the majority of social work clients. Thus, Roestenburg and Van Breda (2003:5) argue that this situation calls for more rigorous scale-, tool- or instrument-development efforts, validation studies and co-ordinated research to standardise some instruments. Although there are several risk assessment tools available internationally, authors such as Van Der Merwe and Dawes (2007:4), Fouché (2007:2) and Londt (2004:124) explicate that a systematic, standardised and empirically-based framework in SA remains lacking.

Based on this lack of indigenous information on the nature and content for conducting risk assessments with children in conflict with the law and the uncoordinated and unverified use of international measurements involved in this process, this present research aimed to explore and describe, from a group of South African social workers and probation officers, how risk assessments of a child offenders should be conducted; and what to focus on (content) when conducting such assessments.

The motivation for the research is based on the increasing numbers of children offending and reoffending in SA. This phenomenon could be linked to both individual inadequacies as well as to the historical, socio-economic and political background of the South African Society (Palmer, 2004:43).

The motivation for the research is also based on assessing the experiences of social work regarding risk assessment in the context of current social work practice in SA. Finally, this research is relevant in view of the on-going transformation of the Child Justice system. From
a punitive-based focus to a system that embraces the principles of Restorative Justice, this new paradigm is encapsulated in the Child Justice Act (Act No 75) of (2008) (Palmer, 2004:3). If the current system is maintained, social workers will continue to do risk assessments based on their practice wisdom using clinical methods. Reoffending has not decreased and it seems a cycle of crime persists and probation officers will not realise the objectives of the Child Justice Act (Act No 75) of (2008). It could be argued that ongoing research in this field can contribute to a more professional probation service based on evidence-based practice and defensible assessments of child offenders.

1.4 RESEARCH QUESTION

According to Creswell (2007:108), the ‘grand-tour’ question is the broadest question to be asked in a study. Creswell (2007:109) also recommends that a researcher’s study is reduced to answering a single overarching question and several sub-questions.

The grand-tour question for this research is as follows: Based on the perspectives of a group of South African social workers, how is risk assessment of child offenders being done; how should a risk assessment of child offenders be conducted and what should the content of such an assessment consist of?

1.5 THE GOAL AND OBJECTIVES OF THE RESEARCH

1.5.1 Goal of the study

A goal can be defined as ‘something that you hope to achieve’ (Oxford Advanced Learner’s Dictionary, 2005 s.v. ‘goal’). Fouché and De Vos (2011:94) are of the opinion that a research goal (purpose or aim) is regarded as the ‘dream’ that the researcher wants to attain within the research project.

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1 The punitive/retributive legal system as practised prior to 1994 in SA viewed crime as breaking the law, and justice as upholding the law by administering punishment.
The goals of this research were to:

- gain an in-depth understanding of the nature and content of a risk assessment of child offenders from the perspective of a group of SA social workers; and
- to make recommendations to inform the future development of an assessment tool to aid the process of risk management of child offenders.

1.5.2 Research objectives

Research objectives identify the specific issues the researcher proposes to study and it is recommended that each objective describes only one topic (Fouché & Delport, 2011:108). In addition, Creswell (2009:87-88) asserts that research objectives are the most important concepts in a research study, as they give direction and focus to the study.

In this study, the research goal was realised by the following objectives:

- To explore and describe, from the perspective of a group of South African social workers, how risk assessment of child offenders is conducted in practice (i.e. the nature of such a risk assessment);
- To explore and describe, from the perspective of a group of South African social workers, how a risk assessment of child offenders should be conducted in practice (i.e. the nature of such a risk assessment);
- To explore and describe, from the perspective of a group of South African social workers, the content to be focused on while conducting a risk assessment of child offenders in practice;
- To draw conclusions and make recommendations informing the development of an assessment tool for aiding the risk assessment of child offenders in practice in SA.

1.5.3 Key questions

The research goals were guided by the following key questions:

- How do social workers and probation officers conduct risk assessment of child offenders in practice?
- What is the best way to obtain information about the assessment tools that they currently use, as well as how they use them?
- What is their opinion about the tools in use?
Based on their perspective, what areas of focus content-wise should be taken into consideration when conducting a risk assessment of child offenders?

Based on their perspective, how should social workers and probation officers practically go about conducting a risk assessment of child offenders?

What should be included in an assessment tool for assessing the risk of child offenders?

How should an indigenous risk/need instrument be introduced, researched, politically negotiated, developed and implemented?

1.6 RESEARCH METHODOLOGY

This section includes a description of the research methodology, approach and designs identified to be appropriate for this study.

1.6.1 The research approach/methodology

There are various approaches to conducting social research. Many scholars (Fouché & Delport 2011: 61-76, Blaikie, 2010:213-219, Creswell, 2009:19, Creswell, 2003:18) concur that there are three basic approaches to carrying out research: qualitative, qualitative and mixed methods.

Quantitative research, in general, refers to quantification in the collection and analysis of data. As a research strategy it is deductivist and objectivist. Many cases or participants are involved, statistical analysis is the method of choice and the researcher maintains a detached attitude (Bryman, 2008:697). This approach focuses chiefly on the collection of objective information about the occurrence of certain phenomena through the use of variables, hypotheses, measurements and testing theories (Creswell, 2009:18).

Creswell (2007:37) on the other hand argues that qualitative research begins with assumptions, a worldview, the possible use of a theoretical lens, and the study of research problems probing into the meaning individuals or groups ascribe to a social or human problem. Qualitative researchers use an emerging qualitative approach to investigation, and the open-ended collection of data occurs in a natural setting, sensitive to the people and places under study, with data analysis that is inductive and establishes patterns or themes. The final
written report includes the voices of participants, the researcher’s reflexivity and a complex
description and interpretation of the problem. It also extends to the literature or indicates a
call for action. In general, qualitative research employs words as opposed to quantification
(statistics) in the collection and analysis of data. As a research strategy it can be inductive,

Mixed methods research, as indicated by Creswell (2009:230), is “an approach to inquiry that
combines or associates both qualitative and quantitative forms of research. It also involves
philosophical assumptions. Scholars such as Creswell and Plano Clark (2007:5), as well as
Fouché and Delport (2011:434), agree that mixed methods research is a separate methodology
with its own methodological assumptions and considerations for methods of enquiry.

In the present study, the researcher selected the qualitative research approach. This was
because the primary goal was to gather information regarding people in their natural
environments as well as the meaning they attached to their daily lives in relation to social
work.

The following are some of the characteristics of the qualitative research approach as identified
by Creswell (2009:13), Bryman (2008:393), Marshall and Rossman (2006:2) and Fouché and
De Vos (2005:102):

- The focus of research is natural (i.e. it is not manipulated in any way);
- Qualitative research is epistemologically rooted in phenomenology;
- The goal of qualitative investigations is understanding, description, discovery and
  hypothesis-generating;
- The qualitative design is flexible, evolving or emergent; it is iterative and takes place
  in a natural setting;
- Samples are small and non-random;
- When it comes to data collection, the researcher is a primary instrument;
- The mode of analysis is inductive and is conducted by the researcher;
- Findings are comprehensive, holistic and expansive;
- The focus is holistic; and
- The researcher identifies studies and employs one or more traditions of inquiry. The
  qualitative approach involves detailed methods and a rigorous approach to data
Creswell (1998:17-18) motivated the researcher in selecting the qualitative research approach for the following reasons:

- The nature of the research question lent itself to a qualitative orientation;
- The topic - risk assessment of child offenders - is one which requires exploration;
- The topic also requires presentation of the research process and findings in detail;
- Time and resources were planned for and the researcher availed himself using extensive data collection and analysis of information in text form as opposed to statistical form;
- Audiences in the helping professions (social workers), could be receptive to a qualitative approach because of its descriptive and narrative nature; and
- The researcher adopted a role of active learner as opposed to the role of expert.

The researcher postulates that, although the phenomenon of child offenders has been widely researched, the risk assessment of child offenders is a new approach in SA and any literature related to this is limited. Therefore, based on the aforementioned characteristics and general use of the qualitative research approach, the researcher argues that this approach is appropriate for this study.

1.6.2 Research strategy and design

According to Creswell (2007:16), the research design in qualitative research begins with philosophical assumptions that the researcher makes in deciding whether to embark on a qualitative study. Creswell (2003:6), as well as Creswell and Plano Clark (2007:23), postulate these assumptions consist of a standpoint towards the nature of reality (ontology), how the researcher knows what she or he knows (epistemology), the role of values in the research (axiology), the language of research (rhetoric) and the methods used in the process (methodology). In general terms, a way of looking at the world is known as a ‘paradigm’. A ‘research paradigm’ is a ‘school of thought’, a ‘world view’ or ‘a framework for thinking’ about how research ought to be conducted to ascertain truth. Different writers tend to use
different terminologies when discussing research paradigms.

According to De Vos et al. (2011:5-10), there are several paradigms in social research: constructivism, postmodernism and positivism.

Constructivism expects that research participants become active in all the phases of the process and indeed become partners in the total endeavour as they seek understanding of the world in which they live and work (Creswell, 2009:16). Constructivism asserts that reality is socially constructed. In other words, the researcher and participants assist each other to construct “reality” (Robson, 2002:27). It could be argued that this is a radical departure from the positivist approach. De Vos et al. (2011:7) and Bryman (2008:19) explicate that constructivism is in general terms linked to qualitative research.

Postmodernism on the other hand claims that there is no absolute truth and that the way people perceive the world is subjective. It states that science is dependent on language. Postmodernism asserts that no language, not even that of science, can provide a direct ‘window’ through which researchers can view reality. The reason for this is that language is constructed on the assumptions and world view of the social group and the culture of which it is part. This links to qualitative research because, in postmodern research, the voices of research participants are heard and there is a focus on explanation and interpretation of their narratives. Postmodernism is in general terms linked to qualitative research (De Vos et al., 2011:10, Bryman, 2008:680).

The literature also refers to positivism. Early positivism was influenced by Comte, a French philosopher, who separated religion from scientific objectivity (Babbie, 2010:34). Importantly, Comte coined the term positivism (Babbie, 2005:30). Positivism is an epistemological position which confirms the ethos and replication of the natural sciences. Positivists believe that an objective reality exists and only phenomena that are observable can validly be justified as knowledge. Scientific knowledge is arrived at through the accumulation of verified facts. Hypotheses that are derived from scientific theories are submitted to empirical test. Positivism is in general linked to quantitative research (Blaikie, 2010:97-98, Bryman, 2008:13, Robson, 2002:20).

The research design in qualitative research is often referred to as the ‘research strategy’. In his
semitic work, Creswell (1998:47-61) identifies five different types of research strategy in qualitative research. These are (1) phenomenology (2) grounded theory (3) ethnography (4) case study and (5) biography. Although ‘children in conflict with the law’ is a social phenomenon, risk assessment of child offenders is not. Instead it is a way of interviewing the child offender and assessing the risk of reoffending. Therefore a multiple case study was employed as the research strategy. This was because this research focused on:

- a group of South African social workers;
- their perspectives on how risk assessments of child offenders are conducted;
- their perspectives on how risk assessments of child offenders should be conducted; and
- what the focal points of an interview should be during an assessment.

Within a research methodology/approach, several designs apply. Explorative, descriptive and contextual designs are generally used in qualitative research where appropriate to the study.

1.6.2.1 Exploratory design

Babbie (2010:92) explicates that a large amount of social research is conducted to explore a topic; when a researcher is examining a new interest; the subject of study is relatively new; unstudied; if a researcher seeks to test the viability of undertaking a more careful study or wants to develop methods to be used in a more careful study.

Neuman (2006:366) defines exploratory research as research “into an area that has been studied and in which a researcher wants to develop initial ideas and a more focused research question”. Bless et al. (2006:42) and Blaikie (2010:70) explain exploratory research is necessary when little is known about a topic being investigated, or maybe the topic was not researched in a particular context previously. Essentially this design is employed to get a better idea of what is going on and how it might be investigated. Marshall and Rossman (2011:69) posit that the purpose of exploratory research is to explore little-understood phenomena, discover or ascertain important categories of meaning and to generate hypotheses for further research.

The explorative design approach applied to this study. This was because the researcher explored the perspectives of a group of South African social workers in relation to how a risk
assessment with child offenders should be conducted as well as the content focus during such an assessment.

1.6.2.2 Descriptive design

Neuman (2006:364) defines descriptive research as research in which one ‘’paints a picture with words or numbers, presents a profile, outlines stages, or classifies types’’. Neuman (2006:16) and Blaikie (2010:71) concur that exploratory research and descriptive research might blur in practice, as descriptive research presents a picture of the specific details of a situation, social settings or relationship, and focuses on ‘how’ and ‘why’ questions. For Creswell (2003:154) descriptive research enables a researcher to make supposition about some characteristics or behaviours of the population, while Marshall and Rossman (2011:69) observe its purpose is to ‘document’ and ‘describe’ phenomenon of interest.

Babbie (2010:93) posits that, in most social studies, a major purpose is to describe phenomena scientifically. This study is an in-depth understanding of the nature and content of a risk assessment of child offenders from the perspective of a group of South African social workers and to make recommendations to inform the future development of an assessment tool to aid the process of risk management of child offenders. Moreover, to describe situations i.e. how participants presently conduct assessment of child offenders. Descriptive studies answer questions of ‘how’, ‘where’, and ‘how’ (Babbie, 2010:94).

The descriptive design enabled the researcher to gain a better understanding of the phenomenon under investigation. Through this design, the researcher could describe the perspectives of a group of South African social workers with regards to how a risk assessment with child offenders is conducted. Furthermore, the content focus during such an assessment was described in detail.

1.6.2.3 Contextual design

Ritchie (2003:27) defines the aim of contextual research as follows: “to describe and display phenomena as experienced by the study population, in fine detail and in the participants’ own terms. It therefore offers the opportunity to impact issues, to see what they are about or what lies inside, and to explore how they are understood by those connected with them”. Mouton
(1996:133) posits that with contextual research phenomena are studied “because of their intrinsic and immediate contextual significance”.

The present research is contextual because it focuses on a specific occupational group in a specific geographical context (i.e. social workers and probation officers practising in the Western Cape Province). The research also focuses on risk assessments in the context of child offending.

The application of the aforementioned designs is discussed in detail in Chapter 2.

1.7 Research process

In the next sections, the following are presented: population, sampling and sampling techniques; preparation for, and method of, data collection; method of data analysis; and the method of data verification.

1.7.1 Population, sampling and sampling procedures

As Strydom (2005:194) states, a population “is the totality of persons, events, organisation units, case records or other sampling units with which the research problem is concerned”. Bryman (2008:696) defines a population as “the universe of units from which a sample is selected”. The population for this study can be defined as follows: All probation officers and social workers in the Western Cape Province in SA who conduct risk assessments with child offenders.

De Kock (2010:78) asserts that time (1 month of data collection) and resources usually do not allow researchers to study the whole population which is of interest to them. Conducting the research on a national basis would pose time, financial and logistical problems, as the participants concerned reside in the Western Province and the researcher is based in England. The researcher chose the Western Cape Province for practical and financial reasons. He had grown up in, studied and previously worked in the Western Cape and is aware of the provincial structures and where the workplaces are located.

There are two general types of sampling: probability and non-probability sampling. Marshall
and Rossman (2011:99) postulate that unless a study is quite narrowly construed, researchers cannot study all the relevant circumstances, events or people intensively and in-depth. They therefore select samples. As this is a qualitative study, sampling is less structured and less strictly applied. Qualitative research is typically small and non-random in nature. Qualitative research sampling requires adequate sampling of information sources (i.e. people, types of data) in order to address the research question and to develop a full description of the phenomenon being studied (Marshall & Rossman, 2011:103, Blaikie, 2010:21).

Bryman (2012:714) defines probability sampling as a “sample that has been selected using random sampling and in which each unit in the population has a known probability of being selected”. This form of sampling is normally used in quantitative research. Probability sampling is also called random sampling. Examples are simple random sampling, simple stratified sampling, proportional stratified sampling, cluster sampling and systematic sampling (Walliman, 2005:276).

According to Strydom and Delport (2011:391), non-probability sampling refers to sampling where the odds of selecting a particular individual are not known. This is because the qualitative researcher does not know the population size. Walliman (2005:279) and Engel and Schutt (2005:120-123) concur that examples of non-probability sampling are accidental sampling, quota sampling, theoretical sampling, purposive sampling, systematic matching sampling and snowball sampling.

According to Rubin and Babbie (2005:245), as well as Dumont and Sumbulu (2010:205-206), social work research is often conducted in situations in which it is not feasible to select probabilistic samples. There are many different means or techniques to obtain a non-probability sample, namely: reliance and availability sampling; purposive or judgemental sampling; quota sampling; and snowball sampling.

Bryman (2012:714), as well as Strydom and Delport (2005:328), agree that a sample is a subset of the population. Qualitative research sampling requires adequate sampling of information sources (i.e. people, types of data) in order to address the research question and to develop a full description of the phenomenon or case(s) being studied. Therefore, the sample for this study consisted of social workers and probation officers in the employ of the Provincial Government Western Cape (PGWC) who conducted risk assessments with child
offenders and participated in this study. The researcher therefore employed purposive sampling to procure a sample. As stated above, purposive sampling is a non-probability form of sampling. The researcher did not seek to sample research participants on a random basis. The goal of purposive sampling is to sample cases/participants in a strategic way, so that those sampled are relevant to the research questions being posed (Bryman, 2008:183).

By using the following criteria, the researcher employed the purposive sampling technique to procure the sample for this research project:

- Personnel employed by the PGWC;
- Social workers and probation officers (both male and female) from different cultural groups currently carrying out risk assessments with child offenders; and
- Varying ranges of experience in practising as social workers and probation officers.

In addition to purposive sampling, the researcher also used snowball sampling where participants referred the researcher to other possible participants who could provide rich and relevant data. Snowball sampling is defined by Bryman (2012:716) as a “non-probability sample in which the researcher makes initial contact with a small group of people who are relevant to the research topic and then uses these to establish contacts with others.” For Engel and Schutt (2005:123), snowball sampling is where “you identify one member of the population and speak to him or her, then ask that person to identify others in the population and speak to them, then ask them to identify others and so on.’’

Greeff (2005:299) states that, in qualitative research, the specific sample size cannot be determined at the outset of the study; the number of participants to be included in the sample will only be known once the data have reached a point of ‘saturation’. Data saturation in qualitative research occurs when the information being gathered becomes repetitive. In other words, the researcher hears no more “new” information while in the field gathering data. However, in this study, the sample interviewed was 11. Furthermore, Creswell (2007:39) adds that the research process for qualitative research is emergent. This means that the initial plan for research cannot be tightly described.

According to Babbie (2005:95), a unit of analysis is referring to the ‘what’ or ‘whom’ being studied. Bless et al. (2006:73) and Babbie (2005:97-99) agree that the unit of analysis can be individuals, groups, organisations, social interactions, period of time and social artefacts. For
Marshall and Rossman (2011:69), a unit of analysis can be individuals, groups, dyads, processes or organisations. In this study, the unit of analysis were both male and female social workers and probation officers who participated in the research.

1.7.2 Method of data collection

According to Creswell (2009:122), a gatekeeper is someone with the formal and informal authority to control access to a research site. The researcher gained permission from individual gatekeepers to provide and maintain access to study participants who were working for them and who met the criteria to participate in the research (Creswell, 2007:122).

The literature refers to the notion of a pilot study. Marshall and Rossman (2011:94) define a pilot study as follows: “Pilot studies can be useful, not only for trying out strategies but also to buttress the argument and rationale for a genre and strategy”. It is important that researchers should conduct a pilot venture (Strydom & Delport, 2011:390) to test their interviewing design in order to identify their own ability to conduct interviews and to come to terms with any practicalities (Creswell, 2007:132-134). The researcher conducted a pilot study which is described in detail in Chapter 2. Although the pilot study was insightful and valuable, the formulation of the questions did not change.

In this research, data were collected by means of semi-structured interviews with the aid of the interview guide (Greeff, 2011:352, Du Mont & Sumbulu, 2010:262). A semi-structured interview can be defined as: “A term that covers a wide range of types. It typically refers to a context in which the interviewer has a series of questions that are in the general form of an interview guide but is able to vary the sequence of the question” (Bryman, 2012:716).

The advantage of having an interview guide beforehand is that it forces the researcher to think clearly about what the interview should cover by providing a clear set of instructions. This is to ensure that specific information required for the purpose of the research is collected (Bernard, 2013:182, Greeff, 2011:352). The researcher conducted the interviews in the Western Cape Province in October 2010 after obtaining ethical approval from both UNISA and PGWC.

Creswell (2007:132) views the process of interviewing as a series of steps in a procedure. The
researcher used the following strategy as a guide:

- Interview interviewees based on one purposeful sampling procedure;
- Determine what type of interview is practical. For this research, one-on-one (face-to-face) interviews were conducted;
- Use adequate recording procedures when conducting one-on-one interviews (permission was obtained from the participants to use any recording devices once their utilization had been explained to the participants);
- Design and use an interview protocol (see Appendix A);
- Refine the interview questions and the further procedures through pilot testing;
- Determine the place for conducting the interview. Find, if possible, a quiet location free from distractions;
- After arriving at the interview site, obtain consent from the interviewee to participate;
- During the interview, stick to the questions, complete the interview within the time specified if possible, and be respectful and courteous.

The following questions were used as a guide to interviewing the social workers and probation officers:

1. How do you conduct risk assessment of child offenders in practice?
2. Tell me about the assessment tools that you use.
3. From your experience content-wise, which areas of focus should be taken into consideration when conducting a risk assessment of child offenders?
4. Based on your perspective, how should a social worker in practice go about conducting a risk assessment of children in conflict with the law?
5. In your opinion, what should be included in an assessment tool for assessing the risk of child offenders?
6. Give me your views about the current assessment tools in use as well as the possibility/necessity of developing new assessment tools?
7. What is your view on how such tools should be developed and implemented?

In order to assist in compiling a biographical profile, participants had to indicate their age, gender, and primary language (See Appendix A: Profile questionnaire).
In conducting the interviews, the researcher used the following interviewing techniques as laid out by Greeff (2005:288-289). The researcher:

- ensured that the participant did the majority of the talking;
- asked clear and brief questions;
- asked single questions, open questions and avoided sensitive questions;
- started with questions that were not controversial;
- asked experience/behaviour questions before opinion/feeling questions;
- asked sequence questions;
- asked for clarification if he was not clear what the participant was saying;
- allowed for pauses in the conversation;
- returned to incomplete points and followed up what the participant had said;
- asked the participant to reconstruct, not remember;
- followed his gut feeling;
- explored laughter;
- carefully monitored the effect of the interview on the participant;
- endeavoured to keep the participant focused;
- attempted to avoid ‘off the record’ information when the participant asked to turn the tape recorder off;
- did not use the interview to show off his knowledge; and
- concluded the interview at a reasonable time and aimed to conclude interviews with a general question such as, “Before we end this interview is there anything further that you feel is important?”

In addition, the researcher employed the following interview techniques as proposed by Greeff (2005:288-297):

- **Questioning skills:** Ask open questions; verify assumptions; probing; ask single questions; ask follow-up questions if needed; avoid leading questions; conclude interviews with general questions such as, “Is there anything else that you feel is important or want to add?”;
- **Listening skills:** Allow the participant to reconstruct, not remember and allow for pauses or silences in the conversation; and
- **Communication skills:** Use minimal verbal responses i.e. verbal responses that correspond with occasional ‘nodding’, ‘mm’, ‘okay’, ‘yes’; paraphrasing;
clarification (e.g., “could you tell me more about..?”), reflection; faking puzzlement; encouragement and reflective summary.

With the consent of the participants, the researcher used a digital voice recorder and note-taking techniques to capture the information to ensure that all verbal and non-verbal articulations of the participants were recorded. The interviews were audio-taped and later transcribed by the researcher.

1.7.3 Data analysis

Data analysis in qualitative research is aimed at seeking the meanings which people attach to their life experiences. According to Marshall and Rossman (2011:207), data analysis is the process of bringing order, structure and interpretation to the mass of collected data. Yin (2012:15) elucidates that data analysis of case study data can take many forms. This can be compared with Creswell’s (1998:140) view that there is no consensus on the analysis of the forms of qualitative data.

For the purpose of this study, the researcher followed the eight steps of analysing data as proposed by Tesch (cited in Creswell, 2009:186):

- get a sense of the whole by reading all the transcripts carefully;
- pick one interview sheet and go through it without thinking of the essence of the information but its underlying meaning;
- once all the interviews have been completed, make a list of all topics;
- take the list and go back to the data and abbreviate codes;
- find the most descriptive wording for your topics as codes and turn them into codes;
- make a final decision on the abbreviation for each category and alphabetise these codes;
- assemble the data material belonging to each category in one place and perform initial analysis; and
- if necessary, recode the existing data.

The application of this process is discussed in detail in Chapter 2.
1.7.4 Validity and trustworthiness

The research process in qualitative research requires rigour and should be scientifically sound based on detailed description of the process followed. Qualitative researchers need models appropriate to qualitative designs to ensure rigour without sacrificing the relevance of qualitative research. Lincoln and Guba’s (1985:290) methods for trustworthiness, namely measures for credibility, transferability, conformability and dependability, were employed to ensure the credibility of the analysis of the qualitative responses to open-ended questions.

Lincoln and Guba’s (1985:328) criteria entail the following:

- **Credibility**, which is the alternative to internal validity, shows that the study was conducted in a manner which ensures that the subject is accurately identified and described;
- **Transferability**, which is the alternative to external validity and refers to the degree of applicability of the finding to other contexts and settings or with other groups;
- **Confirmability**, which relates to the transparency of the study. Asking whether the findings of the study will be confirmed by another study will attain this; and
- **Dependability**, pointing to external analysis which involves having an independent coder to analyse the data separate from the researcher.

How the verification was applied is discussed in detail in Chapter 2.

1.8 ETHICAL CONSIDERATIONS

In order to ensure that the research adheres to required ethical standards, the researcher complied with the ethical guidelines for social conduct and practice contained in the following policies:

- The ethical code of social work in SA as prescribed by the South African Council for Social Service Professions; and
- The UNISA and Department of Social Work ethical research policies.
The researcher found the following ethical conditions relevant when conducting this study: *Avoidance of harm, informed consent, anonymity/confidentiality, management of information as well as competence and actions of researcher.*

1.8.1 Avoidance of harm

Since this study focused on the work experiences of the social workers, it is possible that participants might share emotional information that leave them feeling vulnerable (Babbie, 2010:65). De Vos et al. (2005:58) suggest that this risk be explained beforehand and that everything possible should be done by the researcher to protect the participants. Researchers are ethically obligated not to expose participants to the faintest possibility of physical and/or emotional harm (Babbie, 2010:65).

1.8.2 Informed consent and voluntary participation

According to Engel and Schutt (2013:64), informed consent is important if researchers want to show respect for any potential participant in a study. It is about the process whereby potential participants are given all the information they need in order to assist them to decide if they want to participate. Seen from a social work perspective, the principle of informed consent is embedded in the client’s right to self-determination. Therefore, researchers must ensure consent must be given voluntarily (Nicholas et al., 2010:200, De Vos et al., 2005:59).

1.8.3 Anonymity and confidentiality

Anonymity and confidentiality are key ethical criteria for protecting participants and these should be included in the informed consent document. Confidentiality places a strong obligation on the social worker to guard jealously the information that is confided in him (De Vos et al., 2005:61). The author of the present research is a registered social worker with the Health Professions Council in England and is obliged to adhere to the ethical rules of this professional body.

Anonymity means that no one, including the researcher should be able to identify any participant afterwards (Engel & Schutt, 2013:65, Babbie, 2010:67). Therefore, in practice,
researchers change minor details so that participants cannot be recognised and provide participants with a pseudonym or number or let them choose a pseudonym or a number (Strydom, 2005:62).

1.8.4 Management of information

Creswell (2007:142) elucidates that management of information is given little attention in qualitative research. Creswell (2003:67) provides his views pertaining to publication namely: Language or words that are biased against persons because of gender, sexual orientation, racial or ethnic group, disability or age should not be used. The writing up should not be conducted in a fashion which involves the suppressing, falsifying or the invention of findings to meet the researcher’s or audience’s needs. In addition, he asserts that the aforementioned fraudulent practices constitute scientific misconduct. He goes further and warns researchers not to misuse the results to the advantage of one group or another. It is important to release the details of the study so that readers can determine for themselves the credibility of the study. Strydom (2005:65) reminds researchers to observe the fact that the final written report must be accurate, objective, clear, and unambiguous and contain all essential information. All forms of highlighting or slanting in order to bias the results are unethical and must be avoided. Plagiarism is a serious offence, hence all due recognition must be given to all sources consulted and people who collaborated. Shortcomings and errors must be admitted. Participants should be informed about the findings in an objective manner as this is a form of recognition and expression of gratitude for their participation.

Strydom (2005:65-66) stated that researchers have an ethical duty to provide feedback to research participants and pass on to them the results/findings of the study. Therefore a copy of the research will be made available to the participants and organisations that assisted in the study.

1.8.5 Actions and competence of the researcher

Ethically, researchers have to be adequately skilled and competent enough to conduct research. The researcher attended formal training in research methodology and completed a research project as part of his undergraduate studies. Adequate supervision of the research is also important. The researcher conducted this research under the supervision of Professor D.
De Kock appointed by the Departmental Research and Ethics Committee.

A characteristic of being a competent researcher is the ability to be objective and to refrain from making value judgements. In the context of anti-discriminatory practice this refers to the researcher’s ability to respect the participants, their customs and the communities in which they live (Strydom, 2005:63).

To ensure the study complied with the rights of the science community, the scientific validity of this study was sought through various interactions with researchers, scientists and science committees. To ensure it met the standards of a scientific, justifiable and ethically-sound research study, the research proposal was submitted to, and accepted by, the Research and Ethics Committee of the Department of Social Work. The application of the ethical considerations in this study is discussed in detail in Chapter 2.

1.9 CLARIFICATION OF KEY CONCEPTS

1.9.1 Assessment

‘Assessment’ refers to the process of developmental assessment and evaluation of a person, the circumstances of a person, the nature and circumstances surrounding the alleged commission of an offence, its impact on the victim, the attitude of the alleged offender in relation to the offence, and any other relevant factors Probation Services Amendment Act, (Act No. 35) of (2002: Section 1 (a)). Assessment is a key element in any planned intervention into the life of young person which is aimed at:

- Determining the least restrictive and most empowering programme suitable to the child developmental needs at any given moment and/or in the long term; and
- Strength-based assessment - to understand the young person’s strength and immediate developmental issues and to take appropriate action.

National Instruction 2 of 2010 Children in Conflict with the Law (2010:Section 2) states "assessment" means an assessment of a child, who is alleged to have committed an offence, by a probation officer to prepare an assessment report to recommend steps to be taken in respect of the child.
The Child Justice Act (Act No 75) of (2008) defines assessment as the “assessment of a child by a probation officer in terms of Chapter 5”. Section 34, of the Child Justice Act (Act No 75) of (2008) also states that every child who is alleged to have committed an offence - even those who are under the age of 10 years and who therefore have no criminal capacity - must be assessed unless the assessment is dispensed with. An assessment can be dispensed with in terms of Section 41(3) by a prosecutor if it is in the best interests of the child. However, the reasons for this must be placed on the record of the case. In terms of section 47(5), the inquiry magistrate can also dispense with the assessment at the preliminary inquiry if it is in the best interests of the child to do so (Gallinetti, 2009:33). The researcher has decided to use this definition for this study.

1.9.2 Child and youth care centre

According to the Child Justice Act (Act No 75) (2008: Section 1) and Gallinetti (2009:13), a Child and Youth Centre (CYCC) indicates a facility referred to in Section 191 of the Children’s Act 2005 (Act No 38) of 2005. This overarching notion includes the former places of safety, secure care facilities, schools of industries and reformatories.

The researcher has decided to use the following definition for this study: “A child and youth care centre is a residential facility of children outside the family for the provision of residential care to more than six children outside of the child’s environment in accordance with a residential care program suited for the children in the facility. A child and youth care centre must offer a therapeutic programme designed for the residential care of children outside the family environment” Section 191 (1) Children’s Amendment Act (Act No 41) of 2007.

1.9.3 Child offender

A “child in conflict with the law” means a child suspected of having committed an offence (National Instruction 2 of 2010, Children in Conflict with the Law (2010: Section 2).

Internationally, children in conflict with the law are labelled youth offenders, juvenile offenders, juveniles or delinquents. In SA this term is no longer used, as ‘juvenile delinquent’ was regarded as having a negative connotation. In this study, except where referring to the
title of documents that use the term juvenile, the terms ‘child/ren in conflict with the law’ or ‘child offender/s’ are used interchangeably (Badenhorst, 2011:1). Based on the definition of a child in terms of the Children’s Act, (Act No 38 of 2005) (Section 1:12), an offender is regarded as a child offender when the offender is younger than 18 years.

1.9.4 Ecometrics

Van Zyl (quoted by Van Breda 2008:1) coined the term ecometrics. This author defined and conceptualised the term ecometrics as follows: “the technology in social work concerned with the quantification of the person-in-environment fit”.

The SACSSP (2003:5) defines ecometrics as “the measurement (or quantification) of people-in-environment. Ecometrics is concerned with the measurement of the degree of fit (or adaptation) between people and their bio-psychosocial environments”.

In addition:

“Ecometrics refers to the methodological body of knowledge in social work concerned with the quantification (measurement) and qualification (description) of interactions of a person with the environment. Ecometrics further incorporates a broad spectrum of practice approaches and is suitable for application in diverse practice contexts” (Roestenburg, 2012:222).

Ecometrics is focused on both the quantification and qualification of client-environment transactions. This implies the following:

- Assessment consists of qualitative (social work interview) and quantitative (use of standardised instruments) approaches to the data gathering process;
- Assessment consists of a process (start and end) and a product (assessment outcome/pre-sentence report);
- Validity and reliability of data is of paramount importance in ecometrics;
- Assessment is considered a planned and structured process to optimise validity and reliability;
- Ecometrics emphasises the production of evidence as well as the utilisation of results from previous studies as evidence of best practices; and
Ecometrics promotes the implementation of practice-based clinical research to enhance interventions (Roestenburg 2012:222).

In this study, the definition of ecometrics developed by Roestenburg applies.

**1.9.5 Probation Officer**

A Probation Officer is a person who has been appointed under Section 2 of the Probation Services Act (Act No.116) of 1991:

“(1) The Minister may appoint as many persons as he may deem necessary as probation officers to exercise the powers and to perform the duties conferred or imposed by or under this Act or any other law on a probation officer.

(2) A probation officer shall be an officer of every court established under the Magistrates’ Courts Act, 1944 (Act No 32) of 1944.

(3) Any person appointed as a probation officer under the Children’s Act, 1960 (Act No 33) of 1960, or the Probation Services Act (House of Assembly), 1986 (Act No 98) of 1986, shall be deemed to have been appointed as a probation officer under this Act.[Sub-s. (3) substituted by s. 12 of Act 118/93]

(4) The requirements to be complied with by persons for appointment as probation officers shall be prescribed.

(5) (a) The Minister may classify probation officers for different purposes in different categories.

(b) Different regulations may be made in respect of different categories of probation Officers”.

National Instruction 2 of 2010 Children in Conflict with the Law (2010: Section 2) states – "designated probation officer” means the probation officer designated by the Director-General: Social Development for a specific police station.

The word ‘probation’ comes from the Latin word ‘probare’, meaning ‘to prove’. In SA, probation officers are social workers who carry out work in the fields of crime prevention, treatment of offenders, care and treatment of victims of crime, and with families and communities. Some probation officers perform this work on a full-time basis, while others are
social workers who carry out probation services as part of a wider range of functions. The
general pattern is that in urban areas there is more of a tendency to specialise and designate
persons as full-time probation officers, while in rural areas social work tends to be more
generic, where the number of child offenders is not always high enough to warrant full-time
probation officers (Gallinetti, 2009:14, Skelton & Tshehla, 2008:35). The researcher opted to
use this definition for the purposes of this study.

For the purposes of this research, ‘probation officer’ also means ‘social worker’ and vice
versa.

1.9.6 Restorative justice

Restorative justice is a concept that was learned from the indigenous Maori people of New
Zealand and other traditional communities. They based their principles on the belief that the
control of justice procedures should be placed in the hands of those who are directly involved
in the offence. According to Raymond (2004:83), restorative justice in the criminal justice
system has a function of problem-solving without over-emphasis on the punishment of the
offender.

Restorative justice indicates an approach to justice that aims to involve the child offender, the
victim, the families concerned and community members. They will collectively identify and
address harms, needs and obligations through accepting responsibility, making restitution,
taking measures to prevent a recurrence of the incident and promoting reconciliation. While
there are many definitions of restorative justice, this is the definition that applies to the
procedures in the Child Justice Act (Gallinetti, 2009:14). The researcher has decided to use
this definition for this study.

1.9.7 Risk assessment

According to Burman et al. (2007:vi), risk assessment is: “the process of estimating and
evaluating risk. A probability calculation that a harmful behaviour or event will occur, which
involves an assessment about the frequency of the behaviour/event, its likely impact and who
it will affect”.

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A risk assessment will estimate the likelihood that ongoing child offending behaviours will occur for certain children if nothing is done to intervene. Specifically, a standardised tool can indicate whether a child is at comparatively low or relatively high risk for reoffending. Many standardised assessment tools today can do this with realistic accuracy. Risk assessment can guide intervention planning by indicating what areas may be the best targets for intervention in order to reduce the likelihood of reoffending for a child. In other words, some risk assessments help answer the question: “What factors in that child offenders life or characteristics of the child are likely driving the child to offend and may lead to more offending?”. Importantly, in order for a standardised risk assessment tool to facilitate intervention planning, it must contain dynamic risk factors, sometimes known as criminogenic needs factors. Risk assessment provides a standardised method of important data collection for an agency which, at a minimum, can provide the prevalence of some problem areas of the child offender so resources can be planned accordingly. If implemented appropriately, the risk assessment can provide a measure of the overall progress of the child offender in an agency’s care.

Risk assessment involves identification of key pieces of information, analysis of their meaning in the time and context of the assessment, and evaluation against the appropriate criteria. It is based on the best available information, gathered from documents and interviews. Risk assessment is conducted in an evidence-based, structured manner, incorporating appropriate tools and professional decision-making acknowledging any limitations of the assessment. The results of risk assessment must be communicated responsibly, in a way that is meaningful and understood by all involved. Risk will be communicated in terms of the likelihood, pattern, nature and seriousness of offending (Framework for Risk Assessment and Evaluation (FRAME) Planning for Local Authorities and Partners (2011:5). This definition appears to be comprehensive as it covers the assessment of both risk and need of the child offender. The researcher therefore decided to use this definition for the purposes of this study.

1.9.8 Risk management

‘Risk management’ refers to the development of a systematic approach within an organisation which allows for the planning of strategies, and for monitoring and reviewing accountability and support for staff (Burman et al., 2007:iv). The researcher has decided to use this
Risk management practice entails the following requirements which the employer must accomplish: developing guiding principles for risk taking; devising procedures to guide the assessment and management of risk; providing guidance for staff; creating forms for risk assessment and management recording; training of management and front-line staff; measuring the success of their initiative and learning from results; holding reviews and discussions; developing a training pack; encouraging colleagues and other agencies to adopt this approach; and providing information for the public (Titterton, 2011:41).

Risk management of child offenders implies that practitioners need to be consistent and adhere to agency policies. Agencies must have clear policies and procedures, and a fast response in the face of low compliance. There must be rapid enforcement in the event of escalating risk. Lastly, there is the need for the development of contingency plans in case of breakdown or significant changes of circumstances (Kemshall, 2007:16).

1.9.9 The risk-need-responsivity (RNR) model

Developed in Canada, the RNR model is based on three basic principles of rehabilitation. The risk principle asserts that criminal behaviour can be reliably predicted. The need principle highlights the importance of criminogenic needs in the design and delivery of treatment. The responsivity principle describes how treatment should be provided (Holtzhausen, 2012:9).

More recently the model has been supplemented by a fourth principle, namely professional discretion. According to Andrews and Bonta (1998:245) “Risk principle - asserts that those with higher levels of risk of reoffending (usually measured via reconviction) require higher levels of service. This suggests the need to identify the match between levels of risk posed by offenders with the amount of treatment they receive. Need principle – asserts that programmes should target criminogenic needs (that is, those needs that are correlated with reconviction). Responsivity principle – asserts the need for delivery of treatment programs in a style and mode that is consistent with the ability and learning style of the offender”.

According to Andrews and Bonta (2010:46), the risk principle asserts that practitioners match the intensity of service with risk levels of child offenders and work with moderate and higher
risk cases. They generally avoid creating interactions of low-risk cases with higher-risk cases.

The need principle relates to the fact that it is important to target criminogenic needs predominantly and to move criminogenic needs in the direction of strengths. The responsivity principle has two parts, namely general and specific responsivity. General responsivity asserts that practitioners should employ a behavioural, social learning and cognitive-behavioural influence and skill-building strategies. Specific responsivity asserts that practitioners should adapt the style and mode of service according to the service setting and to relevant characteristics of individual offenders, such as their strengths, motivations, preferences, personality, age, gender, ethnicity, cultural identifications and other factors (Andrews & Bonta, 2010:46). The researcher has decided to use this definition for this study.

1.10 CHALLENGES EXPERIENCED

It was anticipated that there would be a number of challenges and these, together with the methods used to address them, are now examined:

- Questions and themes planned in the interviews might not elicit the desired responses from the participants. Here the researcher attempted to establish rapport with the participants and allowed for a free flow of their experiences;
- There was the possibility of the participants not recalling experiences related to the research questions and themes. The researcher therefore ensured that he interviewed 11 participants;
- The researcher used literature that was more than ten years old. The researcher is of the opinion that this literature was relevant to the research process. The researcher also tried to validate the use of such literature;
- Probation officers were not able to attend interviews due to being busy in court;
- South African literature in this field is limited;
- The researcher initially planned to conduct the field study over a period of four weeks. However, due to a bureaucratic error, the researcher was provided with formal permission in writing two weeks after his arrival in Cape Town.

Some challenges were experienced by the researcher during interviewing and these related to:
• Interruptions - on three occasions, people walked into the rooms where the interviews were taking place. Here the participants had to address the people who came into the room before we could continue with the interview. This interfered with the level of trust established between researcher and participant before the interruption. In addition, three participants answered their phones in the middle of the interview. Both of these situations interfered with the train of thought established prior to the interruption; and

• Use of new technology - the use of a new digital recorder led to the first interview not being recorded.

1.11 LIMITATIONS OF THE STUDY

There are various study limitations:

• This is a contextual study done using the qualitative research methodology. Perceptions and experiences are related to the participants’ specific contexts and the finding of this study cannot be generalised;

• The researcher’s own experiences in working with children in the child offending field may lead to prejudices and/or bias and possible subjective interpretation of the data. Being aware of this, the researcher conducted and reported the findings with as little bias possible;

• The researcher could have interviewed more White and African participants. However, the study did not aim to compare the views of different population groups of probation officers. The probation officers and social workers interviewed are those with the necessary expertise;

• The researcher could have asked more probing questions; and

• The gathering of data took place within a period of one month and the researcher acknowledged that a longer period in the field might have provided even richer information.

1.12 SIGNIFICANCE OF THE STUDY AND DISSEMINATION OF THE RESEARCH FINDINGS

This study could make a significant contribution to South African social work by exploring
how a risk assessment of child offenders should be conducted and what the content of such an assessment be should be. The researcher assumed that the information gained from this research could add to the body of knowledge of South African social work. Lastly, it was assumed that the findings would have direct implications on the future development of an indigenous risk assessment tool to conduct risk assessment on child offenders.

The research findings were primarily presented in the form of a dissertation. After the acceptance of the dissertation, the study will be disseminated in the form of a report to the participants and the PGWC who assisted with the study. The preparation of an article to be submitted for review and possible publication in a professional journal is also envisaged.

1.13 CHAPTER OUTLINE OF THE RESEARCH REPORT

This research report comprises five chapters:

Chapter 1: In this chapter, the introduction and general orientation to the research report are provided along with specific focus on the following:
- introduction and problem formulation;
- problem statement;
- rationale for the study;
- research questions, goal and objectives;
- research design and approach;
- ethical considerations;
- clarification of key concepts; and
- the content plan of the research report.

Chapter 2: This chapter focuses on the research methodology used to investigate the research problem.

Chapter 3: The chapter provides an in-depth discussion of the findings related to the current practice of risk assessment of child offenders and the assessment tools used. This chapter also introduce the reader to the profile of the participants and gives the reader a holistic view of the themes, sub-themes and categories that emerged from the data analysis, before the researcher continue with the in-depth discussion on the relevant findings.
**Chapter 4:** This chapter gives an in-depth discussion on the findings related to the opinions of the participants about the gaps in the current risk assessment process, and recommendations about future risk assessment instruments.

**Chapter 5:** This chapter provides a summary of the research report and outlines the overall conclusions and recommendations.
CHAPTER 2

A DESCRIPTION OF THE APPLICATION OF THE QUALITATIVE RESEARCH PROCESS FOR INVESTIGATING RISK ASSESSMENTS OF CHILD OFFENDERS: A SOUTH AFRICAN SOCIAL WORK PERSPECTIVE

2.1 INTRODUCTION

This chapter provides an in-depth report regarding the research methodology used and the process followed. Firstly, the researcher focuses on the qualitative research approach and designs used in the study. Secondly, the focus is on the research process which includes the following: the population, sampling and sampling techniques used; the preparation for, and method of, data collection; the pilot study; the method of data analysis; the method of data verification; ethical issues; and the literature used for this study.

2.2 RESEARCH METHODOLOGY AND PROCESS

A research method can be described as a technique for collecting data (Bryman, 2008:31). In addition, a research methodology refers to a specific technique used to complete the research process. The specific techniques employed relate to the description of the study’s sample, the method of collecting and processing data, the verification of the findings and the adherence to ethical issues. All of these are discussed in this chapter.

2.2.1 Research approach

As indicated in Chapter 1 (Section 1.6.1), various approaches to research are encountered in social research. In general there are three such approaches: quantitative, qualitative and mixed methods.

According to Creswell (2009:17), the quantitative research approach is embedded in the positivist way of thinking and characterised by striving toward measurability and objectivity, reducing uncertainty, and striving toward duplication and the use of standardised procedures.
Creswell (2009:17) states that the qualitative research approach is embedded within an interpretive way of thinking or viewing the world and there are multiple realities. Marshall and Rossman (2006:2) provide the following definition for qualitative research: “Qualitative research is a broad approach on the study of social phenomena. Its various genres are naturalistic, interpretative and increasingly critical and draw on multiple methods of inquiry”.

The mixed methods approach bases knowledge claims on pragmatic grounds (i.e. consequence-oriented, problem-centred and pluralistic). It employs strategies of enquiry that involve data either concurrently or in sequence to best understand research problems. Data collection also involves gathering both numeric information (e.g. on instruments) and words (i.e. interviews) so that the final database represents both quantitative and qualitative information (Creswell, 2003:18-20).

During the initial stages of this research endeavour, the researcher considered a survey (quantitative research) as the best way of conducting this research. Bryman (2008:697) provides the following definition for quantitative research: “Quantitative research usually emphasises quantification in the collection and analysis of data. As a research strategy it is deductive, objective, and incorporates a natural science model of the research process (in particular, one influenced by positivism), but quantitative researchers do not always subscribe to all three of these factors”.

According to scholars such as Creswell (2009:44), Bryman (2008:22), Bless at al. (2006:44) and Fouché and Delport (2005:75), the quantitative approach has the following characteristics:

- its epistemological roots are in positivism;
- its methods utilise deductive logic;
- the research design is standardised according to a fixed procedure and can be replicated;
- there is measurement of objective facts;
- there is a focus on variables;
- reliability is the key criterion of scientific excellence;
- a value-free stance is assumed;
- research is conducted independently of context;
• many cases or subjects are involved; and
• statistical analysis is the method of choice and the researcher maintains a detached attitude.

Although a survey might be seen as less intrusive for social workers, it was argued by the researcher that using qualitative research is most suited to answering the research questions. It can be argued in this study that a qualitative research approach was appropriate, since its primary objective was to gather information regarding social workers and probation officers in their natural environments together with the meaning they attach to their daily professional lives. Therefore, a qualitative research approach was utilised in order to gather information on how the social workers and probation officers conduct a risk assessment of child offenders. Furthermore, this research is concerned with what to focus on during such an assessment, based on the perspectives of a group of South African social workers.

The literature (Creswell, 2009:232, Marshall & Rossman, 2006:3, Denzin & Lincoln, 2005:2-3) states that qualitative research is a generic term for investigative methodologies described as ethnographic, naturalistic, anthropological, field- or participant-observation, case study and biography. The researcher may also be seen as *bricoleur*. It emphasizes the importance of looking at variables in the natural setting in which they are found. Interaction between variables is important. Detailed data are gathered through open-ended questions. The interviewer is an integral part of the investigation. Qualitative research differs from quantitative research which attempts to gather data by objective methods to provide information about relations, comparisons, and predictions and attempts to remove the investigator from the investigation.

On the other hand, Fouché and De Vos (2005:74-102) and Blaikie (2010:51) posit that the qualitative researcher is concerned with understanding (*verstehen*) rather than explanation; with naturalistic observation rather than controlled measurement; and with the subjective exploration of reality from the perspective of an insider, as opposed to the outsider perspective that is predominant in quantitative research.

Creswell (1998:16-17) recommends that qualitative enquiry is for the researcher who is willing to do the following: commit to extensive time in the field (1 month) and engage in the complex and time-consuming process of data analysis (12 months). This ambitious task
consists of sorting through large amounts of data and reducing them to a few themes or categories, as well as writing long passages. This is because the evidence must substantiate claims and the writer needs to show multiple perspectives. It also involves engaging in a form of social and human science research that does not have firm guidelines or specific procedures and is evolving and constantly changing.

In view of the aforementioned arguments, this qualitative approach was deemed appropriate for the study. As limited research has been done on risk assessment of child offenders by South African social workers, the present research is an ideal research project for using a qualitative methodology.

2.2.2 The research design

According to Creswell (2007:16), the research design in qualitative research begins with philosophical assumptions that the inquirer makes in deciding whether or not to undertake a qualitative study. These philosophical assumptions consist of ontology, epistemology, axiology, rhetoric and methodology (Creswell, 2003:6).

2.2.2.1 The paradigm of this research

A paradigm, as Creswell (1998:74) explains, is the “the approach taken by qualitative researchers when undertaking an investigation”. These assumptions have their origins in philosophy. Paradigms are not testable and they deal with human beings and society. On the other hand, Creswell (2009:6) prefers to use the term ‘world view’.

The paradigm guiding this research is to gain an in-depth understanding of a group of social workers conducting risk assessments with child offenders in SA. The aim was to investigate the experiences from the participants’ view, and so an interpretive design was chosen. The epistemology chosen is case study research, which falls under the interpretive paradigm and uses qualitative research.

This researcher’s paradigm is interpretive, naturalistic and post-positivist. As Marshall and Rossman (2006:2) postulate, ‘interpretivism’ proposes that there are multiple realities, not single realities of phenomena, and that these realities can differ across time and place. These
realities can be the reality of the researcher (a part-time correspondence student living and practicing social work in England), those of the participants (living and practising social work and probation officers working in Western Cape Province, SA), and those of the reader/s interpreting the findings of the study.

The research design in qualitative research is often referred to as the ‘research strategy’. In his seminal work, Creswell (1998:47-61) identifies five different types of research strategies in qualitative research. These are:

- **Phenomenology**: refers to the meaning that the phenomenon being studied, as in the lives of several individuals;
- **Grounded theory studies**: these attempt to explain a situation or a phenomenon by generating a theory;
- **Ethnography**: describes and interprets a cultural or social group or system;
- **Case study**: an in-depth study of one or more cases over a period of time; and
- **Biography**: the study of an individual’s experiences as related to the researcher or gained through information gathered from documents and archival material. There are different forms of biography such as the biographical study, the life history or oral history, and the autobiography. The biographical approach involves the participants writing or telling stories about their own life experiences and relating to the phenomenon being studied.

2.2.2.2 The case study as a research strategy

According to Yin (2009:3), using a case study for research purposes remains one of the most challenging of all social science endeavours. Schramm (cited in Yin, 2009:17) states that “the essence of a case study, the central tendency among all types of case study, is it tries to illuminate a decision or set of decisions; why they were taken; how they were implemented, and with which result.” A case study is an empirical inquiry that investigates a contemporary phenomenon in an in-depth way (in this case a risk assessment of child offenders) and within its real context (Western Cape Province, SA) (Yin, 2009:18).

Yin (2009:21) also defines different types of case studies used for research purposes, namely: explanatory case studies, descriptive case studies and exploratory case studies. According to
Creswell (2007:73), the case may be a bounded system.

It could be argued that case study research is more than simply conducting research on a single individual or situation. Case studies enable the researcher to gather data from a variety of sources (11 participants) and to bring together the data to illuminate the case (Yin, 2009:13).

Yin (2009:14-15) provides the following criticism against the case study areas, namely: lack of rigour; that case study areas provide little basis for scientific generalisation; that they take too long and the results are often massive and unreadable documents; and a fourth possible objection is that case studies do not address randomised trials or ‘true experiments’.

The advantages of the case study method are its applicability to real-life, contemporary, human situations and the public accessibility of this method through written reports. Case study results relate directly to the common reader’s everyday experiences and can facilitate an understanding of complex real-life situations. In addition, the evidence from multiple case studies is frequently considered more convincing than using a single case design.

In this study, the researcher used an explorative case study. This was because the present research endeavour focused on:

- a group of South African social workers;
- the social workers’ perspectives on how risk assessments of child offenders should be conducted; and
- what the content focus should be during such an assessment.

In this study, the case was a bounded system, bounded by time (1 month of data collection) and place (Western Cape Province). The researcher used multiple sources of information, namely individual social workers and probation officers, to provide the detailed in-depth information. The researcher spent a considerable amount of time - six months - describing the context (i.e. the conduct of risk assessments with child offenders in the South African context as seen by a group of South African social workers and probation officers). In addition, this research also focused on risk assessments in the context of child offending.
Yin (2009:2) recommends that a case study design should be considered when:

- the focus of the study is to answer ‘how’ and ‘why’ questions. In this study, the ‘how’ questions were: Based on the perspectives of a group of South African social workers, how should a risk assessment of child offenders be conducted and what should the content of such an assessment consist of? How do you conduct risk assessments of child offenders in practice? Tell me about the assessment tools you use and how you use them;
- you cannot manipulate the behaviour of those involved in the study - in this study the researcher used open-ended questions and listened to social workers’ viewpoints;
- you want to cover contextual conditions because you believe they are relevant to the phenomenon under study - in this research, the context is a group of South African probation officers and social workers conducting risk assessments with child offenders.

Lastly, the case study was collective in nature because multiple cases were used (Yin, 2009:53). As indicated in Chapter 1, apart from the case study as a research strategy, the researcher also made use of the exploratory, descriptive and contextual designs.

2.2.2.3   Exploratory design

In Chapter 1 (section 1.6.2.1) it was postulated that a large amount of social research is conducted to explore a topic (Risk Assessment of Child Offenders: A South African Social Work Perspective). Furthermore, the exploratory design is typical when a researcher is examining a new interest, or the subject of study is relatively new and unstudied (risk assessment of child offenders). The explorative design applied to this research. This was because the researcher explored the perspectives of a group of South African social workers in relation to how a risk assessment with child offenders should be conducted, as well as looking at the content focus during such an assessment (Babbie, 2010:92).

Fouché and De Vos (2005:106) state that, in exploratory studies in general, the researcher aims to become acquainted with basic facts and to create a general picture of conditions. Exploratory studies are used when there is insufficient knowledge about a new topic (i.e. risk assessments of child offenders).
2.2.2.4 Descriptive design

As stated in Chapter 1 (section 1.6.2.2), descriptive research involves a researcher beginning with a defined topic (risk assessment of child offenders from a South African social work perspective), he/she conducts the research (fieldwork) and then describes it accurately (dissertation) (Neuman, 2006:16).

The advantage of this design within this study is that the description of the participants' perceptions of how they carry out assessments, together with the literature review, enabled the researcher to better understand the issue of the risk assessment of child offenders. The description of the data contributed to developing an understanding of the research problem and to answering the research question.

A descriptive approach applied to this study because the researcher described the perspectives of a group of South African social workers regarding how a risk assessment with child offenders is conducted and should be conducted, as well as the content focus during such an assessment.

2.2.2.5 Contextual design

Grinnel and Unrau (2005:24) explicate that three contextual factors serve as the foremost shaping forces for all social work research, namely the social work program (risk assessment of child offenders), the social work profession (probation officers) and the social workers themselves (social workers who conduct risk assessment of child offenders in the Western Cape Province).

A contextual design is used when field interviews are conducted with participants in their place of work. In this study, participants were interviewed in their places of work across the Western Cape Province. These workplaces consisted of district offices, courts and CYCCs. All the interviews took place during work hours. This approach presents the richest data and developed a partnership with the social workers while observing them in their natural context (Western Cape Province).
This design was useful as the qualitative data analysis was aimed at describing the participants’ interpretation of their world (in other words why they have that point of view, how they came to that view, what they have been doing in their daily practice, how they express their view of their situation and so on). In this research, the voices and viewpoints of social workers and probation officers in the Western Cape Province were explored and described. This happened in the context of the participants’ professional experiences. The contextual research design therefore provided the researcher with a focus for the possible solution to the research problem – this was due to the context of the data obtained. In this research, the participants came up with clear recommendations of how an indigenous risk assessment instrument could be developed.

2.3 The research process

This section discusses the study population, sampling and sampling techniques, the data collection process, the data analysis, the validity and trustworthiness of the research, and various ethical considerations.

2.3.1 Population, sampling and sampling techniques

Bryman (2008:168) provides the following definition for a population, which is: “basically, the universe of units from which the sample is selected”. Strydom (2005:194) states that “a population is the totality of persons, events, organisation units, case records or other sampling units with which the research problem is concerned”.

The population for this study includes all social workers and probation officers in the Western Cape in SA who conduct risk assessments with child offenders.

Sampling is crucial for later analysis and, as Miles and Huberman (1994:27) argue, as much as a researcher might want to, he/she cannot study everyone, everywhere, doing everything. Due to time and money constraints, the whole population (525 social workers and 121 probation officers) was not included in the study.

Bless et al. (2006.10) and Babbie (2010:192) elucidate that in social research there are many different means or techniques used to obtain a non-probability sample. These are reliance and
accidental/availability sampling, purposive or judgemental sampling, quota sampling and snowball sampling. The researcher elected to use purposive or judgemental sampling for this study. Purposive sampling is based entirely on the judgement of the researcher. Strydom (2005:202) explains that a sample is composed of elements that contain the most characteristics, representatives or typical attributes of the population.

At the onset of this study, the researcher decided to purposefully interview male and female social workers in all racial groups in the Western Cape Province. He was able to interview Africans, Coloureds and White participants but could not find Indian participants. He also purposefully searched for participants with varying degrees of experience. Furthermore, the researcher both searched for and found social workers who worked in female-only, male-only, urban and rural CYCCs. He also searched and found probation officers who worked in both urban and rural settings. By using the following inclusion criteria, the researcher employed the purposive sampling technique to procure a sample of:

- social workers (both male and female) from different culture groups and a varying range of years practising as social workers and probation officers. This group were currently doing risk assessments with child offenders;
- social workers employed by the PGWC; and
- social workers who were willing to participate in the study.

Due to there being less time than initially planned for, the researcher also made use of snowball sampling by networking with previous colleagues. Here he outlined his research and asked for their help in recruiting possible participants.

According to Greeff (2005: 294-299), a researcher may ask how they will know when enough participants have been interviewed. It is acknowledged by the researcher that, in qualitative research, the specific sample size cannot be determined at the outset of the study. The number of participants to be included in the sample became known once the data reached a point of ‘saturation’ i.e. when the information being gathered became repetitive. As stated above, the researcher interviewed a variety of participants and decided to end the data collection process after he could not hear any “new” information being provided by participants. In this study, data saturation was reached after eleven participants were interviewed.
2.3.2 Data collection process

2.3.2.1 Method of data collection

In starting his preparation for the data collection, the researcher gained permission from individuals in authority (i.e. gatekeepers) to provide and maintain access to study participants working for them. These participants met the criteria to participate in the research (Creswell, 2007:122).

In this study, data were collected by means of semi-structured interviews with the aid of an interview schedule (Greeff, 2005:296). This schedule served as a guide and did not dictate the interviews. Due to the flexible nature of qualitative research, probing was also utilised to maximise data collection.

The following interview schedule was used in the research:

**RESEARCH TOPIC: RISK ASSESSMENTS OF CHILD OFFENDERS: A SOUTH AFRICAN SOCIAL WORK PERSPECTIVE**

**SECTION A: BIOGRAPHICAL DATA (To be completed by the participant)**

Please complete the following personal particulars. Where required, mark your response with an X, or where requested, answer in writing.

A-1: Please indicate your age group with an X:

<table>
<thead>
<tr>
<th>Age Group</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-29</td>
<td>1</td>
</tr>
<tr>
<td>30-39</td>
<td>2</td>
</tr>
<tr>
<td>40-49</td>
<td>3</td>
</tr>
<tr>
<td>50-59</td>
<td>4</td>
</tr>
<tr>
<td>60-69</td>
<td>5</td>
</tr>
<tr>
<td>70 and above</td>
<td>6</td>
</tr>
</tbody>
</table>
A-2: Please indicate your gender with an X:

<table>
<thead>
<tr>
<th>Gender</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>7</td>
</tr>
<tr>
<td>Female</td>
<td>8</td>
</tr>
</tbody>
</table>

A-3: Please indicate your primary home language with an X:

<table>
<thead>
<tr>
<th>Language</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Afrikaans</td>
<td>9</td>
</tr>
<tr>
<td>English</td>
<td>10</td>
</tr>
<tr>
<td>isiNdebele</td>
<td>11</td>
</tr>
<tr>
<td>isiXhosa</td>
<td>12</td>
</tr>
<tr>
<td>isiZulu</td>
<td>13</td>
</tr>
<tr>
<td>Northern Sotho</td>
<td>14</td>
</tr>
<tr>
<td>Sesotho</td>
<td>15</td>
</tr>
<tr>
<td>Setswana</td>
<td>16</td>
</tr>
<tr>
<td>Tsi-Venda</td>
<td>17</td>
</tr>
<tr>
<td>Xitsonga</td>
<td>18</td>
</tr>
</tbody>
</table>

A-4: Please indicate your race with an X:

<table>
<thead>
<tr>
<th>Race</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>African</td>
<td>19</td>
</tr>
<tr>
<td>Indian</td>
<td>20</td>
</tr>
<tr>
<td>Coloured(^2)</td>
<td>21</td>
</tr>
<tr>
<td>White</td>
<td>22</td>
</tr>
</tbody>
</table>

A-5: Please indicate your years of experience as a probation officer with an X:

<table>
<thead>
<tr>
<th>Experience</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year</td>
<td>23</td>
</tr>
<tr>
<td>1-2 years</td>
<td>24</td>
</tr>
<tr>
<td>2-4 years</td>
<td>25</td>
</tr>
<tr>
<td>4-6 years</td>
<td>26</td>
</tr>
</tbody>
</table>

\(^2\) To the reader please note the abovementioned racial categories are according to the official racial classification in SA.
SECTION B. QUESTIONS (To be completed by the researcher by interview and audio taping as well as note-taking)

1. How do you conduct a risk assessment of child offenders in practice?

2. Tell me about the assessment tools that you use, and how you use them.

3. Based on your perspective, what focus areas content-wise should be taken into consideration when conducting a risk assessment of child offenders?

4. Based on your perspective, how should a social worker in practice go about conducting a risk assessment of children in conflict with the law?

5. In your opinion, what should be included in an assessment tool for assessing the risk of child offenders?

6. Give me your views about the current assessment tools in use, as well as the possibility/necessity to develop new assessment tools.

7. What is your view on how such a tool should be developed and implemented?

2.3.2.2 Pilot study

The literature recommends that researchers should conduct a pilot study to try out their interviewing design. This is in order to identify their ability to conduct interviews and to come to terms with any practical problems (Creswell, 2007:132-134, Robson, 2002:185).

The supervisor of the study recommended that the researcher conduct a pilot study with four participants, namely two English-speaking and two Afrikaans-speaking participants, in order
to test the questions. The researcher therefore randomly selected four social workers and probation officers with which to conduct the pilot interviews.

However, the researcher decided to conduct a pilot study of the entire data collection procedure. The reason for this was to check whether the interviews would yield in-depth information and to ascertain whether the researcher could keep the interview focused on the goal of the research. In addition, the pilot venture was carried out to ascertain if the questions contained in the interview guide would provide answers to help realise the stated goal for the research. Lastly, the pilot study assisted the researcher to become familiar with interviewing skills and research within the South African context.

The pilot study was conducted with three probation officers and one social worker who worked at a CYCC. Three males and one female were interviewed. Participants were from Paarl Office, Cape Town Office and Bonnytoun CYCC, Wynberg, Cape Town. This covered both rural and urban areas and, in the case of Bonnytoun CYCC, offered a provincial dimension to the research. The participants involved in the pilot study were not part of the main study, nor were their data re-analysed.

The researcher learned much about operating the recorder to record the interviews. In this research, the researcher failed to switch on the recorder during the first interview. However, the researcher had made notes and, according to the Afrikaans-speaking participant, the questions asked were understandable. On a more positive note, the first participant also suggested other sources of evidence and therefore, according to Yin (2009:107), became an ‘informant’ rather than a ‘respondent’.

The pilot study helped to defuse the researcher’s own feelings of anxiety when entering the field. However, as the fieldwork progressed, the researcher became more comfortable with the interview and the research process. The researcher was able to build a good rapport with participants helped by appropriate formality in dress, demeanour and speech. The layout of the interview schedule, including the racial classification, was accepted by all four participants. Small talk and ‘catching up’ was also important in order to create a more conducive research environment.

The pilot study gave an indication of the kind of problems that could arise in the main study.
The main problem related to the availability of probation officers, affected by work pressures and court attendances. Instead of giving an overview of the researcher’s international experience of the phenomenon, participants had to be asked to share an overview, as well as their unique South African experience.

The researcher made sure he was clear about the responses to the questions by probing for more in-depth explanations where necessary. The pilot study assisted with the data transcription. The researcher arranged with his sister to type the transcripts of the pilot study. This also acted as training for the researcher in how to type the transcripts for the main study.

Upon reflection, the pilot study was indeed a trial run for the researcher and it helped to defuse some of his anxieties relating to the study. Through this process, the researcher was able to test the possible kinds of responses to given questions. The researcher acknowledged that the pilot study was a prerequisite for the successful execution and completion of the main study. Its function was the tentative planning of the main study and it assisted with practical arrangements.

2.3.2.3 Gaining access to study area and participants

Gaining informed consent from participants is regarded as central to ethical research practice. ‘Gatekeeping’ is a phenomenon that occurs within social science research. Written permission to conduct the research was therefore obtained from the DSD (See Appendix E) (Creswell, 2007:122-3).

Upon obtaining the relevant permission, the researcher contacted social workers and probation officers making use of the following:

- Work place visits;
- their work electronic mail;
- the telephone; or
- communication through fellow colleagues.

The purpose was to request prospective participants to take part in the study. The researcher explained the criteria for inclusion, pointed out to them that their participation was voluntary,
and that their rights would not be jeopardised in any way.

2.3.2.4 Preparation for data collection

Those who agreed to participate in the study were prepared for taking part by having the preamble to the consent form explained to them (Appendix B). A letter from the supervisor, explaining the value of this research from UNISA (Appendix D), was shown to potential participants. Upon indicating that they understood the content of the electronic mail, telephone call or explanation, they were asked to sign the consent form on behalf of themselves (Appendix C). The researcher made sure that all participants were clear that they were free to provide a range of perspectives (Greeff, 2005:288) and that there were no right or wrong answers.

2.3.2.5 Interview environment, interview process and field notes

The work of Greeff (2005:294) states that the more convenient and favourable the interview arrangements are for the participants, the greater the likelihood of the interview being completed. The interviews were conducted at a time, date and venue that was suitable to the participants. The interviews took place in courts, CYCCs and in offices. The interview venues were quiet, generally free of distraction and conducive to conducting the interviews. All the venues were arranged by the participants; therefore it could be argued that the participants in this study have become partners and important stakeholders in this process.

All the interviews began with small talk and ‘catching up’ to ensure that the participants were comfortable and relaxed. The researcher attempted to establish rapport and allowed the participants to feel comfortable and happy to ‘talk back’.

The researcher also explained the approximate length of time the interview would take. In this study, interviews lasted between 30 and 90 minutes. In conducting the interviews, the researcher found the following interviewing techniques (as laid out by Greeff, 2005:288-289) very useful:

- Start with questions that are not controversial and request that participants share information about themselves and make small talk;
Return to incomplete points - at times the researcher had to encourage some participants to finish what they were saying and so helped to retain the focus on a particular point;

Pose speculation-type questions - an example of this was “Tell me, are you working with boys or girls in this institution?”; and

Encourage a free range but maintain control – this was because it was clear that some participants tried to make use of this study to criticise the DSD and the researcher needed to refocus them. By maintaining control of the interview process, it was necessary to redirect certain questions and refocus some participants.

2.3.2.6 Interviewing skills utilised

In this study the researcher asked open questions, verified assumptions and probed. Single questions were asked most of the time. The researcher asked follow-up questions if and when needed, and concluded interviews with general questions such as “Is there anything further that you feel is important; you want to say; you want to add?”.

The researcher allowed the participants to reconstruct, not to remember. The researcher did not interrupt a good story and allowed for pauses and silences in the conversation.

The researcher also used the following communication skills:

- Minimal verbal and non-verbal responses i.e. responses that corresponded with occasional nodding, ‘mm’, ‘okay’, ‘yes’ and so on;
- Paraphrasing - the researcher stated the participant’s words in another form with the same meaning on numerous occasions during this study;
- Clarification e.g. “What do you mean by prison gangs?”
- Encouragement (e.g. “could you tell me more about the ‘Circle of Courage’ ...?”); and
- Reflective summaries were used to summarise the participants’ ideas.

With the consent of the participants, the researcher used a digital voice recorder and note-taking techniques to capture the information. This was to ensure that all of the participants’ verbal and non-verbal articulations were recorded. The interviews were then audio-taped and later transcribed by the researcher. It could be argued that the best form of recording interview
data is audio-recording because tapes record the exact words of the interview and include the questions asked. Recorded information ensured that researchers do not make the mistake of forgetting important areas. Furthermore, researchers are also able to maintain eye contact and pay attention to what participants say (Greeff, 2005:298).

Lastly, the researcher took notes during and after the completion of the interviews. Greeff (2005:298) defines note-taking as follows: “Field notes are a written account of the things the researcher hears, sees, experiences and thinks about in the course of interviewing”.

In most instances, the researcher sat down immediately after a particular interview to write down his impressions. He found a quiet place to write down his mistakes, disappointments, emotions, preconceptions, expectations and prejudices in order to incorporate them into his final product (Greeff, 2005:298).

As stated above, the researcher decided to transcribe the taped interviews himself. This was both a time-consuming and labour-intensive process. For each hour of recording, the researcher took ten hours to transcribe it – this was due to his typing speed and the equipment used (audio-recorder and computer only). On a positive note, though, this process brought the researcher closer to the data.

2.3.3 Data analysis

According to Creswell (2009:183), data analysis involves making sense of text, preparing the data for analysis, conducting different analyses, moving deeper and deeper into understanding the data, representing the data, and making an interpretation of the larger meaning of the data. The researcher therefore developed a systematic way of analysing his data. Data analysis in this study began after the first interview had been transcribed.

Data in this qualitative study were collected from the participants in the form of words/narratives. As explained previously, the interviews were voice-recorded and further supplemented by note-taking to capture nonverbal cues which could not be recorded by the digital voice recorder. All interviews were transcribed verbatim from the digital voice recorder and the Afrikaans interviews were translated into English by the researcher. The researcher numbered each line of the transcripts to ensure that data were well organised. The
voluminous data were analysed over a period of 18 months. This process was challenging and overwhelming at times and the researcher made use of supervision and peer support to cope. Furthermore, he had to step back from the data and then returned to continue with the analysis.

As has been previously mentioned, once the data collected became repetitive and the point of ‘saturation’ was reached (Greeff, 2005:294), the process of data collection was concluded. The Afrikaans tape-recorded interviews were transcribed and translated into English by the researcher. The researcher did not employ a professional transcriber, but transcribed the interviews himself. This process assisted the researcher to get close to and intimate with the data which led to a deeper understanding of the transcripts. This assisted in getting a complete view of what took place during the interview.

Creswell’s (2009:186) understanding of the analysis and interpretation of data has guided the research study. For the purpose of this study, the researcher followed the steps proposed by Tesch (cited in Creswell, 2009:186) which have already been stated in Chapter 1 (Section 1.7.3).

**Step 1:** The researcher carefully recorded the data as the analysis unfolded. As part of data analysis, he organized the audio-recordings into an electronic folder for each participant. The researcher transcribed the eleven interviews individually and also electronically stored them. For example participant 1 was electronically stored as “TRANSCRIPT 1”. The rough notes that were made after each interview were consulted. Copies were transferred onto compact disc. The researcher listened to the audiotapes, then carefully read and reread all the transcripts in order to get a sense of the whole and to become intimate with the data. The researcher jotted down initial thoughts as they came to mind as possible themes or categories.

**Step 2:** The researcher chose the shortest transcript and read it through. He asked himself what the interview was about, trying to find an underlying meaning (not the substance) and then wrote down thoughts in the margin as they came to mind. Data cleaning then took place starting with the removal of identifying data of all participants. The list was reduced to groups of similar topics, which were coded using coloured pens.

**Step 3:** After several transcripts had been read, the researcher made a list of all topics
identified. The topics were clustered according to their similarities and were marked as “major topics”, “unique topics”, and “leftovers”. For example, major topics were the social work interview, previous offences and the fact that a new standardised tool is needed. An unique topic was Ubuntu and a leftover was Eco map. Preliminary categories were constructed by using coloured pens and different categories were set out in different colours. This was done manually and proved to be a laborious and painstaking process.

**Step 4:** The researcher took the list of marked topics and went back to the data. The topics were abbreviated as codes, and the codes were written next to the appropriate segments of the text. While using this preliminary organising scheme, the researcher looked for new categories and codes that had emerged. Line-by-line coding took place at this stage. For example “PARTICIPANT 1” line 1 was coded A1, line 2 was coded A2 and so forth.

**Step 5:** The researcher found the most descriptive wording for the topics and turned them into themes or categories. Topics that were related to each other were grouped in order to reduce the total list of categories. Interrelationships between categories were shown by lines.

**Step 6:** The researcher made a final decision on the abbreviation for each category and gave these categories alphabetical codes.

**Step 7:** Data that belonged to each category were assembled in one place in a word document and a preliminary analysis was then performed as follows. Topics with similar ideas were cut, sorted and pasted together under the relevant themes. By using the cut-and-paste method, the researcher assembled the data from several documents in one document, using the quotations, which belonged to each appropriate theme, sub-theme, category and subcategory and conducted aforementioned preliminary analysis. Thereafter the data were listed in a table depicting the relevant themes, sub-themes and categories and sub-categories.

**Step 8:** The existing data were recoded, if necessary. The researcher and the coder checked whether re-coding or re-categorization was necessary. Subsequent to deliberation, an agreement was reached on themes and sub-themes, categories and subcategories.
It should be noted that, although the aforementioned is explained in a linear manner, the process within the field was time-consuming, iterative, cyclical and messy (Creswell, 2009:183-187). To illuminate in summary the manual data analysis: initial thoughts as possible themes or categories were jotted in the margin; comprehensive data cleaning then took place; a list of initial topics was compiled; this list was reduced to groups of similar topics which were coded using coloured pens; preliminary categories were constructed by using coloured pens and different categories were allocated different colours; using the preliminary organising scheme, the researcher looked for possible new categories and codes emerging; line-by-line coding took place. The researcher and independent coder, identified words which described the different themes, sub-themes and categories. The researcher assembled the data from several documents in one document. Lastly data were listed in a table depicting the relevant themes, sub-themes and categories and sub-categories.

All the transcripts were e-mailed to an independent coder with a doctorate in social work experienced in qualitative research methods, in order to conduct a qualitative data analysis. (see 2.9 for detailed discussion). As part of the data analysis, findings from the independent coder’s report were compared with the researcher’s findings. Consensus discussions between the researcher, the independent coder and the supervisor took place via e-mail as the researcher resides in England and the independent coder and supervisor reside in South Africa. Themes and sub-themes with story lines or quotations were compared to assess consistency (see Chapters 3 and 4 for the detailed description of the themes, subthemes, categories and sub-categories).

2.4 METHOD OF DATA VERIFICATION

Guba’s model of trustworthiness (Lincoln and Guba, 1985) was employed in this study. Most researchers find this model to be invaluable in ensuring trustworthiness in a qualitative study. In Chapter 1 (section 1.4.3.4), the researcher used Guba’s model and presented a comprehensive plan of how the data would be verified to check the accuracy and credibility of research findings. In this section, the researcher presents how the requirements to ensure trustworthiness were met.

Lincoln and Guba’s model entails credibility, which parallels Bryman’s (2008:377) internal validity; this shows that the study had to be conducted in such a manner that ensures that the
subject will be accurately identified and described. The researcher ensured credibility by:
- ensuring that field notes were made soon after the interviews;
- ensuring careful and detailed recording of the data;
- defining the parameters of the study;
- having peer reviews of data transcriptions and data analysis;
- using face-to-face interviews - the researcher was able to corroborate each participant’s experiences;
- describing the steps taken during data collection and analysis – in this way the researcher was creating an audit trial; and
- examination of the findings by the supervisor.

Transferability, which parallels Bryman’s (2008:377) external validity, refers to the degree of applicability of the findings to other contexts and settings or with other groups. In this study, transferability was achieved by providing:
- dense descriptions of the research methodology; and
- thick description of data – here transferability was achieved by providing detailed descriptions of the participants’ characteristics, their description of the phenomena as well as the researcher’s observations in reporting the findings.

Confirmability, which parallels Bryman’s (2008:377) objectivity, means asking whether the findings of the study will be confirmed by another study. Confirmability in this study was attained by:
- recording all interviews;
- developing and maintaining transcripts of recordings; and
- providing an audit trial consisting of raw data, analysis notes, reconstruction and synthesis products, process notes, personal notes, and preliminary developmental information.

The draft of the research proposal was examined by the study leader to ensure that it met the minimum criteria of a justifiable research proposal. The research proposal was submitted to the Departmental Research and Ethics Committee of the Department of Social Work Ethics Committee to ensure it met the standards of a scientific, justifiable and ethically sound research study.
Dependability, which parallels Bryman’s (2008:377) reliability, relates to external audits which involve having a researcher, who is not involved in the research process, examine both the process and product of the research study. The purpose is to evaluate the accuracy of the study and whether or not the findings, interpretations and conclusions are supported by the data. To address the issues of dependability, the researcher enlisted an independent coder to analyse the data – this was done independently from the researcher. Once both the researcher and the coder had completed the process of data analysis they engaged in consensus discussions. When they reached agreement, the data analysis was concluded.

2.4.1 Literature review

The researcher’s interest in the topic of risk assessment of child offenders originated from his previous experience working as a probation officer. The researcher made use of conventional methods at Brunel University and Oxford Bodleian Libraries in England. The researcher attended these libraries in order to consult books and articles, and to study and mix with “real students”. The researcher also conducted research on the internet and via the NRF Nexus database, as well as making use of conventional search methods via subject specialists at the library of UNISA.

In the present research, the researcher’s approach was to use theory before and after data collection. At first, the researcher consulted the literature as an “orienting framework” (Creswell, 2003:30) because he did not want to be influenced by the literature. (N.B. To remind the reader, this study is about the feelings and views of the participants.) Furthermore, during the interviews, the researcher was aware of the fact that he should not let his knowledge influence the interviewing. However, during the literature review, the researcher made extensive use of the literature in order to verify or disagree with the study’s findings.

Marshall and Rossman (2006:43) state that the literature review serves four broad functions:

- It demonstrates the underlying assumptions behind the general research questions;
- It demonstrates that the researcher is knowledgeable about related research and the scholarly traditions that surround and support the study;
- It shows that the researcher has identified some gaps in previous research and that the proposed study will fill a demonstrated need; and finally
The literature review refines and redefines the research questions by embedding them in larger traditions of inquiry.

In this study, the researcher studied and consulted literature from various disciplines, namely social work, probation studies, sociology, psychology, criminology, youth offending, youth work, penology and theology.

2.4.2 Independent Coder

Raw data was sent to Dr Huma Louw, the independent coder, for analysis. However she was not given any pre-arranged themes or categories to be used. This process started by the researcher sending one transcribed interview to the independent coder for comment on the draft transcribed interview. Thereafter, the researcher and the independent coder had a consultation on the preparation of the rest of the transcripts.

Upon reading the first two pages of the transcription, the independent coder reported that the transcripts still needed a lot of cleaning, as well as explanations in brackets ([ ]). The researcher completed this task to the satisfaction of the independent coder. The researcher provided the independent coder with a clean set of transcripts in order to maintain anonymity. The researcher also changed minor details so that participants could not be recognised. In addition, the researcher provided participants with a number and their names were identified as X. Furthermore an individual transcript was line coded, for example, Participant 1 was line coded A1, A2 etc. Thereafter, the independent coder emailed the researcher a table of themes that emerged from the interviews.

A consensus discussion between researcher, independent coder and supervisor then took place and the final themes, sub-themes categories and sub categories were agreed.

2.4.3 Peer Review

This process involved locating persons (peer debriefers) who reviewed and asked questions about the qualitative study so that the account would resonate with people other than the researcher. In this study, the researcher sought input from colleagues and participants over a period of 14 months. This was done through email, telephone contact and through the
messaging function of Facebook. These colleagues and participants were able to shed light on issues and make suggestions. The researcher also used a friend who is a well-versed qualitative researcher and who clarified the research by asking questions. This friend also critised the quality of the transcripts and the research report over a period of 18 months. In addition, the researcher attended regular seminars conducted by the Interpretative Phenomological Analysis London group.

2.4.4 Member checking

The researcher sought input from participants over a period of 14 months. This was done through email, telephone contact and through the messaging function of Facebook. The researcher could not follow up some aspects in person as he could not afford to travel back to South Africa. The researcher went back to the participants for clarification and exploration of the data collected to make it richer, for verification of transcripts and for sharing the penultimate report with limited success. For this reason, telephone appointments for follow-up interviews were made, however this proved extremely difficult as many participants did not answer the researcher’s calls as arranged by e-mail or respond to e-mails. Out of eleven participants, two participants responded by telephone and one responded via the messaging function of Facebook.

2.5 Reflexivity Statement

Creswell (2009:192) defines reflexivity as follows: “Reflexivity means that researchers reflect about how their biases, values, and personal background, such as gender, history, culture, and socioeconomic status, shape their interpretations formed during a study”.

The pilot study helped to defuse the researcher’s own feelings of anxiety when entering the field. He became more and more comfortable with the interview process as the research unfolded.

With reference to the researcher/participant relationship, the researcher aimed to maintain a balance between formality and informality. Formality in dress, appearance and speech assisted him to develop rapport with the participants.
The researcher recognises that he was sometimes over-careful not to be misunderstood by participants on certain questions - these related to why participants said certain pieces of their work were “paper exercises” as well as issues to do with culture and race. Upon reflection, the researcher felt he could have probed more during his questioning of the participants.

The researcher was sensitive to the intellectual and emotional demands that qualitative interviews can have on participants. The researcher closely observed participants’ energy levels and body language throughout the interviews, and made appropriate adjustments when needed. At times he had to stop some interviews until participants were ready to continue.

The researcher acknowledged that he should have been less directive in his questioning and should have allowed for a much more free flow of communication. This was because the phrasing of some of the questions seemed to lead to “yes” or “no” responses.

This study was to learn about participants’ experiences in dealing with risk assessments of child offenders; however it also served as an enlightening experience for the researcher. After each interview, the researcher walked away from the interviews feeling more inspired to continue with the research. The overarching feeling that the researcher experienced during the data collection process was a sense of great fulfilment and satisfaction.

The researcher’s international experience and previous union involvement did not intimidate the participants. Good rapport was established during most interviews. However, the researcher was very anxious while conducting the first few interviews as he did not know what to expect and was unsure as to whether he would obtain in-depth information. Furthermore the researcher was very worried whether he was applying the proper techniques.

As an experienced negotiator, the researcher was able to negotiate with former colleagues and prospective participants who participated in this study. This ensured a high level of cooperation and willingness to participate in the study. The researcher’s position of trust and credibility ensured that information was treated confidentially, anonymously and with respect.

The participants were reminded of the importance of being open about their experiences. The researcher was nevertheless attentive to adapt the style of interviewing to achieve information from their perspective. He explained to them that if they wanted to collect their thoughts they
should raise their hands, to indicate that he should pause the tape. The participants’ body language indicated that they were relaxed and they communicated freely.

After having conducted the first two interviews, and reflecting on them, the researcher found that his confidence and enjoyment of the data gathering process had increased. With the exception of Participant 1, none of the participants were intimidated by the fact that the interviews were audio-taped. At the end of the session, the researcher had a discussion about international social work with some of the participants.

The process of “bracketing” assisted the researcher to complete the data collection. Although not a social worker or probation officer who conducts risk assessments with child offenders at present, the researcher had practised in the setting for a decade as a social worker. Not only did the personal experiences of his profession, but also different contexts (working in England) compelled him to apply some form of bracketing by “quieting my own thoughts and knowledge”, and putting them aside. Upon reflection, it was difficult for the researcher not to explain and recommend to the participants to accept this new idea of standardised risk assessments.

The benefits of using semi-structured interviews to gain insight have been acknowledged by several authors (Bernard 2013:181-182, Greeff 2011:353, Bryman, 2008:699, Greeff, 2005:296). The researcher found the following interviewing techniques, as laid out by Greeff (2005:288-289), very useful.

The researcher began by requesting participants to share information about themselves and make small talk. On reflection, this assisted to put both the participants and researcher at ease.

• *Return to incomplete points.* At times the researcher had to gently encourage some participants to finish what they were saying - this helped to retain the focus on a particular point. At times this was difficult, however, as some participants wanted to criticise the PGWC while others got stuck talking about the crimes their service users had committed.

• *Pose speculation-type questions.* An example of this type of question was: “Tell me, are you working with boys or girls in this institution?” This kind of question really helped
participants to open up.

- *Encourage a free range but maintain control.* Because it was clear that some participants had tried to make use of this study to criticise the DSD, the researcher had to refocus them. To maintain control of the interview process, it was sometimes necessary to redirect certain questions and at times this proved to be difficult.

### 2.6 ETHICAL CONSIDERATIONS

The researcher is registered with the Health and Care Professions Council, and therefore has to adhere to the Code of Ethics - this covers issues such as confidentiality and client self-determination as well as advertising and public statements. The Code of Ethics is applicable in all areas where social workers provide services.

The research proposal was submitted to, and approved by, the Research and Ethics Committee of the Department of Social Work at UNISA.

The PGWC, DSD has strict requirements for research in its work places and approved the application to conduct this research. Permission to undertake the research was obtained at the provincial level of the DSD from the research section. The conditions that the researcher had to adhere to were clearly detailed in a letter (Appendix E).

Generally speaking, and in order to ensure that the research adhered to required ethical standards, the researcher complied with the ethical guidelines for social conduct and practice. These are contained in the following policies:

- The ethical code of Social Work, as prescribed by the South African Council for Social Service Professions;
- UNISA’s code pertaining to the ethical policies which govern research; and
- The Department of Social Work’s (UNISA) ethical policies pertaining to research.

It should also be borne in mind, as Marshal and Rosmann (2004:5) maintain, that when people adjust their priorities and routines to help the researcher, or even tolerate the
researcher’s presence, they are giving of themselves. The researcher is indebted to them and should be sensitive to this.

2.6.1 Avoidance of harm

Since this study focused on the work experiences of social workers and probation officers, it is possible that participants might share emotional information that leaves them feeling vulnerable. Strydom (2005:58) suggests that this risk be explained beforehand and that everything possible should be done by the researcher to protect the participants.

In conducting the study the researcher explained to each participant that if they felt vulnerable they could stop their participation at any time during the interview process. However, in this study, no participant felt the need to end any of the interviews.

2.6.2 Informed consent

The participants were provided with information regarding the purpose of the research, its procedures, and the possible advantages and disadvantages of being involved (including who the researcher is and what his credentials are). The researcher e-mailed prospective participants and talked to them over the telephone (see Appendix C). Furthermore, after obtaining ethical approval from UNISA, the researcher provided prospective participants with a copy of the research proposal. Informed consent was obtained from the PGWC, DSD and the participants. Depending on their preference, individual participants’ consent forms were signed prior to, or after, completing individual interviews.

The researcher ensured that participants were competent to give informed consent. Participants were provided with sufficient information about the study in order to allow them to decide for, or against, participation. From a social work perspective, the principle of informed consent is embedded in the client’s right to self-determination (Strydom, 2005:59).

In the letters seeking informed consent, the researcher provided all participants and decision-makers with information regarding himself and his affiliation with significant stakeholders in the study, the aim and objectives of the study, and the potential risks and benefits. Consent was voluntarily obtained based on the information provided to each participant by the
researcher (see Appendix A). The researcher acknowledged and respected the right of the participant to choose not to take part in this study and assured them that they were free to withdraw at any time they wish, so that the participant was not being coerced into participation.

Although no participant declined to participate, two participants refused to have their interviews recorded. Informed consent forms were given to participants only after they had been provided with all the information pertaining to the research and had expressed their willingness to participate voluntarily in the research (See Appendix A).

2.6.3 Anonymity/Confidentiality

Confidentiality places a strong obligation on a social worker to jealously guard the information that is given to him (Strydom, 2005:61). This researcher is a registered social worker with the Health and Care Professions Council and is obliged to adhere to the ethical rules of this professional body.

Anonymity means that no one, not even the researcher, should be able to identify any participant after the completion of the fieldwork (Strydom, 2005:62). However, anonymity is not possible in the case of face-to-face interviews although confidentiality can be maintained. Therefore, the researcher changed minor details so that participants could not be recognised. Also the researcher provided participants with a number. Furthermore, in the transcripts, identifying names were identified with X throughout (Wade, 2009:302).

The confidentiality with which information was to be handled was explained in the participant information document. Confidentiality was guaranteed in the following ways:

- Codes were used for the individual participants to protect anonymity;
- The raw data was only made available to the researcher and his supervisor. Participants were told that all raw data would be destroyed five years after submission of the research report and, until then, they would be stored in a secure place (Strydom, 2005:61).

This research, however, could not be carried out without some intrusion on the privacy of the participants. It was therefore essential to ensure that participation was voluntary. In this study,
the purpose - as well as the procedure - for data gathering was explained to each participant. Anonymity was guaranteed. All names have been changed to refer to Participant 1, 2 or 3 etc. in this report to protect the identity of the participants. In addition, the dates that participants were interviewed were not included in this report (Wade, 2009:302).

2.6.4 Management of information

The section on the management of information must be read in conjunction with that on anonymity/confidentiality. As suggested by Creswell (2007:142), the researcher also implemented the following measures: developing backup copies of computer files; using high quality instruments and having spare batteries for audio recording during interviews; protecting the anonymity of participants by masking their names in the data; and developing a data collection matrix as a visual means of locating and identifying information for the study.

Tapes, notes and transcripts were locked away in a cabinet at the researcher’s home that only he could access. To ensure anonymity, the names of participants were not written on tapes, notes or transcripts, but rather numbers were allocated to hide their identities. Furthermore, lists containing the real names and numbers were not stored near the tapes, notes or transcripts of the recordings.

If other people (i.e. supervisors, promoters, typists, and the independent coder) had access to the information, names would not be disclosed and participants’ identities would be disguised at all times.

As previously mentioned, tape recordings and transcripts would be erased or destroyed five years after completion of the research.

In this study, the raw data of each participant who had been taped were transcribed verbatim. Each interview was recorded on a different file. The researcher electronically opened a file for each participant’s interview and burned it onto a compact disc for easy reference and access.

The researcher observed various things. Firstly he attempted to write a final written report which would be accurate, objective, clear and unambiguous, and which would contain all the essential information. Secondly, it should be noted that all forms of emphasis or slanting in
order to bias the results are unethical and so were avoided. Plagiarism is a serious offence. Therefore, all due recognition was given to all sources consulted and people who collaborated. Shortcomings and errors have also been acknowledged (Strydom, 2005:65).

As a form of recognition and expression of gratitude to the participants for their contribution, both they and the DSD were informed about the findings. Researchers have an ethical duty to provide feedback to participants and inform them of the results of the study (Strydom, 2005:65-66). After completing this study, a copy of the research report was made available to each participant and the DSD.

2.6.5 Actions and competence of the researcher

As indicated in section 1.8.5, researchers must be adequately trained, skilled and competent enough to conduct research. This researcher completed a research project in part fulfilment of his undergraduate degree. He also attended on-going research training. An example of this includes the three research seminars conducted by the Interpretative Phenomology Group in London during 2010. The researcher also attended research workshops at Oxford University on 4.7.2012 and 5.7.2012.

Adequate supervision of any research is imperative. Therefore, the researcher conducted this study under the supervision and guidance of Professor D. De Kock, appointed by the Departmental Research and Ethics Committee. However, this research endeavour is not a perfect study. The limitations are discussed in Chapter 5 of this report (Wade, 2009: 303).

The scientific validity of this study was sought through several interactions with peers and science committees (UNISA Departmental Research and Ethics Committee and the PGWC DSD Research Ethic Committee) (see Appendix E). The supervisor of the research provided a motivation letter to the PGWC DSD Research Ethics Committee (see Appendix D). Thereafter the researcher had to make a formal application to conduct this research to the PGWC DSD Research Ethics Committee which has very strict rules. The researcher had to email his approved proposal within time scales. This formal and bureaucratic process took 3 months to complete.
2.7 CONCLUSION

This chapter has presented an elaborative discussion of, and reflection upon, the study’s research methodology. It has covered the qualitative approach, the research process, data collection, data analysis and the ethical considerations of this study.

The primary goal of the study was to gain an in-depth understanding of the nature and content of a risk assessment of child offenders from the perspective of a group of South African social workers, and to make recommendations to inform the future development of an assessment tool to aid the process of risk management of child offenders. A qualitative, exploratory, descriptive, contextual research design has been used. Conducting this research required that a purposive sampling technique be utilised. Data were collected through the use of face-to-face interviews along with a semi-structured interview schedule. Thematic analysis was used to analyse the data collected in the interviews. Eleven social workers and probation officers participated. The method of qualitative data analysis and interpretation has been described and measures to ensure trustworthiness have been outlined. The ethical considerations that guided the study have been examined. The researcher also critically reflected on those factors that impacted on the research process.

The qualitative findings, based on the views of social workers and probation officers, are discussed in Chapters 3 and 4.
CHAPTER 3

REPORT ON THE RESEARCH FINDINGS AND LITERATURE CONTROL WITH SPECIFIC REFERENCE TO RISK ASSESSMENT

3.1 INTRODUCTION

This chapter focuses on the profile of the participants and gives the reader a helicopter view of the themes, sub-themes and categories that emerged from the data analysis. Due to the detailed themes and sub-themes which were identified, the findings of this study are presented in two chapters.

The focus in this chapter is on the themes related to the current practice of risk assessment of child offenders and the assessment tools used. The themes, sub-themes and categories are identified, supported by the verbatim quotes from the interviews and then followed by a literature control. Subsequently, these themes crystallize by either confirming what the literature says, contradicting the literature or bringing about new insights that can contribute to the existing literature. The researcher closes this chapter by offering several conclusions.

Chapter 4 reports on the themes which deal with the gaps in the risk assessment process and recommendations regarding a standardised risk assessment tool.

3.2 BIOGRAPHICAL INFORMATION OF PARTICIPANTS

Participants were purposely selected to represent the three primary racial groups in the Western Cape. All eleven participants were selected from a group of social workers and probation officers who met the selection criteria indicated in Chapter 1 (Section 1.7.1). The social workers and probation officers selected for the study consisted of both males and females. The demographic particulars of the research participants are presented below in Table 3.1:
Table 3.1: BIOGRAPHICAL PARTICULARS ABOUT THE PARTICIPANTS

<table>
<thead>
<tr>
<th>Participants</th>
<th>Type of Institution or Office</th>
<th>Gender</th>
<th>Culture Group</th>
<th>Age</th>
<th>Years in Social Work Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1</td>
<td>CYCC</td>
<td>F</td>
<td>Coloured</td>
<td>40-49</td>
<td>20+</td>
</tr>
<tr>
<td>P2</td>
<td>CYCC</td>
<td>F</td>
<td>Coloured</td>
<td>30-39</td>
<td>6-8</td>
</tr>
<tr>
<td>P3</td>
<td>CYCC</td>
<td>M</td>
<td>Coloured</td>
<td>30-39</td>
<td>6-8</td>
</tr>
<tr>
<td>P4</td>
<td>CYCC</td>
<td>F</td>
<td>Coloured</td>
<td>30-39</td>
<td>8-10</td>
</tr>
<tr>
<td>P5</td>
<td>Urban Office</td>
<td>M</td>
<td>White</td>
<td>30-39</td>
<td>6-8</td>
</tr>
<tr>
<td>P6</td>
<td>CYCC</td>
<td>F</td>
<td>Coloured</td>
<td>40-49</td>
<td>15</td>
</tr>
<tr>
<td>P7</td>
<td>CYCC</td>
<td>M</td>
<td>African</td>
<td>30-39</td>
<td>6-8</td>
</tr>
<tr>
<td>P8</td>
<td>CYCC</td>
<td>F</td>
<td>Coloured</td>
<td>40-49</td>
<td>20</td>
</tr>
<tr>
<td>P9</td>
<td>CYCC</td>
<td>F</td>
<td>African</td>
<td>30-39</td>
<td>1</td>
</tr>
<tr>
<td>P10</td>
<td>CYCC</td>
<td>F</td>
<td>Coloured</td>
<td>40-49</td>
<td>20</td>
</tr>
<tr>
<td>P11</td>
<td>Urban Office</td>
<td>F</td>
<td>White</td>
<td>50-59</td>
<td>15</td>
</tr>
</tbody>
</table>

The female social workers comprised one White, six Coloured and one Black, all aged between 30 and 50 years of age. No Indian social worker or probation officers participated in this study, as none were employed at the specific Government Department. Only one participant had one year’s experience. The others all had between 6 and 25 years of experience. The male social workers comprised one Black, one Coloured and one White all between 30 and 50 years of age. Their number of years in practice ranged from 6 to 8 years. Participants had experienced working in both poor socio-economic communities as well as in very affluent communities. All participants had experience working with child offenders from different racial groups.
3.3 OVERVIEW OF FINDINGS

The researcher built a valid argument for choosing the themes by reading the related literature. Once the themes had been developed and the literature had been studied, the researcher formulated themes, sub-themes, categories and sub-categories to develop a story line. It can be argued that when the literature is interwoven with the findings (i.e. literature control), the report that the researcher constructs is one that stands with merit. Moreover, the researcher developed a story line in order to assist the reader in comprehending the research process as well as the understanding and motivation of the researcher (Creswell, 2009:189).

Lastly, the data presented in this study were validated through the use of an independent coder, who analysed the data independently from the researcher. Upon completion of these independent processes of data analysis, the researcher and the independent coder engaged in a consensus discussion to compare and consolidate the themes, sub-themes, categories and sub-categories which emerged from the data analysis processes. As previously indicated, due to the voluminous data collected the researcher decided to present the research findings in two chapters (Chapters 3 and 4). Furthermore, a division was made between the current situation expressed by participants indicating where the gaps are, and thereafter recommendations for improvement were made in Chapter 4.

The discussion hereunder is based on the central themes, sub-themes, categories and sub-categories that emerged from the data. Furthermore, the findings of this study are supported with a literature control.

Table 3.2 is presented on the next page for structuring the discussion of the findings and to provide the reader with an overview of the findings.
### TABLE 3.2 OVERVIEW OF THEMES, CATEGORIES AND SUB-CATEGORIES FROM DATA ANALYSIS

**THEME 1: RISK ASSESSMENT OF CHILD OFFENDERS**

<table>
<thead>
<tr>
<th>Sub-themes</th>
<th>Categories</th>
<th>Sub-categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-theme 1.1: Goal of risk assessment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-theme 1.2: Children assessed for risk</td>
<td>Category 1.2.1: Diversion of children</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.2.2: Children placed by the Children’s court</td>
<td></td>
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<tr>
<td></td>
<td>Category 1.2.3: Children awaiting trial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.2.4: First-time offenders</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.2.5: Sentenced children</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.2.6: Reoffenders</td>
<td></td>
</tr>
<tr>
<td>Sub-theme 1.3: Risk Assessment Instruments used</td>
<td>Category 1.3.1: Care Plan</td>
<td>Sub-category 1.3.1.1: One of the risk assessment instruments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sub-category 1.3.1.2: Description of the Care Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sub-category 1.3.1.3: Standard form</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sub-category 1.3.1.4: Distribution of use of the Care Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sub-category 1.3.1.5: Based on Strength-based approach</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sub-category 1.3.1.6: Contents of Care Plan</td>
</tr>
<tr>
<td>Sub-themes</td>
<td>Categories</td>
<td>Sub-categories</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Category 1.3.2: Individual</td>
<td>Sub-category 1.3.2.1: One of the</td>
<td>Risk assessment instruments</td>
</tr>
<tr>
<td>Development Plan (IDP)</td>
<td>Sub-category 1.3.2.2: Standard form</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sub-category 1.3.2.3: Planning instrument</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sub-category 1.3.2.4: Based on Strength-based</td>
<td>Planning instrument</td>
</tr>
<tr>
<td></td>
<td>form</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sub-category 1.3.2.5: Content of the IDP</td>
<td></td>
</tr>
<tr>
<td>Category 1.3.3: Probation</td>
<td>Sub-category 1.3.3.1: One of the</td>
<td>Risk assessment instruments</td>
</tr>
<tr>
<td>officer assessment form</td>
<td>Sub-category 1.3.3.2: Description of the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>probation officer assessment form</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sub-category 1.3.3.3: Standard form</td>
<td>Planning instrument</td>
</tr>
<tr>
<td></td>
<td>Sub-category 1.3.3.4: Based on Strength-based</td>
<td>Planning instrument</td>
</tr>
<tr>
<td></td>
<td>form</td>
<td></td>
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<tr>
<td></td>
<td>Sub-category 1.3.3.5: Contents of probation</td>
<td>Planning instrument</td>
</tr>
<tr>
<td></td>
<td>officer form</td>
<td></td>
</tr>
<tr>
<td>Category 1.3.4: Assessing children</td>
<td>Sub-category 1.3.4.1: Assessing</td>
<td>Risk assessment instruments</td>
</tr>
<tr>
<td>as low, medium and high risk</td>
<td>children as low, medium and high risk is used</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sub-category 1.3.4.2: Assessing children as</td>
<td>Planning instrument</td>
</tr>
<tr>
<td></td>
<td>low, medium and high risk is not used</td>
<td>Planning instrument</td>
</tr>
<tr>
<td></td>
<td>Sub-Category 1.3.4.3: Explanation of high</td>
<td>Planning instrument</td>
</tr>
<tr>
<td></td>
<td>risk</td>
<td>Planning instrument</td>
</tr>
<tr>
<td>Sub-themes</td>
<td>Categories</td>
<td>Sub-categories</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Category 1.3.5: Assessing children in terms of external and internal risk factors</td>
<td>Sub-category 1.3.5.1: External risk factors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sub-category 1.3.5.2: Internal risk factors</td>
<td></td>
</tr>
<tr>
<td>Sub-theme 1.4: Tools within tools and approaches that are used</td>
<td>Category 1.4.1: Eco map</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.4.2: Circle of Courage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.4.3: Strength-Based Model/Approach</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.4.4: Ubuntu</td>
<td></td>
</tr>
<tr>
<td>Sub-theme 1.5: Sources of information used for the risk assessment</td>
<td>Category 1.5.1: Interviews with children</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.5.2: Assessment report of the probation officer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.5.3: Social workers’ reports for Children's Court Inquiry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.5.4: Court documents</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.5.5: Police documents</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.5.6: School assessments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.5.7: Social worker in orientation dormitory</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 1.5.8: Reports from other disciplines</td>
<td></td>
</tr>
<tr>
<td>Theme 2: Important Focus Areas in Conducting Risk Assessment of Child Offenders</td>
<td></td>
<td></td>
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<tr>
<td>-----------------------------------------------</td>
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<td>------------------------</td>
</tr>
<tr>
<td><strong>Sub-themes</strong></td>
<td><strong>Categories</strong></td>
<td><strong>Sub-categories</strong></td>
</tr>
<tr>
<td>Sub-theme 2.1: Admission circumstances</td>
<td>Category 2.1.1: Reason for admittance/Why the child is being admitted</td>
<td>Sub-category 2.1.1.1: Child in need of care</td>
</tr>
<tr>
<td></td>
<td>Category 2.1.2: Child’s health and physical condition</td>
<td>Sub-category 2.1.1.2: Criminal offence</td>
</tr>
<tr>
<td></td>
<td>Category 2.1.3: Child’s emotional and mental condition</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 2.1.4: Parents' contact details</td>
<td></td>
</tr>
<tr>
<td>Sub-theme 2.2: The child’s family</td>
<td>Category 2.2.1: Family composition/structure</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 2.2.2: Family background</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 2.2.3: Child’s guardian and carers</td>
<td></td>
</tr>
<tr>
<td>Sub-theme 2.3: The child’s home situation</td>
<td>Category 2.3.1: Housing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 2.3.2: Employment and financial position of the family</td>
<td></td>
</tr>
<tr>
<td>Sub-theme 2.4: The risk factors in the home situation/family</td>
<td>Category 2.4.1: Abuse and violence</td>
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**THEME 3: OPINIONS ON CURRENT RISK ASSESSMENT INSTRUMENTS**

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3.4 RESEARCH FINDINGS: RISK ASSESSMENT AND FOCUS AREAS OF ASSESSMENT

3.4.1 Theme 1: Risk assessment of child offenders

The following discussion focuses on the different sub-themes identified as being part of the risk assessment of child offenders, namely the goal of risk assessment; the categories of children involved in the risk assessment; the instruments and tools used for the risk
assessment; and the sources of information for the risk assessment.

3.4.1.1 Sub-theme 1.1: Goal of risk assessment

One sub-theme identified in the narratives was the goal of risk assessment when dealing with child offenders. Apart from being goal-directed, the goals identified by the participants varied from the assessment of the child’s background circumstances, crime committed and risk of reoffending to the appropriate placement of the child. The following narratives from the interviews confirm this finding:

“We are looking first for external risk factors when a child comes here”.

“[It’s about] risk factors. It is about a dangerous child and a child who is not dangerous”.

“You look at general conduct of the child, how he behave, how he conduct himself in certain situations and from the assessments that we get from the probation officers. From there I conduct my assessments. Also the child gives me [information] that’s how I assess medium- or low-risk when I do my recommendation”.

“We do an assessment to decide where to place him [in the CYCC]...”

“But also with risk assessment I think it’s very broad when we speak about risk assessment because my understanding of risk assessment might not be your understanding of risk assessment. My understanding of risk assessment is basically what that child’s immediate need is right now. So that is like the first thing I would look at, within my assessment. What is that child’s immediate need, whether it is physical where you are making a phone call to a parent, what is the immediate need? That would be me, containing the situation, making the child feel at ease. That would be my understanding of risk assessment”.

“We look at issues like substance abuse.... Then the other issue that we really look at we look at the school program of the child to find out which grade he was or maybe take information down to find out whether he was schooling. Then we look at gang
involvement, crime itself, the crime that he committed. Then we also look at issues like
gang peer group involvement in committing a crime. This is to find out whether this
child committed this crime alone or there was assistance from adults for the child to
commit the crime.”

“We do not assess risk factors but we do assessment to determine the child's behaviour
and actions in the facility”.

“We assess his behaviour and conduct, his absconding, the incidents that he is involved
in, his behaviour towards adults [professionals in CYCC]. The way he acts aggressively
if he really wants to get his way. If his behaviour is unacceptable or out of control here
in the facility [CYCC]. For example attacking staff in the CYCC then we let the courts
know and then they are removed. Also if he assaults other boys in the institution
[CYCC]. Sometimes sodomy took place and then he will be removed to prison.”

The literature consulted confirms the above finding. According to Baker et al. (2011:10),
a range of goals exist namely:

- To determine suitability for particular sentences, interventions or services;
- To determine or ascertain the likelihood of reoffending;
- To assess if child offenders are likely to commit further offences that will cause
  harm and serious harm to the public;
- To assess if a child offender requires professional assistance;
- To assess if a child offender is likely to self-harm; and
- To ascertain if a child offender will be harmed by others.

It is the researcher’s view that the goal of risk assessments is to assess the needs of child
offenders, the risk they present to themselves and to others (i.e. risk of serious harm), and the
likelihood of them reoffending.

However, the work of Gallinetti (2009) contradicts this finding. Gallinetti (2009:36) provides
guidelines for probation officers about the core issues that the assessment must cover. These
purposes/goals/aims are to:

- Estimate the probable age of the child;
• Gather information relating to any previous conviction, previous diversion or pending charge in respect of the child;
• Formulate recommendations regarding the release or detention and placement of the child;
• Determine whether a child is in need of care and protection and should be transferred to the children’s court;
• Determine measures to be taken if dealing with a child below 10 years of age;
• Establish the prospects of diversion;
• Express a view on whether expert evidence would be required in relation to the criminal capacity of a child who is 10 years and older but under 14 years;
• Consider if the child was used by adults to commit crime; and
• Provide any other relevant information regarding the child which the probation officer may regard to be in the best interest of the child or which may further any of the objectives of the Act (Gallinetti, 2009:36).

The Child Justice Act (Act No 75) of (2008: Section 2) sets out clear objectives for the assessment of children in conflict with the law:

(a) Protect the rights of children as provided for in the constitution;
(b) Promote the spirit of Ubuntu in the child justice system through:
   - Fostering children’s sense of dignity and worth;
   - Reinforcing children’s respect for human rights and the fundamental freedoms of others by holding children accountable for their actions and safeguarding the interests of victims and the community;
   - Supporting reconciliation by means of a restorative justice response; and
   - Involving parents, families, victims and, where appropriate, other members of the community affected by the crime in procedures in terms of the Act in order to encourage the reintegration of children;
(c) Provide for the special treatment of children in a child justice system designed to break the cycle of crime, which will contribute to safer communities and encourage these children to become law abiding and productive adults;
(d) Prevent children from being exposed to the adverse effects of the formal criminal justice system by using where appropriate, processes, procedures, mechanisms, services or
options more suitable to the needs of children and in accordance with the constitution, including the use of diversion; and

(e) Promote co-operation between governments as well as government departments and the non-governmental sector and civil society, to ensure an integrated and holistic approach in the implementation of this act.”

It seems that the aforementioned purposes/goals (by Gallinetti, 2009) do not include risk assessments but are more focused on a general assessment of child offenders. This general manner of assessments is still linked to the clinical method which is not the best method to conduct risk assessments of child offenders. However, internationally unaided clinical judgements from practitioners pertaining to a child offender's level of risk have generally been found to be less reliable than assessments with the aid of standardised assessment tools. Therefore this researcher propagates the view that the combined use of clinical and actuarial methods in a holistic approach improves both the predictive accuracy and usefulness of risk assessments. This combined approach and on-going transformation could assist in breaking the cycle of crime, which can contribute to safer communities and encourage child offenders to become law-abiding and productive adults.

3.4.1.2 Sub-theme 1.2: Children assessed for risk

The discussion related to this sub-theme focuses on the categories of children being assessed, namely diversion of children, children placed by the Children’s Court, children awaiting trial first offenders, sentenced children and reoffenders.

Category 1.2.1: Diversion of children

A category derived from the data is the high emphasis participants placed upon the diversion of child offenders. The following quotes from the interviews support this category:

“We also take diversion children. The court last week has sent a child here [CYCC] with the specific requirement that he is here [CYCC] for diversion purposes.”

“So we basically sitting with a child that is diverted through the system”.
The findings indicate that diversion is extremely important during the assessment of child offenders. It takes place to avoid the stigmatising and brutalising effects of the criminal justice system. Diversion gives children a chance to avoid a criminal record. The various programmes are aimed at teaching child offenders to be responsible for their actions and how to avoid getting into trouble again. It is for this reason that if child offenders fail to complete the diversion programme and cannot provide a reasonable explanation for such a failure, the prosecutor will continue with prosecution (The National Policy Framework to the Child Justice Act 2010: Section 5, Skelton & Tshehla, 2008:53)

Diversion forms an essential feature of the Child Justice Act (Act No 75) of (2008). The aim is to increase the number of children who are diverted (Stout, 2006:126) as well as to build in a number of safeguards to protect children’s procedural rights. For example, a child must be considered for diversion only if they acknowledge, of their own free will, responsibility for the offence. Probation officers need to ensure that the child offender understands their right to remain silent and has not been unduly influenced to acknowledge responsibility. If there is adequate evidence to prosecute, if the child and their parent consent to the diversion option, and if the prosecutor or the Director of Public Prosecutions indicate that the matter may be diverted, then the case must be diverted (Gallinetti, 2009:46; Raymond, 2004:18). Hence, subsequent to their risk assessment, probation officers use diversion as an option.

A probation officer is generally the first professional to talk to the child about diversion and whether the child intends to acknowledge responsibility (Skelton & Badenhorst, 2011:39). They therefore need to be well-versed in children’s rights, and will need to be trained in the manner in which they talk about diversion, so as to minimise the risk of children being pressured into admitting guilt (Skelton & Tshehla, 2008: 39). In the researcher's opinion, child offenders need to give an indication to the probation officer whether or not it is their intention to plead guilty.

The DSD has the responsibility to ensure that there are adequate diversion options available. It has a legal duty of keeping records of diversion orders made (The National Policy Framework to the Child Justice Act (2010: Section 10). It is the present researcher’s view that participants are fully aware of their responsibilities pertaining to the diversion of child offenders, that they acknowledge the importance thereof, and are implementing this policy.
Safodien (2010:262) supports this finding and recommends that the probation officer must consult with the child and their parents or guardians, or any other significant people. It is important for the assessment to include an initial report on the child’s psycho-social functioning. Furthermore, the report should include a statement if it is the case that the child offender should be considered for diversion away from the criminal justice system.

The researcher asserts that diversion of children away from the child justice system is best practice and he concurs with the importance placed on this phenomenon locally.

Category 1.2.2: Children placed by the Children’s Court

Another category derived from the data was that the Children’s Court regularly places children at a CYCC. Social workers conducted a risk assessment in their daily practice and if they found that a child is in need of care they will approach the child justice court and recommend that applicable cases be converted to Children’s Court Inquiries. The following narratives support this finding:

“That is the children placed by the Children’s Court with no criminal convictions that’s now also placed here”.

“Especially with the CCI, [Children's Court Inquiries] cases also.”

Safodien (2010:262) confirms the above finding and recommends that the probation officer must consult with the child and their parents/guardians or any other significant person. The assessment should incorporate an initial report on the child’s psycho-social functioning. Of particular importance is the fact that the probation officer report should include a recommendation that, in suitable circumstances, a child must be referred to the Children’s Court.

The present research further revealed that participants have experience working with Form 4 children. The following excerpts from participants illustrate this finding:

“We now have Form 4 children”.
“En Vorm 4 kinders ons verander nou heeltemal”.

Loffel (2007:299) confirms that children may be placed away from biological parents or the regular caregiver in the short term with a Form 4 authorisation by the children’s court. In the past, children were placed on emergency (Form 4) orders in terms of Section 12(10) of the Child Care Act 1983 (Act No 74) of (1983). Currently, children are placed in terms of Section 158 of the Children Act 2005 (Act No 38) of (2005).

In terms of Section 158 of the Children Act 2005 (Act No 38) of (2005):

“(1) A children’s court may issue an order placing a child in the care of a CYCC;
(2) If a children’s court decides that a child should be placed in the care of a CYCC, and only if another option is not appropriate, the court must:
   (a) determine the residential care programme best suited for the child; and
   (b) order that the child be placed in a CYCC offering that particular residential care programme;
(3) The provincial head of DSD in the relevant province must place the child in a CYCC offering the residential care programme which the court has determined for the child, taking into account:
   (a) the developmental, therapeutic, educational and other needs of the child;
   (b) the permanency plan for the child which was considered by the court, and any instructions issued by the court with regard to the implementation of the permanency plan;
   (c) any other instructions of the court;
   (d) the safety of the community and other children in the CYCC, in the case of a child in need of secure care; and
   (e) any other relevant factors; and
(4) The provincial head of the DSD must, as a general rule, select a CYCC offering the programme ordered by the court which is located as close as possible to the child’s family or community.”

It is the researcher’s view that, in applicable cases, those criminal cases should be converted to CCIs. Furthermore, children should be placed as near as possible to their families if practical.
Category 1.2.3: Children awaiting trial

The research study revealed that participants also conduct risk assessments with children awaiting trial. The following excerpts confirm this finding:

“We have trial-awaiting children. But as you know we are used to that. We have worked since Project Go with trial-awaiting children here by us. We are now working for years with trial-awaiting children in this facility [CYCC]”.

“We are sitting with trial-awaiting [children] at the moment. This is something new it happens since the introduction of the Act [Child Justice Act]”.

“We now have trial-awaiting girls. We have changed in the past we only catered for girls who were referred by the Children Court”.

Subsequent to their risk assessment, probation officers must recommend to the court if a child offender should await trial in an appropriate placement or not. The work of Raymond (2004:81) confirms that, in the past, thousands of young people awaited trial in dreadful conditions in prisons and police cells in SA, and often for months at a time. The research analysis indicated that social workers are involved in assessing and working with child offenders in different placements. This takes place in accordance with the least restrictive and most empowering placement requirements (Inter-Ministerial Committee on Young People at Risk, (IMC) (1999:6). In the researcher’s experience, even before the implementation of the Child Justice Act (Act No 75) of (2008), certain social workers who worked at CYCCs worked with trial-awaiting children.

The SA Constitution (1999: Section 28(1) (g)) is clear regarding the detention of child offenders. Incarceration should be used as a measure of last resort and, if it is used, it should be for the shortest appropriate period. International law concurs and places strong emphasis on restricting the use of detention for children. Article 37(b) of the CRC has similar wording to that of Section 28(1) (g) of The Constitution: “No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time” (Safodien, 2010:254).
Safodien (2010:262) states that the probation officer must consult with the child and his/her parents or guardians, or any other significant people. He also recommends that the probation officer assessment should include an initial report on the child’s psycho-social functioning, which includes a recommendation whether a child should be placed at a CYCC. This aims to reduce the number of trial-awaiting children in prison Safodien (2010:266).

Upon conducting this study it seems that probation officers have embraced family finding which, in the researcher’s view, is an improvement on the recent past transitional arrangements and a vast improvement on past inhumane practices.

Category 1.2.4: First-time offenders

One category identified in the narratives is the concept of first-time offenders and the importance of risk assessment of these child offenders. The following quotations confirm this finding:

“First time that will obviously determine where to place this child in this facility … respective dorms …”

“Also I want to know the previous intervention of the child is his first offence …”

“Ok what happened the first time the child comes then he must now go through all the processes”.

The research participants, especially those who work in CYCCs, asserted that there is a need to deal with first-time offenders as quickly as possible. This can be linked to preventing a child from the notion of moving ‘deeper into the system’. In the researcher's opinion, a child offender possesses greater potential for rehabilitation because their character is not yet well-formed. It is also the researcher’s experience that many children are first-time offenders and do not necessarily pose a threat to society.

Palmer (2004:20) refers to three prevention categories. Primary prevention refers to the strategies that prevent or preclude criminality. Secondary prevention refers to the strategies adopted after there are indications or signs that imply that child offending will occur if these
secondary intervention techniques are not successful. Lastly there is tertiary intervention (Inter–Ministerial Committee on Young People at Risk, (IMC) (1999:5). It is the researcher’s interpretation that the present study could be placed in the domain of tertiary prevention, coming after a child has offended. It could be argued that the intervention strategies at this stage are to limit the damage, and serious attempts should be made to rehabilitate the child. In the researcher's opinion this is also the most expensive prevention strategy. Social workers therefore aim to exclude minor and early offenders from tertiary intervention strategies in their daily practice.

With reference to the literature reviewed, Skelton and Tshehla (2008:57) explain that, in the case of S v Z (1999 (1) SACR 427 (ECD)), the court set out three guiding principles that should be followed when sentencing a child. First and foremost, the younger the child the more inapt the use of imprisonment would be. Secondly, imprisonment is particularly incongruous for first-time offenders. And finally, even if the sentence of imprisonment is only of short duration, this shortness does not render it appropriate.

The researcher opines that it is correct to emphasise a preventive paradigm and the imprisonment of first time child offenders should only happen upon conviction in the case of serious crimes.

Category 1.2.5: Sentenced children

A category identified in the narratives has been that, in terms of the Child Justice Act (Act No 75) of (2008), the courts may place sentenced children at CYCCs. The following narratives derived from the interviews confirm this finding:

“Legislation now states that we must work with sentenced children”.

“We are sitting with sentenced children in our facility”.

“And then we will be sitting with sentenced girls also”.

Placement of sentenced child offenders at a CYCC is a new phenomenon within child justice system in SA. Participants who work in CYCCs commented mainly on this category. The
Child Justice Act (Act No 75) of (2008: Section 68) provides that a court must, after convicting a child, pass a sentence. The types of disposals are provided for in the Child Justice Act (Act No 75) of (2008) are divided into two basic categories, namely custodial and non-custodial. In terms of Section 29 of the, Child Justice Act (Act No 75) of (2008) a court may sentence certain child offenders to a CYCC. Gallinetti (2009:59) concurs with the above findings in that the court may impose custodial disposals to a CYCC. The National Policy Framework to the Child Justice Act (2010: Section 4) states the Child Justice Act (Act No 75) of (2008) thus created a new sentencing framework for children.

In Gallinetti’s (2009:59) view, and in terms of Section 76 of the Child Justice Act (Act No 75) of (2008), there are two types of disposals to a CYCC. A child offender may be sentenced to compulsory residence in a CYCC providing programmes referred to in Section 191(2) (j) of the Children’s Act (2005). This type of disposal can be imposed for a period not exceeding five years, or for a period which may not surpass the date on which the person turns 21 years of age (whichever date is earlier). This is the same as the previous disposal to a reform school (Wakefield & Gallinetti, 2011:2). Section 76(3) of the Child Justice Act (Act No 75) of (2008) provides that, after a child justice court convicts a child offender of an offence referred to in Schedule 3, and which, if committed by an adult, would have warranted a term of custody exceeding 10 years, the court may, if substantial and compelling reasons exist, in addition to a CYCC disposal, sentence the child offender to a period of imprisonment.

However, a child offender can only serve this type of sentence upon completion of the period of detention in the CYCC. Upon completion of the sentence, the child offender must be brought before the child justice court. The manager of the CYCC must then submit a report to the court outlining the child offender’s progress pertaining to whether the objectives of sentencing have been achieved. The manager must also assess the likelihood of the child’s reintegration into society (Wakefield & Gallinetti, 2011:2, Gallinetti, 2009:59). Thereafter, the court has to make a decision if it is in the interests of justice to:

1. Confirm the sentence and period of imprisonment originally imposed, after which the child offender must be transferred from the CYCC to the specified prison;
2. Change that sentence with any other disposal that the court considers to be appropriate in the circumstances; or
3. Order the discharge of the child, with or without conditions (Gallinetti, 2009:36).
However, in contrast to the aforementioned, this researcher propagates the view that the court has to make a decision in the best interests of the child, not justice. But he also acknowledges the fact that the courts must balance the seriousness of the crime committed, the personal circumstances of the child and the safety of the community. In other words, it could be argued that the courts must impose balanced decisions.

Category 1.2.6: Reoffenders

The data analysis indicated that many child offenders reoffend. The following narratives from the interviews back up this finding:

“I think they were about three times already here”.

“Also I want to know the previous intervention of the child is his first offence or second offence.”

“Reoffenders ... are just re-assessed. You [assess] ... what has changed [in] ... the circumstances at home and [in] himself ... you look ...at... [has been happening] in his life... that ...could have led to the reoffending”.

“Yes, we consider the risk of reoffending. We will look at his history of involvement in crime okay. We assess if the child can take responsibility for his offence. The circumstances from which they come for example the home circumstances. Sometimes the parenting is not good. The areas [where the children resides] there are a lot of violence in this area and they are easier influenced. Drugs will be a risk factor.... We work with many reoffenders.”

Over the past 20 years, a body of research has accumulated (see Farrington & Welsh, 2007 for a comprehensive review) as a result of longitudinal and life-course studies. This has led to the classification of factors that appear to be important in understanding the likelihood of both offending and reoffending.

According to Palmer (2004:17), the most consistent predictor of reoffending found in the literature is the age of first offence. McCarthy et al. (2004:10) echo the aforementioned,
which is that the age of the first conviction and sentence will determine the likelihood of reoffending. Furthermore, Andrews and Bonta (2010:48) assert that child offenders with higher levels of risk of reoffending (usually measured via reconviction) require higher levels of service. This means there is a need to identify a match between levels of risk posed by child offenders with the level of intervention they should receive.

Andrews and Bonta (2010:344) propagate the view that unaided clinical judgements from clinicians about an offender's level of risk have generally been found to be less reliable than actuarial measures. This finding is encapsulated by the following citation of one of the interviews:

“What basically happened with reoffenders they come and then they are just re-assessed. You see what has changed, that what had the child offender come to terms with, the circumstances at home and himself, and then he just get fitted into the program”.

In the researcher’s opinion, the aforementioned statement can be linked to the ‘nothing works’ debate. It has been viewed that, throughout the 1950s and 1960s, rehabilitation was a promising approach to reducing reoffending. In 1974, Martinson undertook a major review of over 230 evaluations of offender intervention and concluded that ‘nothing works’ (Andrews & Bonta, 2010:351). The ‘nothing works’ movement seized the criminal justice system, particularly in the USA. This led to the ‘get tough’ movement. However, after 30 years of experimentation internationally with ‘getting tough’, it seems prison and probation populations have increased. Andrews and Bonta (2010:351), as well as Howell (2003:147), assert that deterrence has had hardly any impact on reoffending; in some situations reoffending actually increased. The first generation of risk assessment tools consisted mainly of unstructured clinical judgements of the probability of offending behaviour (Skelton & Badenhorst, 2011:40). Researchers found that the clinical approach to risk assessment still plays a major role in criminal justice risk assessment in South African Social Work Practice (Roestenburg & Van Breda, 2003:1).

Therefore, it is the researcher’s view that South African probation officers do not keep abreast of international developments in relation to conducting a risk assessment of child offenders, because they still use first-generation tools (the social interview and a prescribed form).
Internationally, however, risk assessments are completed with the aid of third (Asset) and fourth generation instruments and The Youth Level of Service/Case Management Inventory (YLS/CMI). Various authors agree that fourth generation (i.e. standardised, systematic and comprehensive) risk assessments should be used to conduct a risk assessment of child offenders. These instruments aim to bring together information about an offender’s history and need to inform the level of supervision, intervention, treatment planning and case management (Skelton & Badenhorst, 2011:40, Andrews & Bonta, 2010:317, Burman et al., 2007:26).

3.4.1.3 Sub-theme 1.3: Risk assessment instruments used

The following discussion focuses on the sub-theme of risk assessments instruments or criteria used, such as the Care Plan; Individual Development Plan (IDP); low, medium and high risk factors; and internal and external risk factors.

Category 1.3.1: Care Plan

The research study revealed that one of the risk assessments currently used is named the Care Plan. The Care Plan is being characterised as a standard(ised) form used for the collection of information of the child based on the strengths-based approach. It is also used in all nine provinces in SA. This is confirmed by the following direct quotes from the interviews conducted:

“We have our assessment form. We get background information [from the child]. We [look at] criminal involvement, family background, substance abuse and then we discuss what the child’s Care Plan is and make recommendations”.

“The assessments that we have [are] the IDP and the Care Plan”.

As a result of the Constitution (1996) and the ratification of the CRC, South African children who are placed or detained in a CYCC have the following special protections and rights. The Inter-Ministerial Committee on Young People at Risk, (IMC) (1998:13-14) and Loffel (2007:325) indicate a Care Plan must be developed for each child in terms of the Circle of Courage treatment model. Brendtro et al. (2002:58) explain that the American ‘Original
peoples’ embrace as one of their major beliefs the central purpose in life of the education, development and empowerment of children. Their Medicine Wheel diagrammatically represents the ‘Circle of Courage’.

They named as ‘quadrants’ the spirit of belonging, the spirit of mastery, the spirit of independence and the spirit of generosity. Each of these is further divided into normal, distorted or absent qualities. Distorted qualities regarding belonging are gang loyalty, promiscuousness, being overly dependent, and being clinging and craving attention. Mastery relates to over-achievers, arrogance, risk-seekers, cheaters, compulsiveness and being skilled in offending. Independence relates to recklessness or macho-ness, the bullying of others, power struggles, manipulativeness, rebelliousness and defying authority. Generosity relates to being pleasure-seeking, playing the martyr, being over-involved and bondage (Brendtro et al., 2002:62-65).

The Care Plan has been developed by the National DSD. It seems that the PGWC allows CYCCs to adapt the Care Plan in order to fit local requirements. The Care Plan consists of a set of questions (See Appendix G). The following narrative confirms this finding:

“The Care Plan is basically to obtain information, background from the child, background information about the family”.

“We call it the Care Plan. We will get the background of the child, a little bit of home background. We get information about the child's, health, injuries. There will also be an assessment about the reasons if he can be placed in his parents’ care and also if he cannot be placed in his parents’ care. So if he arrives by us [CYCC], then we know he is not a candidate for his parents' care.”

“Basically what we are dealing with is the Care Plan that is based on the Strength Development assessment. We work through the Care Plan that is determined by the various questions asked for example previous detention, medical condition. You look at general conduct of the child, how he behave, how he conducts himself in certain situations and from the assessments that we get from the probation officers.”
The research analysis indicated that the Care Plan is regarded as a standard form. The following narratives from the interviews confirm this finding:

“It's basically a form where we get the information”.

“I use the standardised forms that we have. It is the Care Plan”

“You get the form with a set of structured questions”.

Miller (2004:17) and Loffel (2007:306) have the same opinion that it is compulsory that a Care Plan must be drawn up for each child.

The participants in the present study indicated the use of the Care Plan as follows:

“The Care Plan ... is a national form”.

“Every place has its own Care Plan”.

“It is a national form. At the moment we have gone through Strength Base training. The form [Care Plan] has in the meantime taken out different forms, different formatting in terms of what is applicable as an assessment for a facility [CYCC] and then it is was adopted okay.”

“We call it the Care Plan. We will get the background of the child, a little bit of home background. We get information about the child's, health, injuries. There will also be an assessment of the reasons if he can be placed in his parents care and if he cannot be placed in parents' care. So if he arrives by us, then we know he is not a candidate for his parents' care”

“We have our assessment form. We get background information [from the child]. We [look at] criminal involvement, family background, substance abuse and then we discuss what is the Child’s Care Plan and make recommendations”.

“The Care Plan is ... used provincially. There was a roll out how it specifically should
look. Our Director decided that we need a Care Plan which can be adapted…”

“It’s local because many of the things in the province are for children in need or care. It was inappropriate for awaiting trial children. It was not applicable to us. It is for the external social worker. We could not actually complete it. It was difficult”.

Surprisingly, participants provided a variety of responses to the distribution of the Care Plan, including the fact that it is a national, a provincial and a local form. It is the researcher’s view that the Care Plan is a nationally-developed form. Moreover, the completion of the Care Plan is entrenched within the Minimum Standards developed by the Inter–Ministerial Committee back in 1998 (Loffel, 2007:306). In the present researcher’s experience, prior to the development of national minimum standards within the child justice context, the lack of sufficient placements, scarcity of probation officers, poorly trained probation officers and the absence of intervention programs led to the unnecessary placement of children in prison.

The research analysis indicated that assessments are based on the Strength-Based Approach. The following narratives support this finding:

“I think the other tool that applies to our situation is the Strength-Based Model.”

“We look at their character we build their character. We found out that if people pay more attention to the positive you reached more children. If you just pay attention to the child’s weaknesses and the children with problem behaviour and give them more attention than the child who is quiet [get lost in the system] then the child with problem behaviour get more attention. This is the advantage of Strength-Based assessment.”

“You see what are the strengths of the child. You will also look at what is so distorted in terms of those four items the Sense of Belonging, Generosity, the Mastery and Independence because that is going to help, it can also give you an indication but basically these are a focus on what and who helps you to address the development need”.

“It is the Care Plan… and everything is now the Circle of Courage. It contains Mastery Belonging. So I use the forms which are prescribed. So we cannot use our own stuff.”
“We have a Care Plan that is based on the Strength Development assessment”.

“Strength-Based is where we look at the child's strengths and the things the child is interested in and what are really important for the child; whether the child can flourish”.

”The assessment tools? I think the assessment tools that we use is the Circle of Courage because we look at the development phase of the child the Mastery the Independence etc. So because that information helps us to get information about the child as when try to compile the IDP. I think the other tool that applies to our situation is the Strength-Based Model.’’

”As I said again the Circle of Courage is of such a nature that if you write [about] Mastery. Then you can say about this child’s Sense of Belonging, he chooses to associate with gangs. But as I have said you can interpret the Circle of Courage widely”.

“So the protection of the Circle of Courage is that that goes with it. The IDP it touches a lot of people. There are people [social workers] that describe Generosity only. You know that is all that the people will write about. They never move beyond the family and by some by Mastery it is only the school. They do not look further but you can interpret it further.’’

SA adopted the strengths-based Circle of Courage approach as part of the transformation of the child and youth care system (Province of the Eastern Cape, Department of Social Development, Manual on Probation Practice, 2010:9).

Gxubane, (2012:100) argues that the new Child Justice Act (Act No 75) of (2008), which is based on a Restorative Justice philosophical framework is developmental in nature. The Child Justice Act (Act No 75) of (2008) provides for early intervention of diverting child offenders away from the child justice system; Section 61 refers to family group conferencing and Section 62 refers to victim–offender mediation.
The following narratives from the interviews explain the contents of the Care Plan:

“*We have our assessment form. We get background information [from the child]. We [look at] criminal involvement, family background, substance abuse and then we discuss what the child’s Care Plan is, and make recommendations*”.

“We will get the background of the child, a little bit of home background. We get information about the child’s, health, injuries. There will also be an assessment of the reasons if he can be placed in his parents’ care and if he cannot be placed in parents’ care.”

“The Care Plan is basically to obtain information, background from the child, background information about the family, where are the parents, previous detention determining how the arrest and the information sharing to the parents was done, it speaks to family background in terms of how many brothers and sisters he … has as well as the financial situation of the family. Do the parents work, is there unemployment, it speaks to relationships family with siblings with mother and father previous detention facilities that the child has been too, his previous interventions in child and youth care. As well as schooling, education levels of the child and what interests, peer associations [he has] and stuff like that.”

“We have our assessment form. We get background information [from the child]. We [look at] criminal involvement, family background, substance abuse and then we discuss what is the child’s Care Plan and make recommendations.”

The Care Plan is a nationally developed document underpinned by the Strength-Based approach. This statutory document must be completed for every child in order to assist to assess the child holistically. It is the researcher’s view that the Care Plan cannot be viewed as a risk assessment instrument with which to assess child offending. It is also the researchers’ opinion that probation officers need a specialist indigenous instrument to assess risk of child offenders - this must take into account the unique South African situation.
The full contents of the Care Plan can be viewed in Appendix F.

Category 1.3.2: Individual Development Plan (IDP)

The data analysis indicated the IDP as another risk assessment form currently used. The IDP is also seen as a standard or standardised form, based on the strengths-based approach and serves as a developmental plan for the child. The following verbatim quotes confirm this finding:

“I think the assessment tools that we use is the Circle of Courage because we look at the development phase of the child the Mastery the Independence etc. So because that information helps us to get information about the child when we compile the IDP”.

“The assessment that we have [is] the IDP”.

“No we do not have a Care Plan, we have a program where we work from a program whereby daily routine [is followed]. The Individual Plan is more important.”

“Okay, the tools we use basically is the structured forms we have. The developmental assessment form that gives basically an idea in terms of the risk factors of the child itself or at home and out then the draw the plan in terms of the child’s IDP okay. What to look at and what seemed to be working”.

“The Department uses a Strength-Based Developmental assessment approach. We basically do a follow up of the Care Plan with the IDP”.

“We also using, what is called the [Individual] development plan [IDP]”.

“We have developed our own form where we share the information. Forms part only with background information as given by the family, parents, important family and then on the child’s school progress. About the child’s behaviour in the institution [CYCC] itself. And progress the child also shows and the child’s strengths. Then we draw an Individual Development plan.”
Sub-category 1.3.2.1 One of the risk assessment instruments

The data analysis indicated that the IDP is one of the risk assessment instruments viewed and used by participants.

“We also using, what is called the [Individual] development plan [IDP]”.

Sub-category 1.3.2.2: Standard Form

The data analysis also indicated that the IDP is regarded as a standard form. The following verbatim quotes support this finding:

“The IDP developmental assessment form”.

“You get the form with a set of structured questions”.

“I use the standardised forms that we have...., it is also the IDP and everything is now the Circle of Courage. It contains Mastery, Belonging. So I use the forms which are prescribed. So we cannot use our own stuff”.

The National Norms and Standards pertaining to the Children’s Act 2005 (Act No 38) of (2005: Part V) prescribe the following in terms of IDPs:

“5. Individual development plans
(a) Children must receive services in accordance with their individual development plan which facilitates their well-being within a temporary programme and which enables them, where necessary, to make a successful transition to new circumstances.
(b) Every child in a child youth care centre has the right to a permanency plan, which includes reunification, security and life-long relationships.
(c) Every child has the right to participate in formulating his or her individual development plan and to be informed about their plan, and to be involved in decisions to make changes to their plan.
(d) The individual development plan must be based on an appropriate and competent assessment of their developmental needs and strengths and, where reasonably
possible, be in the context of their family and community environments.

(e) The family of the child, or other persons with bonds to the child, must be involved in
the child’s individual development plan unless it is shown that this would not be in the
best interests of the child.

(f) There must be a review of each child’s placement and individual development plan at
least once every six months while the child remains in the centre.”

Sub-category 1.3.2.3: Planning instrument

The data analysis further revealed that participants also viewed the IDP as a planning
instrument. The following narratives support this finding:

“The IDP Individual Development Plan [is] ... the plan we in terms with a child should
do, but we have frustrations. We can draw it up but we cannot execute it because there
are not a lot of choices for the child”.

“IDPs. Is just when you're in the old traditional Social Work have done your planning.
So it is actually only your schedule but you put it just in .... then we draw an Individual
Development Plan [Planning instrument].”

“Then [we] draw the plan in terms of the child's IDP... okay. [We]... look at ... what
seemed to be working. That’s where I do my planning by doing an IDP to look at the
children’s needs.”

Loffel, (2007:306) concurs that the IDP can be used as a monitoring and planning tool.
She explains that the monitoring and regular reviews of the IDP are part of
developmental quality assurance used by the DSD.

Sub-category 1.3.2.4: Based on Strength – based approach

SA adopted the strengths-based Circle of Courage approach which is also included in the IDP.
The narratives below from the interviews confirm this finding:
“The IDP... you assess basic development needs. You see what the strengths of the child are. You will also look at what is so distorted in terms of the Sense of Belonging, Generosity, the Mastery and Independence ... to address the development need.”

“The Strength-Based Development approach, is, basically looking at four areas. Development, in Belonging, Mastering, Generosity and Independence. It is one of the tools. We also using what is called the [Individual] development plan [IDP]. It is a good plan but I don’t think, I think it might work perhaps at a district office level but my personal opinion of the strength-based development is I don’t think it is been thought through. I think, we didn’t have really input in this thing, because I don’t think it is appropriate for facilities.”

The philosophy of the Strength-Based approach is developmental in nature. The researcher opines that, although the Strength-Based model is important to look at when practitioners assess child offenders holistically, social workers must conduct defensible, valid and reliable assessment of risks that child offenders pose.

**Sub-category 1.3.2.5: Content of the IDP**

The full contents of the IDP can be viewed in Appendix G.

Category 1.3.3: Probation officer assessment form

The data analysis process indicated that the newly-developed probation officer assessment form is the last to be viewed as a risk assessment tool. The following quotes support this finding:

“it is called the Assessment report of children in conflict with the law in terms of Section 40 of the Child Justice Act”.

“I use the new assessments form as prescribed. Young [inexperienced] social workers are struggling with the new form. Some things one can only learn in practice.”
“Man we have a format as prescribed by the Department in terms of the new CJA. Assessments do cover some aspects like behaviour which risk actors are their behaviour, drug abuse in terms of their conditions in the community in terms of the crime record, the friends that they associate who is or may be also a risk factor ok and their circumstances, how stable are their home circumstances. I use the new assessment form as prescribed”.

“Man we ... have a form ... that has been developed by the department in terms of the new CJA whereby we do our assessments”.

“we use [the] assessments report of the probation officer .Especially with the first interview and...[to complete]... our admission form [which] is completed by the key worker... the probation officer's own assessment report is ... very important ... Because they [see] the parent or guardian who can [provide] the information."

“So we will really look at that assessment [external social worker/probation officer] before we do our own assessment. Okay you understand?"

“I have seen that for external social workers [probation officers] there is a tool which stems from the Child Justice Bill [CJA] and I think it could help also if we could have a form that could inform ourselves in all the facilities.’’

“So the probation officer's own assessment report is basically very important too. Because they [see] the parent or guardian who can inform the information”.

“We have, the probation officer send their assessment form. We look what they assessed’’.

The PGWC developed an assessment tool which is called the Assessment form in terms of Section 40 of the Child Justice Act (Act No 75) of (2008). At the time of conducting this research, the form was used by all probation officers conducting risk assessments within the Western Cape Province. Many participants viewed this form as the main risk assessment tool. However, one male probation officer was aware that there are many ‘nice overseas models’ in existence. Furthermore, he was aware of the existence of standardised risk assessment
instruments but could not name them.

**Sub-category 1.3.3.1: One of the risk assessment instruments**

A sub-category that emerged from the data is that an assessment report has been developed by the PGWC. In terms of Section 40 of the Child Justice Act (Act No 75) of 2008, the assessment report of children in conflict with the law consists of various questions that a probation officer poses to a child offender. It is also regarded as a ‘standard form’ (see Annexure F for the detailed contents of this form). This is confirmed by the following direct quote:

“You get the form with a set of structured questions”.

**Sub-category 1.3.3.2: Description of the Probation Officer assessment form**

In general terms the Probation Officer’s report, in terms of Section 40 of the Child Justice Act (Act No 75) of (2008), consists of the questions that relates to aspects such as family composition, family background, education, employment status, housing, social circumstances, previous interventions, interpersonal relationships, peer group pressure, gang involvement, religious involvement, case information, victim particulars, developmental assessment and recommendations (see Appendix H for the complete document).

**Sub-category 1.3.3.3: Standard form**

The Probation Officer’s report, in terms of Section 40 of the Child Justice Act (Act No 75) of (2008) is being viewed as a standard form. The following narratives illustrate this finding:

“This is an assessment of a probation officer with alleged criminal details of the police officer”.

“I used the new form as prescribed by the Department. It is a new form and it is standardised”.
The researcher is in agreement that the The Probation Officer’s report, in terms of Section 40 of the CJA, is a standard form that seems to be an improvement on previous “tools”. However, it should be noted that this form is not a “standardised” tool.

Sub-category 1.3.3.4: Based on Strength-Based approach

The newly-developed form is also based on the Strength-Based approach and is regarded as developmental in nature. Only one participant did refer to the Strength-Based element of the probation officer’s report. This is aptly described by the following quote:

“Circle of Courage is good; makes things easier”.

Sub-category 1.3.3.5 Contents of probation officer’s form

The probation officer’s form can be viewed in Appendix F.

The researcher views the newly-developed form as a step in the right direction. However it should be noted that again the social work profession stopped short of developing a standardised risk/need assessment instrument with which to assess child offenders. It could be argued that practitioners should move on from this outdated practice by social workers using non-standardised instruments to carry out risk assessments of child offenders.

Category 1.3.4: Assessing children as low, medium or high risk

Regarding this aspect there are two distinct views – those who assess children in terms of being low, medium and high risk to the community, and those who only assess on the background information provided.

Sub-category 1.3.4.1: Assessing children as low, medium and high risk is used

The participants in the study were ambivalent about whether they assessed child offenders as high-, low- or medium-risk. Some participants were of the opinion that this took place when they conduct assessments. The narratives below captured the viewpoints of these participants:
‘Man I think of it as a diagnosis. You conduct a risk assessment and according to the risk assessment he is low risk, high risk or something like that’.

“Yes we really look at it like that ok as a result our institution is even divided into four cottages which is meant to cater some of this issues like that ok because vulnerable children you cannot place them with others that are more informed other it can create a chaos in the institution a situation where our care cannot totally exercise supervision well.”

“We’ve got a risk assessment that is ...an internal form... ; that is the form that we developed as social workers and to cover what we think is necessary for our own situation here at the institution. .. It is developmental assessment ... it is social work admission assessment ...”

“You conduct a risk assessment and according to the risk assessment, he is low risk, high risk or something like that ...”

“So we need to look at high risk, low risk and especially our boys that are familiar with the system. We really need to see them as our most high risk. Especially those who had an induction and those who had gone so far or were initiated into the gang culture due to detentions in Pollsmoor [prison] and due to detentions at other places of safety and sentenced facilities as well.”

“We unfortunately have divided our dorms in that way whereby we have our bigger dorms focussing predominantly on 17 year olds]. We have divided it into the bigger boys who are low risk. The key is to look at those boys who have been in our institution before coming back and that is a bit more advanced being in prison and other places of safety. You know initiations by prison gangs in other words has started the process [or] has gone to the point where they getting to know what the prisons gangs are and there are those that are already having tattoos that you can see so we clustered them in that ways.”

Kemshall, (2001:26) confirms the above finding and states that, in general, risk assessment entails the classification of each offender into a general risk category (normally ‘low’,
‘medium’ or ‘high’ risk). On the other hand, Andrews et al. (2006:10) prefer the terms ‘major’, ‘moderate’ and ‘minor’ risk factors.

The following section discusses the sub-category of ‘assessing children as low medium and high risk is not used’.

**Sub-category 1.3.4.2: Assessing children as low, medium and high risk is not used**

Some participants were of the opinion that, when they conduct a risk assessment, they do not assess low, medium and high risk. The narratives below illustrate this finding:

“Man, we in terms of my own you will break it down in terms of what background you see. How the child was. It is never classified as medium, high or low risk. But once you do the assessment then you get the boy that is the client's high risk, medium risk, they are not specifically referred to. The names are not really mentioned”.

“No we have not focused on it” (referring to low, medium and high risk assessment).

Parsloe (1999:8) confirms the above finding. She advocates that much social and probation work has always consisted of working in conjunction with service users pertaining to how they could improve their lives. However, most of the time social workers do not use a label of risk assessment. In contrast, various scholars disagree with the above finding. Other authors concur that, in general, child offenders are classified as low, medium or high risk (Baker et al. 2011:15, Andrews & Bonta, 2010:301, Kemshall, 2001:26).

The following section will discuss the sub-category of ‘explanation of high risk’.

**Sub-category 1.3.4.3: Explanation of high risk**

Some participants viewed child offenders as being of high risk when they committed serious crimes, such as murder, rape or robbery, or when a high-profile case was published in the media. The following narratives illustrate this finding:

“[During admission], if we now see it's a media ... ...incident or crime reported in the
media, that's what we will say is high risk. We had a child [involved] with Diana ... the baby Jordan case, since he's 16 years old and because he is a high risk he will be kept at Pollsmoor [Prison]”.

“We assess his behaviour and conduct, his absconding, the incidents that he is involved in, his behaviour towards adults [professionals in CYCC]. The way he acts aggressively if he really wants to get his way. If his behaviour remains unacceptable or out of control here in the facility [CYCC]. For example attacking staff in the CYCC then we let the courts know and then they are removed. Also if he assaults other boys in the institution [CYCC]. Sometimes sodomy took place and then he will be removed to prison.”

“Especially our boys that are familiar with the system. We really need to see them as our most high risk. Especially those who had an induction, and those who had gone so far, or were initiated into the gang culture due to [their] detentions in Pollsmoor [prison] or due to detentions at other places of safety and sentenced facilities as well”.

Section 29 of the Child Justice Act (Act No 75) of (2008) deals with the detention of a child in a CYCC and provides that any child charged with any offence can be detained in these facilities. In deciding whether to place the child in a CYCC the presiding officer, in terms of Section 29 (2), must consider the following factors:

- The age and maturity of the child;
- The seriousness of the offence in question;
- The risk that the child may be a danger to himself, herself or to any other person or child in the CYCC;
- The appropriateness of the level of security of the CYCC regarding the seriousness of the offence allegedly committed by the child; and
- The availability of accommodation in an appropriate CYCC (Gallinetti, 2009:29).

Category 1.3.5: Assessing children in terms of external and internal risk factors

Apart from the Care Plan, IDP, probation officers’ form and the low-, medium- and high-risk assessment that are used focus on external and internal risk factors. The data analysis
indicated that some of the participants agreed to assess external risk factors. These include: living arrangements; family factors such as abuse within the family; education; employment, including the employment situation of parents; the financial position of the family; neighbourhood; whether the child still lives with his/her biological parent/s; housing (including how many rooms the house has); and parental substance abuse. The following verbatim quotes support this finding:

“We are looking first for external risk factors when a child comes here [CYCC]. So therefore we look at issues like family, the family the caring part in the family We sort of look at contact, the person the child maybe can contact. Which is then we look at the family who is working...We also look at the financial situation of the family who is employed, or where did they get their source of income as the family .... Then we also look at the issue like abuse maybe the child has been abused before he came to our institution. We look at physical, emotional or sexual or maybe whether the child was exposed to abuse like that. We also look at the previous or repeated intervention in the child himself. Whether is it the first offender or is it the second offender has he ever been exposed to social work intervention before?”

“I use external risk factors. I want to know about family background. The carer in the family for example the child he lived with whom. If there are children how many children, is the child still with his biological parents. Also I want to know if his biological parent is employed. Also if the child the [and] children in the home are still schooling, going to school. I also want to know about the house. How many rooms are there in the house... the child’s relationship with the parents ... And also financial: I want to know who are the parents are they employed or if the children maybe the children are is are they getting um child’s grant or all that... And also abuse physical or emotional. I want to know if the parents a use are using substance abuse. If the child mentioned that maybe they are using alcohol, they are when they are under alcohol what happened is domestic violence or what is going on”.

Andrews and Bonta (2010:61) refer to external factors as the ‘moderate four’, going beyond the aspects regarding family circumstances. The moderate four consist of the following:
• Family relationship - this means if the probation officer assesses children, the
two parenting variables to look out for are nurturance caring and monitoring
supervision;
• School/work – generally the risk/need factors to look out for are low levels of
performance and involvement, and low levels of reward and satisfaction;
• Leisure and recreation - generally speaking, this risk refers to low levels of
involvement and satisfaction in anti-criminal leisure activity; and
• Substance abuse - This risk refers to problems with alcohol and other drugs,
excluding tobacco.

Sub-category 1.3.5.1 External risk factors

The data analysis indicated that some participants classify external risk factors to be aspects
such as: school progress; peer group pressure; gang involvement, including whether the child
had been initiated into a prison gang prior to placement at a CYCC; whether the child has
suffered from any illnesses or food allergies; the crime committed; whether there were adults
involved when the crime was committed; and the communities that the children come from.
The following verbatim quotes support this finding:

“The other issue that we really look at is internal risk factors to the child. We look at
issues like substance abuse.... Then the other issue that we really look at we look at his
at the school program of the child to find out which grade he was or maybe take
information down to find out whether he was schooling. Then we look at gang
involvement, crime itself, the crime that he committed. Then we also look at issues like
gang peer group involvement in committing a crime. This is to find out whether this
child committed this crime alone or there was assistance from adults for the child to
commit the crime. ...it will open for us formulate our thinking about formulating the
IDP.”

“Internal risk factors the children are here and I want to know if he is using substances
maybe the child says that he smokes tobacco, cigarettes and mandrax. Then is where I
will ask if the child was under using substance abuse [if] ... Then school progress ...
most of the children they are going to school. What I would like to know what grade or
was he still at school what school you know in what year or month sometimes. Then peer group involvements. I would like the child to know if he was involved in gangs. Sometimes I will ask what is the name of the gang which is I would like to know the name of the gang and what they do the gang maybe they robbing or that stuff. Then I would ask the crime involvement. The child would mention he is here for rape or he is here for assault or his here for theft okay I will see if the child is able to communicate or is he outspoken.”

Sub-category 1.3.5.2: Internal risk factors

In this study, internal risk factors chiefly refer to the risk that a child offender may pose within a CYCC. These risk factors are a risk of absconding, of sexually abusing, of assaulting children, of assaulting staff members and of damaging property. In the researcher’s experience, staff members were seriously assaulted within these centres in the past. De Kock (2005:5) concurs with the above finding. She found that a major risk factor that causes children to come into conflict with law is the use of drugs and gang involvement.

The researcher deduces that living arrangements; family factors such as abuse within the family; education; employment, including the employment situation of parents; the financial position of the family; neighbourhood; whether the child still lives with his/her biological parent/s; housing (including how many rooms the house has); and parental substance abuse are all part of the Care Plan and the probation officer’s report too. With all these forms that must be completed, it could be argued that duplication of work occurs.

3.4.1.4 Sub-theme 1.4: Tools within tools and approaches that are used

The data analysis indicated that there are several tools used within the assessment tools and approaches. This includes the Eco map; the Circle of Courage Model; the Strength-Based approach and Ubuntu.

Category 1.4.1: Eco map

Two participants indicated that they made use of the Eco map as part of their risk assessment of child offenders. The following narratives illustrate this finding:
“It has a part [where] I can add an Eco map if you wish to. It is not so rigid. Look Belonging is enough that you can describe anything inside the family”.

“So but then we look at what support the child has in family where he stay I always do an Eco map. Then one can see the relationships”.

Internationally, social workers use Eco maps as a tool in family and individual intervention. With standardised symbols and lines, Eco maps describe relationships, behaviours and social networks. The symbols identify strong and weak connections which help focus the efforts of social workers to support families and guide individuals (Wilson et al. 2008:286). However, it is not compulsory to use an eco-map when social workers conduct a risk assessment of child offenders in SA.

The literature refers to the concept of the offender Eco map which social workers can use as a tool. Holtzhausen (2012: 52) recommends that social workers should, where possible, set up a family conference. At this conference the social worker explained to the family why it is important to get a holistic picture of the family. Note to the reader: for further information of how the social worker compiles the offender Eco map, please refer to Holtzhausen (2012:52-54) for a detailed discussion.

Category 1.4.2: Circle of Courage

Many participants who participated in the study agreed that, within their assessment of risk of child offenders, the ‘Circle of Courage model’ values are followed. The following quotes aptly captured this finding:

“The ‘Circle of Courage’ is of such a nature that if you write [about] this child’s Sense of Belonging, he chooses to associate with gangs [or] belonging is enough that you can describe anything inside the family”.

“Mastery... it's about what the child can do. What the child is good at. It’s developmental area. So those items they just focus more on school or work”.

“Generosity ... It is about how do you share with people. But it is also emotional”.
“Your independence is you’ve worked, can you do stuff on your own. You can independently make your own choices and those types of thing”.

“Everything is now the Circle of Courage. It contains Mastery, Belonging. So I use the forms which are prescribed. So we cannot use our own stuff.”

“Circle of Courage is of such a nature that if you write [about] Mastery. Then you can say about this child’s Sense of Belonging, he chooses to associate with gangs. But as I have said you can interpret the Circle of Courage widely. You can include all the information. I think that is it about the Circle of Courage people forgets you can place any factor under the headings. Because there is the Sense of Belonging that means just the family [and that ] it has nothing to do with your peers, it has nothing to do with your who you associate with. So the protection of the Circle of Courage is that goes with it.”

“I think the assessment tools that we use is the Circle of Courage because we look at the development phase of the child the Mastery the Independence etc.”.

Brendtro et al. (2002:43-45) developed the Circle of Courage Model. According to Somasundram (2009:36), this model embraces four universal principles of self-esteem namely belonging, mastery, independence and generosity. These ensure the developmental growth and empowerment of children.

Category 1.4.3: Strengths-Based Model/Approach

Post-1994, with the publication of the White Paper for Social Welfare (1997), Social Work in South Africa has adopted a Strengths-Based Model or approach. The data analysis of the interviews conducted indicated that many participants had developed an understanding of this approach. The following quotes support this:

“The Department use a Strength-Based Developmental assessment”.

“The Strength-Based Development approach is basically looking at four areas: Development, in Belonging, Mastering, Generosity and Independence. It is one of the tools. We also using what is called the [Individual] Development Plan [IDP]. It is a
good plan but I think it might work perhaps at a district office level. But my personal opinion of the Strength-Based development is I don’t think it’s not been thought through. I think, we didn’t have really input in this thing, because I don’t think it is appropriate for facilities [CYCC].”

“Strength-Based is where we look at the child's strengths and the things the child is interested in and what is really important for the child; whether the child can flourish. We have been a Place of Safety. Then we became a Secure Care Centre where we just have trial-waiting girls and now sentenced girls too. Sorry that I talk so confusing but our goal is more accredited programs for the sentenced child. What they really are talented in what they really are interested in that they are more successful in. We look at their character we build their character. We found out that if people pay more attention to the positive you reached more children. If you just pay attention to the child’s weaknesses and the children with problem behaviour and give them more attention than the child who is quiet [get lost in the system] then the child with problem behaviour get more attention. This is the advantage of Strengths-Based assessment.”

The White Paper for Social Welfare (1997: Chapter 2) confirms the above finding. Rossouw (2009:243) asserts that the developmental approach moves away from the curative/medicinal model and focuses on building capacities of children and youth. Raymond (2004:18) concurs and puts forward the argument that the Inter-Ministerial Committee Policy Framework in general seeks to move away from a clinical or punitive model of intervention, to a more developmental and Strengths-Based approach. This requires that the strengths of children should be acknowledged and developed. In other words, this approach seeks to build the resilience and capacity of the child and their family to take control of their own lives.

Furthermore, ‘’assessment means a process of developmental evaluation of a person, the circumstances of a person, the nature and circumstances surrounding the alleged offence being carried out, the impact of the offence on the victim, the attitude of the alleged offender in relation to the offence, and any other relevant factors’” (Probation Services Amendment Act, Act No 35 of 2002: Section 1).

Rossouw (2009:243) found that the majority of her participants indicated that it is not helpful to view a child from a deficit frame of mind and that the participants in her study saw the
value of following a strengths-based approach. The findings in her study confirmed the positive effect that this approach has had on children’s attitudes and behaviour. This included a drop in both suicide attempts and vandalism. Furthermore, there were found to be two barriers to effective implementation of this approach: the disrespectful way that some team members communicated with children and youths, and structural problems. The author reports that 81.3 per cent of the participants in her study agreed that a restorative approach must be followed when working with children.

Category 1.4.4: Ubuntu

One participant mentioned that, within the task of risk assessment of child offenders, there is no Ubuntu. This finding is supported by the following quote:

“"It must be a South African tool because the current tool is based on an international tribe. In SA we have street children, single-headed households, poverty. No Ubuntu”.

The White Paper for Social Welfare (1997) principle 24 defines Ubuntu as: “The principle of caring for each other’s well-being will be promoted, and a spirit of mutual support fostered. Each individual’s humanity is ideally expressed through his or her relationship with others and theirs in turn through a recognition of the individual’s humanity. Ubuntu means that people are people through other people. It also acknowledges both the rights and the responsibilities of every citizen in promoting individual and societal well-being.” In addition, the Inter-Ministerial Committee on Young People at Risk, (IMC) (1995:4) describes Ubuntu as “the principle of caring for each other’s well-being within an attitude of mutual support.” Sloth Nielsen and Gallinetti (2011:74) adduced that the ‘Africanisation’ of the child offending occurred. This “Africanisation" argument is based on the Child Justice Act (Act No 75) of (2008: Section 1) which provides that every child should be treated in a manner which takes into account his or her cultural values and beliefs.

One of the objectives of the Child Justice Act (Act No 75) of (2008: Section 2 (b)) is to:

“(b) Promote the spirit of Ubuntu in the child justice system through:

- fostering children’s sense of dignity and worth;
- reinforcing children’s respect for human rights and the fundamental freedoms
of others, by holding children accountable for their actions and safe-guarding the interests of victims and the community;

- supporting reconciliation by means of a restorative justice response; and
- involving parents, families, victims and, where appropriate, other members of the community affected by the crime, in procedures in terms of this Act – this is in order to encourage the reintegration of children.”

Wade (2009:97) postulates that two independent systems of thought - or world views - co-exist in South Africa, namely the African world view and the Western world view. ‘Ubuntu’ is an isiZulu word. The concept that it takes a whole village to raise a child is based on Ubuntu (Inter–Ministerial Committee on Young People at Risk, 1996:7). Vercouteren and Van der Heide (2001:6) state that Ubuntu is an African spirit of humanity, which includes a principle of people caring for each other’s wellbeing within an attitude of mutual support. It is aptly described by the African saying ‘Ubuntu ngumuntu ngabantu’, which says that a person is a person because of, or through, other people. South African children were raised in this way in pre-colonial and traditional societies (Somasundram, 2009:38; Inter-Ministerial Committee on Young People at Risk, (IMC) 1996:7).

Ubuntu can be linked to Restorative Justice. The concept of Restorative justice in SA is closely linked with the African traditional justice system which uses traditional mechanisms to deal with issues of crime (Skelton & Batley, 2006:15-16). According to Janse van Rensburg (2010:21-22), South African customary law is not driven by retribution and punishment for crimes that have been committed, but rather seeks to achieve reconciliation and correcting the wrong. As communities play a central role within African culture, it is the responsibility of the whole community to discipline children. Therefore, when a crime is committed, the community elders work towards reconciliation and the restoration of harmony. Crime within the customary system is at first dealt with at the family level, and after this it is referred to the headmaster and the chief. Skelton and Batley, (2006:15-16) and Janse van Rensburg (2010:21-22) agree that within the customary system there is no need for severe punishment. However, the focus is on reconciliation between all parties involved and on incorporating the offender back into the community.

As Wade (2009:102) concludes, it seems that Ubuntu is an ideal. However communities, both African and non-African, often fail to implement it. Furthermore, little research has been
conducted about whether there is a relationship or not between Ubuntu and child offending.

Upon conducting this study it is the researcher’s contention that little research about child offending and Ubuntu has been conducted to date.

3.4.1.5 Sub-theme 1.5: Sources of information used for the risk assessment

The last sub-theme to be discussed is that of ‘sources of information used for the risk assessment’, which includes: interviews with the children; the assessment report of the probation officer; Children’s Court Report; court documents; police documents; school assessments; social worker in orientation dormitory (CYCC); and reports from other disciplines.

Category 1.5.1: Interviews with children

All participants viewed the social work interview as the most important factor in conducting a risk assessment with child offenders. This category presented throughout and the verbatim quotes below support this finding:

“We get information from the child. But I would rather feel that, we should build a relationship of trust with the child even if he has done whatever, we should not judge. That he be assured because we need information from the child. We can be hard and then we get very little information from the children. At that stage the children are emotional because they were already arrested. He was with different people in touch and for him to say how he feel at that moment, and his treatment thus far”.

“I do an interview with all the boys in my dormitories here in the institution. I use the standardised forms that we have...”

“My understanding of risk assessment is basically what that child’s immediate need is right now. So that is like the first thing I would look at, within my assessment. What is that child’s immediate need, whether it is physical where you are making a phone call to a parent, what is the immediate need? That would be me, containing the situation, making the child feel at ease. That would be my understanding of risk assessment. Then
obviously perhaps there’s other factors that, you know it is influenced by how I conduct the interview and build a relationship with the child”.

“We get background information [from the child]. He can also tell us if he was here before”.

“Also the child gives me [information] that’s how I assess”.

“I obtained my information by means of the social work interview”.

“We get our information from the children. Children cannot always give you all the information”.

“... by the various questions asked for example previous detention, medical condition. You look at general conduct of the child, how he behave, how he conduct himself in certain situations and from the assessments that we get from the probation officers. From there I conduct my assessments. Also the child gives me [information] that’s how I assess medium or low risk when I do my recommendation on conclusion of the Care Plan”.

“As a Probation officer I ask questions to the child about the child's functioning, intellectual functioning. Aggression what cause aggression? When did it start and where? Parents should be guided. Clients come from areas where shooting are involved but children survive. By aggression often parents know what the answer is - communication must be improved”.

“I conduct various interviews. We have developed our own form where we share the information. We get background information as given by the family, parents, important family and then on the child's school progress. About the child's behaviour in the institution itself and progress the child also shows and the child’s strengths. Then we compile an Individual Development Plan.”

“The social worker's role is as I told you the assessment does not end with your first interview at all. With your interview you do every time assess but in terms of what or
how far the child is the child's progress, the child's state of change.”

“My first interview I introduce myself. I tell the child who I am and how long will I work with him and tell him he should be welcome here. And then look at the assessment that was made. And we look how we go about in terms of the assessment that was done. The development needs. I conclude a contract. I work with you for that specific time ok and we decide what we do as we agreed that. How we see each other in terms of the agreements. We explain to him the group that he has to join. Then we have meetings, climate meetings”.

The Social Work interview continues to play a major role in risk assessment in SA in relation to child justice. However, what emerged from the literature contrasts with the above finding. According to Roestenburg and Van Breda (2003:1), the social work interview is a method of assessment that has its own inherent bias and subjectivity. The authors assert that no two social workers will come to similar conclusions regarding the nature and extent of a client’s problems.

Roestenburg and Van Breda (2003:1) assert that the lack of consistency, reliability or even validity of assessments are rigorously questioned in court settings, where forensic reports are often questioned, criticised and even rejected (this was experienced by this researcher whilst working as a probation officer in the South African courts). Various authors concur and assert that the clinical approach (social work interview) is not the best method to use when conducting a risk assessment with child offenders (Baker et al., 2011:33; Andrews & Bonta, 2010:312, Burman et al., 2007:24). In other words, these authors propagate the view that actuarial risk assessment instruments perform better than the clinical method.

Category 1.5.2: Assessment report of the probation officer

All participants who participated in the study concurred that an assessment report by a probation officer is required to carry out a risk assessment. This category presented throughout. The following narratives support this finding:

“This is an assessment of a probation officer with alleged criminal details of the police officer”.

“[T]he probation officer[s] send their assessment form to the CYCC”.

“The child come here [CYCC] with a report from the probation officer”.

“We use [the] assessments report of the probation officer. Especially with the first interview, and... [to complete]... our admission form [which] is completed by the key worker... the probation officer's own assessment report is ... very important ... Because they [see] the parent or guardian who can [provide] the information”.

“Most of the time the probation officer, you get the probation officer that conducts the [initial] assessment does not necessarily be the one that will deal with the matter. Sometimes the probation officer does after-hours assessment once off”.

“The probation officers now do assessments at the court. I think it needs to be more holistically done. A probation officer saw a child here [CYCC] and there [court] and either that our documentation or something of the child be send to court. The probation officer makes an assessment [at the court] then he [probation officer] comes here then he [probation officer] does another assessment so he [probation officer] does not actually get a holistic idea.”

“Probation officers assessment quality there is not uniformity. The quality of the probation officer assessments is not that good”.

“A probation officer mentions [in report] of certain aspects of the child. He [probation officer] observes whether the child needs medical attention ok. See if this child should be referred for in terms of psychiatric or psychological services”.

“I think that is quite a tricky one because I think probation officers at the after-hours assessment they should be really skilled. Now we have experienced there are children coming here [CYCC] but they were not open with the probation officer or they gave the probation officer some attitude. Then we sit with that situation we must break down. So it should be people [probation officers] with experience to conduct that type of assessment [probation officer assessment]”.
In terms of Section 5 of the Child Justice Act (Act No 75) of (2008), it is compulsory that a probation officer must assess all child offenders. In the researcher’s opinion, all the participants in the study had developed a clear understanding of their responsibility to conduct an assessment of child offenders within tight time scales (i.e. within 24 hours of arrest). The provincial DSD is responsible for providing a probation officer, who will conduct an assessment of all children detained on allegations of having committed a criminal offence. Following this assessment, the probation officer will make a recommendation about: the possible referral of a child to the children’s court and/or counselling; the placement of a child should they not be released; and the appropriateness of diversion, including a particular service provider or particular diversion options (The National Policy Framework to the Child Justice Act 2010: Section 5).

Category 1.5.3: Social workers’ reports for Children's Court Inquiry

The narratives provided by participants regarding social work reports for CCI provide differing viewpoints. The social workers employed in the CYCCs use the information contained in the external social worker’s report as a basis to conduct a risk assessment on child offenders. This is viewed in a positive light by CYCC social workers, as they have a foundation to build on. The following narrative illustrates this finding:

“External social worker [report] ... for CCI [Children's Court Inquiry]. If we feel we want information about the background history. We also see the social work report”.

“Social worker’s reports especially with the CCI [Children's Court Inquiries] cases also”.

According to the feelings, experiences and perspective of probation officers, it takes a long time to complete a CCI report. The following narrative illustrates this finding:

“CCIs it takes a lot of time to complete”.

Gallinetti (2009:36) confirms that one main purpose of assessment, in terms of the Child Justice Act (Act No 75) of (2008), is to establish if a child is in need of care and protection and should be transferred to the children’s court. The researcher propagates the view that social workers must convert criminal cases to CCIs if it is in the best interest of the child.
Category 1.5.4: Court documents

A category that became apparent in this study is the idea that court documents are important documents which need to be considered when probation officers conduct a risk assessment of child offenders. The following narratives support this finding:

“... court documents [provide information on] ... where the child is charged ... the ... date, case number and [the] ... the [nature of the offence for which the] child is charged”.

Parliament passed the Correctional Services Amendment Act (Act No 17) of (1994) on 8 May 1995. This law amended Section 29 of the Correctional Services Act (Act No 8) of (1959) in such a way that children (i.e., those under the age of 18) could no longer be held in prisons or police cells to await trial. Currently, children can only be placed at a CYCC when a document, known as a J7 warrant of detention, is signed by a magistrate – this is in terms of Section 29 of the Correctional Services Act (Act No 8) of (1959) (De Kock, 2005:2).

Although the Child Justice Act (Act No 75) of (2008) demands that new forms are developed to manage the child justice system, it seems that this has not yet happened. A year after the implementation of the Child Justice Act (Act No 75) of (2008), Badenhorst (2011:31) found that no official forms have been developed by either the Department of Justice and Constitutional Development or the Justice College, in order to address these changes and different needs. Therefore, individual magistrates have designed and developed their own forms to fill the gaps. However, this has resulted in various different forms (and different versions of the same form) being used by the different courts to accommodate both the changes and new options in the processes and procedures. Badenhorst (2011:11) elucidates that the Child Justice-Judicial Training Division of the Justice College proposed workshops with magistrates as part of developing appropriate forms.

Category 1.5.5: Police documents

The analysis of the data indicated that participants are aware of the fact that child offenders referred to a CYCC must come with a police report. The following narratives support this finding:
“We do use information from the police”.

“... Police [documents or personally can provide] information on ... the time of arrest. The time of arrest... which ... gives me an indication in terms of [whether] the [person] is it a night walker, street children and [something] ...in terms of home circumstances”.

The literature confirms the above findings in that Badenhorst (2011:10) explicates that the police have developed and adopted the National Instruction 2 of 2010 Children in Conflict with the Law (2010: Section 7). This states that, if a child is under 10 years of age and the police are not successful in locating a parent, guardian or appropriate adult the following procedures must be followed:

“(6) The Community Service Centre Commander must –

(a) if a CYCC is available within a reasonable distance from the police station and there is a vacancy in the centre, -

(i) ensure that the child is transported to the CYCC and is handed over to the person in charge of the centre;

(ii) instruct the member, who will be transporting the child to the CYCC, to hand the two copies of the SAPS 5830 (Information Notice upon the arrest of a child) (referred to in subparagraph (5)(e) above) to the person receiving the child at the CYCC and request that person to sign one copy as proof of having received the child;

(iii) file the copy of the SAPS 5830 (Information Notice upon the arrest of a child) (referred to in subparagraph (iii)) signed by the person receiving the child at the CYCC under "8" in the docket opened in respect of the case for which the child was arrested;

(iv) complete a SAPS 583(c) (Written Report on detention of child arrested for Schedule 1 Offence before appearing at Preliminary Inquiry form) and file the report under "8" in the docket opened in respect of the case for which the child was arrested;

(v) provide the first duplicate original SAPS 5830 (Information Notice upon the arrest of a child) to the designated probation officer and retain proof that it was received by the designated probation officer”.

The National Instruction 2 of 2010 Children in Conflict with the Law (2010: Section 8) states if a child is 10 years or older, the Community Service Centre Commander must –
6 (a) if a CYCC is available within a reasonable distance from the police station and there is a vacancy in the centre,

(i) ensure that the child is transported to the CYCC and is handed over to the person in charge of the centre;

(ii) instruct the member, who will be transporting the child to the CYCC, to hand the two copies of the SAPS 5830 (Information Notice upon the arrest of a child) to the person receiving the child at the CYCC and request that person to sign one copy as proof of having received the child;

(iii) file the copy of the SAPS 5830 (Information Notice upon the arrest of a child) (referred to in subparagraph (ii)) signed by the person receiving the child at the CYCC under "8" in the docket opened in respect of the case for which the child was arrested;

(iv) complete a SAPS 583(c) (Written Report on detention of child arrested for Schedule 1 Offence before appearing at Preliminary Inquiry form) and file the report under "8" in the docket opened in respect of the case for which the child was arrested;

(v) provide the first duplicate original SAPS 5830 (Information Notice upon the arrest of a child) to the designated probation officer and retain proof that it was received by the designated probation officer.”

Category 1.5.6: School assessments

School assessments emerged from the narratives as a category that is very important. The following narratives encapsulate this finding:

“Yes we have a school here on the premises that now fulfil that need. They place the children into three groups. They test children to see if the child has a backlog in terms of the child's school. Child that now have not attend the school and many of the children's mental abilities are often then you will determine that they failed or was transferred because of his age to the next grade and so on. School assess those to see at what level they function.”

“Look they attend school at specific levels. Than the school does its basic programmes ... he does Afrikaans and English languages and then the children works in workshops okay basketing they do, yes woodwork they do here at school.”
According to De Waal (2012), once the children are admitted to the CYCC they undergo a 3-day orientation programme. On Day 4 the learner comes to school and the education manager assesses the new learner personally. The assessment tool that is utilized is generic and measures the learner’s cognitive abilities and levels of development in terms of literacy and numeracy. The learner is then placed in a group (or level) accordingly. The school operates as a LSEN (Learners with Special Educational Needs) school thus educators divide the learners into three levels. Level 1 corresponds to the foundations phase (gr. R-3), Level 2 to the intermediate phase (gr. 4-6), and Level 3 to the senior phase (gr. 7-9). As part of their school day (08:00-15:15) and, added to the academic (Afrikaans, English, Maths and Life Skills) and practical subjects (Woodwork, Art, Computer Skills and Physical Training), learners also receive Therapeutic Programmes (Anger Management, Substance Abuse and Sexuality) which are presented by the social workers and medical staff.

The learners receive a formal Summative School Report at the end of each school term. When a panel assessment is facilitated for a learner, the education manager presents a Formative School Progress Report to the panel. During such a panel discussion, the best way forward for the individual learner is discussed. Upon his re-entrance into the community, for the purpose of enrolling a learner in a school the official Western Cape Education Department CEMIS Transfer/Deregistration Certificate will have to be obtained by the learner's parent or guardian. Please note this Transfer/Deregistration Certificate is obtained from the public school the learner had attended prior to the learner's admittance to the CYCC.

Rossouw (2009:134) states that the WCED conducts tests for learners in special schools. The aims of the educational assessment in the CYCC are to classify or grade, facilitate progression, guide development, and provide alternatives. Certain tests further attempt to identify weaknesses and deal with challenges, provide feedback and encourage learners. Bouwer (cited in Rossouw, 2009:134) explains that educators make use of a variety of assessments, namely portfolio assessments, continuous assessments, self-assessments, tests, work sampling, discussions with the learner, checklists, observations, interactions, task accommodations to improve performance, interviews with parents, and assessments in specific learning areas. Furthermore, the educator should inform the other team members of
any barriers to learning and work in partnership to address them. All participants viewed the assessments from schools/educators as very important when they conduct risk assessments of child offenders.

The Western Cape Education Department: Specialised Education Support Services Minimum standards for special education services for learners manifesting, or at risk of experiencing emotional and/or behavioural difficulties (2004:50) indicates that each learner must unconditionally be provided with a relevant educational curriculum suited to his or her capacity, circumstances and developmental need, as well as given every assistance to make effective use of the education provided. The aforementioned can be linked to the Responsivity Principle (RNR). This states that learning of a child offender should take place by providing “cognitive-behavioural treatment and tailoring the intervention to the learning style, motivation, abilities and strengths of the offender” (Andrews & Bonta, 2010:309-310). The work of Palmer (2004:34) contrasts with the above findings. She found that the testing of IQs for admission did not generally take into account cultural or language differences, and this resulted in inappropriate placement or exclusion from a particular CYCC. The literacy classes at Eureka Centre were not specialised programmes for basic literacy, but merely a process of teaching teenagers the Grade One curriculum. Thus, children leaving Eureka [CYCC] were unable to continue within the formal system upon their release.

Category 1.5.7: Social worker in orientation dormitory

The data analysis indicated that the social worker who works in the orientation dormitory plays an important role relating to risk assessments of child offenders. The following narratives from interviews support this finding:

“When it comes to injuries the child, if he is in the orientation dormitory I think Ms X social worker in orientation dormitory will give you more information”.

“A probation officer or the court, state prosecutor at the court or person by the court will call and find out whether we have a vacancy here for a child to take. Then we in accordance with the Criminal yes the CJA should we then complete a Form 5 to say what, how can we make child protection and what staff and safety precautions for the child here for the detention and if we have a place. ... And then following it is the child
“Orientation is if the child comes first to the institution. The child must be first introduced by the child and youth care worker to other children. There they are naturally exposed to other girls. They are introduced to the sleeping area the living area where they are going to be. The second day they came to the social worker. The social worker is part of their orientation as part of multidisciplinary working with them. Our role within the multidisciplinary team is to inform about the services rendered the child can expect and what is expected of the child. Then we prepare our children for how they will fit in with the other children that is which programs, such as group work or individual sessions, the child will be slot in. The child in the school is placed. School is compulsory. I explain to the child what are the Child Protection Protocol and the complaints procedure. I encourage the child to talk about things the child is unhappy about. But a key Child and Youth Care Worker is assigned so that the child knows exactly that is the person the child can talk to and this is the person specifically for the purpose to help and so on.”

Sections 29(4) and 40(2) of the Child Justice Act (Act No 75) of (2008) prescribe that a Form 5 (sworn statement in respect of placement of a child) must be completed before a child can be placed at a CYCC.

At Bonnytoun CYCC, the orientation dormitory social worker’s role includes the following:

- To act as a liaison with courts and the police;
- To act as the initial contact point if courts are looking to place a child offender;
- To ask the probation officer if the preliminary inquiry in terms of CJA has been completed;
- To request background information from the probation officer about child offenders they want to place;
- To ask the probation officer if the child offender has sustained any injuries before, during or after arrest;
- Upon assessment that Bonnytoun is a suitable placement for the child offender, to fax over Form 5 Child Justice Act (Act No 75) of (2008) to
the court which then requests placement;

- Within the CYCC, to distribute information to dormitory senior, admission room, laundry etc.;
- To orientate child offenders about roles and responsibilities within the CYCC;
- To establish contact with parents and significant others;
- To make referrals to the internal nurse if a child offender needs urgent medical attention;
- To orientate and educate child offenders about legal aid;
- To conduct pre-trial reviews in terms of the Child Justice Act (Act No 75) of (2008) in conjunction with the probation officer;
- To conduct age estimation request via the probation officer; and
- If Bonnytoun is not suitable as a placement, to refer the case back to court (Cupido, 2011).

Category 1.5.8: Reports from other disciplines

Narratives about reports from other disciplines provide a variety of responses as the different sites of this study comprised of different multidisciplinary teams. The following narratives support this finding:

“We make sure that the child is medically examined ok which will be done by our medical section it is not the responsibility of our social workers”.

“If there is a need of referral ... we found in our assessment the child will be referred to appropriate services for maybe for services we don’t have here things like psychologist or things that might need the doctors but we’ve got a nurse attending minor issues that can be attended to in the institution”.

Although this is a study with a social work perspective, no research about risk assessments with child offenders can take place without the multidisciplinary team. The literature consulted confirms the above finding. De Kock (2010:92) and Gallinetti (2009:160) state a child offender will generally encounter the following key role-players: police official, probation officer, prosecutor, inquiry magistrate, presiding officer, diversion service
provider, professional nurse, child and youth care workers, occupational therapist, teachers, district surgeons and lawyers.

De Kock (2010:94) advocates that the professionals who work with child offenders should reach beyond their professional borders to work together and to rethink and reformulate their service delivery. This is in order to address the real needs of child offenders as well as enhance the capacity of communities to address these factors effectively. The researcher therefore asserts that, although the Child Justice Act (Act No 75) of (2008) is clear about the cardinal role that probation officers play regarding risk assessments of child offenders, many other professionals are involved in order to provide a comprehensive assessment of a child offender in the ‘best interest of the child’. This is according to the ‘every child matters’ principle.

In this discussion, the areas of focus in conducting risk assessment are addressed. These areas include: the admission circumstances; the child’s family; the child’s home situation; the risk factors at home, in the family; and the child.

3.4.2 Theme 2: Important focus areas in conducting risk assessment of child offenders

A sub-theme identified in the narratives was that of admission circumstances. The discussion pertaining to this sub-theme relates to the following categories: reason for admittance; child’s health and physical condition; child’s emotional and mental condition; and parents’ contact details.

3.4.2.1 Sub-theme 2.1: Admission circumstances

In the researcher’s experience admission circumstances are of utmost importance to all professionals working in a CYCC.

Category 2.1.1: Reason for admittance/why the child is being admitted

There are two reasons why children are admitted to a CYCC in SA namely child in need of care and being involved in a criminal offence.
Sub-category 2.1.1.1: Child in Need of Care

A sub-category that emerged from the data was that children are admitted to CYCCs partly because some children are in fact in need of care. The following narratives encapsulate this finding:

“Children that are in need of care”.

“Grounds for in need of care”.

“Check ... why he is here... Maybe the parents said they cannot [or] they do not want to control him. That he has already have behavioural problems or problems with child experience and cannot control the child”.

“Now more and more CCI [Children's Court Inquiry] children. That is the children placed by the Children’s Court with no criminal convictions that's now also placed here”.

Rossouw (2009:58) states and the researcher concur that the criminal proceedings of cases where children are in conflict with the law can be converted into a CCI in terms of Section 254 of the Criminal Procedures Act (Act No 51) of (1977). Furthermore, the present researcher is of the view that some children who are in conflict with the law are also often children in need of care.

In terms of Section 150 of the Children’s Act (Act No 38) of (2005), a child is in need of care if he or she:

- Is deserted or orphaned and has no visible resources;
- Displays challenging behaviour that cannot be controlled by the parent or caregiver;
- Lives, works or begs on the street for a living;
- Is addicted to dependence-producing substances and is without any support to obtain treatment for such addiction;
- Is exploited or lives in circumstances that exposes him/her to
exploitation;
- Lives in or is exposed to circumstances that may seriously harm his/her physical, mental or social well-being; or
- Is at risk if returned to the custody of the parent, guardian or caregiver as there is reason to believe that they will live in or be exposed to circumstances that may seriously harm their physical, mental or social wellbeing (Children’s Act No 38 of 2005).

The researcher propagates the view that social workers and probation officers must apply to convert appropriate criminal cases to CCIs if it is in the best interest of the child. The reason for this is that safeguarding all children, including child offenders, must receive the highest priority in social work.

Sub-category 2.1.1.2: Criminal offence

It is evident from the data that a strong relationship exists between the child’s criminal offence and risk assessment. The narratives below encapsulate this finding:

“… The criminal offence for me is important”.

“I ask the child about the criminal offence that he committed. The child [will] mention he is here for rape or he is here for assault or he is here for theft”.

“Aggression and nature of the offence must be included in the report”.

“You can say there was so many [offences] but he is going to say he was not found guilty or the case was withdrawn. Or the child tells you I have done so and so but the mum withdraw the case or the people withdraw the case. A whole range of crimes were done but he was never sentenced due to whatever reasons. It can be the dockets get lost. Criminal offence for me this is important”.

“Check whether it is the child's first offence. We look if it is a second offence is it the same type of crime that he committed or something else compares the two. If it is the same crime was he involved with other children or with the same children?”
“…the reason he got involved in the offence how serious it is. Sometimes they are here for serious stuff [criminal offences] the first time. You can have from the outset that some of them are arrested for rape, robbery, murder you name it. The environment where the child came from also plays a major role.”

The literature also confirms this finding. According to De Kock (2010:75), crimes committed by children and young people under the age of 18 years are on the increase in SA and are a serious concern for social workers, child and youth care workers, teachers, psychologists, prosecutors, judges, the public and even politicians. Du Preez and Luyt (2005:49) have summarised that, although there is a decline in the number of alleged offences amongst children for economic crimes, aggressive offences are on the increase. These aggressive offences may include rape at a very young age and the killing of teachers on the school premises by using a firearm.

It is the researcher’s experience that the cause of the increase in violent offences is the general availability of illegal firearms and the involvement of young people in gangs. On a ‘macro’ level, the general increase in aggressive offences can be linked to an overall violent South African society due to political changes.

Category 2.2: Child’s health and physical condition

A category that emerged in this study was the emphasis participants attached to the child’s health and physical condition. The following narratives illustrate this finding:

“Whether the child is healthy and if there are any injuries with his admission because he also can use that against us”.

“We also ask the child what injury he sustained in his arrest or even earlier injuries. Medical attention should be given to children if there are injuries, or if he was injured by police during their arrest. Many times we find that children come to orientation, with injuries without having a medical report. In the medical report, his treatment for his admission is important because the child plenty of times can imply that it happened here”.

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“We make sure that the child is medically examined ok which will be done by our medical section”.

“Then as part of our assessment also we had to look at ongoing conditions in the child for example whether this child is suffering any sickness for example things like asthma or illness or operations or accidents that happened to the child when he was outside okay. Then we look at food allergies.”

As experienced by the researcher, children in the criminal justice system were often brutalized before 1994. The regime did not have a uniform system to protect children in trouble with the law. A disproportionate number of black children were subjected to arbitrary arrests, torture and abuse in the hands of the law-enforcers and, in some cases, even died in custody.

The findings of this study show that children who are placed in a CYCC receive appropriate medical care as needed. The research data indicated that participants monitor and jealously guard this obligation placed upon them by the Child Justice Act (Act No 75) of (2008: Section 28). Participants told the researcher they are willing to lay charges as appropriate against the police if the police allegedly assault a child before he or she is placed. Therefore, it seems that social workers, in their daily professional practice, uphold The Constitution (1996) which specifically guarantees “a child’s best interests are of paramount importance in every matter concerning the child”. Article 28(d) provides for children’s socio-economic rights without any limitation, as well as protection from neglect, abuse, exploitation and particular provisions for children in detention.

Furthermore, The National Policy Framework to the Child Justice Act (2010: 14) prescribes that the police must provide basic medical care, although the child may be taken to a district surgeon or hospital for necessary medical treatment. Skelton and Tshelha (2008:24) agree that the child justice system should uphold the rights and safety of a child offender as well as promoting his or her physical wellbeing.

Category 2.1.3: Child’s emotional and mental condition

A category that emerged in this study was the assessments by participants of the child’s emotional and mental condition. The following narratives encapsulate this finding:
“The child’s emotional state, whether he is angry ... he has frustrations and behavioural defects... Then it is the child’s emotional condition if he has or had suicidal tendencies”.

“From the first assessment we soon pick up from a child’s behaviour if he is ...mentally challenged”.

“In emotional we look for signs if there are there any signs of emotional abuse of the child”.

Skelton and Tshehla (2008:24) confirm the above findings in that the child justice system should uphold the rights and safety and promote the mental wellbeing of child offenders. Furthermore, The National Policy Framework to the Child Justice Act (2010:14) prescribes that the police must provide basic care that includes medical care when the child shows psychological stress or other signs of mental health problems. Moreover, The National Policy Framework to the Child Justice Act (2010:20) states it is the Department of Health’s responsibility to provide mental health facilities for children who are referred to such facilities for observation, or who are declared as State patients because of a mental health challenge.

Category 2.1.4: Parents’ contact details

The research analysis indicated that participants view parents’ contact details as very important. The following narratives illustrate this finding:

“Then the parents' details the addresses, phone numbers are also inserted/added”.

“Family finding is important. As you know in the past how we struggled to find parents and families”.

“I concentrate on the spelling of the names. In South Africa this is important as we work with child offenders of different races.”

Raymond (2004:80) highlights that, in the past, thousands of young people awaited trial in
abysmal conditions while in prisons and police cells in SA, often for months at a time. Frequently their parents and guardians were not informed of their whereabouts. Currently, however, family finding is entrenched within the child justice system. According to The National Policy Framework to the Child Justice Act (2010:16), it is the responsibility of the probation officer to provide support, where possible, to the police in family finding duties if a child is brought to assessment or the preliminary inquiry or court without a parent or guardian. The probation officer can instruct an assistant probation officer, or a designated family finder, to trace the parent or guardian and to bring them to court to assist the child in the case before court.

The following discussion focuses on the sub-theme ‘the child’s family’. The discussion pertaining to this sub-theme focuses on the following categories: family composition/structure, family background, and the child’s guardian and carers.

3.4.2.2 Sub-theme 2.2: The child’s family

Category 2.2.1: Family composition/structure

A category that emerged from the data is that family composition and structure is vital during the assessment of children. The extracts below illustrate this finding:

“... *We look at the family composition that is part of the Circle of Courage*”.

“*Composition of the family, extended family [is important]*”.

“How many brothers and sisters? Does the mother have more than one relationship where more than one child, a child was born?”

“We focus a lot on relationships for example family. What other people are important in child’s life and also relationships with friends and also which friends play a role in the child’s lives. What does the child that influences and such relationships. Relationships for our children are very important. Of course, given the different relationships there are people who want to be more involved in their lives are not involved and it actually give them a setback.”
“Fathers are not present with the family. There is not really a focus on risk factors. In
form are superficial questions. CJA require other stuff in the form. Composition of the
family, extended family [is important]. Concentrate on the spelling of the names”.

Farrington and Welsh (2007:43), as well as Mkhondo (2005:12), agree that a specific family
structure (i.e. living in a single-parent, mother-headed household of low economic status) is a
risk factor which may lead to child-offending. Additionally, Farrington and Welsh (2007:56)
state that large families are also a risk factor which may lead to child-offending.

In the researcher’s experience, two things have played a significant role in boys committing
crime: the single-parent family, and absent fathers and a lack of appropriate support from the
extended family. But, while poverty plays a role in children getting into trouble with the law,
not all poor children commit crime; many poor children develop resilience and desistance
from committing crime. The Circle of Courage is based on respect and has nothing to do with
the family composition or structure as such. However, it is within the family and extended
family where the child learns about belonging, mastery, independence and generosity.
Therefore, differentiations in the family structure or the absence of a father or a mother may
influence the child’s learning of this. Feelings of rejection may lead to a distortion of
independence, generosity, mastery and generosity. This distortion leads to the loss of respect
which may in turn lead to child-offending.

Category 2.2.2: Family background

Another category identified in the narratives is the notion of family background. The
following narratives form the interviews support this finding:

“We focus a lot on relationships for example family. What other people are important
in child's life and also relationships with friends and also which friends play a role in
the child's lives. What do some children do that influences such relationships.
Relationships for our children are very important. Of course, given the different
relationships there are people who want to be more involved in their lives are not
involved and it actually give them a setback.”

“The Care Plan is basically to obtain information background from the child,
background information about the family, where are the parents”.

“I want to know about family background. The carer in the family for example the child he lived with whom. If there are children how many children are there in the family. Is the child still with his biological parents. Also if the biological parent is employed?”

Maree (cited in Treptow, 2008:21) concludes that family risk factors in the South African context are poor parental support, monitoring, and negative relationships with parents. Farrington and Welsh (2007:56) concur that poor supervision, poor discipline, coldness and rejection by parents are risk factors that may lead to child offending.

Category 2.2.3: Child’s guardian and carers

Another category apparent in the narratives was the importance of the role a child’s guardian plays. The following direct quotes support this finding:

“I want to know who the sole guardian is?”

“Any other person who looks after the child for many of them are not in their parents’ care. Then they are at an aunt or girlfriend ... mother or friend's mother”.

“I look at who is the authority figure in the child’s life”.

“The carer in the family for example [who did] the child ... lives with... is the child still with his biological parents?”

Makoko (2005:99) discusses the child’s guardians and carers by stating that the mother left the child with grandparents or maternal relatives. The percentage of children raised by their maternal relatives is higher than the percentage raised by paternal relatives. Mkhondo (2005:15) concurs with the aforementioned, as her study found that, from very early ages, child offenders were sent to live with relatives other than their parents. She found participants described that living under these circumstances was extremely difficult and often contributed to their acting out behaviour. This was because they longed for contact with their absent, biological parents.
However, the work of De Kock (2010:94) offers contrasting findings. She postulates that dysfunctional factors within the family such as divorce, alcohol abuse and the maltreatment of our children and youths are not the main factors that contribute to them being in conflict with the law. She found that, from the child offender’s perspective, peer pressure has a greater influence causing them to come into conflict with the law.

3.4.2.3 Sub-theme 2.3: The child’s home situation

A sub-theme derived from the data has been the child’s home situation. The discussion related to this sub-theme related to the following categories namely housing as well as employment and the financial position of the family.

Category 2.3.1: Housing

The participants in the study articulated beliefs that housing is important when a risk assessment is conducted. The following narratives illustrate this finding:

“I also want to know about the housing. How many rooms are there in the house? I want to how many girls and how many boys and where are they sleeping”.

“The family [and] who may [all be] live [living] in the house with them. If the grandparents are living there and I want to know how many bedrooms the house has”.

“In my experience a lot of the boys that are involved in crime come from households where there is overcrowding. The overcrowding conditions in the area are the cause that they get involved in gangs I would say. Also the most of them comes from areas where a lot of shooting takes place”.

The literature reviewed confirms this finding. Makoko (2005:99) summarises the housing of child offenders by stating that some children had left their homes to become street children. They had then been exposed to an independent type of life away from parental control and guidance.

The Constitution (1996, Sec. 26 (1) & 28 (1) (c)) stipulates that everyone has the right to have
access to adequate housing and every child has a right to shelter. However, De Kock (2005:256) found that most child offenders were living in overcrowded houses and shacks (non-brick built houses). Shacks are built by poor South Africans from any “building material” that they can lay their hands on. This material could be corrugated iron, asbestos, wood and even plastic. Many South Africans reside in “towns” or “cities” where houses consist out of shacks with limited toilet facilities, which is inhumane and against The Constitution (1996) (Nziyane, 2010:150-151).

Category 2.3.2: Employment and financial position of the family

Analysis of the data indicated that an emergent category was the employment situation and financial position of the family. The following narratives encapsulate this finding:

“We also look at the financial situation of the family who is employed, or where did they get there source of income ok as the family ok”.

“We look at financial position, we look at the parents if they work. Is there unemployment if you know their income may be a son work. Whether there is an allowance if they are children not living with their parents”.

“[Are] … the children … getting [a] child’s grant or all that”.

“Does he [dad] make a financial a contribution, pay [non] support … [etc.]”? De Kock (2005:256) found that poverty (i.e. living in conditions where basic needs such as good shelter and clothing were not met) may lead to child offending. De Kock (2010:94) agrees and found that aggressive offences are often committed to achieve economic gains. In addition, Du Preez and Luyt (2005:53) found that there is growing acknowledgement of the fact that a child often has to take over the supporting role and responsibilities of a parent because of the impact of HIV/AIDS on his/her family.

The next discussion focuses on the sub-theme ‘the risk factors in the home situation/family’.
3.4.2.4 Sub-theme 2.4: The risk factors in the home situation/family

The next sub-theme to be discussed is ‘the risk factors in the home situation/family’, which includes the following categories: abuse and violence, domestic violence, physical and emotional abuse, substance abuse in the family and sexual abuse in the family.

Category 2.4.1: Abuse and violence

The next category to be discussed is ‘abuse in the family’, which include domestic violence, physical and emotional abuse, substance abuse in the family and sexual abuse in the family.

Sub-category 2.4.1.1: Domestic violence

In this research study, some participants felt that domestic violence is a risk factor that needs to be considered if social workers conduct a risk assessment. The following narratives encapsulate this finding:

“Then we also look at the issue like abuse maybe the child has been abused before he came to our institution. We look at physical emotional or sexual or maybe whether the child was exposed to abuse like that”.

“Is there domestic violence or what is going on?”

“The risk factors in terms of family [e.g.], alcohol [use and] abuse, violence, controls at home”.

“Then family violence is also one of the issues I now consider the specific three children involved so that's that mom and dad drink, brother older brother drinks too. If dad assaulted mom, children also are assaulted. Children are afraid to come home as a father might not sleep yet. That brings them outside in the street late at night and so they become involved in criminal activities. Friends so yes it is now easy if you are outside and no one is monitoring the supervision and control. As I said the parenting skills of parents is not there. There are not really skills how to handle their children and so on. This causes major problems”.
Petersen (2006:34) elucidates that in a multicultural society like SA, cultural differences between ethnic groups generate different perspectives on many issues, including domestic violence. The challenge for SA is that not much research has been done to establish a culturally competent understanding of family violence in this country.

Palmer (2004:14) asserts that family violence has become a daily occurrence in the lower socio-economic communities of the Western Cape. The majority of murders committed in the Western Cape are connected to a culture of domestic violence, and there appears to be a definite link between drugs, alcohol and violence. She found that one of the most frightening consequences of constant exposure to violence, however, is a reduced sensitivity that allows people to accept it as an inevitable and entrenched part of their community.

Ramatlkane (cited in MacMaster, 2010:92), the former Western Cape Minister of Safety and Security, revealed in his 2007 budget speech that as many as 73.4 per cent of murders committed in the Western Cape are committed by perpetrators who know their victims. The former Minister continued, stating: “Our reports further reveal that from this, 62 per cent of females murdered, were murdered in private homes or residences. Of the 62 per cent females, it is reported that only 6.8 per cent of the victims did report the crime or have laid a complaint of domestic violence prior to the murder”.

In view of the aforementioned arguments, the researcher’s viewpoint is that exposure to domestic violence is a serious and important risk factor that leads to many children joining gangs in SA and offending.

Sub-category 2.4.1.2: Physical and emotional abuse

This section discusses the sub-category ‘physical and emotional abuse’. The participants interviewed in the present study indicated that physical and emotional abuse is a risk factor. The narratives below support this finding:

“Then we also look at the issue like abuse maybe the child has been abuse before he came to our institution. We look at physical, emotional.... maybe whether the child was exposed to abuse like that”.
“Abuse ... physical and emotional... here we look if there were signs of any assault, and physical [abuse] and that. In emotional are there any signs of emotional abuse of the child”

“And also abuse physical or emotional”.

Various researchers agree with this emergent finding and they contend that family vulnerabilities that are seen as contributing factors may lead to the onset of aggressive and violent behaviour in children. This can include parental aggression as well as harsh, inconsistent and physical discipline along with poor monitoring and supervision of children and young people by their parents (Andrews & Bonta, 2010:272; Harrison, 2008:36, Farrington & Welsh, 2007:56, Makoko, 2005:99).

Sub-category 2.4.1.3: Substance abuse in the family

This sub-category was evident throughout the data, as participants viewed substance abuse within the family as a risk factor that needs to be looked at if a risk assessment is undertaken. The following quotations encapsulate this:

“Then we look at the substance abuse. Is there any drug-related or alcohol-related problems... you check whether any abuse or family abuse. If you look at family history support I ask was the child exposed to those aspects in the house”.

“I want to know if [there is substance abuse by] the parents”.

“The risk factors in terms of family [e.g.,] alcohol [use and] abuse, violence, controls at home”.

Farrington and Welsh (2007:60) state that substance abuse in families is a risk factor which may lead to child offending. South African researchers such as Maree (cited in Treptow, 2008:21) and Makoko (2005:99) agree that alcohol abuse might have led to some mothers abandoning their families altogether, and to the degeneration of family life caused by one or both parents’ excessive drinking. This, it is argued, propels children into child offending.
Sub-category 2.4.1.4: Sexual abuse in the family

Some of the participants assert that sexual abuse that happened within the family context is a risk factor. The following extracts illustrate this finding:

“Then we also look at the issue like abuse maybe the child has been abuse before he came to our institution. We look ... or sexual”.

“Was the child now sexually molested while in the home? I ensure that I ask this question when I interview children in the facility [CYCC]”.

Farrington and Welsh (2007:56) state that sexual abuse is a risk factor which may lead to child offending. Articles 19, 34 and 36 of the CRC oblige State parties to protect all children from all forms of sexual exploitation, sexual abuse and all other forms of exploitation. In addition, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, (Act No 32) of (2007), in general is legislation in SA that seeks to protect children from sexual abuse.

Both boys and girls are victims of sexual abuse, but adolescent girls are more vulnerable to it. Miller (cited in Howell, 2003:69) found that girls who were sexually abused within the family often chose gangs as a means of avoiding a chaotic life.

Nziyane, (2010:155) explicate that within the South African context, myths such as the belief that HIV/AIDS can be cured by having sex with a virgin also expose children to sexual abuse and exploitation. Furthermore, adolescent girls without adult care are at an increased risk of being sexually abused and exploited. Nziyane’s (2010:157) study revealed that children living in child-headed households are exposed to being sexually abused and exploited.

3.4.2.5 Sub-theme 2.5: The child

The last discussion pertaining to the focus areas in conducting risk assessment is ‘The child’. This includes the child’s history and development; the child’s relationship with family members and support; the child’s education/schooling; the child’s gang involvement, peer pressure and CUBAC; the child’s substance abuse; the child’s emotional and mental health history; the child’s crime involvement and behaviour; previous admittances; previous interventions; the child’s risk
of absconding; and the children’s rights approach.

Category 2.5.1: The child's history and development

Some of the participants in this study viewed the history and development of child offenders as very important. The following narratives support this finding:

“We need more time to build rapport with the child. I focus on the questions. There should build into the questions what do you do with reading problems of the child and his early development, other medical conditions such as hyperactivity and dyslexia. In my experience most children have a learning problem”

“We need to look at the [child’s] development”.

“We look at the child's history... [and] how the child developed”.

Mkhondo (2005:8) found that Bowlby's Attachment Theory makes a contribution to understanding violent behaviour. This theory proposes that, from birth, a child develops working models and assumptions of the world and of themselves. These are based on the nature of the attachment relationships they have with significant caregivers. De Zulueta (cited in Mkhondo, 2005:9) revisits Bowlby's theory and views violent behaviour as ‘attachment gone wrong’. She makes a link between early developmental failures and subsequent violent behaviour. Therefore, the researcher infers that when ‘attachment goes wrong’ and is unresolved, this can lead to child offending.

Howell (2003:55) discusses warning signs for possible future child offending. Disruptive behaviour might be either more frequent or more severe than that of other children of the same age. There might be disruptive behaviour such as temper tantrums and aggression that persists beyond the first 2 to 3 years of life. Or there might be a history of aggressive, inattentive or sensation-seeking behaviour in the pre-school years. On the other hand, Andrews and Bonta (2010:174) state that a difficult temperament in infancy or in early childhood predicts aggressive behaviour, child offending and psychopathology.

Muntingh and Gould (2010:16) explain that foetal alcohol spectrum disorders are associated
with an inability to predict the consequences of actions. They are also related to a susceptibility to be influenced by others, an inability to make moral judgements (i.e. to be able to know right from wrong) or to generalise learning from one situation to another. The authors’ recommendation is that children with foetal alcohol spectrum disorders would benefit more from community-based sentences as opposed to a prison sentence. However, in the researcher’s experience, many child offenders in SA are being sent to prisons regularly, even for petty crimes.

Category 2.5.2: Child’s relationships and support

A category that emerged from the data analysis was that participants view a child’s support and relationships as important. The narratives below support this finding:

“Child's relationship with his family, support and authority figures in the child’s life. It's [about] the person he has closest relationship with”.

“So but then we look at what support the child has in family where he lives. I always do an Eco map. Then one can see the relationships and the background. How many brothers and sisters? Does the mother have more than one relationship where more than one child, a child was born…? And then we look at the contact if at the moment there is contact between the parent and the child. If parents died ... who takes care of the child now that the parent is deceased? What is the relationship between the parents if there are parents and care givers”.

“You also want to know about the child’s relationship with the parents”.

“... [Relationships with parents] [e.g., how often does he see his] mom or your dad [and] does [the father live with them] ...?”

As far as the literature is concerned, Holtzhausen (2012:52-54) makes use of an offender Eco map to summarise the family relationships of child offenders.

Further, MacMaster (2010:19) is of the view that gangsterism is a reality for residents in many communities on the Cape Flats in the Western Cape. He asserts that gangs provide an
alternative family structure for many young people who are longing for love, recognition and acceptance. He found that many young boys look for a missing father figure and for brotherhood, and view the gang and the gang leader as substitutes. This is why they become child offenders.

Category 2.5.3: The child’s education/schooling

A very strong category to emerge from the data is that of education and schooling being important to participants. The following quotes illustrate this finding:

“If the child was suspended [from school] and the behaviour and the reasons for why he was previously suspended are important for us. In our assessment we always asked these questions”.

“Then we ask about the child's school where he went before or the teacher's name and if he can remember. Many times we just need the reason he was expelled”.

“We look at what standard is the child when last was the child in school. How he progressed according to the child himself ... what was his progress. Did he fail, which standard did he pass in terms of school”?

“Then school progress. Most of the children they are not attending school. What I would like to know [is] what grade [he is in]. [Is] he still at school; what school and so on?”

The literature also supports this category. Howell (2003:122) asserts that the following risk factors relating to school may lead to child offending, namely: poor academic performance; being chronologically older than other learners in grade; weak bonding to the school; low educational aspirations; low school motivation; and poorly-organized and poorly-functioning schools.

Canadian scholars introduced the notion of responsivity. The responsivity principle asserts that services must be tailored to the client’s learning style, motivation, abilities and strengths in order to establish and promote an effective learning environment. In practice, this requires teachers/educators to provide the child offender with information to learn (e.g. key concepts
and skills) in an understandable manner within the context of the teacher-client relationship (Andrews & Bonta, 2010:49-50).

Davids (2005:21) explains that, in Manenberg, gang violence has become so rife that the local school is surrounded by an electric fence and barbed wire to keep ‘gangsters’ out, and bullet-proof windows protect the few inhabited public buildings. The researcher therefore concludes that, on a ‘macro’ level, environments like these can also be a risk factor and this can lead to child offending.

Category 2.5.4: The child’s gang involvement, peer pressure and CUBAC

It is evident from the data that there is a strong relationship between gang involvement, peer pressure and CUBAC and child offending. This is encapsulated in the narratives below.

Sub-category 2.5.4.1: Peer pressure and gang involvement

It is evident from the data that there is a strong relationship between gang involvement and child offending. This category presented throughout. The following narratives encapsulate this:

“Then it is his involvement in gangs. Then peer group pressure. Then we also find out if he was alone involved or involved with groups”.

“Is he ... belonging to any gang outside? Who is his peers and who does he associate with. Has he had any exposure to Pollsmoor [prison] or any other detention facility? Does he know what the numbers [SA prison gangs e.g. 26, 27, 28] are? Did he get to know what the gang situation is with the gang culture of prisons and stuff like that?”

“The CUBAC (child used by adults to commit crime). I think the information is necessary for the probation officer or so for the court to see if the child was now being abused by adult persons or older children or so”.

“Then peer group involvements. I would like ... to know if he was involved in gangs. Sometimes I will ask what the name is. [And] ... what they do. ... maybe they [are]
Various researchers contend that the rise of gangs on the Cape Flats occurred mainly after the vast removal of people under the Group Areas Act. This has happened in places such as District Six in the 1970s (MacMaster, 2010:10, Davids, 2005:18, Palmer, 2004:16).

Makoko (2005:108) found that gangsters who live in the community where the children are living have had an impact on their lives and have contributed to them getting involved in crime. De Kock (2005:5) concurs and states that “gangsters project a lifestyle of having good clothes and going to parties and this attracts the youth”.

Palmer (2004:16) asserts that juvenile gangs and crime may be the biggest current concern in criminal law enforcement in the Western Cape. The author explains that gangs in the Western Cape have been around for decades and appear to be entrenched in poor and marginalised communities in the Cape as benefactors and role models for young people to aspire to. Pinnock (1997:81) suggests that the effect of poverty and apartheid gangs elicited a teenage response. Hence, gangs offered displaced young people in the poverty-stricken communities in the Western Cape Province a measure of security, identity and a ‘sense of belonging’.

Palmer (2004:51) argues that the Western Cape Province has one of the highest crime rates in SA. The Western Cape has an active gang population of between 80,000 and 100,000 active members. Their influence is growing and their areas of operation are spreading into rural towns. The vast majority of members are Black (generic) young males (Treptow, 2008:1). On the other hand, Howell (2003:69) asserts that girls who are actively involved in gangs become the most serious, violent and chronic of all girl offenders.

Peer group pressure was also a strong category to emerge from the data. This presented throughout. The following narratives illustrate this:

“Then we look at gang, peer pressure and CUBAC. We looked if the child was involved in a gang. If he was in a gang how he was involved in and how long he was involved. How did he operate with the gang? We look at if he has negative friends. What they did together with friends. But they say it is because of their friends why they're here. They would never accept responsibility”.
“Yes, that too, previous detention as well. Also trying to get an idea where the child is at. Is he a gangster is he belonging to any gang outside? Who are his peers and who does he associate with. Has he had any exposure to Pollsmoor [prison] or any other detention facility? Does he know what the numbers [SA prison gangs 26, 27, 28] are? Did he get to know what the gang situation is with the gang culture of prisons and stuff like that?”

“We also look at issues like gang peer group involvement in committing a crime. Most of the boys who are involved with negative friends get involved here by us [CYCC]”.

Farrington and Welsh (2007:80) state that peer influences are a risk factor, which may lead to child offending. In addition, Howell (2003:122) argues that association with siblings and peers who offend, as well as rejection by peers, may lead to violent child offending. This argument is echoed by Makoko (2005:108), who found that peer pressure is a contributing factor in involvement in crime because children lack life skills that can help them cope effectively with peer demands. Their ability to make informed decisions and choices are limited. They are always under pressure to gain the approval of offending friends. De Kock (2005:254) goes further and states that, along with poverty, the influence of friends or the peer group had the greatest influence on children coming into conflict with the law.

Sub-category 2.4.5.2: Children used by adults to commit crime (CUBAC)

A strong category to emerge from the data is CUBAC. The following narratives illustrate this category:

“Sometimes they withhold information, and said it was them only. Were there adults involved?”

“Whether this child committed this crime alone or there was assistance from adults for the child to commit the crime”.

Section 92 of the Child Justice Act (Act 75) of (2008) prescribes the following: “If it comes to the attention of any court official or probation officer that a child has been used by an adult to commit a crime referred to in Schedule 1 or 2 of the Criminal Procedure Act (Act No 51) of
(1997), that adult must be reported to the South African Police Service for the consideration of a prosecution as provided for in Section 141(1)(d), read with Section 305(1)(c), of the Children’s Act (Act No 38 ) of (2005) , and the fact of the adult’s involvement must be taken into account when determining the treatment of the child in the child justice system”.

According to Frank and Muntingh (2006:15), children can be directly involved with adults in conducting crime. A range of examples were provided by the children in their study pertaining to direct engagement:

“They get young children to go through windows. Drug dealers use youth to sell drugs. They give guns to you to do the job – then they get half the money. You do it together, smoke and then break in. They wait outside and you must go in. The adults help to do things that you can’t do: they drive cars when you want to carry things. My uncle who is a gangster asked me to bring some of my crew to do some things for him. They are lazy to get jobs and then influence children to commit crimes. The big guys send the small ones in because they don’t want to be identified. Maybe he already has many dockets against him. Adults are afraid to get their hands dirty. They pay kids off to do things. Drug lords sell drugs on corners – they encourage kids – use kids to keep watch. Some parents force their children to sell themselves”.

Additionally, Frank and Muntingh (2006:16) found that children can also be indirectly involved with adults in conducting crime. A range of examples were provided by the groups in their study describing indirect engagement:

“Parents say, ‘if you are a man, you will do this’ – the children want to do this to impress their parents. Older people influence boys who like school – they tell them that you are not a man, they call them moffies, they say, ‘join me in the gang’. An adult was telling me that it is easy to do crime. Adults influence you – they tell you where to find the things to steal and what to do with the things. Drugs – if you need the dagga (marijuana) then you will steal to get it – but the adults are the ones that you must take the stolen goods to and they will buy it. They say to you, go and get me the speakers when you bring the DVD.”

In terms of the National Policy Framework to the Child Justice Act (2010:Section 3), a
probation officer must also express a view on the criminal capacity of a child between 10 and
14 years as well as enquiring whether an adult has used a child to commit the crime. In other
words, the probation officer must conduct an assessment and come up with appropriate
recommendations to the court.

Category 2.5.5: The child’s substance abuse

It is evident from the data that there is a link between substance abuse and child offending:
The narratives below support this finding:

“And there are also [the] drugs type he use, and any behaviour he displays. Once
especially when he comes when he is drugged, he will of course then on his own detox
or he will be helped by the sister [Professional Nurse]. With admission we do not have
specific detoxing drug or treatment by us”.

“The nurse will also make referrals. As the child's sees us if you assess the child. Have
there been any signs of the child and we see if the child says he used drugs when last
used and for how long used it. We also do assessments about those and then if we feel
the child should be referred for sister that the child is under the influence was highly
influence with 'tik' [drugs] and so on”.

“The other issue that we really look at is internal risk factors to the child. We look at
issues like substance abuse whether substance that he use then we take that information
it is either maybe he use tobacco dagga or any substances that he used when he was in
the community”.

Drug abuse, linked to drug syndicates, is another factor that leads children to engaging in
criminal behaviour – they want to obtain a constant supply of drugs for selling and using
(Makoko, 2005:108). Rossouw (2009:183) concurs and found that many of the crimes
committed by the young people were drug-related either because they were under the
influence of drugs when they committed the crime or because they committed the crimes as a
means to obtain drugs. It is the researcher’s experience that drug misuse plays a major role in
South African children becoming involved in child offending.
Category 2.5.6: The child’s emotional and mental health history

Another category to emerge from the data was that of a child’s emotional and mental health history. This presented throughout. The following verbatim quotes support this finding:

“And therefore we assess mental capacity”.

“We definitely look at mental health”.

“When you do a risk assessment, it’s important to look at the psychological needs of the client”.

“I think also regarding children we speak to a child ever try to commit suicide had a how does a child deal with his emotions in terms of anger?”

“If there is a need of referral ... we found in our assessment the child will be referred to appropriate services for maybe for services we don’t have here things like psychologist”.

In terms of The National Policy Framework to the Child Justice Act (2010:20), it is the Department of Health’s responsibility to provide mental health facilities for children who are referred here for observation, or who are declared as State patients because of a mental health challenge.

Howell (2003:47) and McCarthy et al. (2004:18) agree that the majority of boys first became antisocial during their adolescence and a few demonstrated antisocial behaviours in early childhood. It is estimated that about 5 per cent of boys show antisocial behaviour that persists over the life course. Life course-persistent male offenders were more likely to come from families in which there was a high degree of conflict. Moreover they tended to have weaker attachments to their families, poorer reading ability, lower IQs, were more likely to be hyperactive or inattentive, and tended to have lower self-esteem.

On the other hand, McCarthy et al. (2004:18) states that girls seem less likely than boys to have contact with risk factors, and the Dunedin Study indicated that girls had lower rates of
nervous system dysfunction, difficult temperament, late development, hyperactivity, learning disabilities, reading failure and childhood conduct problems. Girls were also less likely than boys to become life course-persistent offenders. Early puberty and being at a co-educational school increased this likelihood.

Furthermore, Howell (2003:66) posits that adolescent girls with conduct disorders are more at risk than boys for anxiety, depression, substance abuse and possible suicidal behaviour. However, Howell (2003:68) argues that during childhood the depression rate is about the same for girls and boys and depression may be a central pathway through which girl’s behaviour develops. This may be an antecedent to child offending.

Category 2.5.7: The child’s crime involvement and behaviour

It is evident from the data that a strong relationship exists between the child’s involvement in crime, risky behaviour and risk assessment, The narratives below encapsulate this finding:

“… The criminal history for me is important”.

“Check whether a child's first offence. We look if it is a second offence is it the same type of crime that he committed or something else compares the two. If it is the same crime was he involved with other children or with the same children?”

“Previous detention as well including also trying to get an idea where the child is at is he a gang is he belonging to any gang outside who is his peers and who does he associate with has he had any exposure to Pollsmoor or any other detention facility? Does he know what the numbers are did he get to know what the gang situation is with the gang culture of prisons and stuff like that?”

Several longitudinal studies have tracked children over time and assessed which factors in their early lives are most closely associated with their subsequent behaviour. One of the most influential British studies is the Cambridge Study in Delinquent Behaviour, which followed 411 males from the age of eight until their mid-forties (Muntingh & Gould, 2010:3). This study found that those children convicted at an early age tended to become the most persistent offenders. Offenders were also more likely than non-offenders to be involved in problem
behaviours that include drug taking, alcohol abuse, gambling and indulging in irresponsible sexual practices (Farrington & Welsh, 2007:26-27).

According to Andrews and Bonta (2010:161-162) as well as Howell (2003:50), the six most important predictors of future offending in eight-year-olds are: antisocial behaviour in childhood (the best predictor); hyperactivity and attention deficit disorder; low intelligence and poor school attainment; family criminality; family poverty; and poor parental child-rearing behaviour.

In the researcher’s experience, young children - for example street children who start off with petty crimes - later become persistent and life-long criminals if effective intervention does not take place at an early stage.

Category 2.5.8: Previous admittances

A very strong category to emerge in this study was the child offender’s previous admittances to a CYYC. Children who reoffend need special interventions or treatment. It is the researcher’s assertion that reoffenders emphasise the need for a standardised tool. This finding is encapsulated in the following narratives:

“*We also look if a child was previously admitted in an institution and whether he is on the system. We have the CYC [electronic data] system ... where the movements can be followed. He can also tell us if he was here before*”.

“*His previous convictions because he will not tell you the truth. He will minimise his previous institutional care*”.

“*That gives you an indication [whether] he is a first offender [or] ... a multiple offender [and] how far he is in the system...*”

According to Burman et al. (2007:7), programmes informed by cognitive-behavioural models are preferred in the UK. For example, probation and child justice in England and Wales use cognitive-behavioural programmes for a variety of child offending types, such as persistent offending and sexually aggressive behaviour.
Gxubane (2008:12) warns that some probation officers, especially new practitioners, may merely perform the administrative tasks of the courts as outlined in the Child Justice Act (Act 75) of (2008). This is a situation that needs to be carefully monitored and managed by supervisors, and the necessary training support and guidance should be provided.

Category 2.5.9: Previous interventions

Another strong category to emerge from the data is that of the child’s previous interventions. This is illustrated in the following narratives:

“... His previous interventions in child and youth care”.

“It is very important to understand the previous interventions that have been given to the child”.

“Previous intervention is important”.

“We also look at the previous or repeated intervention in the child himself. Whether is it the first offender is it the second offender has he ever been exposed to social work intervention before. Ok. That will inform our interventions also in the situation”.

The literature confirms this finding. According to Gxubane (2008:12), the function of assessment is to inform and guide therapeutic interventions that will help the child offender to avoid coming into conflict with the child justice system again. The author explicates although probation officers may not be in a position to provide the rehabilitation services themselves, they need to be aware of various services and programmes and refer child offenders to the appropriate one/s.

In this study, previous intervention refers to previous social work intervention. In SA this can refer to intervention by the DSD or by private welfare organisations such as Child Welfare. Regarding repeat admissions to a CYCC it is the researcher’s experience that it is generally the case that a child is either a child in need or is becoming a reoffender.
Category 2.5.10:  Child’s risk of absconding

A very category to emerge from the data was the risk of absconding. The following narrative encapsulates this finding:

“We see if he previously was with us and whether he is a risk of absconding. We will as soon as possible for the court says it is a risk of absconding and if he ... cannot be detained by us. Sometimes we can recommend that he be detained at Horizon where the risk of absconding is less”.

The Child Justice Act (Act 75) of (2008), Section 29 provides:

“4) Where the information referred to in sub-section (3) is, for any reason, not available, called into question or no longer current, the presiding officer may request the functionary responsible for the management of a child and youth care centre to furnish a prescribed sworn statement in respect of:
(a) the availability or otherwise of accommodation for the child in question; and
(b) all other available information relating to the level of security, amenities and features of the centre.”

In the researcher’s experience, problems have developed in the past within the system, with child and youth care workers going on strike and children absconding in great numbers from places of safety. The reason why the risk of absconding is important is that, when this happens, the court case cannot be concluded. Also, in the researcher’s experience, most of the child offenders who absconded from a CYCC reoffend.

Category 2.5.11:  Children’s Rights Approach

The last category to emerge from the data was that of participants having embraced a children’s rights approach. The following narratives support this finding:

“With orientation children rights are briefly mentioned what is going right? They get also explain what responsibilities goes with the rights. Later with orientation programs, the rights are explained in more detail so that they are more able to understand. We
hold local meetings Monday climate meeting with them and there also rights are
discussed”.

“Yes, if the child asked for Legal Aid. We have the Child Protection Project. I usually
facilitate and then SA legal Cape Town Justice Department to offer programs. As for
this year I took the [topic] child's right and responsibility within the legal system. This
year we had Legal Aid, Stellenbosch, SA Legal is the new name. They come to our
[institution and] specially focused on the new CJA. They role played the Preliminary
Inquiry for the children. So that children can understand those concepts. Then the
children can ask questions in terms of how it works and how to work. Children who
struggle then link also with Legal Aid lawyers”.

The literature supports this category. The National Policy Framework to the Child Justice Act
(2010:14) prescribed that the police must explain to the child offender and the child’s
parent/guardian/appropriate adult that the child offender has a right to legal representation
and, if the family does not have their own legal representative, then Legal Aid SA will assign
a legal representative to the child. The police must inform the nearest Legal Aid SA office
that they have arrested a child who requires or has requested legal representation.

In terms of The National Policy Framework to the Child Justice Act (2010:19), Legal Aid SA
has the following responsibilities:

- According to the Child Justice Act 2008 (Act 75) of (2008), all children in
  conflict with the law are entitled to legal representation and children cannot
  waive legal representation when appearing before a child justice court;
- The legal representative should allow the child, as far as possible to give
  independent instructions regarding the case, explain the child’s rights and
  duties and promote diversion, where appropriate, without unduly influencing
  the child;
- To assist the child at a preliminary inquiry and with negotiations regarding
  diversion;
- To ensure that the assessment, preliminary inquiry, trial or other proceedings
  in which the child is involved, are conducted without delay and deal with the
  matter in a manner to ensure that that the best interests of the child are at all
times of paramount importance;
• To assist the child in plea proceedings and trial matters, and where necessary in appeal or review procedures; and
• To appoint (subject to the provisions in the Legal Aid Guide) a legal representative to assist the court if the child refuses legal representation, does not wish to have a legal representative or declines to give instructions to an appointed legal representative.

In the researcher’s opinion, SA has come a long way in terms of developing and adopting a child rights approach, philosophy, policies and ways of working. The Child Justice Act (Act 75) of (2008) was implemented with effect from 1 April 2010 and, apart from other approaches, also represents a definite rights-based approach to children in conflict with the law.

3.5 SUMMARY

In this chapter, the research findings related to Themes 1 and 2 have been presented. First the researcher provided the demographic data of the probation officers and social workers who participated in the study. An overview was then presented of the four themes with related sub-themes, categories and sub-categories, all of which emerged during the data analysis processes. Two of the four themes, with their accompanying sub-themes, categories, sub-categories and complementing storylines from the transcripts, were subjected to literature verification.

The first theme presented the views and opinions of social workers in their daily professional lives when conducting risk assessments of child offenders. This was carried out according to five sub-themes:
• goal of risk assessments;
• children assessed for risk;
• risk assessment instruments used;
• tools within tools; and
• approaches that are used as well as sources of information being used for the risk assessments.
The second theme presented the perspectives of social workers when conducting risk assessments of child offenders in their daily practice. This was done using five sub-themes, namely:

- admission circumstances;
- the child’s family;
- the child’s home situation;
- the risk factors in the home situation/family; and
- the child.

De Kock (2010:76) succinctly summarises the aforementioned as follows: “The at-risk factors are multiple, varying from economic deprivation, child rearing practices, unemployment, the school environment, stress, social isolation as well as the relationship between these factors. Factors such as child rearing practices, parenting skills, relationships, substance use and peer pressure include young people from all walks of life and socio-economic status”.

The purpose of assessment is to determine suitability for sentences, interventions or services; to ascertain the likelihood of reoffending; to assess if a child is likely to commit further offences causing harm as well as serious harm to the public or self; to assess if a child is likely to self-harm; and to ascertain if a child will be harmed by others.

Concerning sentencing of child offenders to a CYCC, it was found that in the main those social workers working in CYCCs expressed opinions about this new phenomenon. As this is a new concept, no in-depth discussions took place. Regarding ‘diversion’, it was found that all participants understood the importance of this concept and embraced the idea of working towards the diversion of children away from the criminal system.

All participants embraced a children’s rights ethos. Since the CJA became law, more children are placed by the children’s court at a CYCC. This is a new challenge for staff in general. The probation officers did not comment on the placing of children in CYCCs however, but did view the children’s court report as cumbersome. Social workers confirmed that many children reoffend and it feels, at times, that ‘nothing works’.

All participants still viewed the social interview as the most important tool with which to
conduct a risk assessment of child offenders. A variety of standard forms were used such as Care Plan, IDP and the Probation Officer’s report. The researcher opines that the time has come for probation officers to conduct risk assessments with the assistance of a standardised instrument.

All participants viewed the newly-developed probation officer report as a step in the right direction. However, they developed an insight into fact that their risk assessment of child offenders is biased and depend on the personal style and assessment of the individual social worker.

The participants were ambivalent about whether or not they were assessing the concepts as high-, medium- and low-risk. However, all participants developed an insight into the importance of assessing child offenders as low-, medium- or high-risk of reoffending, risk of harm to others, and risk to themselves.

Surprisingly, only one social worker observed that there is no acknowledgement of the concept of Ubuntu within the risk assessment of child offenders.

The social worker that works in the orientation dormitory in a CYCC plays an important role in the pre-admission assessment of child offenders.

All the participants viewed the assessments from schools/educators as very important when they conduct risk assessments of child offenders. Reports from other disciplines or professions were viewed as important and were incorporated in their risk assessments of child offenders. Participants viewed the child’s family composition and family background as important factors when they conduct risk assessments of child offenders. The child’s physical and mental health, housing, employment and risk factors are considered when social workers conduct a risk assessment of child offenders. Surprisingly, only one probation officer referred to the fact that poverty contributed to child offending; the majority of participants referred to family factors, gang involvement, drug abuse, the housing situation and abuse within the family. The researcher therefore concludes that participants focused on the ‘meso system’ and not on the ‘macro’ level when providing their answers. Social workers agreed that CUBAC, gang involvement and peer pressure are important risk factors that must be used when conducting a risk assessment of child offenders.
Both court documents and documents from the police remain important tools that probation officer use when they conduct a risk assessment of child offenders. Court documents can assist probation officer with the offence analysis and police documents can assist with assessing the risk a child offender poses.

The following chapter focuses on the two remaining themes that emerged from the data analysis process, namely opinions on current risk assessment instruments and suggestions on the risk assessment of child offenders.
CHAPTER 4

REPORT ON THE RESEARCH FINDINGS AND LITERATURE CONTROL PERTAINING TO OPINIONS AND RECOMMENDATIONS REGARDING RISK ASSESSMENT INSTRUMENTS

4.1 INTRODUCTION

This chapter continues reporting on Theme 3, regarding the opinions of the participants about the gaps in the current risk assessment process, and Theme 4, regarding recommendations about future risk assessment instruments (See Table 3.2, Chapter 3, pp. 81-88 for the overview). The themes, sub-themes and categories identified are supported by direct quotes from the interviews. The researcher then supports these findings with a literature control and ends the chapter with some conclusions.

4.2 RESEARCH FINDINGS RELATED TO VIEWS ABOUT CURRENT RISK ASSESSMENT TOOLS AND SUGGESTIONS FOR IMPROVEMENTS

4.2.1 Theme 3: Opinions on current risk assessment instruments

The following discussion focuses on the participants’ opinions about current risk assessment tools such as the probation officer’s tool, the IDP and the Care Plan, referring to the strengths and weaknesses of each tool. Opinions on the need for new instruments are also discussed.

4.2.1.1 Sub-theme 3.1: Opinions on probation officer assessment tool presently used

The two sub-categories to emerge from the data related to weaknesses that participants identified in the current probation officer assessment tool. This was that it is too lengthy and does not focus on South Africa’s unique circumstances.

Category 3.1.1: Positive opinions on probation officer assessment tools presently used

The data analysis in this study also revealed positive viewpoints about current assessment tool
used by the probation officers. The narratives below support this finding:

“What I found, is that, the current assessment tool is fine …”

“I think it's an improvement on what we previously had what is good ... His crime history is there, and also quite comprehensive about his circumstances”.

Although participants provided positive opinions about the current assessment tools used by probation officers, it is the researcher’s contention that South African social work still needs to develop a standardised risk/need assessment in order to conduct a scientific assessment of child offenders.

Category 3.1.2: Objections on probation officers’ tools used.

Some participants raised objections pertaining to the probation officers tools presently used as described below.

Sub-category 3.1.2.1: Too lengthy

Some participants felt that the current probation officer assessment tool is too long. This is illustrated by the following narratives:

“I say we work with mass production and it's too fast. We ... cannot always read the forms and information. It’s a bit long and the probation officer [now] sits about an hour with a child. Previously you could have completed a form for the longest, half an hour. The new form it's biased and it's an hour form. The [form] can have the information but it can be more impact”.

“Speaking of probation officers, I know that one of their arguments have been in the past that our assessment tool (they see a lot of boys) takes too long to go through the forms”.

“I use the new form as prescribed. According to me the new form is too long... We are too busy to fill out the form”.
“The form is just very cumbersome.... it is so time-consuming.... it takes easily a three-quarter hour or longer to complete”.

Due to the fact these assessment tools were only recently developed and have only been used since 2010, the researcher could not locate literature relevant to these findings.

Sub-category 3.1.2.2: International focus

This category includes critique on the instrument, because it is not being locally developed. This resulted in key aspects not being included, as well as dishonesty. This category is illustrated by the narratives below:

“...we do not currently work with South African tools. We work with foreign tools that do not work. We that apply it also prove that it does not work. People scheme, lie and cheat to complete the forms”.

“So with a set of structured questions sometimes we forget to ask the clients what is the biggest obstacle right now in your life. And I think that’s one of the things we must look at”.

“There is not really a focus on risk factors. In the form are superficial questions”.

“There are gaps in it. The gaps I mentioned is the criminal history and many little things that I feel are applicable mainly for us”.

“... I think it can it [be]... greatly improved”.

The aforementioned critical opinions of participants need to be taken into account by South African policy developers and academics. In relation to the literature, Van Der Merwe and Dawes (2007:1-2) agree with the finding that there are gaps in local knowledge about youth/child risk assessments and recommend that future research efforts be dedicated towards testing and developing local instruments.

It is the researcher’s experience that, in relation to risk assessments of child offenders, South
African social workers do not work with contextual tools. However, they work with adapted versions of international tools that have been developed in the Western World.

4.2.1.2 Sub-theme 3.2: Opinions on the IDP

The following discussion focuses on the sub-theme of the participants’ opinions on the IDP referring to strengths and weaknesses of this tool.

Category 3.2.1: Positive opinions on the IDP

It is evident from the data that some participants have positive views about the IDP. The following narratives support this finding:

“*I would say that the IDP is a good thing but ...***”

“*I see [the IDP as a tool to use] ... when you finish your assessment and then, then you ... assess basic development needs. You see what the strengths of the child are. You will also look at [his] what is so distorted in terms of those four items: the Sense of Belonging, Generosity, the Mastery and Independence. Because that is going to help, it can also give you an indication but basically these are a focus on what and who helps you to address the development need***”.

“*...one of the tools that we are also using is called the development plan [IDP]. It is a good plan but I don’t think, I think it might work perhaps at a district office level ...***”

Rossouw (2009:243) found that 88 per cent of her study’s participants were of the opinion that the development of IDPs for learners is in the child’s best interests, and that 86 per cent of the participants felt that the IDP makes it easier for team members to help learners. In addition, when asked whether participants were aware of their roles in the implementation of the IDP, 65 per cent of her participants confirmed they have been aware.

Category 3.2.2: Objections concerning the IDP

It is evident from the data that some participants have raised objections regarding the IDP.
This related to issues that it is time-consuming and that it is a paper exercise, among other things.

Sub-category 3.2.2.1: The IDP takes too long to complete

The participants opined that the IDP takes too long to complete.

The following narratives illustrate this sub-category:

“They say you can complete an IDP within three days, which I do not believe. It's impossible.”

“IDP, but it takes an awful long time to complete”.

The literature seems to agree with these findings. Loffel (2007:307) states that the paperwork that is associated with both the development and the review of the IDP is time-consuming. She explicates that social workers complain of being unable to complete paperwork within timescales.

Sub-category 3.2.2.2: The IDP is a paper exercise

Four participants viewed the IDP as a paper exercise. It is evident from the data that some participants have strong feelings pertaining to the IDP and boldly expressed the view that the IDP is a paper exercise. In this study all this participants worked at a particular CYCC. However, when the researcher went back to try to clarify their viewpoints all four participants did not respond.

The following narratives illustrate their viewpoints:

“I say that specifically IDPs do not work for us here. I would say it is only a paper exercise”.

“And also IDP for me has become a paper exercise, right”.

“IDP, that is the Independent Development Plan, is in my view a paper exercise it just
flows out of the system”.

“... my personal opinion of the Strength-Based development is I don’t think it’s been thought through. I think, we didn’t have real input on this thing, because I don’t think it is appropriate for facilities. For instance, if you look at belonging there’s a part where the parent must be part. Some of the boys don’t even live in the area ... they stay in, say Laingsburg, how do you get the parents here ... you know ... So you can’t do a proper IDP”. “So ja [yes], basically the IDP you creating expectations that you cannot fulfil”.

“You get instances where the childcare worker must be part of this program. That childcare worker is not motivated to take the boys to a program or initiate a program on what the boys are... doing. And once again ...the IDP is going to be fraught, right? That is why I say the IDP is a paper exercise.”

“That's the plan that we in terms of the policy with a child should do, but we have frustrations. We can draw it up but we cannot execute it because there are not a lot of choices for the child. That is why I say the IDP is a paper exercise”.

One participant continued by stating:

”... I also want to add is that internally we are recording movement of children through the system that is very fast. And the children come and go very quickly. It also affects our IDPs that we are supposed to do. We cannot do it, and it affects our social work service delivery. One social worker has two dormitories where movement is fast. It would be ideal if a dormitory with 21 children has a social worker per dormitory. Then a better service to the children and the parents can be delivered.”

The literature consulted does not agree with the above finding. Rossouw (2009:74) asserts that each learner must have a written individual development plan (IDP) developed within three weeks of placement and is in the context of the broader care plan. Also the IDP needs to be reviewed at least every eight months in terms of the Western Cape Education Department: Specialised Education Support Services Minimum standards for special education services for learners manifesting, or at risk of experiencing emotional and/or behavioural difficulties (2004:21). The researcher’s view is that those who are still in placement after 8 months
should be reviewed and those who leave the CYCC earlier should be given a progress report.

Sub-category: 3.2.1.3 Other objections

It is evident from the data that some participants have raised objections regarding the IDP. This included the fact that the IDP creates expectations that the social workers cannot fulfil; that the movements of child offenders are too fast; that parents are living far from the CYCC; that there are gaps in the IDP; that child and youth care workers are not willing to engage in the development of the IDP; and that CYCC do not have enough programs. The following narratives support these facts:

“I also want to add is that internally we are recording movements that are very fast. And the children come and go very quickly. It also affects our IDPs we supposed to do. We cannot do it, and it affects our social worker service delivery”.

“IDP ... Some things are not in place. Can I give you an example? A child likes to play tennis. You do not have a tennis court here. He cannot learn to play tennis so I cannot help him in his tennis. So I just give him what is here. So basically it's not really the child's IDP, child's developing needs. I work only with what is available here.”

“There are gaps in it. The gaps I mentioned is the criminal history and many little things that I feel are applicable mainly for us.”

“... my personal opinion of the Strength-Based development is I don’t think it's been thought through. I think, we didn’t have real input on this thing, because I don’t think it is appropriate for facilities. For instance, if you look at belonging there’s a part where the parent must be part. Some of the boys don’t even live in the area ... they stay in, say Laingsburg, how do you get the parents here ... you know ... So you can’t do a proper IDP”.

“So ja [yes], basically the IDP you creating expectations that you cannot fulfil”. “You get instances where the child care worker must be part of this programme. That childcare worker is not motivated to take the boys to a programme or initiate a programme on what the boys are... doing. And once again ...the IDP is going to be
Rossouw (2009:188) concludes that all team members must strive for the goals contained in the children’s IDPs. This new way of working can be time-consuming and emotionally draining for the team members, given the nature of the longstanding challenging behaviour with which the child offender presents. It calls for persistence, patience, understanding, commitment and caring on their part to address the needs of children who are mostly filled with anger, fear and pain and, due to past experiences, are mistrustful of adults.

In the researcher’s experience the IDP is an important document that social workers in SA complete for all clients that they assess. However, it is an individual development plan which is partly used to assess service users holistically and not a risk assessment tool.

4.2.1.3 Sub-theme 3.3: Opinions on the Care Plan

In this section the focus is on the strengths and weaknesses of the Care Plan.

Category 3.3.1: Strengths regarding the Care Plan

The data analysis indicated that some participants identified certain strengths in the Care Plan. The following narratives from the interviews support this:

“The [Care Plan]. It is not so rigid”.

“I am fine with the questions that are in our Care Plan”.

The work of Miller (2004:17) concurs with the above. The Therapeutic Team at Boys Town developed a Care Plan. The aim of the Care Plan is to develop lifelong relationships within the family or with appropriate alternatives, and reintegrate the children into the community within the shortest possible timeframe. At Boys Town, the Care Plan is drawn up within six weeks of the boy entering the project. Issues may arise if no reunification is possible, in cases where parents have died and there are no other family members, or because the boy in question has come from another children’s home and the children have lost contact with the family. In these situations, foster parents or host parents are sought (Miller, 2004:17). The
researcher is of the view that Boys Town adheres to best practice by looking for foster parents or host parents.

Category 3.3.2: Weaknesses of the Care Plan

The data analysis indicates that participants identified certain weaknesses regarding the Care Plan. The narratives below illustrate this finding:

“When we do the assessment of the Care Plan, many times we get so stuck in how structured our questions are. ..., and sometimes we forget to ask the client ... why he’s here, for you look at his family and you look at this, but then you forget to ask him, what is your immediate need?”

“That's my problem. It's a Care Plan and every place has its own Care Plan”.

“We have changed our previous form [Care Plan]. Where we also ask more information about the child's rights. We previously asked whether the child has a lawyer or has legal aid. It is not in the new form included and it also becomes part of the further services to be provided. But I would also want [it] to form part of the form”.

“But as I said the Care Plan and the IDP is forced down on us”.

“As I explained to you before about the IDP yes it is the same. But it's a different name...I see it's almost like a mini IDP”.

The literature does not agree with the above findings. Rossouw (2009: 74) asserts that each learner must have a Care Plan based on a developmental assessment by at least two multidisciplinary team members (Western Cape Education Department: Specialised Education Support Services Minimum standards for special education services for learners manifesting, or at risk of experiencing emotional and/or behavioural difficulties 2004:19). The researcher is of the view that, although the Care Plan is forced down upon probation officers, no evaluation research has been conducted to assess the value of the document pertaining to risk assessments of child offenders.
The following section discusses the final sub-theme, namely ‘opinions on the need for a new assessment instrument’.

4.2.1.4 Sub-theme 3.4: Opinions on the need for a new assessment instrument

The participants provided various opinions pertaining to the need for a new assessment instrument. The narratives below encapsulate these views:

“First I think uniformity is important that all have the same form to fill out. And it is not currently so I would have research it first. If it comes from overseas or from any side whatsoever, research must be done in South Africa”.

“New tool is very much needed”.

“... I think it can the current plan can be greatly improved. I think a new tool is needed”.

“I think that would help because already I have seen that for external social workers [probation officers] there is a tool which stems from the Child Justice Bill [Child Justice Act (Act 75) of 2008] and I think it could help also if we could have a form that could inform ourselves in all the facilities. So then we can work in the same way. You understand, because on the other hand that could be developed not this form that we are having now”.

“Ok vir my is dit belangrik wanneer as ons nou as daar ‘n instrument ontwikkel word ... dat dat almal dieselfde tool gebruik”.

“I feel it is very important because when we are going to develop a new tool we should hear others’ opinion what we must add”.

“Ek dink dit is baie nodig dus rêrig ‘n ‘need’ en soos jy genoem het van die lae risiko, hoe risko en medium risiko daai tipe so daar is ‘n ‘need’ dat ‘n mens kan kyk wat is ook relevant”.
“Ek dink, ‘n mens moet meer kompakte instrumente wat spesifiek fokus daarop wat dit sal jou lei om dit hoe die kind aanspreeklik wat is die risiko vir die oortreding. Dit sal ‘n mens help om akurate assesserings te doen”.

All the participants in this study were of the view that a new tool is needed. In relation to the literature consulted, Andrews and Bonta (2010: 340) explain that there is a link between the development of a new tool and what is described in the literature as the ‘what works’ movement. The ‘what works’ movement has been highly influential. Influenced by cognitive-behavioural approaches, ‘what works’/RNR programmes are aimed at securing behavioural change by exploring the links between cognition and behaviour, and by enabling offenders to develop and build their thinking skills and behavioural repertoire (Badenhorst & Skelton, 2011:40). South African researchers assert that more rigorous scale/tool/instrument development projects, validation studies and coordinated research efforts are needed to collect the necessary evidence to standardise instruments locally (Roestenburg & Van Breda, 2003:5).

Internationally, social workers have developed a variety of standardised scales over many years to suit different purposes (Baker, 2004, Van Breda, 2004, Du Toit, 1998). According to Van Breda (2004:1), if and when social workers endeavour to measure the effectiveness and impact of their work, they often turn to the various standardised scales that are available in the country and organisation that they are practising within. Examples of such scales include the following: the Heimler Scale of Social Functioning (Heimler cited in Van Breda, 2008:1); the Psychosocial Functioning Inventory developed by Faul (cited in Van Breda, 2008:1); Asset, the child offending tool used in England developed by Baker (2004); and the Military Social Health Index developed by Van Breda (2008:7). However, Van Breda (2008:1) asserts that in SA, with its extreme cultural diversity, scales that have been developed in the West - especially in the USA, Canada and United Kingdom - are often not suitable for use with the majority of South Africa’s social work clients. The author explicate that the majority of these scales have not been developed for multicultural use. Andrews and Bonta (2010:328) confirm that, internationally, the majority of risk assessment tools are in electronic format and are standardised. One example is Du Toit’s (1998:27) electronic tool called ‘‘MIKE’’ developed for the Department of Correctional Services.
4.2.2 Theme 4: Suggestions for risk assessment of child offenders

The following section discusses the theme ‘suggestions on risk assessment of child offenders’. This includes discussions on the following sub-themes: ‘suggestions for the development of a new assessment tool for assessing the risk of child offenders’, ‘questions to be included in a new assessment tool for assessing child offenders’ and ‘suggestions on the development and implementation of a new risk assessment tool for assessing child offenders’.

4.2.2.1 Sub-theme 4.1: Suggestions for the development of a new assessment tool for assessing the risk of child offenders

The following section discusses the sub-theme ‘suggestions for the development of a new tool for assessing the risk of child offenders’. This includes discussions related to the following categories: ‘the new tool should be standardised’ and ‘the new tool should be shorter in order completed rapidly’.

Category 4.1.1: The new tool should be standardised

One category to emerge from the data analysis was that a new tool should be standardised. The following narratives illustrate this finding:

“New tool is very needed. It will serve as a guideline. I am aware that internationally there are many tools available. Important points are sorted [internationally]. High risk children should be better assessed. We require a standardised form but not too complicated”.

“First I think uniformity is important that all have the same form to fill out. And it is not currently so”.

“I think a standardised form must be developed.”

“It is something that we as a country are creating a standard thing that is a quality thing that could applied by everybody in SA”.
“I think we could look at developing a standardised tool. If this could help to better assess children then I am all for it.”

“Yes it must be a standardised tool”.

“Ek dink dus ‘n taamlik omvattende assessorings vorm maar dus baie subjektief dus nie so wetenskaplik nie en dit kan ‘n mens eerder as dit meer gestandardiseerd is meer akkurater wees”.

The literature supports this category. Andrews and Bonta (2010:46) assert that assessors must “employ structured and validated assessment instruments”.

The Youth Level of Service/Case Management Inventory (YLS/CMI) is an example of a standardised risk/need assessment tool. It is a quantitative survey of the attributes of offenders and their situations, relevant to the level of supervision and treatment decisions for persons aged 12 to 18, and are used widely in Canada, Australia, New Zealand and the UK (Andrews & Bonta, 2010:328). As outlined in Chapter 1, the other tool is Asset.

Further, Zinger (cited in Andrews et al., 2006:21-22) asserts that “failure to conduct actuarial risk assessment or consider its results is irrational, unscientific, unethical, and unprofessional”.

McCarthy et al. (2004:44) provide the following definition for standardisation: “A scale might be reliable and valid, but still be of limited use, if it has not been standardised. Standardization results from testing a measure on a large number of people. The number required varies depending on the complexity, but is usually over 200, and preferably more than a 1000. More cases are needed if responses to a measure are expected to vary by gender, age, social class, cultural background, geographic location, etc., in order to be sure that enough people in each sub-group are included”.

Category 4.1.2: The new tool should be shorter in order to be completed rapidly

A category to emerge from the data was that the new tool should be shorter. The following narratives support this finding:
I think it should be more compact instrument specifically focus on them [child offenders], which will lead you to how the child who is at risk of offending. It will help a person make accurate assessments”.

“The turnover of child offenders [Western Cape] are high. Very high turnover, work needs to be completed rapidly. I think the current Assessment tool [probation officer’s report] should be made shorter and if they develop a new tool then it must be a short tool so that we can complete it quickly”.

“Ek dink ‘n mens moet meer kompakte instrumente wat spesifiek fokus daarop wat dit sal jou lei om dit hoe die kind aanspreeklik wat is die risiko vir die oortreding. Dit sal ‘n mens help om akkurate assesserings te doen”.

No standardised instrument exists with which to conduct a risk assessment of child offenders. All participants in this study referred to the probation officer report in terms of Section 40, Child Justice Act (Act No 75) of (2008) assessment form as their risk assessment tool.

It is the researcher's assessment that South African probation officers work under extreme pressure due to high caseloads and the added responsibilities imposed on them by the Child Justice Act (Act No 75) of (2008). Therefore, the researcher would argue that a valid, reliable, quick, easy and relatively inexpensive tool should be developed for social workers and probation officers to assess the risk/need of child offenders in SA.

4.2.2.2 Sub-theme 4.2: Questions to be included in a new assessment tool for assessing child offenders

Viewed cumulatively, the extracts show that participants are generally in agreement that the questions currently contained in the probation officer’s report, in terms of Section 40, Child Justice Act (Act No 75) of (2008), are needed. Therefore, these questions should be included in a new form. Furthermore, it is suggested that the following questions and concepts must be added:

- High risk/medium risk/low risk of reoffending;
- High risk/medium risk/low risk of harm;
- Gangster language; and
Addresses of girlfriends/friends where the child lives.

The above is evidenced by the following direct quotes:

“Bende taal moet vervat word in die nuwe instrument. Fanagalo moet vervat word in die nuwe instrument. Alle kulturele groepe moet na gekyk word in die nuwe instrument. By Swartes moet met alle groepe gepraat word”.

“Vorm behoort adres meer plek vir adresse te maak. Kinders leef byvoorbeeld by sy meisie dan by sy pa dan die auntie”.

“... ja ek ‘n mens sa ‘n mens sal kan want as ‘n mens daai asseseer dan het jy al ‘n idée en ons sal sê 60% of 70% van ons kliente is al reoffenders”.

“...most of the questions within the Care Plan, IDP should be in a new tool”.

The present research revealed that participants are in agreement with the content of the PGWC Probation Officer report in terms of Section 40, Child Justice Act (Act No 75) of (2008) assessment form. They recommend that all the questions should be included in a future risk/need assessment tool. Upon reading the literature i.e. Burman et al. (2007:4), it seems that the Youth Level of Service/Case Management Inventory (YLS/CMI) Canadian tool and the assessment report of children in conflict with the law - in terms of Section 40 of the Child Justice Act 2008 (Act No 75) of (2008) probation officer’s ‘tool’ - contain many of the same ‘questions’. However, it should be noted that the YLS/CMI is a standardised risk/needs assessment, and the PGWC probation form is not.

It could be argued that gathering the above questions in this qualitative study seems to be equivalent to what takes place when researchers develop a standardised risk assessment instrument, namely the definition and development of an item pool. Burkhardt, (2007:99) and Loewenthal (2001:32) explicate that item pools can be sourced by conducting open-ended qualitative interviews. This can be done by conducting interviews and focus groups. Further, Van Breda (2008:6) explains that item pools can be sourced by using published or unpublished material.
4.2.2.3 Sub-theme 4.3: Suggestions on the development and implementation of a new risk assessment tool for assessing child offenders

The following discussion focuses on the five categories identified under the above sub-theme, namely: the new tool for assessing the risk of child offenders must be developed in SA based on local content; the new tool for assessing the risk of child offenders must be contextual; the development of a new risk assessment tool must be based on research; differentiated assessments must be developed for different purposes and institutions; and focus areas that must be included in the new risk assessment.

Category 4.3.1: The new tool for assessing the risk of child offenders must be developed in South Africa based on local context

One category derived from the data is the suggestion from all the participants that a new risk assessment tool must be developed in SA based on local content. The following narratives from the interviews support this finding:

“The development of the tool must be done in South Africa”.

“The new instrument should be national. It will lead you and help in your recommendation on how to proceed with the child whose risks we address. It is not only about lock him up. Also how do we work with a child”.

“It must be a SA tool because the current tool is based on an international tribe. In South Africa we have street children, single-headed households, poverty. No Ubuntu [in the current tool/s]”.

“I would say we must look at something for home [namely] South Africa. Do you know if there is a model that works for first world countries then I would say that is different ... I would argue that it must be something that must work here for us. It must work for SA especially. We should look at developing countries. What works for a developing country?”

“We must develop a South African tool because the current tool is based on an
international tribe. In South Africa we have street children, single-headed households, poverty”.

“We should not import another tool and adjust it. This must be a pure South African tool. Offenders in South Africa has a certain manner of speaking they use words such as “Tik” [drugs], “ganja” [cannabis] etc. must be contained in the new instrument. Gang language must be contained in the new instrument. “Fanagalo” [mixture of languages] must be contained in the new instrument. All cultural groups should be looked to in the instrument. By Blacks we need to include all cultural groups.”

As previously stated, there are several risk assessment tools available internationally but South African researchers agree that a systematic, standardised and empirically-based framework in SA remains lacking (Fouché, 2007:2, Van Der Merwe & Dawes, 2007:4, Londt, 2004:124, Palmer, 2004:59-60). Tool development is either developed locally or a pre-developed standardised tool is used after validation studies have been conducted. Validation studies of existing instruments seem to be a cheaper option. However, it is evident from the data in this research that participants feel the need to develop an indigenous South African risk assessment tool or instrument.

In line with this study, the literature seems to suggest that a need exists to develop a new risk/need instrument with which to conduct risk assessments with child offenders. As Roestenburg and Van Breda (2003:6) assert, many new instruments need to be developed for different contexts in SA. It could be argued that it remains true that too many scales used on a daily basis by practitioners are not standardised for the South African context. In actual fact, not many tools have been developed.

Category 4.3.2: The new tool for assessing the risk of child offenders must be contextual

Another category to emerge from the data was that any new tool should be contextual. The following quotations illustrate this finding:

“We should not import another tool and adjust it. This must be a pure South African tool. Offenders in South Africa has a certain manner of speaking they use words such as “Tik” [drugs], “ganja” [cannabis] etc. must be contained in the new instrument. Gang
language must be contained in the new instrument.’ “Fanagalo” [mixture of languages] must be contained in the new instrument. All cultural groups should be looked to in the instrument. By Blacks we need to include all cultural groups.”

“I think a South African tool will be relevant because our context maybe/might not be the same ... as the context of the other countries. So if we develop anything we need to develop it according to our own context as SA as we might maybe develop something that might not benefit our own situation”.

“Yes but we do not currently work with South African tools. We work with foreign tools that do not work.”

“I would say we just look at something for SA. Do you know if there is a model that works for first world countries then I would say that is different? I have never been overseas. I would argue that it must be something that must work here for us. It must work for South Africa especially. We should look at developing countries. What works for a developing country”.

“I think our need is so great. The new instrument should be national. It will lead you and help in your recommendation on how to proceed with the child whose risks we address. It is not only about lock him up. Also how do we work with a child?”

“... take into account, the child needed household [in SA]. I don’t think they took into account children living on the streets, where there is no support structure ... and, you know...and how can you build on a support structure if there’s actually poverty?”

“I think research is quite very good thing. For research will determine which option is best. Research will determine how is it really done and what that is essential for you in your specific area. If research is done you see if a trend that arise from the circumstances in the SA situation.”

“Yes it happens that we have Muslim children therefore we have to be informed and sometimes some of the children are Rastafarian or coming from Rastafarian families. So therefore you need to value culture and understand who they are and how to treat
“We’ve got black African also as well ja [yes] we do we cater for them? We cater for then also as well as whites because we got some white children some time but it is here and there we get white children either one or two.”

“... it is very important to know the children’s culture because they are coming from different backgrounds so yes it’s very important. Because here we got different children come from different cultures such as Africans, Muslims, Zimbabweans, Coloureds and Whites.”

Some participants referred to the diversity of the children they worked, with the children coming from different nationalities and various religious, cultural and population groups.

Van Breda (2008:1) asserts that, in SA, with its extreme cultural diversity, scales that have been developed in the West are in the majority of cases not suitable for use with the majority of social work clients. In SA, many new instruments need to be developed for different contexts. Hence, Van De Vijver (cited in Van Breda, 2004:7) argues that it is necessary that, if social workers are being pressured to evaluate their practice with multicultural clients, they should be provided with scales that have been developed and validated for multicultural use. Currently, very few scales have been demonstrated to be valid for multicultural use. There is thus a critical need for a model of multicultural scale/instrument/tool/test development in social work. Such a model would assist social workers in developing standardised social work scales that are suitable for use in the South African context.

Van Breda (2004: Chapter 2) explicated that the terms ‘multiculturalism’ and ‘diversity’ are regularly used interchangeably to include aspects of identity derived from gender, sexual orientation, disability, socioeconomic status, or age. Multiculturalism acknowledges the broad scope of dimensions of race, ethnicity, language, sexual orientation, gender, age, disability, class status, education, religious/spiritual orientation as well as other cultural dimensions. Therefore the notions of culture, socio-economic status, language and literacy, and how these factors influence testing and scale development are important in a multicultural country such as SA. As in the case of the work done by Du Toit (1998: Chapter 7), an indigenous tool should also be validated in different languages such as Afrikaans, English, South Sotho,
Xhosa and Zulu. Further, Van Breda (2004:iv) developed an indigenous tool, namely the Military Social Health Index, that is reliable and valid both within and across the four target cultures (African Xhosa, African Setswana, Coloured Afrikaans and White Afrikaans).

Therefore, the present researcher asserts that there is a need to develop an indigenous instrument within the unique diversity of SA. Van Der Merwe and Dawes (2007:1-2) concur that there are gaps in local knowledge regarding youth/child risk assessments and recommend that future research efforts be dedicated towards testing and developing local instruments.

Category 4.3.3: The development of a new risk assessment tool must be based on research

The analysis of the data indicated that all participants want the development of a new risk assessment to be based on empirical research. This finding is illustrated by the following narratives:

“Research is important because it is through research that we can do needs assessment. Then as you are now doing they can come and talk to us and see how we can develop a new tool”.

“A new tool must be researched”.

“Before they develop a new tool research must be done”.

“I think as you do research that one must see what the need is. There are areas that one should focus on. From there to see what should change or who may need to change and when to change”.

“I would have research it first. If it comes from overseas or from any side whatsoever, research must be done in South Africa”.

“A needs assessment, empirical research, you know? Social backgrounds where children come from you know, we put in the facility [CYCC].”

“We need to do more research before we develop a tool”.
“Ek dink navorsing is nogal ‘n goeie ding want navorsing sal bepaal wat is die beste opsie navorsing sal bepaal hoe word dit nou riger gedoen en wat is noodsaaklik vir jou in jou area. Is daar ‘n spesifieke area wat onderzoek moet word?”

“Die ... social workers, die buite social workers, en ek praat nie net van proefbeamptes nie want dit gaan ook nou, as dit by die kinderwet kom, veldwerkers ... ek weet nie van die kinderhof, maar die kinderhof kommissaris wat werk by die kinderhof, hulle moet ook ingelig word die alle stakeholders, alle stakeholders ...”

“Research also yes because the more accurate your instrument is more accurate assessment will be. I think maybe it is much of our opinion or whatever and not very scientific.”

“I think research can be very important also research might be important because why research could assists us to extend from the information that we have because at this stage it happens that to work with we might have some shortcomings or weaknesses so therefore we need to look at the situation where we as the professionals or team have look after our weaknesses... in order for us to be able to [serve] the young offenders that it cater for.”

Rowan and Wulff (2007:1) elucidate that Padgett developed a core principle where qualitative research can inform quantitative efforts in developing instruments. In this method, the qualitative study comes first and is used to explore concepts and to identify hypotheses. Using qualitative research can be particularly useful to researchers in the development of scales. In essence, validity of concepts and inquiries in quantitative research can be enhanced by first being grounded in real life situations and observations through having conversations or interviews from an open perspective (Rowan & Wulff, 2007:2).

Furthermore, over the past 30 years, the Canadians have conducted research. Andrews and Bonta (2010:34) found that numerous articles had been published about a risk/need assessment tool in professional journals, books, government reports, theses and dissertations.

Within category 4.3.3, three sub-categories emerged from the analysis of the data. These were (1) that research must include inputs of people on the ground doing risk assessments, (2) the
need(s) must be identified through research and (3) evaluation research of the tool must be
done after implementation.

Sub-category 4.3.3.1: Research must include the inputs of people on the ground doing risk
assessments

The analysis of the data indicated that participants wanted the development of a new risk
assessment, and it should include input from people on the ground. This finding is illustrated
in the following narratives:

“You need to talk to the probation officers, I think they can play an important role in
developing this tool”.

“People on the ground to help with the tool development. Those with several years of
service and experience should help develop the tool. Probation officers with experience
should help with the development. Groups of probation officers should be part of the
development of a new instrument”.

“Talk to social workers, talk to the kids... Liaise with [all] stake holders [including]...external social workers...and probation officers”.

“Different players must be involved in the development of the instrument, not only social
services or justice department; that the people that are involved with the children”.

“Research, talk to people on the ground working with the stuff.”

“The ... social workers, external social workers, and I talk not only of probation
officers because, when it comes to Children Act, field social workers ... I do not know
about the Children’s Court, but Commissioners of Children’s Court operating at the
Children’s Court. It must be informed by all stakeholders. Everything must be
comprehensive and all stakeholders should try to take part. Since Project Go we tried
and it never worked. Project Go has done assessment and children were released [from
prison] but an evaluation of a program never happened. Also that they if they come and
do research and we have developed a tool evaluation of the tool within a year, 6
“Man involve people from the grassroots. Use people who work with the clients and not only the higher ups.”

During the development of *Asset*, the Centre for Criminological Research (University of Oxford) successfully tendered to design and developed the new tool for the Youth Justice Board. Furthermore, the Youth Justice Board also appointed a panel to advise on the design of *Asset* which included representatives from Youth Offending Teams, the secure estate, the Department of Health, the Department for Education and Skills, the Drugs Prevention Advisory Service, the magistracy and the police. The aforementioned all helped to ensure that *Asset* incorporated and reflected a wide range of perspectives on the risks and needs of young people who offend (Baker et al., 2004:10).

There are a few standardised assessment tools in SA, yet it seems nothing exists with which social workers can conduct a risk assessment of child offenders. There therefore exists a window of opportunity for social workers to develop an indigenous tool with which to assess the risk/need of child offenders. It is argued by the present researcher that social workers should be part of the process of developing a new tool. Van Breda (2008:6) used a pool of social workers when he developed a multicultural scale for the South African National Defence Force. He recommends that it is important that individual items should be developed by a multicultural team of researchers (i.e. social workers) to ensure acceptability in a multicultural context (Van Breda, 2008:6).

It is the researcher’s view that South African social workers and universities do have the expertise and capacity to develop a standardised risk assessment tool. For example, DuToit (1988), Faul, (cited in Van Breda, 2008:1) and Van Breda (2004) have all developed standardised assessment tools.

*Sub-category 4.3.3.2: The need(s) must be identified through research*

Another sub-category to emerge from the data was that needs must be identified through
research. The following narratives support this finding:

“A needs assessment, empirical research, you know?”

“We need to consult experts in areas and communities. We need to do more research”.

“I think new stuff has to be, a new tool must be researched, I cannot answer this properly ‘cause I haven’t researched it myself. If I had more, or if I knew what other tool were available to me, I swore I would’ve used it but I cannot answer that type of question cause I don’t know what is available out there. Besides that we’ve been using this now for over how many years, 15 years, we’ve been using the same ways, development approach”.

“Ek dink navorsing is nogal ‘n goeie ding want navorsing sal bepaal wat is die beste opsie navorsing sal bepaal um hoe word dit nou rerig gedoen en wat is noodsaklik vir jou in jou area. Is daar ‘n spesifieke area? As navorsing gedoen word dan kan ‘n mens sien dit is ‘n tendens wat voorkom as gevolg van die omstandighede in die SA opset”.

“As mens mos nou navorsing doen dan gaan jy mos nou soos jy nou doen dan gaan jy met kinders mos nou praat”.

In order not to ‘re-invent the wheel’, Thomas (cited in Van Breda, 2008:4) recommends it is useful to perform a state-of-the-art review. This entails identifying existing instruments and evaluating if they are suitable for use locally. Researchers should also conduct a feasibility study. In other words, research needs to be done in order to ensure that the researcher or agency has the necessary time, expertise, resources and political will to develop a new instrument.

Sub-category 4.3.3.3: Evaluation research of the tool must be conducted after implementation

Participants in this study were of the view that, after a new tool has been implemented, evaluation should be conducted at regular intervals. The following quotes illustrate this finding:
“Ook dat hulle as hulle kom en navorsing doen en ons het ‘n instrument ontwikkel dan moet evaluering daarna plaasvind”.

“Since Project Go we tried and it never worked. Project Go has done assessment and children were released [from prison] but an evaluation of a program never happened. Also that they if they come and do research and we have developed a tool evaluation of the tool within a year, 6 months, whatever, to say, we work closely with the little nitty gritties about how we are going to together develop the tool”.

In England, the validity and reliability of Asset has been subject to considerable scrutiny in studies undertaken on behalf of the Youth Justice Board (Baker et al., 2005:5, Baker et al., 2002:9). Baker’s evaluation research found that Asset’s predictive validity over 24 months (using the ‘percent correctly predicted method’) was 69.4 % (Baker et al. 2005:5). In addition, the Canadian instrument (Level of Service Inventory) has been validated in Canada, Singapore, England, Scotland, Ireland, USA, Australia, Portugal and Germany (Andrews & Bonta, 2010:314).

Category 4.3.4: Differentiated risk assessments must be developed for different purposes and institutions

This section discusses the category ‘differentiated risk assessments must be developed for different purposes and institutions’. A variety of viewpoints were provided by participants regarding different risk assessments, and there were different reasons for these. This is indicated by the following narratives:

“I think we need to develop a tool for boys and one for girls”.

“If they look at an assessment for a place of safety we need something specifically for a place of safety [CYCC] because I would say a place of safety [CYCC] is not the same assessment that probation officers would do. Everything cannot be the same because once you here in a place of safety [CYCC] is completely different from the people who think that a general something that work for the public. What works for a Child Care Act child does not apply necessarily child to a criminal law child”.

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"You know I think we need a girl for girls and for boys. Girls are really quite different than boys in the sense it seems to me that girls are more outspoken. Girls also changed only in behaviour. This is about behaviour, home environment. It's just girls how they verbalise how they express themselves."

It should be noted that the development of a standardised risk assessment instrument is expensive and labour-intensive. However, some participants expressed the views that different instruments should be developed for different situations. The literature seems to confirm the above findings. Disney and Morgan (2005:19-26) have developed a list of a variety of standardised risk assessment tools developed internationally over the past 30 years. Examples include: Asset (reoffending); Structured Assessment of Violence Risk in Youth (future violence); Security Risk Questionnaire (assesses a child's immediate risk of harm to themselves, other residents to staff and risk of escape); and ONSET (R2) (prevention).

Category 4.3.5: Focus areas that must be included in the new risk assessment

One category derived from the data is that the recommendations from all the participants that focus on certain areas should be included in a new instrument. The following narratives from the interviews support this finding:

"Most of the questions within [the] ... Care Plan, IDP should be in a new tool”.

"Yes culture is important in must be considered if they come and develop the tool. In SA we have many cultural groups. We have Muslims, Christians, Rastafarians and children from Zimbabwe”.

"Ek dink dit is baie ... dus reig ‘n need en soos jy genoem het van die lae risiko, hoe risko en medium risiko daai tipe so daar is ‘n need dat ‘n mens kan kyk wat is ook relevant”.

The researcher postulates that SA is a multicultural country. Therefore, Van Breda (2008:1) asserts that it is essential that measuring instruments are not only culturally appropriate, but also multicultural.
4.3 SUMMARY

This chapter continued the presentation and discussion of the findings that started in Chapter 3. In addition, the findings were compared with the existing body of knowledge by means of a literature control.

The third theme presented the opinions of social workers about the current risk assessments used. This was done using five sub-themes, namely: opinions on probation officer assessment tools presently used, positive opinions on probation officer tools presently used, objections on IDP, opinions on the Care Plan, and opinions on the need for a new instrument.

The fourth theme looked at the suggestions of social workers regarding how to conduct risk assessments of child offenders. This was done using three sub-themes, namely: suggestions for the development of a new assessment tool for assessing the risk of child offenders, questions to be included in a new assessment tool for assessing child offenders, and suggestions on the development and implementation of a new risk assessment tool for assessing child offenders.

The research found that some social workers viewed both the Care Plan and the IDP as paper exercises. On the other hand, other social workers viewed both the Care Plan and the IDP as important tools that can assist with the assessment of child offenders. Probation officers did not comment about either the Care Plan or the IDP. Some social workers used both the IDP and Care Plan as planning tools. All participants used the Strength-Based assessment based on the Circle of Courage Model when conducting assessments of child offenders.

However, some social workers were critical about using ‘overseas models’. The Strengths-Based Development approach and the Circle of Courage Model are based on an Indian communal mono-cultural society. However, if South African child offenders are looked at, some live on the street, some do not have families, support structures or child-headed households, some belong to gangs and some experience poverty. The researcher therefore deduces that the presently used models and approach might not be working within the reality of a multicultural SA. Furthermore, the majority of the literature regarding child offending has been produced by the South African government. The researcher asserts that practitioners and academics need to do more research and write books and articles as no government is
able to criticise itself. Upon conducting this research it seems that little, if any, evaluation research has been conducted to see if these approaches and models are effective and applicable to the unique South African situation. In particular, no research has been conducted looking at the relationship between Ubuntu and child offending.

The participants developed an insight into the importance of standardised instruments which can assist with the risk assessment of child offenders. Participants made suggestions on the development of a new instrument and recommended that a new tool should be developed. They further recommended that this tool should be standardised. In addition, all participants recommended that an indigenous, contextual instrument should be developed within SA and that social workers should be involved in developing such an instrument.

In summary there are only a few standardised assessment tools in SA. This researcher asserts that this study was not undertaken as another chapter on reinventing the wheel in instrument construction and the risk/need assessment of child offenders; rather it is recommended that a valid, reliable, quick, easy and relatively inexpensive tool be developed for social workers and probation officers to assess the risk/need of child offenders in SA.

Chapter 4 has illuminated the study as the researcher evaluated the research findings with respect to the available literature. The following chapter provides the conclusions and recommendations of the study.
CHAPTER 5

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

This last chapter reflects on the research question posed and the goals and objectives formulated. It looks at the limitations of the study, draws various conclusions and makes recommendations towards theory, social work practice and further research.

5.2 CONCLUSIONS

This section offers conclusions pertaining to the appropriateness of the qualitative research methodology used in this study, and the appropriateness of the sampling techniques, the interview schedule used to collect the data, the data analysis method used and the fact that all the ethical requirements were adhered to.

5.2.1 Conclusions reflecting on the research process

Upon reflection, the researcher concludes that the research goal was reached - the researcher gained an in-depth understanding of the nature and content of a risk assessment of child offenders from the perspective of South African social workers. Recommendations pertaining to the development of a risk assessment tool are made in this chapter.

In order to achieve the aforementioned goal, the following research objectives were set:

1. The researcher explored and described, from the perspective of a group of South African social workers, how a risk assessment of child offenders should be conducted in practice (i.e. the nature of such a risk assessment);
2. The researcher explored and described, from the perspective of a group of South African social workers, the content to be focused on while conducting a risk assessment of child offenders in practice; and
3. Conclusions and recommendations informing the development of an assessment tool for aiding the risk assessment of child offenders in practice.
The qualitative research approach followed in this research was the appropriate methodology for this study. The reason for this was that the researcher wanted to hear the voices of the social workers about how they conduct risk assessment of child offenders. This was because their voices have not been heard for the past 20 or so years (Creswell 2003:179-207). The qualitative nature of the study provided the researcher with a framework to obtain data that reflected the opinions, values and beliefs of the people involved in the situation.

The explorative, descriptive, contextual and case study research designs that have been implemented provided the researcher with a focus and assisted the researcher to proceed towards the realisation of the research goal and objectives (Nziyane, 2010:22, Yin, 2009:17-18). The case study design provided the focus for this study because the goal was to obtain data from a specific group (social workers) in a specific area (Western Cape Province). The contextual research design provided the researcher with a focus for the possible solution to the research problem – this was due to the contextual nature of the data obtained (Ritchie & Lewis, 2003:27). On the other hand, the exploratory and descriptive designs provided a framework from which the qualitative data could be obtained and described. The descriptive research design within the study concerned the description of the participants' perceptions of how they conduct assessments in their daily practice. The aforementioned, together with the literature control, enabled the researcher to better understand how these needs could be addressed. The depiction of the data therefore contributed to the development of an understanding of the research problem and to the answering of the research question (Neuman, 2006:16).

The sampling technique (i.e. purposive non-probability sampling) assisted the researcher to obtain information-rich participants (i.e. social workers) who were able and willing to answer the research questions (Creswell, 2009:178). Each participant provided a first-hand account and an insider's perspective of the situation under investigation. The semi-structured interviews, focused by the interview guide and interviewing techniques that were followed, were viewed as being suitable within the context of this study. In this study, participants were provided with an opportunity to share their experiences, views, perceptions, feelings and wishes with regards to the conduct of risk assessments of child offenders.
The sample size (11 participants) was small and the research design allowed the researcher to work in a semi-structured manner. Qualitative research makes provision for small samples and the sample size was determined by the saturation of data (Strydom & Deport, 2011:390-391, Greeff, 2005:299).

The pilot study indicated that the intended method of data collection (i.e. semi-structured interviews) was appropriate as it held the following three advantages: (1) they (the interviews) captured real-life experiences and perceptions in the natural professional environment; (2) they were flexible and enabled participants to feel free to share and change the direction of the discussion in order to fully explore the topic; and (3) they allowed the researcher to make ‘mistakes’ in a ‘safe environment’ (Marshall & Rossman, 2011: 95-96).

Tesch’s framework for qualitative data analysis (cited in Creswell, 2009:186) provided the researcher with a user-friendly, step-by-step guide on how to analyse the data. This was in order to identify the themes, sub-themes, categories and sub-categories presented in Chapter 3.

Guba's (1985) model for qualitative data verification assisted the researcher to conclude that this research study adhered to the following focus areas of true and scientific qualitative research: credibility, transferability, confirmability and dependability (please see Chapter 2 for a detailed discussion).

To ensure that the study complied with the ethical requirements of the science community, scientific conformability was sought through various interactions with researchers, scientists and science committees. The draft research proposal was given to the study leader to ensure that it met the minimum criteria. Furthermore, the proposal was submitted to the Departmental Research and Ethics Committee of the Department of Social Work Ethics Committee to ensure it met the standards of a scientific, justifiable and ethically sound research study. The researcher upheld the following ethical principles, namely avoidance of harm, informed consent, anonymity/confidentiality and management of information.

5.2.2 Conclusions based on the research findings

Based on the reported research findings, the researcher has drawn the following conclusions:
A standard assessment form, namely the ‘Assessment’ form in terms of Section 40 of the Child Justice Act 2008, has been developed by the DSD. All the participants viewed this form as their main risk assessment tool;

All participants opined that the social work interview, combined with a variety of forms, is the most important tool with which to conduct a risk assessment of child offenders (Roestenburg & Van Breda, 2003:1);

All participants developed an insight into the fact that their risk assessments of child offenders are biased and depend on the personal style and assessment of the individual social worker;

Clinical judgements from practitioners, which can be link to the ‘nothing works concept’, are unreliable (Andrews & Bonta, 2010:344; 351);

Practitioners still use the first generation of risk assessment tools, namely unstructured clinical judgments (Skelton & Badenhorst, 2011:351, Roestenburg & Van Breda, 2003:1);

Despite the limitations, social workers used both the Care Plan and IDP as important tools that can assist with the assessment of child offenders;

The following are being discussed in both the Care Plan and the probation officers report: living arrangements; family factors such as abuse within the family; education; employment, including the employment situation of parents; the financial position of the family; neighbourhood; whether the child still lives with his/her biological parent/s; housing (including how many rooms the house has); and parental substance abuse. Thus duplication of work took place;

All participants used the Strength-Based assessment based on the Circle of Courage Model when they conduct assessments of child offenders;

Presently-used models and approaches might not be working when social workers are conducting risk assessments of child offenders;

The majority of the literature regarding child offending in SA has been developed by the government. This needs to be addressed by researchers and universities;

Little evaluation research has been conducted to see if the aforementioned approaches and models are effective and applicable to the unique South African situation; and

While prescribed instruments are being used in the risk assessment of children, they all have definite limitations. To enhance the quality of the service rendered to child offenders, the development of a standardised instrument is needed.
Focus areas in conducting risk assessment of child offenders are now discussed. Focus areas of a future risk assessment tool include the following:

- Admission circumstances to a CYCC; and
- The reason for admittance or why the child was admitted - seems to be either a child in need of care or due to a criminal offence.

The child’s family was discussed in relation to the family structure and background, as well as to guardians and carers.

The child him- or herself has been discussed in relation to the following:

- the child’s history and development;
- relationships and support;
- gang involvement;
- peer pressure and CUBAC;
- substance abuse;
- emotional and mental health history;
- criminal involvement and behaviour;
- previous admittances;
- previous interventions; and
- the child’s risk of absconding.

It seems the aforementioned can be linked to the eight major central risk/need factors, these being: (1) history of antisocial behaviour, (2) antisocial personality pattern, (3) anti-social cognition, (4) anti-social associates, (5) family/marital relationship, (6) school/work, (7) leisure/recreation, and (8) substance abuse (Andrews & Bonta, 2010:58-60).

In the unique South African context, social workers agreed that CUBAC and gang involvement are important risk factors that must be assessed when conducting a risk assessment of child offenders.

Suggestions offered by the ‘experts’ or participants are now discussed. All participants in this research suggested that a new tool must be standardised (Andrews & Bonta, 2010:46). Examples of two instruments are the Youth Level of Service/Case Management Inventory.
(YLS/CMI) (developed in Canada) and Asset (developed in England).

Any new tool should be short in order to allow probation officers to complete it rapidly. Upon reading the literature, it appears that the North Carolina Assessment of Juvenile Risk of Future Offending and the North Carolina Assessment of Juvenile Needs could be looked at (Howell, 2003:313-318). Due to the fact that probation officers work under extreme pressure because of high caseloads, a reliable and valid risk/need tool therefore needs to be developed by them and for them.

All participants suggested that the questions contained in the PGWC Assessment form, in terms of Section 40 of the Child Justice Act (Act 75) of (2008), could be used if a new tool is to be developed. In addition, the following questions should be added, namely whether there is a high, medium or low risk of reoffending, whether there is a high- or medium risk of harm, whether gangster language is used, and what the addresses of girlfriends or friends are where the child lives (Van Breda 2008:6, Burkhardt, 2007:99, Loewenthal, 2001: 32).

It can be said that the new tool:

- should be developed in SA based on local content (Roestenburg & Van Breda, 2003:6);
- should be contextual (Van Breda 2008:1, Van Der Merwe & Dawes, 2007:1-2);
- must be based on research (Andrews & Bonta, 2010:34, Rowan & Wulff, 2007:1-2; Baker, 2004);
- must include the input of people on the ground doing risk assessments (Baker, 2004:94, Van Breda, 2004:III-IV, Baker et al., 2002:10); and
- must have its needs identified through research (Van Breda, 2008:4).

Evaluation research of the newly-developed tool must be carried out after implementation and this evaluation must be done at regular intervals (Andrews & Bonta, 2010:314, Baker et al., 2005:5, Baker et al., 2002:9).

The researcher concludes that the gathering of information in this qualitative study seems to be equivalent to what takes place when researchers develop a standardised risk assessment instrument i.e., the definition and development of an item pool. Item pools can be sourced by
conducting open-ended qualitative interviews (Burkhardt, 2007:99, Loewenthal, 2001:32). The researcher opines that there is a need to develop an indigenous instrument that should be developed within the unique diversity of SA. There are gaps in local knowledge about youth/child risk assessments and it is suggested that future research efforts be dedicated towards testing and developing local instruments (Van Der Merwe & Dawes, 2007:1-2).

5.3 RECOMMENDATIONS

The recommendations fall into three categories: those related to theory, those related to practice, and those pertaining to further research.

5.3.1 Recommendations for social work practice

Based on the research findings, the researcher recommends the following:

- The way that assessments are conducted should be revisited. South African social work practice should move on from the outdated practice of using clinical methods only;
- The assessment instruments used must be updated in line with international best practice. Actuarial methods should be developed where practitioners use standardised risk assessment tools when they conduct actuarial assessments;
- Structured Clinical Judgment (SCJ) should be researched and implemented in social work practice;
- Probation officers should get training and thereafter assess child offenders as low, medium or high risk of reoffending, risk of harm to others and risk to themselves.
- Factors like living arrangements; family factors such as abuse within the family; education; employment, including the employment situation of parents; the financial position of the family; neighbourhood; whether the child still lives with his/her biological parent/s; housing (including how many rooms the house has); and parental substance abuse all part of the Care Plan and probation officer’s report. Therefore a standardised indigenous national standardised risk need assessment needs to be developed.
- Social workers must become mixed-methods researchers when they conduct risk assessments with child offenders. In other words, social workers must conduct an interview (qualitative research) with a standardised instrument and calculate risk using
numbers (quantitative research). Thereafter they must mix the two methods (mixed method) in order to compile a pre-sentence report.

5.3.2 Recommendations with reference to the theory

Based on the research findings and realities in SA, the following are recommended:

- RNR principles must be incorporated during the conduct of risk assessments with child offenders;
- South African universities should develop a course in probation studies which includes the RNR model;
- Social workers should get training in the RNR model because this model has been used with increasing success to assess and rehabilitate offenders around the world; and
- South African universities should develop a course in probation studies which includes ecometrics.

5.3.3 Recommendations for further research

Taking into consideration this study’s research methodology together with the research findings, the following recommendations are made:

- This qualitative study could be used as the definition and development of an item pool;
- This study focused on one province, namely the Western Cape. In order to allow the national department to understand risk assessments of child offenders, a national study should be conducted. This national study should further guide the DSD in its interventions pertaining to risk assessments of child offenders in SA;
- The role of the probation officers, in respect of risk assessments with child offenders, should be explored further. The study would need to involve the following: probation officers; social workers themselves; other professionals within the child justice system; and family and significant others of young people that are involved in risk assessment of child offenders;
- Further research should be undertaken relating to joint efforts from the following groups: probation, social workers, psychologists, psychiatrists, the police, educators, public prosecutors, child and youth care workers and other members of the
multidisciplinary teams. This will successfully facilitate the risk assessment of child offenders;

➢ There remains relatively little South African research on Ubuntu and child offending. Therefore it is recommended that research should be conducted on Ubuntu and whether or not there is a link with child offending;

➢ A trial implementation and partial validation of the Youth Level of Service/Case Management Inventory (YLS/CMI) should be considered;

➢ A trial implementation and partial validation of Asset should be considered;

➢ Ecometrics should be considered by researchers and instrument developers to inform the development of indigenous standardised risk assessment instruments with which probation officers can conduct risk assessments of child offenders; and

➢ A standardised, indigenous, multicultural risk/need assessment instrument should be developed to conduct risk assessments with child offenders as part of a doctoral study.
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INTERVIEW SCHEDULE

RESEARCH TOPIC:

RISK ASSESSMENTS OF CHILD OFFENDERS: A SOUTH AFRICAN SOCIAL WORK PERSPECTIVE

SECTION A: BIOGRAPHICAL DATA (To be completed by the participant)

Please complete the following personal particulars. Where required, mark your response with an X, or where requested, answer in writing.

A-1: Please indicate your age group with an X:

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<th>Count</th>
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</tr>
<tr>
<td>30-39</td>
<td>2</td>
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</tr>
<tr>
<td>60-69</td>
<td>5</td>
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<td>70- and above</td>
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A-2: Please indicate your gender with an X:

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<td>Female</td>
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A-3: Please indicate your primary home language with an X:

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<td>isiZulu</td>
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<td>Setswana</td>
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<td>Tsivenda</td>
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A-4: Please indicate your race with an X:

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A-5: Please indicate your years of experience as a probation officer with an X:

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<td>4-6 years</td>
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<tr>
<td>15 years</td>
<td>30</td>
</tr>
<tr>
<td>20 years</td>
<td>31</td>
</tr>
</tbody>
</table>

SECTION B. QUESTIONS (To be completed by the researcher)

1. Tell me how do you conduct risk assessment of child offenders in practice?

2. Tell me about the assessment tools that you use?

3. From your experience content-wise - which focus areas should be taken into consideration when conducting a risk assessment of child offenders?
4. Based on your perspective how should a social worker in practice go about when conducting a risk assessment of child offenders?

5. In your opinion what should be included in an assessment tool for assessing the risk of child offenders?

6. Give me your views about the current assessment tools in use as well as the possibility/necessity to develop new assessment tools?

7. What is your view/s on how such a tool should be developed?

END OF INTERVIEW
THANK YOU FOR YOUR PARTICIPATION
APPENDIX B: PREAMBLE LETTER TO PARTICIPANTS

PREAMBLE TO INFORMATION CONSENT DOCUMENT

Dear Sir/ Madam,

I Edgar Eben Smith, the undersigned, am a social worker in service of London Borough of Hounslow employed at Pathways Asylum and Leaving Care Team in Hounslow, West London, and also a part-time master’s student in the Department of Social Work at the University of South Africa. In fulfilment of requirements for the master’s degree, I have to undertake a research project and have consequently decided to focus on the following research topic: RISK ASSESSMENTS OF CHILD OFFENDERS: A SOUTH AFRICAN SOCIAL WORK PERSPECTIVE

In view of the fact that you are well-informed about the topic, I hereby approach you with the request to participate in the study. For you to decide whether or not to participate in this research project, I am going to give you information that will help you to understand the study (i.e. what the aims of the study are and why there is a need for this particular study). Furthermore, you will be informed about what your involvement in this study will entail (i.e. what you will be asked/or what you will be requested to do during the study, the risks and benefits involved by participating in this research project, and your rights as a participant in this study).

This research project originated as a result of the dearth of research in South Africa on risk assessments by social workers working with child offenders and the aim is to do research on how risk assessments are being conducted by South African social workers on child offenders.

The information gathered from this study help with the/be used for/contribute towards/benefit the South African social work profession.
Should you agree to participate, you would be requested to participate in 1 face-to-face interview that will be conducted at from ____ to ____ (time.) It is estimated that the interview will last approximately 1 hour. During the interview the following questions will be directed to you:

1. Tell me how do you conduct risk assessment of child offenders in practice?
2. Tell me about the assessment tools that you use, and how you use them?
3. Based on your perspective what focus areas content-wise should be taken into consideration when conducting a risk assessment of child offenders?
4. Based on your perspective how should a social worker in practice go about when conducting a risk assessment of children offenders?
5. What should be included in an assessment tool for assessing the risk of child offenders?
6. How should such a tool be developed and implemented?

With your permission, the interview will be audio-taped. The recorded interviews will be transcribed word-for-word. Your responses to the interview (both the taped and transcribed versions) will be kept strictly confidential. The audiotape will be coded to disguise any identifying information. The tapes will be stored in a locked office at 4-8 School Road, Hounslow, Middlesex, TW3 1QZ UNITED KINGDOM and only I will have access to them. The transcripts (without any identifying information) will be made available to my research supervisor(s), a translator (if they need to be translated into English), and an independent coder with the sole purpose of assisting and guiding me with this research undertaking. My research supervisor(s), the translator and the independent coder will each sign an undertaking to treat the information shared by you in a confidential manner.

The audiotapes and the transcripts of the interviews will be destroyed upon the completion of the study. Identifying information will be deleted or disguised in any subsequent publication and/or presentation of the research findings.
Please note that participation in the research is completely voluntary. You are not obliged to take part in the research. Your decision to participate, or not to participate, will not affect you in any way now or in the future and you will incur no penalty and/or loss to which you may otherwise be entitled. Should you agree to participate and sign the information and informed consent document herewith, as proof of your willingness to participate, please note that you are not signing your rights away.

If you agree to take part, you have the right to change your mind at any time during the study. You are free to withdraw this consent and discontinue participation without any loss of benefits. However, if you do withdraw from the study, you would be requested to grant me an opportunity to engage in informal discussion with you so that the research partnership that was established can be terminated in an orderly manner.

As the researcher, I also have the right to dismiss you from the study without regard to your consent if you fail to follow the instructions or if the information you have to divulge is emotionally sensitive and upset you to such an extent that it hinders you from functioning physically and emotionally in a proper manner. Furthermore, if participating in the study at any time jeopardises your safety in any way, you will be dismissed.

Should I conclude that the information you have shared left you feeling emotionally upset, or perturbed, I am obliged to refer you to a counsellor for debriefing or counselling (should you agree).

You have the right to ask questions concerning the study at any time. Should you have any questions or concerns about the study, contact these numbers

Please note that this study has been approved by the Research and Ethics Committee of the Department of Social Work at Unisa. Without the approval of this committee, the study cannot be conducted. Should you have any questions and queries not sufficiently addressed by me as the researcher, you are more than welcome to contact the Chairperson of the Research and Ethics Committee of the Department of Social Work at Unisa. His contact details are as follows: Dr AH (Nicky) Alpaslan, telephone number: 012 429 6739, or email alpasah@unisa.ac.za.
If, after you have consulted the researcher and the Research and Ethics Committee in the Department of Social Work at Unisa, their answers have not satisfied you, you might direct your question/concerns/queries to the Chairperson, Human Ethics Committee, College of Human Science, PO Box 392, Unisa, 0003.

Based upon all the information provided to you above, and being aware of your rights, you are asked to give your written consent should you want to participate in this research study by signing and dating the information and consent form provided herewith and initialling each section to indicate that you understand and agree to the conditions.

Thank you for your participation.

Kind regards,

__________________
Signature of researcher

Contact details: (O) 0044 2085833577
(Fax) 0044 2085833576
(Email) smedg4@aol.com
APPENDIX C: INFORMED CONSENT DOCUMENT

INFORMATION AND INFORMED CONSENT DOCUMENT

TITLE OF THE RESEARCH PROJECT:

RISK ASSESSMENT OF CHILD OFFENDERS: A SOUTH AFRICAN SOCIAL WORK PERSPECTIVE

REFERENCE NUMBER: 7174950

PRINCIPAL INVESTIGATOR/RESEARCHER: Edgar Eben Smith

ADDRESS: 127 A Windsor Road, Slough, Berkshire, SL1 2JN, United Kingdom.

CONTACT TELEPHONE NUMBER:
0044 2085833577
0044 1753534245

DECLARATION BY OR ON BEHALF OF THE PARTICIPANT:

I, THE UNDERSIGNED, _____________________________ (name), [ID No: ______________________] the participant or in my capacity as ____________________________ of the participant [ID No ____________________] of ________________________________________________________(address).

A. HEREBY CONFIRM AS FUNLLOWS:

1. I/the participant was invited to participate in the above research project which is being undertaken by Edgar Eben Smith of the Department of Social Work in the School of Social Science and Humanities at the University of South Africa, Pretoria, South Africa.

2. The following aspects have been explained to me/the participant:

Initial

226
2.1 Aim: The investigator(s)/researcher(s) are studying

Is to come to an understanding of how risk assessment of child offender should be conducted in practice through the exploring and describing the perspectives of a cohort of social workers on the nature and contents of risk assessment of child offenders

The information will be used:

To gain an in-depth understanding of the nature and content of a risk assessment of child offenders from the perspectives of a cohort of SA social workers and to make recommendations to inform the future development of an assessment tool to aid the process of risk assessment of child offenders.

2.2 I understand that

________________________________________________________________
________________________________________________________________
________________________________________________________________

2.3 Risks:

There are no known medical risks or discomforts associated with the research. I understand that I will be given as many breaks as needed during the session.

Possible benefits: As a result of my participation in this study
I understand that there are no direct benefits to me for participating in this research. However the results of this research may help to:
(a) Further develop the knowledge base of South African social work.
(b) Social Workers who have to conduct risk assessments with child offenders.

I understand that there will be no financial compensation from participating in this study.

Confidentiality: My identity will not be revealed in any discussion, description or scientific publications by the investigators/researchers.
Access to findings: Any new information/benefit that develops during the course of the study will be shared with me now or in the future.

Voluntary. My decision whether or not to participate will in no way affect...

3. The information above was explained to me/the participant by __________________________ (name of relevant person) in Afrikaans/English/Sotho/Xhosa/Zulu/other ________________________ (indicate other language) and I am in command of this language/it was translated to me satisfactorily by __________________________ (name of the translator). I was given the opportunity to ask questions and all these questions were answered satisfactorily.

4. No pressure was exerted on me to consent to participate and I understand that I may withdraw at any stage from the study without any penalty.

5. Participation in this study will not result in any additional cost to me.

B. I HEREBY CONSENT VOLUNTARILY TO PARTICIPATE IN THE ABOVE PROJECT.

Signed/confirmed at _____________ on ________________ 20__

_________________________ __________________________
Signature or right thumbprint of participant Signature of witness
APPENDIX D: LETTER FROM UNISA

THE DEPUTY DIRECTOR: ADMIN & SUPPORT
DEPARTMENT OF SOCIAL DEVELOPMENT
UNION HOUSE
14, QUEEN VICTORIA STREET
CAPE TOWN
8001

Dear Sir

RESEARCH FOR MASTER STUDIES IN SOCIAL WORK MR EE SMITH (7174950)

Mr EE Smith is registered as a master student at UNISA. His topic is “Risk assessment of child offenders: A South African Social Work perspective”. On 28 May 2010 his proposal was accepted at a meeting of the Departmental Research and Ethics Committee of the Department of Social Work at Unisa and ethical clearance for the research was given.

The purpose of the study is to gain an in-depth understanding of the nature and content of risk assessment of child offenders as being conducted by social workers in South Africa and to make recommendations pertaining to the future development of an assessment tool to assist in the risk assessment of child offenders.

The focus will be to explore and describe the perspectives of a group of social workers from the Western Cape on how a risk assessment should be conducted and what the content of such a risk assessment should focus on.

The rationale for the study is based on the student’s experience conducting probation work as social worker in South Africa together with the latest research and developments pertaining to child justice in the country. Although much research has been done, it was dominated by inputs from the Department of Social Development, Department of
Correctional Services, Parliament, academics and human right activists. However, the voices and views of social workers rendering the services had not been heard. By ratifying the Convention on the Rights of the Child on 16 June 1989, South Africa also has certain responsibilities towards children below the age of 18. Lastly, development work pertaining to risk assessment tools done by a Canadian psychologist was formalised into a risk-need-responsivity model which has been used with increasing success and it is necessary to assess the relevance of this model to be implemented in South Africa. On 1 April 2010 the Child Justice Act, Act no 75 of 2008, was implemented and this research is therefore relevant in our context and the findings from this research could be of great value for the Department of Social Development too.

Yours Sincerely,

[Signature]

PROF. D DE KOCK
SUPERVISOR
APPENDIX E: APPROVAL LETTER FROM DSD

DEPARTMENT of SOCIAL DEVELOPMENT
Provincial Government of the Western Cape

Verwysing: Request to undertake primary research at the Department of Social Development (DSD) regarding the Risk Assessment of Child Offenders
Reference: Petro Brink
Enquiries: Gavin Miller
Telefoon: +27 (21) 483 4512
Telefoon: +27 (21) 483 4168

Mr. Edgar Eben Smith
Master student (MA (SS) in Social Work)
University of South Africa

Dear Mr. Smith

RE: Request to undertake research at the Department of Social Development

It is a pleasure to inform you that request to undertake research in the Department of Social Development has been approved by the Research Ethics Committee of the Department. The following recommendations were made to improve the focus of your study:

1. Based on the review of your proposal, a recommendation was made for you to familiarise yourself with current assessment tools being used by Probation Officers within the Department (i.e. is based on the Circle of Courage Model). This will allow you as researcher to build from existing knowledge and current processes, and provide a contextual basis from which to add value to existing Departmental practices.
2. The research findings from your study will differ according to your choice in participant population. It is recommended that you consider including social workers who are also Probation Officers. The latter will be able to reflect on their experiences with current risk assessment tools for child offenders being used in the Department and will refocus your research more specifically in adding value to current practices. You are advised to contact Ms Mariette Swart at Mariette.swart@pgwc.gov.za or 021 761 5057 for some information / guidance regarding current child offender assessment tools being used by Probation Officers.

The Department also have certain conditions attached to granting permission, and are stipulated as follows:

a. That all changes made to your proposal after permission has been granted, be communicated in writing to the REC via the Secretariat;
b. That all ethical standards and practices be maintained throughout the research study;
c. The rights of all sites and individuals (anonymity and confidentiality) involved in the study remain protected at all times.
d. The Department should have the opportunity to respond to the findings of the research. Therefore the research report should be sent to the REC for comment before further dissemination.
e. That the Department be informed of any intended publications and presentations (conferences and otherwise) of the research findings. This should be done via an application to the REC to disseminate findings.
f. The Department should receive a copy of the final report, and all related scientific papers to strengthen the Department’s knowledge base as well as for internal use and dissemination;
g. To receive a copy of all articles written subsequently for publication;
h. The Department be acknowledged in all scientific/conference papers and contributions that result from the data;
i. The data should be safely stored at all times, protected from unauthorised use and/or theft;
Please liaise with Ms Petro Brink on 021 4834512 or pebrink@pgwc.gov.za or Mr. Gavin Miller on 021 483 4168 or gmiller@pgwc.gov.za if you have any questions or are in need of additional information.

[Signature]

A
Head of Department
Department of Social Development

23/09/2010
Date
# CARE PLAN

## DETAILS OF THE YP

<table>
<thead>
<tr>
<th>Surname</th>
<th>Name</th>
<th>Gender</th>
<th>Date of Birth</th>
</tr>
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<tbody>
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</tbody>
</table>

Date when the YP first came into contact with the CYC system:  

Date of this Care Plan:  

YP previous address:  

Name of principal care giver at this address:  

Has the YP (and family) been engaged with the CYC system prior to this intervention:  YES / NO  

If yes, give reasons for the involvement and indicate what support and capacity building was offered to the YP (and the family)
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicate the legal basis of current work with this YP (and family) :</td>
<td></td>
</tr>
<tr>
<td>Why does the YP (and family) need to be within the family of Care now?</td>
<td></td>
</tr>
<tr>
<td>What attempts have been made for the YP to live with a relative or close</td>
<td></td>
</tr>
<tr>
<td>family friend</td>
<td></td>
</tr>
<tr>
<td>What resources, support and capacity building have been offered so far</td>
<td></td>
</tr>
<tr>
<td>to the YP in the community? (Please be specific)</td>
<td></td>
</tr>
<tr>
<td>If it is impossible or inappropriate to keep YP in the community/family</td>
<td></td>
</tr>
<tr>
<td>- indicate the reasons.</td>
<td></td>
</tr>
<tr>
<td>Which organisations, relatives and practitioners have been consulted</td>
<td></td>
</tr>
<tr>
<td>concerning the YP and the formulation of this plan</td>
<td></td>
</tr>
<tr>
<td>What is the overall CP for this YP?</td>
<td></td>
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<tr>
<td>If this YP is under statutory care, for how long is this likely to be?</td>
<td></td>
</tr>
<tr>
<td>What is the agreement with the YP and the family with regard to ending</td>
<td></td>
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<tr>
<td>this intervention and fulfilling the CP?</td>
<td></td>
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<tr>
<td>What steps will be taken if the YP, family or staff wishes to alter this</td>
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<tr>
<td>plan?</td>
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</table>
The first review of this plan will take place at: (place)

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<thead>
<tr>
<th>MONTH</th>
<th>YEAR</th>
<th>VENUE</th>
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</tbody>
</table>

The initial IDP will be in place by: ......................... (date)

Responsible organisation: .........................

DEVELOPMENTAL ASSESSMENT

BELONGING

GENEROSITY

INDEPENDENCE

MASTERY
## INDIVIDUAL DEVELOPMENT PLAN (IDP)

<table>
<thead>
<tr>
<th>CP GOALS</th>
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<tr>
<th>STRENGTHS</th>
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<table>
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<tr>
<th>PROGRAMMES SPECIFIC TASKS</th>
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<tr>
<th>WHO?</th>
<th>DUE DATE</th>
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### 2. MASTERY

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<tr>
<th>CP GOALS</th>
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<th>STRENGTHS</th>
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<tr>
<td>PROGRAMMES SPECIFIC TASKS</td>
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<td>---------------------------</td>
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<tr>
<td>WHO?</td>
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<td>DUE DATE</td>
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<th>3. BELONGING</th>
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<td>CP GOALS</td>
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<td>STRENGTHS</td>
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<tr>
<td>PROGRAMMES SPECIFIC TASKS</td>
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<tr>
<td>WHO?</td>
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<td>DUE DATE</td>
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<th>4. INDEPENDENCE</th>
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<tbody>
<tr>
<td>CP GOALS</td>
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<tr>
<td>STRENGTHS</td>
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</table>
## PROGRAMMES SPECIFIC TASKS

<table>
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<tr>
<th>WHO?</th>
<th>DUE DATE</th>
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## 5. GENEROSITY

<table>
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<tr>
<th>CP GOALS</th>
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<th>STRENGTHS</th>
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<tr>
<th>WHO?</th>
<th>DUE DATE</th>
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<table>
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<tr>
<th>DUE DATE</th>
<th></th>
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</table>
DEPARTMENT OF SOCIAL DEVELOPMENT
Assessment report for Children In Conflict With the Law [in terms of section 40 of the Child Justice Act 2008]

Office reference number:
Name of Child:
Probation Officer:
Office Address:
Officer Telephone Number:
Additional Contact Information:
Magisterial District:
Assessment date: /...../...../ 20 ..... Assessment time [Start]......
Court: CAS Number:
Supervisor name:

PERSONAL DETAILS [CHILD]
Name: Surname:
Alias:
Address:
Date of Birth: ...../..../19.... Confirmation of Date of Birth: Y/N
Gender: Male Female
Identity number: ........ Age verification/ Estimation: .... ...Years

Age verification Source: ............... [such as baptismal certificate, school report]
Population Group: Asian, Black, Coloured, White, Other (specify)

Nationality:                           Religion:

Language:

English
Afrikaans
Xhosa,
Zulu,
Tswana,
SeSotho
Sepedi,
Venda,
Tsonga,
Ndebele,
SeSwati
Other (Specify)
B: MEDICAL INFORMATION
Health Status (Physiological/Physical):
Injuries:
Medication:
Future Medical Appointments:

C: EDUCATIONAL BACKGROUND
First school Attended: [Grade 1]
Name of Previous Schools Attended:
Name of Current School: Date Last Attended:
School Address:
Grade Completed: Year:
Name of Educator:
Additional Information:
Verification Sources:

D: PRIMARY CAREGIVER INFORMATION
Name: Surname:
Relationship:
Residential Address:
Years with Current Caregiver: Years:
Work Address:
Telephone (H): Telephone (W):
Cell: Other:

Employment Status:
Employed
Unemployed
Self-Employed
Other (Specify)
E: FAMILY INFORMATION
Composition:
Relationship: Name: Surname: Date of birth/Age:
Family Background:

F: SOCIO-ECONOMIC CIRCUMSTANCES
Finance and Work Record:
Housing:
Social Circumstances:
Previous interventions:
Interpersonal Relationships:
Peer Group Pressure/Gang Involvement:
Substance Abuse:
Religious Involvement:
Other:

G: CASE INFORMATION [PARTICULARS OF ALLEGED OFFENCE]
Nature of offence:
Charge:
Circumstances of Offence:
Value Of Goods: R Value Recovered: R
Does the child accept/acknowledge responsibility for the offence? Y/N

Date of Arrest: …/…/20… Time of Arrest: ..:...... am/pm
Arresting/Investigating Officer:
SAPS Station Telephone Number:
Place of Detention:
Co-Accused: Y/N
Name of Co-Accused:
Legal representative: Y/N
Previous Involvement in Crime/Arrests/Convictions:
Date of Conviction/Nature of Offence/Sentence/Outcome:
Abscondments/Escapees:
Date: When: Where:
Victim Particulars:
Name:                                Surname: 
Age:                                   Gender: Male/Female
Caregiver Full Names (If victim is a minor):
Residential Address:
Telephone (H):            Telephone (W):              Cell (Other):
Intervention Services/Referrals: Y/N
H: DEVELOPMENTAL ASSESSMENT
BELONGING
GENEROSITY
INDEPENDENCE
MASTERY

I: EVALUATION
J: RECOMMENDATION

Diversion:
Conversion:
Placement:
Placement confirmed: Y/N [supported by current and reliable info – accommodation – clause 40 (2)]

Normal Court Procedures to be Followed:
PARTICIPANT 7

R: RESEARCHER
P: PARTICIPANT

R: Good morning thank you for being willing to talk to me. I am going to ask you about seven questions. It is about risk assessments of child offenders.

Question number 1: Tell me how do you conduct risk assessment of child offenders in practice?

P: Okay is that from the social work point of view?

R: It is a social work point of view?

P: We are looking first for external risk factors when a child comes here. So therefore we look at issues like family, the family the caring part in the family. We short of look at contact, the person the child maybe can contact. Which is then we look at the family who is working actually that is based on the finance of the child. We also look at the financial situation of the family who is employed, or where did they get there source of income as the family okay. Then we also look at the issue like abuse maybe the child has been abuse before he came to our institution. We look at physical emotional or sexual or maybe whether the child was exposed to abuse like that. We also look at the previous or repeated intervention in the child himself. Whether is it the first offender or is it the second offender has he ever been exposed to social work intervention before? That will inform our interventions also in the situation.

R: Ok.

P: The other issue that we really look at is internal risk factors to the child. We look at issues like substance abuse whether substance that he use then we take that information and put it down it is either maybe he use tobacco, dagga okay or any substances that he used when he was in the community. Then the other issue that we really look at we look at his at the school
programme of the child to find out which grade he was or maybe take information down to find out whether he was schooling. Then we look at gang involvement, crime itself, the crime that he committed. Then we also look at issues like gang peer group involvement in committing a crime. This is to find out whether this child committed this crime alone or there was assistance from adults for the child to commit the crime. After we will sort of we will sort of inform and it will open for us to um formulate our thinking about formulating the IDP.

R: Question number 2: Tell me about the assessment tools that you use?

P: The assessment tools? I think the assessment tools that we use are the Circle of Courage because we look at the development phase of the child the Mastery the Independence etc. So because that information helps us to get information about the child as when try to compile the IDP. I think the other tool that applies to our situation is the Strength-Based Model.

R: Okay Now do you have a specific tool like a form that you use apart from the IDP?

P: For assessment? Yes we’ve got a Risk Assessment that is a…

R: And that is your own Risk Assessment or a provincial one?

P: No that is that is the internal one.

R: Internal form?

P: We’ve got an internal form.

R: Who developed that form?

P: It was developed by the social work section itself. That is the form that we developed as social workers and to cover what we think is necessary for our own situation here at the institution.

R: Does the tool have a name?
P: It is developmental assessment I think it looks like (Shows the Researcher the form) it is social work admission assessment

R: Yes social work admission assessment form (Both)

R: Do you think you use yourself as a tool? You the social worker?

P: In the institution? Ja [Yes] I think we are a tool. We can see our self as a very important tool because most of the time children come here and they need a lot of support as well as the fact that they really need programmes that we really need to implement because our intention is to focus on modification of their behaviour.

R: Okay

P: So we do that by doing Life Skills programmes okay and then we do individual sessions with the children. We sit with other stake holders in order to or panel assessments in order to assists in decisions on the best interest for the children that we have here. We have it with other stakeholders social workers from other districts you understand?

R: I just want to go back

P: Yes

R: You as an institution do you work provincial-wise please just tell more about where do your young people or children comes from?

P: I think provincially.

R: Okay

P: We work provincially

R: Are you working with girls/boys?
P: I think it is from 10 to 15 years old.

R: Boys from 10 to 15 years old.

R: Is that rural or urban or everybody?

P: Rural as well as urban ja [yes] because you will find for example boys from Barrydale, Caledon, Hermanus the other communities.

R: Question number 3: From your experience content wise, which focus areas should be taken in consideration in conducting a risk assessment of child offenders?

P: As I have said before I think a very important part is the external risk factors which focus on the family yea one has to have an understanding of where the child comes from. You can word it into and who are the people that is involved in the Belonging phase of the child and then you also needs to understand the dynamics that are involved in a family whether they want to do or are able to care for the child that are coming to our institution. Or is the fact that maybe is there unemployment or stuff like that that might leads to [crime] by the child. So therefore one has to focus on you really look at financial situation of the family. The other important you have to understand whether the child was not abused. It is very important to understand the previous interventions that have been given to the child. It is also important that you have to understand the internal risk factors. The child has been involved as well as the school progress. You also understand you need to understand the peer group involvement we call CUBAC okay in order to understand whether the child is not guided by certain individuals. To commit what he has committed okay. Then as part of our assessment also we had to look at ongoing conditions in the child for example whether this child is suffering any sickness e.g. things like asthma or illness or operations or accidents that happened to the child when he was outside okay. Then we look at food allergies. We value culture as well.

R: Culture?

P: Yes it happens that we have Muslim children yea therefore we have to be informed and sometimes some of the children are Rastafarian or coming from Rastafarian families. So
therefore you need to value culture and understand who he is how to treat them.

R: What about the Black African child?

P: We’ve got black African also as well yes.

R: Do we do we cater for them?

P: Yes we cater for then also as well as whites because we got some white children some time but it is here and there we get white children either one or two.

R: Okay that’s good. Do you look at mental health?

P: Definitely we definitely look at mental health.

R: Okay

P: The other thing is that we make sure that the child is medically examined okay which will be done by our medical section it is not the responsibility of our social workers. Then another bit that is not the responsibility of the social worker is clothing of the children. Then the fact that maybe when they are admitted they will be admitted maybe and you will see them after a day. Then we will look at the sleeping arrangements how the child sleeps. I think that is part of how he is fitting in our institution. When you as a social worker you will be seeing him maybe after a day that he is in the institution but maybe and then you find out about sleep did he sleep well he didn’t have problems and to find if he is adapting well in the institution. So things like impairments also hearing speech or sight is one of the things that we really try to look at. So then we will really listen to children themselves because we also offer them an opportunity to speak if they have any complaints beside what we as social workers asked to them we will give them a change. If there is a need of referral we found in our assessment the child will be referred to appropriate services for maybe for services we don’t have here things like psychologist or things that might need the doctors but we’ve got a nurse attending minor issues that can be attended to in the institution.
R: Question number 4. Based on your perspective how should a social worker in practice go about when conducting a risk assessment of child offenders in practice?

P: I think as I have said already most issues that I have highlighted yes the most important one has to apply empathy ok for the children to understand because you have to create an environment of trust and then you have to make sure that you understand where they are coming from. Not to be judgmental in terms of yourself as a social worker. I think that is most important than you are not allowed to label them to understand and who they are and focus mostly on working with them okay and so that makes children also to listen to you as a social worker and the moment that they can see that you are not judging them.

R: Question number 5 in your opinion what should be included in an assessment tool for assessing the risk of child offenders?

P: I think it’s important that the most think that has to is that one has to understanding. The families already are included because when the children are referred to us the external social worker sit with their families which already that we require that as an institution for us to understand the family views of when it comes to the child. So we will really look at that assessment [external social worker/probation officer] before we do our own assessment. Okay you understand?

R: Yes

P: Because also that is what the parents are saying about the child though on that process we want to really focus on it because we also have our own tools that we have to use ok. We focus on various people that work with the child and then thereafter we um the other things could follow.

R: Now what’s your view on the following do you look at low risk, medium risk and high risk of the child in your institution?

P: Yes we really look at it like that ok as a result our institution is even divided into four cottages which is meant to cater some of this issues like that ok because vulnerable children you cannot place them with others that are more informed other it can create a chaos in the
institution a situation where our care cannot totally exercise supervision well or maybe….

**R: Question 6: Give me your views about the current assessment tools as well as the possibility/necessity to develop new assessment tools?**

**R: First the current tool. Are you okay what please tell me what your view on this is?**

**P: The current assessment tools are okay I am still ok with what we have at this stage. But my wish is that the fact that sometimes it happens that some children they come here they come with their without assessment that is to be done by the external social worker. That is a bit problematic to us because we really need that assessment okay because it also informs our work as social workers in the institution because it happens that that sometimes when we speak to the child not all children are open up about their situation so sometimes they hide certain things. That is that information in that assessment is needed already before you see the child you short of advise yourself with information that has been discuss before then so that already when you met the child you already have an idea of what he comes from and what he has been doing. Therefore we will add in the detail in what you’ve got. The previous assessment and your assessment will be an additional assessment from the information that has been submitted by the external social worker.**

**R: Are you telling me that even after the 1 April with the introduction of the CJA children still coming without assessments to your institution?**

**P: No, no this not quite so often but sometimes we experience issues like that but after I think there is a little bit of improvement. We have platforms okay where as the institution we can discuss issues like that and raise our sort of complaints if we feel that things are not going as planned. There is provincial a Child Justice Forum okay where all stakeholders discuss issues like that e.g. like children that are coming without assessments forms or they are not fetch in good time to go and attend their court proceedings.**

**R: Okay that’s fine now the second part of the question do we need to develop a new tool?**

**P: I think that would help because already I have seen that for external social workers [probation officers] there is a tool which stems from the Child Justice Bill [CJA] and I think it
could help also if we could have a form that could inform ourselves in all the facilities. So then we can work in the same way. You understand? Because on the other hand that could be develop not this form that we are having now.

R: Ok now the tool if we develop a new tool do we need to import another tool from overseas or do we need to develop an SA tool?

P: I think an SA tool will be relevant because our context maybe/might not be the same okay as the context of the other countries. So if we develop anything we need to develop it according to our own context as SA. As we might maybe develop something that might not benefit our own situation.

R: Question number 7: What is your view/s on how such a tool should be developed?

P: Ok I think my view will be the fact that a maybe it should be included also the child Justice Bill [CJA] itself. It should be form part of the Child Justice Bill [CJA].It should not be it is what we are now doing is an internal thing. I feel that we do something …that is in legislation and then we know that in everything that we do is guided by legislation. It is something that we as a country are creating a standard thing that is a quality thing that could applied by everybody in SA.

R: Okay so we talk about a standardised tool?

P: Yes a standardised tool.

R: What about research?

P: I think research can be very important also research might be important because why research could assists us to extend from the information that we have because at this stage it happens that to work with we might have some shortcomings or weaknesses so therefore we need to look at the situation where we as the professionals or team have look after our weaknesses… in order for us to be able to [serve] the young offenders that it cater for.

R: Talking about young offenders or child offenders, do we need to include children in the
development of this new tool?

P: I think we should because everything that we do we have to sit with them because I believe also they have their own understanding of what is because while we work with them in the process some of them are learning form what we are doing and we are hoping to get an improvement from what we are doing with them.

R: Ok lastly and what are important what about social workers or probation officers what about you?

P: In developing that tool?

R: Yes

P: I think that is very important as the people that are working with the tool um it would be important for us to develop it because most of the time certain things are just put without our involvement and therefore that is why you find a lot of issues in certain things you find …if the probation officer , social workers are involved we are going to apply the tool itself it makes an understanding of what they are doing you understand because at the end of the day it helps for them to understand and to apply the tool because it doesn’t have somebody else that has to formulate it and at the end throw it to them to apply because at the end you find out there might be a gap in the implementation phase in processes like that .

R: How do you think we should implement this tool?

P: Maybe it can be implemented by a workshop or some short of meetings that can be set which will consult with and then you can even include the institutions that are around here to assist. Because in that process I think you it has to discuss then you sit down and afterwards come up with the tool itself.

R: What about consultations I need to get my facts together here a pilot study?

P: Pilot study. I think a pilot study that we can have also as well as some research as we spoke before, discussions meetings?
R: Thank you very much is there anything that you want to tell me?

P: Not this stage I think I almost exhausted all my answers.

R: Thank you very much it is highly appreciated.

END