THE PERCEPTION OF PROBATION OFFICERS ON FACTORS CONTRIBUTING TO RECIDIVISM AMONG CHILDREN IN CONFLICT WITH THE LAW, POST DIVERSION

BY

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ACKNOWLEDGEMENTS

DEDICATION

Dedicated

To

My late father, Nyadzani Reuben Tshivhase,

And

My grandmother, Alidzuli Budeli Tshivhase

ABSTRACT / EXECUTIVE SUMMARY

South Africa (SA) is one of the countries with a high rate of recidivism among children in conflict with the law. Criminologists and social work researchers have long been interested in developing effective interventions for these children, known as "diversion programmes," with the aim of making a positive impact on their lives. The goal of this study was to gain a deeper understanding of the factors that contribute to recidivism among children in conflict with the law after participating in diversion programmes. To achieve this, face-to-face interviews were conducted with probation officers who were selected through purposive sampling. The study employed exploratory, contextual, descriptive, and phenomenological research designs, following the stages outlined by Creswell (2014:198) for data analysis. The data collected using a semi-structured interview guide was analyzed using Tesch's framework for thematic analysis. Ethical requirements such as informed consent, confidentiality, anonymity, voluntary participation, and the avoidance of harm were adhered to throughout the study. This study aimed to fill a literature gap in order to comprehensively understand recidivism and its contributing variables. The study revealed numerous factors that contributed to recidivism of children in conflict with the law, post diversion. It further revealed numerous challenges that probation officers are confronted with when rendering diversion programme on a daily basis. The study recommends that parents and caregivers must actively participate in the facilitation of diversion programmes in order to have positive impact of diversion services. The supervision of probation officers must be improved. Aftercare and social re-integration have to be rendered to all the children who would have completed diversion programmes. The study further recommends that parents must attend parenting skills programmes where necessary.

Key concepts: Probation officer, Recidivism, Child in conflict with the law, Diversion programme.

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LIST OF ACRONYMS

APO-Assistant probation officer

CJA- Child Justice Act

CPA-Criminal Procedure Act

CYCC-Child youth care centre

DSD- Department of Social Development

FGC- Family group conference

GBH-Grievous bodily harm

GST- General Strain Theory

NPA- National prosecuting authority

PO- Probation officer

PTSD-Post traumatic stress disorder

ROL- Rhythm of life

SA-South Africa

SACSSP - South African Council for Social Service Professions

TA – Thematic analysis

UNODC- United Nations Office on drugs and crime

USA- United States of America

CHAPTER ONE
INTRODUCTION AND BACKGROUND OF THE STUDY

1. Introduction

This chapter presents a general overview of the study. It provides a description of the background to the research problem and its formulation and discusses the significance of the study. It also presents the research questions, aims and objectives. The limitations of the study, ethical considerations, clarification of concepts, and structure of the research study are also comprehensively covered in this chapter.

1.1. Background of the study

The study was aimed at exploring and describing *the perception of probation officers on factors contributing to recidivism among children in conflict with the law post-diversion programmes.* The study focused on probation officers who are employees of the Limpopo Department of Social Development, South Africa.

Recidivism is one of the most fundamental concepts in criminal justice. It refers to a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime. Webster new world dictionary (2023) defines recidivism as a tendency to relapse into previous conditions or mode of behavior while criminology defines it as a failing back or relapse into prior criminal habits especially after punishment or intervention. Elderbroom and King (2014) refer recidivism as reengaging in criminal behavior after receiving sanction or professional intervention. Zara and Farrington (2016) postulate that recidivism refers to those activities and behavior which are being against law and enacted by an already convicted offender. The concept of recidivism over the years has been defined in different terms. It encompasses re-arrest, re-conviction and re-incarceration among others (Oruta, 2016).

According to Schoeman (2010), recidivism is defined as a behavior process or pattern whereby an offender who was previously found guilty of a crime and sentenced in court of law, commits a further unspecified offence and is found guilty of this offence

receives a further undetermined sentenced in a court of law. According to this definition, a child is deemed to be a recidivist if he or she was previously found guilty of a crime in a court of law and convicted, he/she commits a further criminal offence and he or she is found guilty of the offence. The National Institute of Justice (2014) defines recidivism as a child's relapse in to criminal behavior after he or she has undergone intervention for a previous crime.

Every nation has a subset of citizens who violate the law, disregard the rights and needs of others, and act criminally; however, most people do not commit crimes on a regular basis. Majority of people only participate in one criminal incident before returning to being productive members of society and abstaining from crime. On the other hand, some people end up back in criminal activity and in prison - recidivism refers to those repeat offenders. In other words, recidivism refers to those illegal activities and behaviors carried out by previously-convicted offenders (Zara and Farrington, 2016).

Recidivism is a fundamental area in the criminal justice system on a global scale, and it is a serious issue that every nation deals with. The prevalence of recidivism has increased globally despite numerous intervention measures, its detrimental effects on people as well as on the social and economic life of the community (Akporaro, 2019). Recidivism has become a major social problem due to affecting government's, multinationals and human organizations (Simasiku, 2018).

The United States of America (USA) as a country with the worst crime rate in the world, in the same way it has the highest recidivism rate in the world with over 76.6% of released prisoners reoffending and returning to prison (Flores, 2018). The rising crime and jail rates in Africa are following the same pattern and trends as the rest of the world. Recidivism is a widespread issue in African nations, with the continent's highest recidivism rate being 74% in South Africa, followed by 47% in Kenya and 36% in Tanzania (Oruta, 2016).

Adults, adolescents, and children are all impacted by recidivism. Worldwide, especially in nations like the United States of America, children's recidivism rates are rising, according to the Florida Department of Juvenile Justice. Juvenile courts have custody of more than 31 million children (Puzzanchera, 2018). Following a 3-year trend, 19187 children were released from probation with a completion of 85% (15,876) and a

recidivism rate of 19%. Records for the 2010-2011 fiscal years reported that more than 29,615 children served on probation in the State of Florida of those children, 20,073 were released, and 75% completed a recidivism rate of 19%; although the number of probation cases decreased over a 3 year period, the recidivism rate did not decrease (Strange, 2012).

Recidivism affects everyone - the children in conflict with the law, their families, the victims of the crimes, law enforcement agencies and the country, overall. Recidivism is an essential part of many discussions involving crime rates of countries. Societies with high recidivism rates tend to have higher prison populations, which creates a larger tax burden upon the country. Recidivism rates vary significantly around the world, but they are reported to be as high as 50% and they do not seem to have declined in recent years (Fazel, 2015).

Recidivism among young children is also a challenge for all the helping professionals working within the field of rehabilitation of young offenders. Early therapeutic and statutory interventions with young people in conflict with the law are primarily focused on their rehabilitation. The high rate of recidivism among young children leads to questions about the effectiveness of the therapeutic and statutory interventions available to them. The reality is that there could be various factors, according to probation officers, that contribute to their reoffending which if explored by this research will help to guide and inform early therapeutic and statutory intervention designed to help offenders and their families to prevent re-offending from occurring (Gxubane, 2014).

Many countries such as Australia, Austria, Canada, Chile Denmark, France, Germany and Italy have insufficient data on the subject matter and even among those countries that do keep track of offenders; the definition of recidivism often differs from one nation to the next. In some countries, only imprisonment counts as recidivism. Other countries apply the recidivism label earlier in the process, such as when an offender is convicted or even just re-arrested. Countries also differ in whether or not they count certain low-level offences such as fines or traffic violations. Additionally, follow-up-times or period after release from incarceration is often inconsistent between and even within jurisdictions. If one country measures recidivism using a six-month follow-up

period, another may use two years, and a third may use five years, hence, the data cannot be accurately or uniformly compared (Fazel, 2015).

1.2. Problem statement

According to Akhtar (2014), the formulation of a research problem involves identifying the dilemma that a researcher has encountered in a practical or theoretical context and for which they seek a solution. The problem statement should identify gaps in the phenomenon being studied and formulate a researchable problem in a scholarly manner. Kumar (2019:94) asserts that the formulation of a research problem is the most crucial step in any research process. Kumar (2019) compares the formulation of a research problem to establishing the foundation of a house.

A problem statement, also known as a research problem, is a brief description of an observed challenge (Polit and Becker, 2014). A good problem statement should inform the audience about the nature of the challenge, why it is worthy of research, and who is affected, as well as where and when it occurs. A research problem can arise from various sources, including personal experiences, previous research, theory, and practical issues in the field (Savin-Baden and Major, 2013).

Recidivism among children is a global challenge, and South Africa is no exception. Even children who have participated in diversion programmes and have been reintegrated into their communities and families continue to face legal issues, keeping the conversation about recidivism alive. Despite historically being understudied in the literature, there is currently significant research attention on recidivism and its contributing factors among children who have successfully completed diversion programmes.

Motshedi (2020) supports the conclusion that there is insufficient research available to evaluate diversion programmes. Consequently, there have been insufficient studies conducted in South Africa, specifically in the Limpopo province, that rigorously investigate the factors contributing to re-offending behavior among children in conflict with the law after being reintegrated into their families. This study aims to investigate probation officers' perspectives on the factors that influence children's recidivism after participating in diversion programmes.

The study is crucial to the Department of Social Development (DSD), particularly in relation to restorative programmes. The results should contribute to a thriving service delivery model, individual growth, and professional advancement for the researcher and other probation officers nationwide. Furthermore, the findings will enable key participants in the criminal justice system to work together more effectively. Therefore, the researcher believes it is necessary to investigate this problem and its contributing factors in order to find a solution to recidivism.

To fully understand recidivism and its contributing variables, there is a gap in the literature that needs to be addressed (Cronje, 2012). To the best of the researcher's knowledge, existing studies have not given sufficient attention to the causes of recidivism, particularly among children who reoffend after diversionary programmes. There are no studies on recidivism among children in South Africa who have participated in post-diversion programmes, and as a result, recidivism issues continue to grow among these children on a daily basis. The absence of national and provincial statistics is a significant gap that this study aims to fill.

A study conducted by Steyn in 2012 revealed that two out of four children reoffend after participating in diversion programmes. He further indicated that 28% of children who attended family group conferences were reconvicted within 18 months. Gammage (2020) also attested that children reoffend within a year after completing diversion programmes. The reoffending of children after completing diversion programmes is a serious challenge in South Africa, which is why the researcher is conducting this study.

1.3. Rationale of the study

A rationale for a study serves as a statement of how a researcher developed an interest in a particular topic and why the researcher believes the study is worth conducting (Maree, 2016). In simpler terms, the rationale for the study refers to what motivates the researcher to undertake a study. According to Creswell (2018), a rationale is the heightening of awareness for an experience that has been forgotten or overlooked. Du Plooy-Cilliers, Davis, and Bezuidenhout (2017) explain that this is the section where the researcher justifies why their research topic is worthy of investigation by outlining how it would help solve a practical problem, influence policy, change the way things work, or improve a system.

The Department of Social Development (DSD) and other service providers have established diversion programmes as a way to assist children who are already in conflict with the law in modifying their behavior. The DSD, as a custodian of diversion programmes, is silent about the rising rate of recidivism among children in conflict with the law after participating in diversion programmes. This observation was made by the researcher, who has been providing probation services for the past 12 years. The researcher was curious to learn about probation officers' perceptions of what leads to recidivism among children in conflict with the law after participating in diversion programmes. The findings of this study will benefit the DSD, as they have been tasked with fighting crime, particularly crimes involving minors. This study will also be helpful for children who are in trouble with the police, the community, or care providers.

One of the most important objectives of diversion programmes is to prevent children from reoffending. It is clear that one of the objectives of diversion programmes is to combat recidivism among children in conflict with the law. However, despite the implementation of diversion programmes with the aim of reducing reoffending behavior in children, children continue to recidivate on a daily basis. This is confirmed by the statistics of children who recidivate after participating in diversion programmes in four municipalities of the Vhembe district. It is evident that the objectives of diversion programmes are not being met.

As the future leaders of society, children's engagement in criminal activity is of utmost concern. The researcher was motivated to carry out this study because he believed it would help troubled children grow into responsible adults who will significantly contribute to the nation's growth. The state will also experience financial relief because it is spending a significant amount of money on children who are constantly entering and exiting the justice system.

The absence of data in South Africa regarding children who find themselves in conflict with the law after completing diversion programmes is another important reason why this study is worth investigating. Recidivism among children is not properly tracked, despite being prevalent, and it poses a threat to both the children themselves and society as a whole. The lack of accurate data on the number of children who reoffend and the increasing number of such children indicates the need for scientific research to determine the contributing factors to this phenomenon and propose appropriate

interventions to overcome this significant challenge (Suncica, Buzarovska and Zorica, 2017).

1.4. Theoretical framework

Neuman (2014) indicates that theory is the one that enables us to understand the complexities of social life and offers us insights and suggests directions for inquiry. The researcher adopted behavior modification and general strain theory.

1.4.1. Behavior modification

This study was guided by behavior modification theory which was found by B.F. Skinner in 20th century. Behavior modification refers to the techniques used to try and decrease or increase a particular type of behavior or reaction. Parents used this approach to teach their children right from wrong while therapist use it to promote healthy behaviors among their patients. We can even use it in our relationship with friends and significant others (Vijayalakshmi, 2019). Skinner postulates that behavior modification banks on the concept of conditioning be conditioning is a form of learning. Vijayalakshmi (2019) mentioned two types of conditioning namely: Classical conditioning and operant conditioning. Classical conditioning relies on a particular signal while operant conditioning involves using a system of rewards and punishment.

Vijayalakshmi (2019) indicated that behavior modification was developed from these theories because they supported the idea that as behavior can be learned, they can also be unlearned. The purpose of behavior modification is not to understand why or how a particular behavior started. It focuses on changing behavior and the different methods used to accomplish it.

 This includes positive reinforcement, negative reinforcement, punishment, flooding, systematic desensitization and extinction. Positive reinforcement is a pairing of positive stimulus to behavior. A good example is when parents reward their children for good behavior. Positive reinforcement is effective was to motivate children to be responsible. Negative reinforcement takes something away to reinforce good behavior. It is an effective tool to modify tool habits or other behaviors. Another behavior modification technique is punishment. It is designed to weaken behaviors by

pairing unpleasant stimulus to behaviors. A good example is receiving custodian sentence for committing crimes. In addition, there is flooding as a technique. It involves exposing people to fear involving objects or situation intensely and rapidly. Forcing someone with fear of frog to hold one for ten minutes is a good example (Martha, 2020). This approach was useful in this study to understand factors that subject children to display reoffending behaviors. In the context of this study, children reoffend because of different factors that influence their behaviors.

1.4.2. General Strain Theory

The General Strain Theory (GST) is part of the social structure theories of crime, which fits the positivist notion that contends that social forces push or influence people to commit crime (Brown, Esbensen and Geis, 2013). The strain theory is distinguished from social control and social learning theory in its specification of the type of social relationship that leads to delinquency and the motivation for delinquency. Strain and stress are abundant in the lives of people because society places high standards on the success of people. Brown et al. (2013) discussed the notion that the structure of American society creates lower social echelons and consequently explains lower-class crimes. These goals are set too high and out of reach for a proportion of society since they are distorted aspirations, unrealistic desires for attainment, and crass materialism; this strain sets the stage for individual failure and the search for solutions to this deviancy (Brown et al., 2013).

Agnew (1992) developed the General Strain Theory as an explanation for why individuals commit crime. He posited three specific types of strains, with the first one being the inability to achieve positively valued goals. The second strain is the presence or threat of the removal of negatively valued stimuli, and the third is the removal of positive impulses. Strain can occur in all strata of the population and is not a class-specific phenomenon. He tried explaining how strain leads to criminal acts; he assumed that stress leads to negative emotional states such as anger (violent behavior) or depression (the use of drugs), which are conducive to different delinquent behavior if a person is without adequate coping skills.

Young people who experience crime, victimization, unemployment, frequent school exclusion, and long periods of homelessness after leaving care and many placements

are reported to be more likely to engage in criminal activity, while those who acquire higher levels of life skills are less likely to be involved in criminal activity (Barn and Tan, 2012).

The General Strain Theory suggests three main forms of coping strategies to help people deal with strains in their lives. The first of these coping strategies is cognitive, which is broken into three parts. The first of these cognitive strategies is minimizing the significance of strain. When using this strategy, the individual attempts to neutralize a strain-causing situation by downplaying the importance of a particular goal in order to avoid the tension that would result from their inability to reach it (Brown, 2015). However, if someone decides that their goal was still significant enough to try and achieve it and they were not successful, they could accentuate the positives in the situation. By using this coping strategy, a person rationalizes the fact that they failed to achieve the desired goal by minimizing the negative outcome. The outcome of this strategy is to deny or ignore the overall negative stimuli by insisting on taking positives from the experience (Brezina, 2017). Finally, a person could also accept the negatives in the situation; if someone resorts to this method, then the individual is accepting the negative outcome. This means that the individual initially had no great expectation of achieving a desired goal and their eventual and inevitable failure comes as no surprise and consequently causes no great tension (Agnew and Brezina, 2015).

The second phase added to this theory of coping strategies was behavioral. Unlike the cognitive strategy, the behavioral strategy seeks to take physical action in dealing with a strain (Agnew, 2013). The third strategy introduced was the emotional strategy. This is considered one of the most common strategies, and it deals with the individual attempting to remove the negative feelings that cause strain in a particular situation. People can control their emotional feelings by taking their mind off things, by partaking in different activities such as physical exercise, massage, and relaxation techniques. This differs from the other two strategies because it attempts to completely remove the strain from one's life in order to avoid falling into the temptation of committing crime (Agnew and Brezina, 2015).

General Strain Theory are more important in the explanation of criminal behavior, especially among children. General Strain Theory deals with the non-motivational factors that deter children from committing crime, while Strain Theory deals with the

motivational factors that tend to lead to delinquency. Both of these theories helped the researcher to be rational and more focused on the goal of the problem. They provided a framework of how social phenomena could be understood. They also helped the researcher to understand why humans commit crimes (Brezina and Agnew, 2013).

Behavior modification and general strain theory were fundamental in this study as the researcher sought to explore, describe and contextualize why children commit crimes after subjected to the rehabilitation programmes. These theories provided the researcher with the explanations on why children involved in criminal activities. General strain theory claimed that offending behavior is a response to a negative emotions generated by strain.

1.5. Research questions and objectives

1.5.1. Research question

The research question is a specific one that is developed from the purpose statement of the study, which the researcher seeks to answer (Creswell, 2012). Such questions are typically developed before the identification of the research methodology. According to Maree (2016), a research question is the broad, general question to which the researcher seeks answers. Wildemuth (2017) maintains that the first and most important step in conducting research is to define the research question, which is usually an issue or concern that needs to be addressed. The problem comes from either a void in the literature, topics that have been neglected in the literature, a lift-to-lift up the voice of marginalized participants, or real-life problems found in the workplace, homes, or the community (Creswell, 2012).

In this section, the researcher gives a clear statement for this study in the form of the following research question:

- What is the perception of probation officers on factors contributing to recidivism among children in conflict with the law, post-diversion programmes?

1.5.2. Research objectives

A research objective refers to steps that must be observed to achieve the stated goal (Burns and Grove, 2013). Research objectives should reflect action words that refer to activities to be carried out, for example, to explore or to describe the phenomenon (Du Plooy-Cilliers et al., 2017). Objectives are the steps executed by the researcher to achieve the desired goal; good objectives should be qualified by the SMART principle. SMART is an acronym of five elements operationalized as follows: S= Specific, M=Measurable, A=Attainable, R=Relevant, and T=Time-based (Zahorsky, 2019). Objectives guide the researcher on how to realize the research. The following research objectives will guide this proposed study:

- To explore and describe factors that contribute to recidivism in children who are in conflict with the law, post-diversion programmes.
- To explore the challenges in the implementation of diversion programmes
- To contribute to a reduction and prevention of recidivism among children in conflict with the law.

1.6. Ethical considerations

Ethics are defined as a set of standards that bind the researcher's attitude and behavior, guided by morality or a professional code of conduct (Du Ploy-Cilliers et al., 2017). De Vos, Strdom and Founch et al. (2014) define ethics as a collective of moral principles that are proposed and widely accepted by a group or institution. These principles provide rules and behavioral expectations for correct conduct towards stakeholders such as researchers, participants, employers, sponsors, assistants, and students. Ethics also pertain to the moral integrity of the researcher (Nayak and Singh, 2015). Scott and Garner (2013) further define ethics as an explicit and implicit set of rules that determine acceptable conduct and behavior during the research process and when engaging with research participants. In this study, the researcher adheres to the following research ethics to maintain personal integrity and self-control, which are crucial traits in conducting a research study: informed consent, confidentiality and anonymity, voluntary participation, avoidance of harm, beneficence, and proper management of information. Maree (2016) emphasizes the importance of highlighting

ethical considerations in research and becoming familiar with the ethical policies of relevant institutions that oversee or fund the research.

1.6.1. Informed Consent

The researcher developed a consent letter for participants to make an informed decision whether to participate or not. Consent means explicit agreement to participate; therefore, informed consent primarily serves as a means of respecting persons and secondarily as a means of protecting them from harm (Sarantakos, 2013). Padgget (2018) contends that the issue of informed consent has been a subject of fierce debate in qualitative research. Sizilvia (2013) points out that, according to professional guidelines, the researcher is responsible for informed consent, trust, and protection of participants.

The researcher explained to the participants what the study is about and that participation is voluntary. The right to seek more information about the study was outlined to each participant before data collection began. The participants were also made aware that they have the right to withdraw at any time. The participants were assured that the data collected would be used for research purposes only. Permission to use a voice recorder for capturing the interviews was requested from each participant before data collection began. Participants were informed that their participation in the study would not be remunerated. A highly regulated professional relationship was maintained between the researcher and the participants in every research session.

1.6.2. Confidentiality and Anonymity

Maree (2016) affirms that an essential aspect of research is the protection of participants' identities. When confidentiality is assured, although the researcher may keep names linked to data, information made public will neither include the name of the participant nor make it possible to link the information with a particular participant (Sarantarakos, 2013). According to Silverman (2016), confidentiality means

researchers are obliged to protect each participant's identity, place, and the information provided. Some researchers use the terms confidentiality, privacy, and anonymity interchangeably. It is the researcher's responsibility to ensure that the collected data and its sources remain confidential (Silverman, 2013).

Disclosure of their information is the inherent right of the participants, and it is not the researcher's prerogative to decide when, where, to whom, and to what extent the right to privacy should be waived (De Vos et al. 2014). The researcher assigned numbers to the participants' data to ensure that they remain anonymous (Thomas, 2017).

Zahosky (2019) defines anonymity as the omission of the names of participants in the research study. The researcher assigned numbers to the participants and kept their details anonymous, thereby protecting their human rights and dignity. The identity of the participants does not reflect in the recording that was made available for the interviews. The researcher used codes and numbers to identify the participants without revealing their identities.

The researcher ensured proper management of the collected data to avoid any unauthorized disclosures. To achieve this, participants were assigned identification numbers. The researcher adhered to the principles of confidentiality and anonymity throughout the study and even after its completion, with the aim of protecting the participants from any harm. The researcher also ensured that electronic data was not posted or deposited on the internet. Instead, the researcher saved the information on a hard drive, encrypted the documents with a password, and kept them away from the public.

1.6.3. Voluntary Participation

Voluntary participation in the research process implies that participants must fully understand the research purpose, process, and the benefits and risks involved before agreeing to participate in a research study (Vanclay, Baines and Taylor, 2013). Voluntary means freely, without threat or promise of undue inducement for consenting to participate (Sarantakos, 2013). Thomas (2017) posits that research participants should be made aware that they can refuse or withdraw consent at any point, and they do not have to give an explanation for their refusal or withdrawal.

The researcher explained the aim and process of the research study to the participants so that they had a clear understanding of the study and its possible impact on them. Participants were given time to think about the study and be sure about their desire to participate without being forced by the researcher. Participation was voluntary, and no participant was pressured to be part of the study. Participants were assured that their participation was voluntary and that they would not be deceived or coerced.

1.6.4. Avoidance of Harm

The researcher needs to avoid potential harm to the participants during the interview process. Research studies have the potential to be insensitive and stressful to participants (Gibson, Benson, and Brand, 2013). The researcher explained to the volunteers that they would not suffer any physical, emotional, social, or legal harm during the planned study. It is challenging to predict emotional injury; hence, the researcher will assess the participants' emotional status after they have taken part in the study. Participants may withdraw from the study if they believe their privacy and confidentiality have been violated and if it could result in harm to them or others of concern.

1.6.5. Beneficence

Beneficence is the mandatory ethical obligation to ensure that there is minimal possible harm in a research project and that the benefits are maximized. The effects and consequences of the research project need to be considered to appropriately balance risks with benefits. Assessment of the degree and types of potential risks must be done (Graney, 2017). Beneficence is the obligation to ensure that possible benefits are maximized while reducing harm to the participants (Creswell, 2016).

The researcher informed the participants that there would be no remuneration for participating in the study. The researcher avoided deception and truthfully informed the participants that the research project would be conducted solely for academic purposes. Deception may lead to participants providing incorrect information. The researcher did not withhold any information and provide incorrect information to the participants in the study.

1.6.6. Management of Information

Relevant security measures should be applied when storing data from study participants (Padgget, 2018). William (2015) indicates that collected data must be destroyed after the completion of the study. All original and copies of the researcher's hard copies, such as consent forms, written notes, and transcripts, were stored in a file that only the researcher knew about and was maintained in a lockable cabinet. The researcher's password-protected laptop is where the electronic files were saved. All participant data was stored in a secure location.

1.7. Definitions of concepts

Probation officer is defined as a person who has been appointed under Section 2 of the Probation Services Act (The Child Justice Act No 75 of 2008. South Africa). Probation officers are appointed by the Minister of Social Development, and are officers of every magistrate's court (Department of Social Development, 2018). For the purpose of this study, probation officer refers to the social worker who has been appointed by the minister as a probation officer and facilitating diversion programmes on a daily basis.

Recidivism is one of the most fundamental concepts in criminal justice. A concise understanding of recidivism is sought for better understanding of this study. Recidivism refers "to a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime. Recidivism is measured by criminal acts that resulted in re-arrests, re-conviction or return to prison with or without a new sentence during a three-year period following the prisoner's release" (National Institute of Justice, 2014). In this study, recidivism refers to the tendency of reoffending after the completion of diversion programmes.

Diversion involves turning a child away from the formal court procedures in a criminal matter (Child Justice Act 75 of 2008). Diversion aims to encourage offenders to take

responsibility for their actions and avoid re-offending. It involves diverting an accused child away from formal court procedures and towards a more constructive and positive solution. Diversion is based on the principle of restorative justice, which requires that offenders accept responsibility for the crime committed, make amends for their misdeeds and initiate a healing process for themselves, their families, the victims and the community (Department of Social Development, 2018). For the purpose of this study, diversion means diverting a matter involving a child away from the formal court procedures in a criminal matter. It can also be understood as the channelling of children into appropriate integrative programmes and services where the intervention of the formal court system is not necessary.

Child in conflict with the law is defined as any person younger than 18 years who comes into contact with the criminal justice system as a result of being suspected of committing an offence (Child Justice Act 75 of 2008). For the purpose of this study, it means anyone under the age of 18 years who finds himself or herself on the wrong side of the law.

Diversion programmes refer to a structured intervention making use of clear model of change, techniques and methodology to bring about a desired change in an individual's behavior, beliefs, attitudes, skills and perceptions (Social Development, 2018,). Diversion is the process by which a child acknowledges responsibility for an offence. If the child has not been influenced to acknowledge the responsibility for the offence committed, there should be sufficient evidence against the child to prosecute the offence (Badernhorst, 2012). For the purpose of this study, diversion programmes are the programmes that are aimed to redirect children in conflict with the law through programming, supports and supervision.

1.8. Limitations of the study and problems encountered

The researcher encountered some limitations while conducting the study. Some of these limitations were apparent to the researcher before the study began. The first limitation that was evident to the researcher was the issue of budget. This study was conducted in the Limpopo province, which meant that the researcher had to cover his own expenses for traveling to various districts to collect data. Another limitation was the issue of participants. There was a high turnover of probation officers, especially in

the Waterberg and Mopani districts, resulting in the majority of participants not meeting the inclusion criteria. The final limitation was on the side of the Department of Social Development. The researcher applied for permission to conduct the study on May 4, 2023, and received the clearance certificate on July 21, 2023. It took a whole two months to obtain permission to start collecting data.

1.9. Division of the study

The study consisted of five chapters, and the contents of each chapter are described below.

Chapter 1: The first chapter covers the introduction and background of the study. The researcher outlines the objectives, relevance, and motivation for the study, as well as the research questions and limitations. Definitions of major concepts are also provided.

Chapter 2: This chapter includes a literature review related to the topic being studied.

Chapter 3: The researcher discusses the research design and methodology in this chapter. This includes a systematic discussion of the nature and type of the research, the study population, sampling methods, data collection methods, pilot testing, data analysis methods, data verification methods, and ethical considerations.

Chapter 4: This chapter presents the data analysis according to the identified themes, sub-themes, and categories. It also includes literature control.

Chapter 5: This chapter provides a summary of the study, followed by conclusions and recommendations based on the findings.

1.10. Summary of the chapter

This chapter outlined the introduction and general orientation of the research study. It began with the introduction and background, problem statement, rationale, research questions, and goals and objectives. It also addressed ethical considerations, clarified key concepts, and divided the study.

CHAPTER TWO
LITERATURE REVIEW

2.1 Introduction

The preceding chapter provided an overview of the present study highlighting some of the literature related to the study topic. This chapter presents a discussion on the existing literature related to recidivism and diversion programmes. The purpose of the literature is to familiarise the researcher with what have been written about the topic under study. The literature also helps the researcher to determine the areas related to the topic that has been unstudied.

2.2. Defining "diversion"

Diversion refers to the process which diverts children away from the formal criminal justice system. The child is given the chance to participate in programmes for developmental difficulties that were identified as contributing reasons to his or her committed crime. Through diversion, a child has the chance to avoid having a criminal record and to learn skills that will help him or her avoid repeat offences (Bezuidenhout, 2018). Diversion requires the informed consent of the child and efforts should be made to ensure that potential diversion approaches and programmes are in the best interests of the child. Although diversion is initiated after the child has committed an offence, the approach differs from informal justice (Department of Social Development, 2015).

2.3. Diversion programme in international context

In Australia, diversion programme is an alternative penalty and an opportunity to have the case handled outside the court system. Diversion systems operate to promote rehabilitation, seeking to address the heart of the matter. A diversion plan comes with conditions which must be met and the programme is only offered to those who eligible. These programmes are commonly issued to first-time and children in conflict with the law because criminal record can bring negative effects to young people. Diversion programmes in Australia are attached to the following conditions; the child must remain in good behavior, sending a written apology to the victim, compensating the

victim, paying a fine, attending counselling, participating in community service and attending education (Hughes and Ritter, 2008).

The following criteria for the child are to be considered for diversion programmes in Australia:

- When the offence is a summary offence

A summary offence is the one that its proceedings take place in a magisterial court. It means the offence is minor, and therefore does not require a jury to determine sentencing. Those who committed serious offences are not eligible for diversion orders.

- The child offender pleaded guilty for the offence brought against him or her

Children only qualify to be considered for diversion after they pleaded guilty and take responsibility for their own actions. The child offender must accept the charges brought against him by the court of law and recognising the impact inflicted by the commission of the offence on the victim.

- The victim must give consent to diversion

In Australia, the views and the interest of the victim are important when diversion is considered. The victim must give consent to the diversion to be considered.

- The prosecution must agree to the diversion programmes

For the programme to be granted, the prosecution must consent for it to go ahead. The police and the victim should be informed of the possibility of the programme.

2.4. Diversion programmes in African countries

The concept of diversion remains relatively new in Ethiopia. Currently, there are no formal structures in place for diversion programmes. In Ethiopia, diversion is not regulated by law, however in some areas diversion programmes are implemented on an ad hoc basis. In those cases, the offence committed must be petty offence, the child must have accepted the commission of the offence and the parents must assume the responsibility for the child's participation in the diversion programme. The most

crucial programme is community-based correction which focuses on the informal system of care, rehabilitation and re-integration of the child. The programme allows the child to continue with schooling and bonding with the family (Mueller-Smith and Schnepel, 2021).

Save the children supported the government of Kenya to roll out a diversion pilot programme in 2001. The pilot followed a review of the juvenile justice system between 1987 and 2000 which found 80 percent of children in the justice system (Wurayayi, 2021). During 2016, the National Council on the Administration of Justice established a special taskforce on the children's matter, tasked with reviewing law and policies (Mueller-Smith and Schnepel, 2021). One of the mandate of the taskforce was to develop guidelines on diversion. The Office of the Director of Public Prosecution (OPDPP) developed the guidelines of diversion programmes. The minimum age of criminal capacity is 12 years. Diversion programmes in Kenya are regulated by the Children Act 2022 which provides a comprehensive framework and standards for diversion (Wurayayi, 2021).

In Malawi, diversion was introduced in the country in 2005. It is regulated by the Child Care Protection and Justice Act 2010 and Criminal Procedure and Evidence Code. Diversion programmes are implemented at the police and court stage. The police in Malawi are given mandate to divert children without engaging in formal judicial proceedings (Carlson and Seim, 2020).

In Namibia, the diversion for children in conflict with the law is not codified by the law. The prosecutor general in Namibia gave permission in 1995 for the diversion and release of children in the care of their parents for minor crimes. Based on that, the model of South Africa is followed with, the implementation based on a restorative justice approach (Martin, 2017).

Diversion programmes in Zimbabwe is regulated by the Constitution of Zimbabwe, Section 81, criminal procedure and evidence Act, Section 9and chapter 9 of the consolidated guidelines on pre-trial diversion programme for children. The minimum age of criminal capacity in Zimbabwe is 07 years. Police, Prosecutors and Magistrate are mandated to take decisions on matters concerning children. The offences that are eligible for diversion are petty offences that attract a sentence of less than three

months. A pilot study for diversion programmes was launched in five districts in 2013 supported by UNICEF and Save the Children (Mueller-Smith et al., 2021).

The diversion programmes have similarities and differences. In all the countries discussed above, children who are eligible to diversion programmes are those who have committed inconsequential offences. The minimum age of criminal capacity diverse among the countries. The offences committed by children are property crimes which include theft, robbery, shoplifting and housebreaking. Some of the countries do not have legal framework underpinning diversion programmes (Okech, 2015). The diversion programmes in all the countries focus on rehabilitation of the children than punishment.

2.5. The history of diversion programmes in South Africa

The South African government introduced diversion programmes in 1990; however, it was 2005 and 2008 respectively, where these programmes were recognised and signed into law, as sentencing options and preventive programmes. This happens after the introduction of Children's Act 38 of 2005 and the Child Justice Act 75 of 2008. The reason behind this inclusion was after the recognition by many countries that children commit criminal offences because of certain circumstances as a dysfunctional family, poverty, poor parenting and other social skills (Department of Social Development, 2015).

2.6. History and the development of child justice act in South Africa

Section 1 of the Child Justice Act defines diversion as diverting a matter involving a child away from the formal court procedures in a criminal matter when there is sufficient evidence to prosecute the child. Diversion aims to reduce and prevent future involvement on crime (Seroczynski, Evants, Jobst, Harvath and Carozza, 2016). Diversion entails that children in conflict with the law are kept away from the formal criminal justice system and ensure that there are successfully reintegrated in to the society (Badenhorst, 2013). By diverting children in conflict with the law, they are protected from the negative effects of the criminal justice system and prevented from unnecessary stigmatisation and criminal record (Badenhorst, 2013). The CJA enacts diversion and ensures the fair treatment of children in conflict with the law. Diversion

sets out to prevent crime and promote public safety through the use of alternative sentencing and restorative justice procedures (National Prosecuting Authority (NPA, 2011).

In terms of the CJA 75 of 2008, diversion can occur in three ways:

- Through prosecutorial diversion when a child has committed a Schedule 1 offence
- At the preliminary inquiry, through an order of the inquiry magistrate (Section 51 (2))
- During the trial in the child justice court (Section 67(1))

2.6.1 Consideration of diversion

Section 52 of the CJA no 75 of 2008 (Child justice Act 75 of 2008) set out the criteria for a child to be considered for diversion. After consideration of all relevant information presented at a preliminary inquiry, including whether the child has a record of previous diversion to consider for diversion if:

- The child acknowledges responsibility for the offence
- The child has not been unduly influenced to acknowledge responsibility
- There is prima facie case against the child
- The child and his or her parents' consent to diversion
- The prosecutor or director of public prosecutions indicates that the child may be diverted in terms of Section 2 and 3 of the CJA

2.6.2. Objectives of diversion

Section 51 of the CJA no 75 of 2008 lists the following goals of diversion services:

- Deal with a child outside the formal criminal justice system in appropriate cases;
- Encourage the child to be accountable for the harm caused by him or her; meet particular needs of the individual child;
- Promote the re-integration of the child into his or her family and community;
- Provide the opportunity to those affected by the harm to express their views on its impact on them;

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

- Promote reconciliation between the child and the person or community affected by the harm caused by the child;

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

- Reduce the potential of re-offending;

- Prevent the child from having a criminal record and

- Promote the dignity and well-being of the child

2.6.3. Diversion options in South Africa

Various options for diversion are stipulated on Section 53 of the Child Justice Act 75 of 2008. The diversion options are set out into two levels. Level one applies to the offences referred to in schedule 1 of CJA, while level two includes all other offences indicated in schedule 2 and 3.

Level one diversion options include an oral or written apology, a formal caution with or without conditions, placement under the supervision, referral to counselling or therapy or compulsory attendance of a vocational, educational or therapeutic intervention, good behavior order, community service and compensation to a victim (Child justice Act 75 of 2008).In terms of the duration of diversion options that fall under level one, an order may not exceed 12 months when the child is under the age of 14 years. For those older 14, an order may not exceed 24 months in duration (CJA s 53 (5)).

Level two diversion options include those of level one with the addition that the child can be ordered to attend vocational, educational or therapeutic intervention. The child can also be referred for intensive therapy to treat or manage problems that have been identified as a cause of the child coming in to conflict with the law. In terms of the duration of level two diversion options, an order may not exceed 24 months if the child is under the age of 14 years. For children older than 14 years, the order may not exceed 48 months in duration. The child can be placed under the supervision of a probation officer on conditions which may include the restriction of the child's movement to the magisterial district in which the child usually resides unless prior

written approval to move elsewhere is obtained from the probation officer (Child justice Act 75 0f 2008).

2.6.4. Types of diversion programmes

The Department of Social Development is obligated by the Probation Services Act no 116 of 1991 to establish programmes for children at risk, awaiting trial, and sentenced. The Department is further obligated to provide prevention and early intervention and offer designated therapeutic programmes for residential care. The implementation of the CJA no 75 of 2008 endorsed the provision of diversion programmes be accredited. The Director of social crime prevention developed five social crime therapeutic programmes as indicated below:

2.6.4.1. Life skills programme (Rhythm of life)

The programme transfer skills to children that will assist them to understand themselves relate to others and take responsibility for their own actions. The programme provides platform for children to share their views and feelings in a non-threatening way. It encourages and advance parental responsibility. The programme is interactive and reality based regarding the challenges facing children today. The programme addressed the hard topics, stimulates, thought and develops skills in order to help children to know and protect themselves and dream of bright future for them. The diversion programme's emphasis is on creative art therapy to improve a person's physical mental and emotional well-being. It will help the participants to manage their behaviors, feelings, reduce stress and improve self-esteem and triggers by enabling people to communicate effectively and positively (Department of Social Development, 2019).

The programme content structured over eight sessions, and is summarised below:

- Who am I? The first session sets out to develop a healthy self-concept and understanding of how responsibility relates to choices and actions. This session put more emphasis on the impact of having a criminal record. The session promotes parent child interaction through role play.

- I am….the session centres on self-belief and the inherent ability of children to change. The emphasis is on the stereotyping and how internalised negative labels affect behavior. The session builds self-esteem of the children.

- I respect you and I can say my opinion….the session address conflict resolution and assertiveness skills as well as an understanding that conflict is normal and can be managed in a proper way.

- I have choices…..the session enhance responsible decision making and instil an understanding of relationship between choices and achieving personal goals.

- I have rights and responsibilities….the session sets out to inform participants about their rights and how these balance with certain responsibilities. Respecting the rights of others is addressed.

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

- I respect…..the session facilitates an understanding of socialisation. Children are to challenge their own perception.

- I commit….participants ask their parents for forgiveness and communicate about how they wish to relate in future.

The Department of Social Development developed life skill programmes as a way to intervene to the children who have committed the crimes. In contrast the researcher feels that this programme will be more relevant and effective to the children who are yet to commit crimes because those who have committed the offences have already violated the rights of others and also involved themselves in peer pressure which consequently lead them to criminal behaviors. The researcher viewed this programme

as a proactive programme which may prevent children who are at risk of committing criminal offences.

2.6.4.2. Restorative justice programme

Restorative justice is an approach that aims to involve the parties to a dispute and others affected by the harm (victims, offenders, families, community members) in collectively identifying harms, needs and obligations through accepting responsibilities, making restitution and taking measures to prevent a recurrence of the incident and promoting reconciliation. Restorative justice sees crime as an act against the victim and shifts the focus to repairing the harm that has been committed against the victim and the community. It believes that the child in conflict with the law also needs assistance and seeks to identify what needs to change to prevent future re-offending (Department of Social Development, 2019). Restorative justice include family group conference (FGC) and victim offender mediation (VOM). Section 61 of the CJA defines family group conference as an informal procedure which brings together the child in conflict with the law, the victim, their families and other relevant persons affected by the commission of the crime in order to develop a plan on how the child will redress the effects of the offence. FGC has its roots in restorative justice. It entails creating a platform for child in conflict with the law and those affected by the criminal act to discuss the events surrounding the crime and its impact in order to develop a mutually beneficial strategy to remedy it (Child justice Act 75 of 2008). The aim of VOM is to provide an opportunity for the victim and the offender to discuss the proceedings surrounding the offence (Strange, 2012).

2.6.4.3. Wake up call (Anti substance abuse) programme

The wakeup call programme equips children with the knowledge and skills to face the challenges arising from substance use, abuse and dependence in South Africa. The diversion programme focuses on cognitive behavioral therapy in the development of maladaptive behavioral patterns like substance abuse and correcting learned behavior (Department of Social Development, 2019).

2.6.4.4. In the mirror (Sexual offender) programme

The most important goal of the in the mirror programme is to assist the sexual offender in refraining from committing sexual offences in the future. The diversion programme emphasis is on the cognitive methods to assists the sexual offender addressing the challenges the person is facing (Department of Social Development, 2019).

2.6.4.5. Aftercare programme (Mind the gap)

Aftercare services are supportive services provided to a child and his or her family after re-integrated to the community. The purpose of aftercare services is to assess, monitor and evaluate progress with regard to the child's adjustment to re-integration. These services may include secondary and tertiary prevention services, as well as the family preservation services to prevent the recurrence of problems that led to the initial removal of the child or to prevent reoffending. The duration of aftercare services is determined by the level of support and services that the child and family require but not less than 12 months (Department of Social Development, 2012).

2.6.4.6. Reverse your thinking (Restorative justice programme)

Restorative justice brings those harmed by crime or conflict and those responsible for the harm in to communication, enabling everyone affected by a particular incident to play a role in repairing the harm and finding a positive way forward. Restorative practice can be used everywhere to prevent conflict, build relationships and repair harm by enabling people to communicate effectively and positively (Department of Social Development, 2019).

2.7. The effectiveness of diversion programmes

The question remains whether diversion programmes are effective in decreasing reoffending in children in conflict with the law. The practice of diversion therefore was to ensure that children who have already found themselves in the wrong side of the law must not involve themselves in criminal activities (Motshedi, 2020). Hoge and Wilson (2013) disagree with the conclusion that diversion is only effective if a diversion treatment is provided. It does not distinguish between the effectiveness and ineffectiveness of diversion programmes.

Sigh (2016) posits that in South Africa, there is inadequate knowledge when it comes to the rate of recidivism and the role the diversion programmes can play to restrain the high rate of recidivism. She also indicated that there is a high turnover of children in conflict with the law entering and leaving correctional institutions. The summary results of the meta-analyses conducted by Hoge and Wilson (2013) show that diversion programmes were more effective in reducing recidivism. A recent meta-analysis of 73 diversion programmes shows that recidivism rates were lower for diversion programmes compared to conventional judicial processing (Hoge and Wilson, 2013).

Diversion programmes have a positive impact on the lives of children in conflict with the law. These programmes give them second chance to amend their mistakes. The findings of the study by Gwatimba and Raselekoane (2018) indicated that children were determined to abide by the law in order to avoid re-offending. This can only be done by children who have witnessed positive results brought by the programme.

2.8. Challenges to the implementation of the diversion programmes

Various factors pose a threat to the effective implementation and rendering of diversion programmes. These factors include challenges associated with the characteristics of diverted children, their parents, victims, the community and the diversion system itself.

Some diversion options require participants to have certain cognitive abilities. Some of the activities of live skills training involve reading and writing. It might therefore be unrealistic to expect children to express their emotions and thoughts in writing since they may not yet have mastered the ability to thinking an abstract way. Children also struggle to listen attentively to lengthy and class room based activities (Steyn, 2012). Parents play an important role in achieving effective diversion outcomes. Some parents are contributors to the criminal behavior of their children and if interventions do not include them, the child's problem will not be solved. Some children defend their children despite the diversion order, which negatively influence the attitude of their children towards diversion programmes (Steyn, 2012). Abdulla (2019) maintains that parent must attend diversion programmes as well because their presence can instil positive values and moral in their children. The involvement of parents was also seen

to be imperative as it will help for the monitoring attendance and ensuring support (Ntshangase, 2016). The same was resonated by Strange (2012) that the role of parents in diversion programmes is a major challenge to the effectiveness of diversion programmes. He further postulates children can easily recidivate due to lack of parental insight into what an intervention expects of participant. Some parents are often contributors to the criminal behavior of their children and when they do not participate in programmes, interventions have little meaning.

Some of the children in conflict with the law attend diversion programme only to avoid prosecution. It is a serious impediment to work with children who are not attending wholeheartedly but only to avoid jail time (Majaji, 2017). Dealing with children who not remorseful also pose a huge challenge. Those children have a negative attitude and they make things difficult. This is also attested by Kleinhans (2013) who designated that it is problematic and difficult to work with and achieve the intended goals of diversion that are only there to avoid prosecution.

As the CJA dictates, restorative justice is an imperative pillar of diversion hence it is expected that the victims of crime be actively involved in the diversion process. Some of the victim feels reluctant to face the child in conflict with the law while other refused to meet the child in conflict with the law. Due to high rate of crime in South Africa, communities are sometimes reluctant to embrace the reintegration of the child in conflict with the law and the child will feel rejected and not loved. It makes the programme not to reach the goal of diversion programmes as outlined in the CJA. For the mere fact that the community is not ready to welcome him or her, he or she will feel stigmatised and the stigma will haunt him and caused him or her to reoffend (Bezuidenhout, 2018).

The study of Motshedi (2020) indicated that it is difficult for the probation officers to implement diversion programmes due to fact that the programme is not well resourced. It further indicated that some probation officers are placing children in diversion programmes that are not relevant to the offence they have committed and as a result the programmes become ineffective.

An evaluation of the diversion programmes study done by the Western Cape DSD in 2016 highlighted the following challenges to the implementation of diversion programmes:

- **Human resource capacity**

The study revealed that probation officers and assistance probation officers who are rendering diversion programmes are understaffed. Too few POs and APOs are available to manage and facilitate various diversion programmes. In certain areas, only one probation officer is allocated to multiple arears. POs are attending as many duties as possible, acting as a expect witness in court, they consume their working hours and detracts them from case work and facilitation of diversion programmes. The strain is experienced as a result of limited number of POs especially when they are out of office for reasons such as maternity or sick leave. There is also a high turnover of PO's. They resign from their duties because they are being offered better opportunities in terms of their salary grades and position outside DSD. Such movements of stuff disrupt the overall functioning of the diversion programmes. The duties POs that include conducting assessment, writing statutory reports and spending days in courts result in limited involvement in the facilitation of diversion programmes.

- **Training**

Training of POs and APOs is a major challenge and it does not exist. POs and APOs do not have specialised probation training. Instead they receive short and internal training sessions that take place over a week. They attend the same sessions. There is no distinction between the POs training and the APOs training. POs do not possess skills to deal to violent children. There is a need for POs to learn on how to deal with violent children because such cases are on the increase. The master trainer approach was described to be ineffective for various reasons. These include Master trainers moving office and changing jobs resulting in a lack of further training of POs, the master training approach depends on individual. Diversion programmes were reported to be postponed and cancelled when the master trainers were unavailable.

- **Infrastructure**

There are no available venues for the facilitation of diversion programmes as no dedicated spaces have been assigned for the facilitation of diversion programmes. The issue of not having venues is a serious concern especially in the implementation of the programme. POs normally depend on external support for the venues of diversion programmes. The availability of venues from the external support is however

not guaranteed as these spaces can be used for other activities and this resulted to the programme postponed or cancelled.

- **Unsuitable time slots for programme presentation**

The diversion programmes are administered after school hours. These time slots were elected to avoid disrupting of children's schooling but it presented additional challenges, for example, children attend the programmes with empty stomach and this lessen their focus. This is a serious challenge and the budget of diversion programmes does not allow them to be fed. Certain POs used their personal resources to provide food during the programme. Another challenge presented by unsuitable time slots the waiting period from when the child leaves school to the time he/ she arrives. POs have to wait for the children to arrive at the venues. It also presented a challenge to the parents of the children. Parent might be able to attend court proceedings with the court however attending the actual programme is a serious challenge. The challenges include programme clashing with working hours and employer not being supportive in providing time off to the parents.

2.9. Legal framework on criminal offences committed by and on children in South Africa

Prior to 1994, particularly during apartheid era, legislation and policies in South Africa did not protect the children. The democratisation of South Africa in 1994 resulted in legislation changes in respect of children who find themselves in conflict with law. The changes in legislation were necessary as children previously dealt with in terms of medical model and were treated, punished or labelled for their misbehavior. The following are some of the legal frameworks that are applied when a child is on a wrong side of the law:

- **The Children's Act no. 38 of 2005**

This Act focuses on family preservation and the care and protection of children. Chapter 2 outlines the general principle (in terms of Section 6). Section 7 highlights

that the best in interests of the children are paramount in all matters concerning their care protection and well-being. It also emphasises that children are to be treated in a fair and equitable manner, ensuring that their dignity is upheld. The preamble of this Act stipulates that all proceedings, actions or decisions taken in respect of children must be in accordance with children's right set out in Section 28 of the constitution.

It is important to note that the Act has inter-linkages with other pieces of legislation. The first inter-linkage is where a child is accused of a crime and who appear to be in need of care and protection can be referred to Children's court and criminal proceedings then stopped. In terms of the Act, an inquiry is held and if the child is found to be in need of care and protection, an appropriate intervention will be ordered in terms of Section 156 of the 2005 Act. The second inter-linkage issues deal with residential care. In terms of the Children's Act, institutions dealing with children in need of care or protection as well as the children accused of committing crimes has been consolidated under one concept (Department of Social Development, 2018: 23).

- **Probation services Act no.116 of 1991**

This act was amended to provide for programmes or services aimed at the prevention and combating of crimes. The Act places the onus on the Department of Social Development to assist persons and children at risk and in conflict with law with programmes and relevant services. The Probation Services Act 116 of 1991 makes provision for any Social Worker registered with the South Africa Council for Social Services Profession (SACSSP) to be appointed as Probation officers.

- **Child justice Act no 75 of 2008**

Criminal offences committed by children are addressed in terms of the child justice Act no. 75 of 2008. Prior to the 1st of April 2010, the criminal procedure no 51 of 1977 was used to deal with children who are in conflict with the law. This Act came with a new special procedure to deal with children who are in conflict with the law (Department of Social Development Newsletter, 2019). The Act allows the diversion of criminal matters involving a child in conflict with the law away from the conventional criminal justice system to a child appropriate justice system.

The Child Justice Act 75 of 2008, Section 51 lists the following goals for diversion services: to promote child offenders' accountability and meet their specific needs; to reintegrate and reconcile the child with their families and community; to give victims the chance to express their views and the impact on them; to encourage the provision of some form of symbolic benefit or object as compensation for the harm; and to encourage reconciliation between the child and/or the person with victim and also to prevent a child from reoffending. It is very imperative for the Department of Social Development and other diversion service provider to make sure that the above mentioned objectives are met. Meeting the diversion objectives can make our country a peaceful country because there would be no recidivists.

- **The constitution of the Republic of South Africa Act no 108 of 1996**

In terms of Section 28 (3) of the South African Constitution of 1996, children refer as any persons under the age of 18. Section 28 (1) of the Constitution of the republic of South Africa emphasises that children's rights should be protected and prioritised at all times. The children's best interest should always be of paramount importance and children in conflict with the law should be afforded specific safeguards. Section 28 (1) (g) provides that children are not to be detained, except as a measure of last resort and should be kept separately from convicts over the age of 18 years and treated in a manner and kept in conditions that take the child's age into account. Furthermore, in terms of Section 28 (1) (h), a legal practitioner must be assigned to the child by the state and at state expense.

- **The criminal procedure Act 51 of 1977**

The Criminal Procedure Act 51 of 1977 sets out the procedural system that governs the prosecution of all persons who comes in to conflict with the law. However, there are few provisions that relate specifically to children in the criminal justice process. Section 153 sets out numerical circumstances where the court may decide that criminal proceedings take place behind closed doors or in camera. Section 153 (4) mandates the presiding officer, in situations where the accused is a child not to allow anyone into the court unless it is the accused's legal representative, parent, care giver or person whose presence is necessary for the proceedings. Section 290 (1) (a) talks about the placement of the child in conflict with the law under the supervision of probation officer (Department of Social Development, 2018).

- **Criminal law (sexual offences and related matters) Amendment Act 32 of 2007**

In terms of Section 54 of the Supra Act, a person who has knowledge and belief that a sexual offence has been committed against a child must report such knowledge immediately to a police official. If a person fails to report such knowledge or suspicion or reasonable belief is guilty of an offence and is liable to conviction to a fine or imprisonment not exceeding five years.

2.10. Contributory factors to recidivism

Various factors that have been known to contribute to recidivism including family of the children, substance abuse, peer pressure, poor literacy skills, failure of intervention programme, and social stigma. The following are contributory factors:

2.10.1. Family of the children

Family plays an imperative role on the reintegration of the children who went through diversion programmes. A family is a place where support, love and rapport can be attained. Children in conflict with the law continue to present reoffending behavior because of the immediate environment which is their family. Families who are disorganised tend to raise children who are always finding themselves in conflict with the law. It is also attested by Tayebi, Kashani and Zaskar (2017) that disturbed childhood, disputed families and ruined personal relationships play a crucial role in children 's involvement in criminal behaviors. Lack of family support has a major impact on recidivism amongst children. Children from family where there are no support systems do not get enough courage to live positively.

The nature of the family and the ability of parents to provide basic needs such as food, clothing and shelter have a notable impact on child understanding of norms and beliefs of society. Many children in South Africa face problems arising from their families

(Kandala, 2018). Financial challenges in the family are also among the socio-economic factors that perpetuate children's recidivism. Children continue in criminal behavior for financial gain because the majority of them rely of Child support grant (Kandala, 2018). The same was resonated by Gwatimba and Raselekoane; (2018:) that most children reoffend because they still go back to the same environment that makes them commit offences. They further started that poor economic conditions plays a huge role in children's reoffending post diversion programmes. The study conducted by Department of Social Development (2018) attested that the economic deprivation and poverty of families, alongside children's exposure to family trauma and violence increases the child's risk of recidivism post diversion programmes. Environmental factors play a fundamental role in shaping the behavior of the child whether it will be positive or negative behavior displayed. The children that normally come from the dysfunctional family environment are likely to be recidivate because of lack of good parenting, guidance, preservation and support (Tayebi et al. 2017).

A combination of other family issues such as large family, domestic violence, and death of parents or guardians also leads to children's recidivism. Children who lack psycho-social support are compelled to leave home and live with friends, they go hungry which influences them to steal, and breaking the law becomes a norm. Most of these children come from dysfunctional family, where parents abuse alcohol and drug substances, which results in children being neglected and left without parental supervision. Children are then left to feed themselves and the only way to do that is to steal (Flores, 2018).

Social bonding theory explained that children are more likely to involve themselves in criminal matter if they don't have attachment to their families. Attachment refers to the interpersonal relationship between family members. Children find themselves in different situations and they play an important role in their lives while they are growing up. A lack of social support between a child and his parents increases the risk of reoffending or recidivism.

The Department of Social Development (2018) undertook an evaluation regarding the recidivism behavior of children in conflict with the law. The study showed the fragility of families within various research sites. The fragile state of families in which children are raised and continues to navigate appears to play a vital role in increasing the risk

of recidivism on children (Department of Social Development, 2018). The predicaments children find themselves in are straining hence they lead to recidivism.

2.10.2. Individual traits and personal aspects

The Department of Social Development (2018) undertook an evaluation of recidivism amongst children in conflict with the law. The findings of the study revealed several individual traits that are understood to have a significant impact on the child reoffending. The individual traits speak briefly of children's inability to control their anger in diversity situations, how to resolve conflict, understanding the seriousness of the offence, their criminal behavior, low self-esteem, a discouraged attitude when others try to mentor them, prior intervention of the child and early onset of criminal behavior and the challenge of maintaining change, post diversion (Department of Social Development, 2018). It is the belief of the researcher that geographical location of children in conflict with law plays an imperative role in recidivism. Children who witnessed crime such as gender based violence and other types of crime at their homes and neighbourhood are at risk of reoffending.

2.10.3. Substance abuse

Substance abuse is one of the strong predictor of criminal recidivism among young children. Drugs and alcohol are clearly the major attributes to both crime and recidivism. Research consistently indicates that a significant association exists between drug abuse and recidivism, beginning in children around adolescence stage and continuing into adulthood. For instance, young persons who use drugs are more likely to commit crimes than non-abusers to engage in violent acts (Kandala, 2018). Substance abuse and other general comorbidity significantly predicted substance-related recidivism. Becker, Kerig, Lim and Ezechukwu (2012) explored the relationships among mental-health problems, post-traumatic stress disorder (PTSD), age, ethnicity, gender, and recidivism. Becker, Kerig, Lim and Ezechukwu (2012) concluded that predicting recidivism among delinquent children is a complex endeavour and that mental-health factor, including PTSD, also needed to be examined as risk factors for children's recidivism. When children involve themselves in drugs,

there is a loss of the sense of self and ends up in to more and more serious criminal behavior (Briefing Paper 294, 2012).

2.10.4. Peer influence

Peer group influence or pressure is another powerful predictor of recidivism. Pressure is more pronounced on youngsters in a group setting than on relatively older peers or those perceived to be smarter and cleverer. Peer pressure and other social provocations encourage recidivism in both children and adults, therefore, such offenders, even if they are active in a sound rehabilitative program, they may still return to criminal activities due to outside social influences. For example, if a young offender is placed in a drug rehabilitation program and wants to remain drug-free, he or she may still re-engage in drug use if pressured to by friends. In this case, recidivism is more direct to a social stimulus outside the control of the criminal justice system. A programme will only be effective if the children participate in it fully, without a commitment to the goals of the program, children may re-offend (Lekalakala, 2016: 32). Children make wrong friends and chose to affiliate in deviant groups that introduce them in into anti-social behaviors and later reoffend. Peer influence plays a notable role in recidivism behavior by children and also adults (Kandala, 2018). Gwatimba and Raselekoane (2018) share the same sentiments by starting that regardless of the fact that they have completed diversion programmes, they are pushed to reoffend in order to fit in the very same group that made them to commit crimes. Majority of the children return to their environment and associate themselves with their former notorious friends.

The findings of the study conducted by the Department of Social Development in 2018 highlighted that who the children associate with in their communities or at school can place them a higher or lower risk of reoffending. Children's relationships, older relation, alongside the dropping out of school placed the child at the risk of recidivating. These include children's constant exposure to physical and emotional violence in the areas where they reside (Department of Social Development, 2018).

2.10.5. Low level of education

Majority of children who dropout from school has a distorted sense of mastery and as a result their job opportunities are narrowed. Lack of education amongst children is a serious problem among children as they are not able to take informed decision on their daily lives. School plays an important role in children as they will be able to abide by certain norms and beliefs (Kandala, 2018). Poor education has a notable impact on the on the recidivism amongst the children. Poor literacy skills increase the likelihood of children to behave in a deviant manner (Social Sciences Journal, 2022).

The same was attested by Agnew in his theory "General strain theory" (2001) that the rate of recidivism is seen as high within individual with low academic performance. Delinquency occurs when children have low educational achievement, poverty, poor health and other issues that prevent them from accomplishing success through hard work, determination and initiative.

The study conducted by the Department of Social Development (2018) also attested that education and skills development on varying topics including conflict resolution and life skills should be geared towards this age group as the study have indicated that they are vulnerable and at high risk of getting involved in criminal activities or are already engaged in criminal activities.

2.10.6. Failure of programmes

The ineffective intervention of programmes leads to recidivism. A program is only effective if children participate in it fully. If the program is not effective and relevant to the needs of the children, then it may not prevent recidivism. Programmes that are poorly run or is understaffed and underfunded causes recidivism (Magaji, 2017).

2.11. Strategies to reduce recidivism

Solving the problem of children's recidivism needs a multilateral and multi-sectoral approach. It needs the involvement of the entire society in different positions. Educational institutions are some of the best institutions that can help in fighting recidivism and ensuring that children live a responsible life that is free from crime (Auty and Lebling, 2019). The use of these entities can assist the children to know what is expected from them and how to avoid committing crimes. Children spend most of their time in school and as such school-based programmes must be created where they

are targeted with information about the dangers of committing crime and how to avoid wrong association.

The programme of the study should be revised to apprehend a wide range of issues that affect lives of children. Voorveld et al. (2018) noted that the majority of children are compelled into crime because of poverty, bullying, rejection, peer pressure and other challenges. Though the programme of the study cannot solve the issues such as poverty, and mental disorders, however it can assist in empowering them on how to preside over other problems like peer pressure and bullying. Students need to learn how to overcome countless opposition that they come across in their lives without turn to crime. Educational institutions should put in place a legislation that protects children from any form of bullying while they are at school. They should also need to empower children so that they can understand that life in crime cannot address their challenges.

So many children reoffend because of drug addiction. They lack income however their body system has become reliant on substances. They have may have to steal of engage in criminal activities to enable them to purchase drugs and alcohol. Substance abuse treatment must be available and accessible to all so that they can live a responsible life with specific goals (Voorveld et al. 2018).

The immediate family of a child has the primary responsibility of assisting their children to subdue children recidivism. Majority of children embrace deviant behavior at their homestead through observation. The family environment should be transformed, and the child should be given the necessary attention, love, and guidance may be all that is needed to assist them overcome their condition.

When a child completed diversion programmes, proper care must be given to the child to assist them to overcome emotional and mental challenges. Victimization is one of the biggest challenges children experienced when they are re-integrated into the society. These children face rejection from even their peers because of stigma of crime. The community has a major role to play in fighting victimisation of children who have gone through the rehabilitative programmes. They need to be accepted and supported so that they can become responsible members of the society (Voorveld et al. 2018).

Addressing risk factors is also another way of reducing recidivism on children. Children involve themselves in committing crimes due to the environment they find themselves in which is full of predicting factors to criminal behavior. It is very imperative to develop effective interventions that will be used to address risk factors such as unsupportive families, poor parenting and substance abuse. Some risk factors are dynamic meaning that they can be addressed by programmes outside the criminal justice system (Magaji, 2017).

2.12. Summary of the chapter

This chapter provides an overview of the literature relevant to the topic being studied. The review indicates that there is a gap in the literature regarding recidivism among children who have participated in diversionary programmes. It is also clear that the South African government does not track recidivism rates, unlike other countries, resulting in a lack of data and statistics on recidivism. The literature highlights a lack of research on strategies to reduce recidivism rates, posing a significant challenge for both South Africans and the government. The present study aims to contribute to the existing literature by proposing ways to reduce recidivism. The following chapter will discuss the methodology used for this research study.

CHAPTER THREE
RESEARCH METHODOLOGY

3.1. Introduction

This chapter presents the research methodology adopted to find solutions to the problem addressed in this study. The topics covered in this chapter include the research paradigm, research approach and design, sampling procedures, data collection techniques, data analysis, trustworthiness of data and ethical considerations

observed while conducting the study. These topics are presented in Figure 3.1 below:
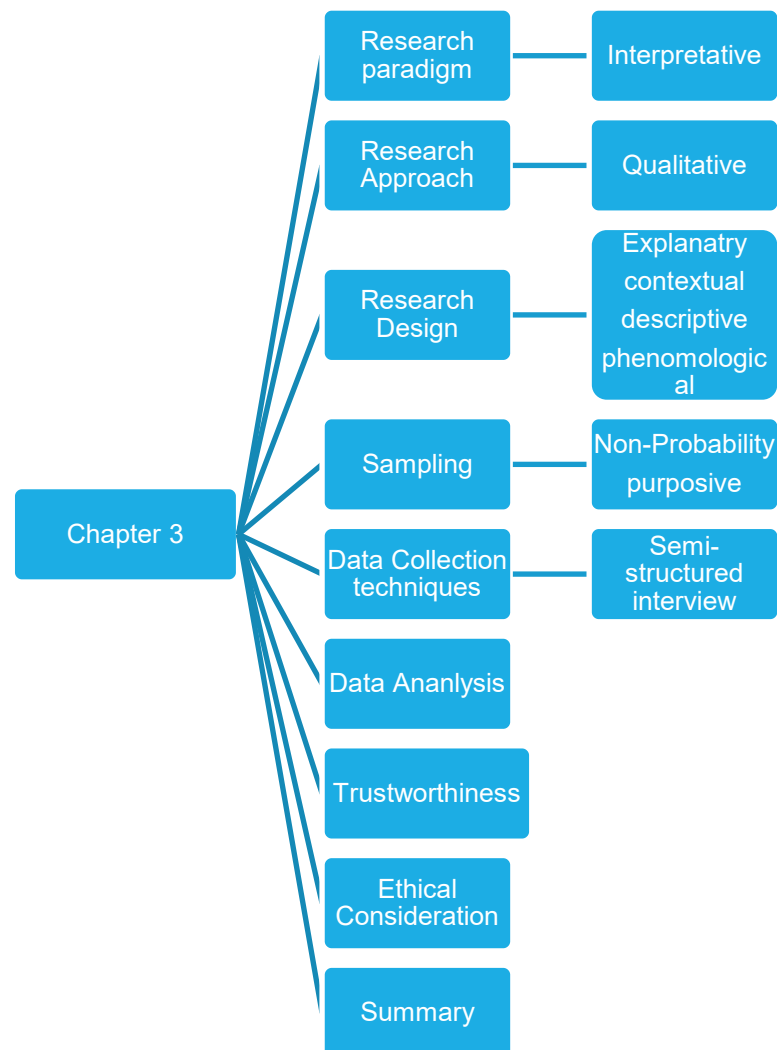
Figure 3.1: Chapter map

3.2. Research paradigm

The research paradigm encompasses the beliefs that guide a study and position the researcher within the world of philosophies and general ideologies of the phenomenon under investigation (Creswell, 2014). There are various forms of research paradigms in social science research, including positivist, post-positivism, constructive, interpretive, and pragmatic. Each of these paradigms has its own specific fundamental belief to address social problems (Creswell, 2014).

For the purposes of this study, an interpretive paradigm was adopted. Maree (2016) explains that researchers who embrace the interpretivism paradigm assume that human behavior is complex and differs significantly from easily controllable scientific components. Human actions are influenced by many subjective factors (Trainor and Graue, 2014). Therefore, interpretivism focuses on researching human actions in everyday life rather than in regulated environments. Creswell (2014) concludes that the interpretivism paradigm relies on detailed research findings that examine culture and how people live their lives. The process of data collection in the interpretivism paradigm is trustworthy, and the collected data provides a comprehensive understanding of the study context.

The interpretivist paradigm relies on a dialogue between the researcher and the subjects to negotiate, collaborate, and develop a meaningful understanding of reality. This understanding is specific to a particular time and context and cannot be generalized. Interpretive approaches include interviews, observations, and textual analysis. Interpretive methodology requires that social phenomena be understood through the eyes of the participants rather than the researcher. The goal is to understand social phenomena within their context. The interpretive paradigm collects qualitative data from the participants (Creswell, 2016). The following are the core characteristics of the interpretive paradigm.

- **Ontology**

The nature of reality in this paradigm is that there are multiple realities. Reality can be explored and constructed through human interactions and meaningful actions. Many social realities exist because of varying human experiences, including people knowledge, views, interpretations and experiences (Kivunja and Kuyini, 2017).

- **Epistemology**

Events are understood through the mental processes of interpretation that is influenced by interaction with social context. Those activities in the research process construct knowledge. People cannot be separated from their knowledge by experiencing the real life or natural setting (Kivunja and Kuyini, 2017).

- **Methodology**

The methodological position is the system or techniques that will be applied to conduct the research, which is a subjective, qualitative method. Research is the product of the values of the researcher (Kivunja and Kuyini, 2017).

- **Axiology**

Axiology refers to the ethical issues that need to be considered when planning a research proposal. It considers the philosophical approach to make decisions of value.it involves defining, evaluating and understanding concepts of right and wrong behavior relating to the research (Kivunja and Kuyini, 2017).

Interpretive paradigm is well-suited for exploring hidden reasons behind complex, interrelated or multifaceted social processes. They are also helpful for theory construction in areas with no or insufficient a prior theory. It helps to uncover interesting and relevant research questions and issues for follow up research.

This paradigm was very imperative and relevant to the study because the study was about human behavior and actions in daily life. The researcher aims to increase knowledge and understanding about the study topic. The researcher was relying on questioning and observation in order to discover a rich and deep understanding of the phenomenon being investigated. The aim is to understand the lives and experiences of individuals and empathetically identify reasons why they act the way they do. This is closely associated with qualitative methods of data collection.

This paradigm allowed the researcher to be closely with the participants to gain insight and form a clear understanding as to what are the contributory factors of recidivism among children in conflict with the law post diversion programme (Maree, 2016; Kumar, 2015).

3.3. Research approach

A research approach refers to methods and techniques consisting of significant assumptions and steps for systematic data collection, analysis, and interpretation (Creswell, 2014). There are three types of research approaches in social research: quantitative research, qualitative research and mixed methods. Figure 3.2. Presents the main three research approaches in social science:
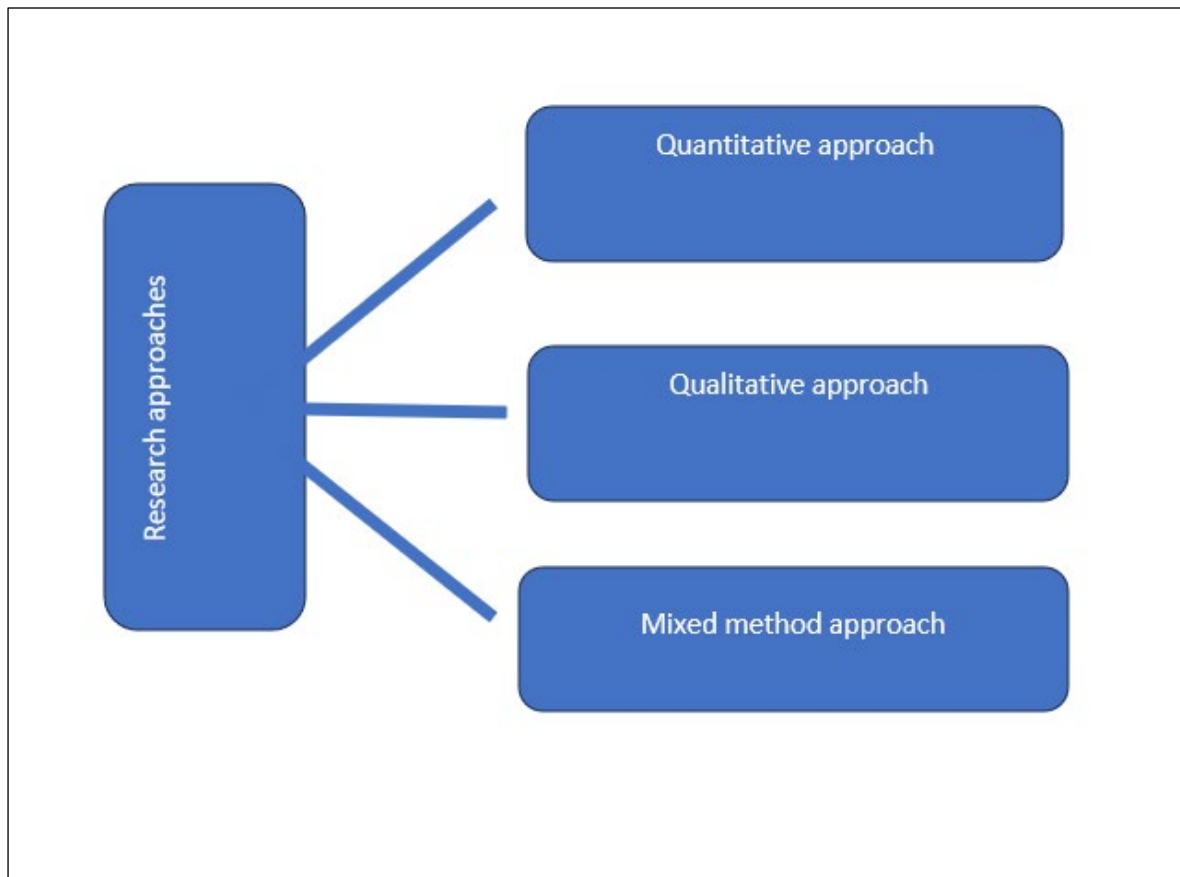
Figure 3.2: Research approaches (Creswell, 2014)

The nature of this study requires a qualitative research approach, which Creswell (2014) declares as an attempt to explain a problem through induction. It emphasizes the contextualization of meanings and concepts through methods, beliefs, contexts and interpretations. According to Creswell (2014), this approach focuses on exploring and understanding the meanings individuals or groups attribute to a social or human problem. The approach is utilised when there is a need to hear individual thoughts, perceptions and experiences about a phenomenon. According to Creswell 2018), qualitative research is conducted mainly when there is a problem that needs to be explored and it employs various methods of enquiry - to explore, describe, understand, explain and document human experiences - about others in social action and reflexive states (Saldana and Omasta, 2018).

Qualitative research approach allowed the researcher to explore the probation officers' perception on the factors contributing to recidivism in children in conflict with the law,

post-diversion programmes. Qualitative research was considered relevant for this study mainly because the researcher wants to obtain first-hand information. It is appropriate in assessing the quality of experiences of the participants as the researcher provided space for them to articulate and explain their experiences and individual perspectives about the topic. The approach was more suitable for this study because it provided an opportunity for the researcher to develop contextual relevant findings as guided by the approach's embedded attributes as outlined by Creswell (2014). Consideration of these core characteristics assisted the researcher to have a better understanding and application of qualitative research method. Following are the characteristics:

- **Natural setting**

A qualitative researcher usually collects data from an environment where the participants have a problem. This implies that data collection is done where the participants experience a problem. The major characteristic of qualitative research is gathering of information, getting information directly from people and being able to see their reaction within the context. In a natural setting, the researcher had face to face engagement with the participants. The researcher used the participants' preferred places for interviews. The researcher physically goes to probation officers preferred places of interview at around Limpopo Province to conduct the interviews. The participants were encouraged to use their own time as opposed to the employer's time. This afforded the researcher an opportunity to interview and observe participants in their natural setting (Creswell, 2014).

- **Participants' meanings**

The researcher focused on learning the meaning that the participants ascribe to the problem or issue of the research. The participants' meaning of the phenomenon may suggest multiple perspectives and diverse views, hence, the researcher ensured the themes developed in a report should reflect these multiple perspectives (Creswell, 2014:; Maree, 2016). The researcher did not only depend on literature, or his own

understanding, but attention was paid to the descriptions of the participating probation officers.

- **Key instrument**

Qualitative researchers generally collect their own research data through participant observation, documentation or direct interviews with participants. These researchers generally do not use instruments or questionnaires made by other researchers, because they are the only key to the study. The researcher was the main key instrument when collecting data through face-to face interviews using an interview guide and recorder, after the participants have voluntarily consented to the study (Creswell, 2014).

- **Emergent design**

The research process for qualitative researchers is emergent. This means that the initial plan for research cannot be tightly prescribed and that all phases of the process may change after the researcher enters the field and begins to collect data, provided that these changes are still in line in achieving the research objectives, namely obtaining information about the research study. For example, the questions may need to be amended, the forms of data may be altered and individual studies and the sited visited may be modified during the process of conducting the study (Creswell, 2014). The researcher was flexible during the study, where there is a need.

- **Inductive data analysis**

Qualitative researchers build categories, patterns and themes from the ground up or from separate data into a complete conclusion. Collected data was analyzed by identifying themes generated during the interviews and where there is uncertainty; the

researcher goes back to the participants to check the correctness of the coded information (Creswell, 2014).

- **Reflexive**

The researcher strived to ensure that his personal background does not influence the findings and conclusions of the study. The researcher, as a qualified social worker, constantly reminded himself that the participants are not clients and as such he cannot wear the cap of a social worker during the interview but that of a researcher seeking a holistic account of a phenomenon. The researcher abided by the ethics of social research in order to avoid being biases (Creswell, 2014).

- **Holistic account**

The researcher tried to develop a complex picture of the problem under study. He reported multiple perspectives and identified many factors that contributed to recidivism among children in conflict with the law, post diversion programmes (Creswell, 2014).

- **Multiple sources of data**

The researcher gathered multiple forms of data through the interviews, observations and documents perusal. All the collected data was reviewed, interpreted and organized into categories that cut all the data sources (Creswell, 2014).

3.4. Research design

According to Kumar (2018), a research design is the grouping of conditions for the gathering and evaluating of data in a manner that aims to combine relevance with the research purpose and with economy in the procedure. Creswell (2014) argues that a research design involves making decisions concerning what the study will be about, and when, where and how it will be conducted. Maree (2016) notes that a research design is a strategy that moves from the underlying philosophical assumptions to specifying the selection of participants, the data-gathering methods to be used and data analysis to be done. In this study, the following designs were considered relevant: exploratory research design, contextual research design, descriptive research design

and phenomenological research design. The researcher applied explorative research design, contextual research design, descriptive research design and phenomenological research design in order to gain a better understanding of the contributory factors of recidivism among children in conflict with the law post diversion.

3.4.1. Exploratory research design

Little scientific knowledge and research are available about the phenomenon under study; hence the researcher adopted an exploratory research design. There was a gap in the literature about the factors contributing to recidivism among children in conflict with the law post diversion programmes, which the study filled (Gray, 2014). This design helped to explore those factors through semi-structured face-to-face interviews with probation officers.

3.4.2. Contextual research design

The study applied contextual design to seek the meaning of the participants, perceptions, experiences and feelings (Corbin and Strauss, 2015). Abel and Evans (2013) define contextual design as a user centred process, which provides methods to assist in data collection and analysis. In this study, participants were interviewed at their preferred places. This study was done in their natural setting which will be free from distraction.

3.4.3. Descriptive research design

A thorough description of the demographic group under study is what defines a descriptive research design (Rubin and Babbie, 2013). Additionally, it aims to characterize circumstances and measure a problem or phenomenon, such as the extent, frequency, and locations of the phenomenon (Babbie, 2010; Matthew and Ross, 2010). The researcher devotes much time in observation and then come to describe the situation as observed (Babbie, 2010). The researcher will be part of the phenomenon which is observed or the people and describe what he has been able to observe. The description of the experimental phenomenon must be after thicker

examination in qualitative study. It tends to explain more and want to be in the shoes of the observed and described people (Rubin and Babbie, 2010). Description research involves gathering the data in a way of making observation and describe what has been observed by the researcher (Engel and Schutt, 2010). This is a theory-based design, where the researcher is primarily interested in describing the topic that is the subject of the research. It is applied to case studies, naturalistic observations, surveys among others. This method includes the procedures for data collection, analysis and presentation and it lets a researcher clearly present the problem statement in order to allow readers a better understanding of the need for this kind of research (Thakur, 2021). Babbie (2013) contends that social science qualitative research is mostly conducted for the purpose of describing events and situations. Through this design, the researcher had an opportunity to understand the phenomenon due to the detailed account of the context and activities as the phenomenon occurred, in the context of the participants' descriptions.

3.4.4. Phenomenological research design

Phenomenological research is qualitative research approach that helps to describe the lived experiences of an individual. It focuses on studying the phenomena that have impacted an individual. This approach highlights the specifics and identifies a phenomenon as perceived by an individual in a situation (Creswell and Poth, 2018). Phenomenological research design is mostly used to the behaviors of a group of people. Phenomenological research has its roots in psychology, education and philosophy. Its aim is to extract the purest data that hasn't been attained before (Gray, 2014 2016). This research design was more relevant to the phenomena under study as the researcher was studying about the experiences of probation officers when dealing with children in conflict with the law. It helped the researcher to get the firsthand information about the contributory factors to recidivism among children in conflict with the law post diversion programmes.

3.5. Population and sampling

The term "study population" refers to a group of people or a collection of community entities that together represent all the features and interests that the researcher is

interested in (Creswell, 2016). Population refers to a group of people who have experienced the phenomenon under study, while research sample refers to a subset of the research population who meet a specified sampling or inclusion criteria (Saldana et al. 2018). Study population is viewed as the whole set of individuals or institutions that the study findings or results will be drawn from. It is the entire set of individuals where the findings of the study are going to be generated. Included in the population are the families, individuals, groups, communities and organizations that contributed to the research study (Leedy and Ormorod, 2014).

Probation officers employed by the Department of Social Development in Limpopo province of South Africa were considered to participate in the study. The reason for focusing on this population is that they are the ones who are facilitating diversion programmes on a daily basis and their experience helped the researcher to explore the reasons behind recidivism of children in conflict with the law, post-diversion programmes. There have been so many confusions on whether diversion programmes are effective or not. So this population was very relevant to this study as they are implementing diversion programmes and they also understand the challenges that hinder effective facilitation of diversion programmes. Permission was granted from the provincial head of the Department of Social Development to conduct the study. A formal letter in connection with the request was approved and the ethics approval certificate issued by the University of South Africa, College of Human Science Research Ethics Committee. Data saturation was reached after interviewing seventeen participants.

Sampling

Sampling is the process of choosing a portion of a population to represent the characteristics of the complete population (Igwenagu, 2016, Wilson and Maclean 2011). It is also thought of as a method for choosing a predetermined number of individuals from a predetermined population to serve as that people's representatives (Pandey and Pandey 2015). Sampling is "essentially the act of learning about a population on the basis of a sample selected from it (Sizilvia, 2013). Therefore, a sample is a portion of a population drawn from a larger population in order to draw conclusions.

Sampling methods

The sampling technique that was employed in this study was non- probability purposive sampling. Purposive sampling entails selecting study participants based on personal judgement, such as the nature of their duty, roles, expertise and experience, (Gray, 2014). The researcher selected probation officers because they are the ones that implement diversion programmes, they have certain expertise and experience in relation to the implementation of diversion programmes and the behavior of children. The issue of sample size matters not significantly in qualitative studies. New participants were recruited continually until the data set is complete, as indicated by data replication or redundancy.

Inclusion criteria

- Probation officers who have been facilitating diversion programmes for at least five years.
- Probation officers who are employed by Limpopo Department of Social Development.
- Probation officers who are available and willing to participate in the study.
- Probation officers who are registered with the South African Council for Social Services Profession.

Exclusion criteria

- Probation officers who are not facilitating diversion programmes.
- Probation officers who have less than five years' experience in facilitating diversion programmes.
- Probation officers who are not willing to participate in the study.
- Probation officers who are deregistered by the South African council for social services profession.
- Probation officers outside Limpopo province were excluded in the study

3.6. Data collection

There are several methods researchers apply in collecting data from participants. Each method has advantages and disadvantages and some methods are better than others in certain circumstances. Data collection is a series of interrelated activities aimed at gathering relevant information to answer emerging research questions (Creswell, 2014). In addition, data collection is also viewed as a systematic way of gathering information that is relevant to the research purpose (Burns and Grove, 2013).

In preparation for data collection, the researcher selected the semi-structured interview. A semi-structured interview guide with open-ended questions was prepared to aid the process of data collection from participants. It pointed out to the participants that participation in the study is voluntary and their rights was not be jeopardized in any way. Those who agreed to participate in the study were prepared by having the contents of the preamble to the consent form explained to them. When they indicate that they understood the contents of the letter, they were requested to sign the consent forms.

3.6.1. Method of data collection

The researcher used the semi-structured, face-to-face interview as the method of data collection. This is an interaction between an interviewer and the interviewee in which the latter is the centre and the interviewer has a general plan of inquiry, albeit not necessarily a sequential order of questions (Babbie and Mouton, 2017). In addition, data collection is also viewed as a systematic way of gathering information that is relevant to the research purpose (Burns and Grove, 2013).

The semi-structured interview guide was in English. The researcher asked permission from the participants to use an audio-recorder to capture what will be shared. The researcher used the audio-recorder after each participant has given him permission by way of signing the consent form provided.

3.6.2. Preparation for data collection

According to Creswell (2014), data collection involves several preparation activities. These activities include setting up a location for the interview, defining the scope of the study, and deciding on the methods of data gathering, such as structured, unstructured, or semi-structured interviews, observation, document analysis, or the use of visual materials. During this process, the researcher also needs to determine how the collected information will be recorded. Creswell (2014) further explains that the researcher must develop an interview protocol to ensure standard procedures are followed during the interviews.

Before collecting data, the researcher made contact with the participants to obtain their permission to participate in the study. The researcher used the snowballing technique, where initial participants provided information about other potential participants. The researcher introduced themselves to the participants and explained how they were contacted. This was a brief explanation given to make an appointment.

The researcher formulated clear and understandable questions that the participants could comprehend and answer appropriately. The researcher also made sure to confirm that the participants were knowledgeable about the subject matter of the study (Kumar, 2019). As part of the data collection preparation, the researcher, who serves as the main instrument in the process, conducted pilot testing. This testing was primarily done to assess the researcher's interview skills and the effectiveness of the data collection tool. Below is the semi-structured face-to-face interview schedule, which includes all the questions answered by the participants:

Section A: Biographical information for research participants

- How old are you?

- What is your gender?

- What is your highest qualification?

- How long have you been facilitating diversion programmes?

Section B

- Share with me the diversion programmes you have conducted for children in conflict with the law

- Share with me at least two cases (do not mention names) wherein you conducted diversion and later the same child re-offended.

- In your own perspective, how effective are the diversion programmes?

- What do you think are the contributory factors of recidivism among children post diversion programmes?

- What kind of services do you provide to child in conflict with the law post diversion programmes?

- What are the challenges that you experience when facilitating diversion programmes?

- What do you think could be done to address those challenges?

- What strategies do you think can be used to reduce recidivism in children post-diversion?

- Thank you for the valuable information. Is there anything else you would like to add before we close?

3.6.3. Pilot testing

A pilot study plays a crucial role in research. It is a small-scale study that focuses on a specific research instrument, such as an interview guide, to evaluate its effectiveness in gathering and analyzing data (Mahrukh and Atteq Ur, 2022). The purpose of pilot testing is to ensure that participants understand the questions in the interview guide (Strydom and Delport, 2011). Ravitch and Carl (2016) argue that pilot testing is essential in designing a research study. Creswell (2012) asserts that pilot testing allows researchers to make changes to a research instrument based on feedback from a small number of individuals who completed and evaluated the

instrument. In this pilot study, the researcher interviewed two probation officers in the Mopani district to test the interview guide and the researcher's interview skills. It is important to note that the data collected from these two probation officers who participated in the pilot testing were not used in this study.

3.7. Methods of data analysis

According to Katika (2015), the data analysis process is crucial for conclusion validity, described at the extent to which conclusions and inferences regarding relationships between the major themes in research are warranted. Data is meaningless if it is not analysed and interpreted. The researcher used the thematic data analysis. Data analysis is a process which involves dividing data and makes meaningful part with the intention of examining them and is an ongoing process (Savin-Badin and Major, 2013). In qualitative study, data analysis means the organising and the process of data in a way that makes the researcher see patterns, to identify themes and develop explanation (Charlesworth and Foex, 2016).

For the purposes of this study, the researcher adopted the stages from Creswell (2014) that are utilized for data analysis as indicated below:

- Organize and prepare data for analysis. The researcher transcribed data from field notes and recordings. The researcher kept the different sets of data (field notes, observation data, and interview data) separate and mark each bit of data clearly in terms of its identifying characteristics. The researcher used folders and files to gather together materials dealing with the same data.
- Read or look at all the data. The researcher reviewed the data in order to get to know it inside and outside. The researcher also listened to the recorded interviews several times. The researcher carefully read through all the transcriptions, make notes of ideas that come to mind and obtained a sense of all the collected data.
- Coding all the data. The researcher chose one interview, which was the shortest interview, the first one at the top of the pile, and goes through it while asking: "What is this all about?" The purpose was to establish the underlying meaning of the information, while any thoughts that come to mind will be written down in the margin of the interview transcript.

- Generate description. After going through the transcripts, the researcher arranged similar topics in groups by forming columns labelled - major topics, unique topics, and leftovers.

- Themes and description represented. The researcher then abbreviates the topics as codes and writes the codes next to the appropriate segment of the text. The researcher observed the organization of data to check if new categories or codes are emerging.

- The researcher finds the most descriptive wording for the topics and convert them into categories. The aim was to reduce the total list of categories by grouping topics together that relate to each other. Lines were drawn between the categories indicating the interrelationship of categories.

- A final decision was then made on the abbreviation of each category and the codes were arranged alphabetically. Every category's worth of data was collected in one location, and an initial analysis was carried out.

- Lastly, the researcher recorded existing data, using a book, in order to verify data and make sense out of it.

3.8. Methods of data verification

In research, commitment to verification necessitates confidence in information, its analysis and interpretation (Polit and Beck, 2017). Rigour implies the standard in the quality of a qualitative research and the assessment of the results (Liamputtong, 2019). Pool (2017) states that data verification relates to the assessment of the credibility of the research findings, hence, data validation is not a stand-alone process in research rather it happens throughout the stages of research (Creswell, 2014). Du Plooy-Cilliers et al. (2017) contend that qualitative research verification is guided by the concept "trustworthiness," which is qualified by reliability and validity. This is because qualitative studies focus on gathering in-depth understanding, which cannot be quantified by numbers. Data verification in this study was employed using four elements of trustworthiness as outlined by Lincoln and Guba in Bryman (2012).

3.8.1. Credibility

This concept considers the correctness of interpreted data provided by the participants. Credibility is upheld when participants accept the findings. Credibility answers how the findings concur and conform to reality, and it refers to the "respondent validation" of the data (Bryman, 2012).

The researcher used a member-checking strategy to ensure the credibility of the findings. The aim of this process was to seek corroboration of the researcher's findings with the information provided by the participants (Bryman, 2012). To achieve this, the researcher discussed the analyzed data with the participants and afforded them a chance to comment on the findings and check whether the emerging information and conclusions are correct representations of their narratives.

Contradictory information was highlighted as another way of promoting credibility because it increases the judicious nature of the results. The researcher identified opposing views and perceptions in discussing emergent themes with the participants in order to examine and account for the diverse submissions on the investigated phenomenon. This ensured that all evidence is appropriately afforded space and representation.

3.8.2. Transferability

The meaning of transferability is the extent to which qualitative findings can be transferred to or have applicability in other settings or groups (Pilot et al., 2017). Transferability refers to the degree of similarities between the research site and other sites as judged by the reader. In order to accomplish transferability in this study, the researcher supplied a detailed description of the research methodology to be employed during the data collection as advised by Pilot et al. (2017).

3.8.3. Dependability

Dependability was also be ensured. Dependability means that the study's procedures are well documented and traceable and that they need not lead to the same conclusions but should have a logic that makes sense to others (Polit and Beck, 2014). Dependability also refers to the stability of the data over time and over the conditions of the study (Pilot et al., 2017). It refers to whether one can track the procedures and processes used to collect and interpret data (Lodico *et al.*, 2010). For this study, the

researcher used an independent coder to check the consistence of recorded data and the results. The coder was used to verify the information recorded to make sure the researcher does not miss any of the information.

3.8.4. Conformability

Confirmability involves objectivity, that is, the potential for congruence between two or more independent people about the data's accuracy, relevance, or meaning (Pilot et al., 2014). Literature review was conducted before commencing with data collection to ensure the study is informed by recent and relevant literature. Furthermore, literature was consulted to endorse or contest the findings of the study after data analysis. The researcher continued with coding the data.

3.9. Summary of the chapter

This chapter provided an overview of the research methodology implemented in order to address the research problem. The decision to employ a qualitative approach was to have an in depth understanding of the problem. The following chapter will discuss the findings in respect of the factors contributing to recidivism among children in conflict with the law, post diversion.

CHAPTER FOUR
PRESENTATIONS AND ANALYSIS OF RESEARCH FINDINGS

4.1. Introduction

Chapter four presents the results of data collection. The data was collected from the probation officers who are employed by the Limpopo Department of Social Development who have been facilitating diversion programmes for at least five years. The data was collected through semi-structured interview schedule. The researcher conducted his own transcription of all the interviews conducted. Seventeen probation officers were interviewed. The researcher applied the Tesch's steps of qualitative data analysis (Creswell, 2014).

4.2. Profile of participants

The participants of the study were the probation officers who are facilitating diversion programmes and are employed by the Limpopo Department of Social Development. Participants were familiar with English hence they participated in English language. The researcher is also familiar with the above-mentioned language. The face to face semi-structured interviews were conducted with each probation officers and it was done in English. The profile of the research participants is described as follows:

The seventeen participants in this study were probation officers employed by the Limpopo Department of Social development. The participants in this study had more than five years' experience in the facilitation diversion programmes for children in conflict with the law. Their age ranges from twenty-eight to fifty two years. The participants were from three ethnic group. Three participants were from Xitsonga ethnic group, two from Bapedi ethnic group and the rest were from Vhavenda ethnic group. Three of the participants were in possession of Master of Social Work degree and two of them is currently registered for a Doctor of Social Work degree and other participants have Bachelor degree as their highest qualification. All the seventeen participants are practicing as probation officers and they are currently registered with the South African Council for Social services Profession for the current financial year 2022/2023. The data was collected using a semi-structured interview guide was

analyzed using Tesch's framework for thematic analysis The information above is presented below in a table 4.1:

Table 4.1. Biographical background

Participant	Age	Highest qualification	Work experience in diversion programmes	Ethnicity
1	30	B	05 years	Vhavenda
2	32	B	06 years	Vhavenda
3	46	M	19 years	Vhavenda
4	43	B	14 years	Vhavenda
5	46	B	14 years	Vhavenda
6	41	B	14 years	Vhavenda
7	47	B	15 years	Xitsonga
8	37	M	06 years	Bapedi
9	52	M	20 years	Vhavenda
10	48	B	10 years	Vhavenda
11	38	B	10 years	Vhavenda
12	38	B	16 years	Bapedi
13	42	B	07 years	Bapedi
14	39	B	13 years	Vhavenda
15	44	B	12 years	Xitsonga
16	43	B	10 years	Vhavenda
17	40	B	11 years	Vhavenda

B=Bachelor degree, M= Master degree

The majority of participants were Vhavenda speakers, as most other ethnic groups did not meet the inclusion criteria. Their experience in facilitating diversion programmes were less than five years, likely due to the high turnover of probation officers seeking better opportunities in certain districts. However, there were also participants from other ethnic groups, including Xitsonga and Bapedi. The participants were able to understand the semi-structured interview that was designed for data collection. Four of the participants were declared specialists in probation services.

4.3. Themes and sub-themes

The data analysis produced eight themes. Literature was used to substantiate the results and direct responses of the participants are quoted in verbatim quotations. Literature control was utilized to attest the findings of the study. The table below outlines the themes and subthemes as developed by the researcher from the data.

Table 4.2. Summary of themes and subthemes

Themes	Sub-themes
1. Diversion programmes facilitated by probation officers	• Rhythm of life • Wake up call • Reverse your thinking
2. Cases of re-offending	
3. Effectiveness of diversion programmes	
4. Contributory factors of recidivism	• Peer pressure and substance abuse • Lack of family support • Poor parenting • Lack of after care services • Stigmatization • Poverty • School dropout
5. Services rendered post diversion	
6. Challenges in the implementation of diversion programmes	• Lack of resources • Non-participation of parents in the diversion programmes • Limited number of probation services • Accessibility of diversion programmes • Training of POs • Low level of education • Behavior of the child during diversion • Supervision
7. Ways to address the challenges	

8. Strategies to reduce recidivism on children	• Rendering of after care services • Rendering of social re-integration • Participation of parents in the diversion programmes • Strengthening the laws that regulate liquor

1. THEME 1: DIVERSION PROGRAMMES FACILITATED BY PROBATION OFFICERS

The Department of Social Development is mandated by the Probation Service Act 116 of 1991 to develop programmes for children in conflict with the law. In fulfilling this directive, the Director of Social Crime Prevention has developed six social crime diversion programmes: Rhythm of Life, Wake up Call, In the Mirror, Reverse Your Thinking, Mind the Gap, and Planting Hope. Participants were asked about the diversion programmes they offer for children in conflict with the law. The study discovered that the participants offer four out of the six developed programmes.

1.1. Rhythm of life (ROL)

The findings of the study suggest that rhythm of life is the most facilitated program in all the offices of Social Development in Limpopo province. The goal of this program is to promote mental well-being and competence in children in conflict with the law. The main objective of rhythm of life is to improve their quality of life. Participants stated that this program is time-consuming as it consists of eight sessions. They added that they conduct this program without the necessary resources, such as tool kits and a sound system, which are major concerns. They also expressed that this program is relevant to children who are at risk of committing crimes. However, participants criticized the programme for not including parents and caregivers in the participation. These findings are supported by the summary report of the Western Cape government (2018), which indicates that Rhythm of Life is a proactive programme and it's more suitable for children who have not yet committed crimes. On the contrary, a study conducted by Motshedi (2020) pointed out that the Rhythm of Life programme is effective and relevant to children in conflict with the law.

The findings of the study revealed that the rhythm of life program equips children in conflict with the law with skills on how to manage their day-to-day activities. However, it does not address the root cause of the problem. It was also discovered that the Life Skills programme is the most conducted programme in the Limpopo Department of Social Development. Participants' narratives reveal the following:

"Life skills teaches children that they must know their surrounding environment, the contributory factors towards them being in conflict with the law. It encourage them to be a better person when it comes to taking informed decision. It also empower them with skills that they should know in order to cope with their peers without being negatively influenced (P1)."

"I conducted life skills programme. I basically look at the sections that are related to giving a child in conflict with the knowledge or empowering the child to learn some of the skills that are needed to be a good citizen in the community. Some of the topic that I always touched while conducting life skills programmes are peer pressure and substance abuse (P2)."

"Owk… I conducted life skill programme named rhythm of life for child ranges 14 to 17 years and I also conduct life skill for children under the age of 14 years. The purpose of this programme is to develop and to change the behavior amongst these children. In a life skill programme, we engage children in different topics like for example conflict resolution, anger management and sometimes children commit crimes because their self-esteem is very low. So we empower them on the issue of self-esteem (P 7)."

According to the reviewed minimum norms and standards for diversion (2015), life skills programme must address at least a combination of two or major criminogenic factors. Some of the criminogenic factors are low self-control, anti-social personality, anti-social values, criminal peers, substance abuse and dysfunctional family. Based on the manner in which the participants outlined the life skills programme, the researcher found out that the life skills programme that they are facilitating does not address the issue dysfunctional families. Majority of children who are committing crimes are coming from dysfunctional families and the mere fact that the life skills programme is not addressing this problem contributes to ineffective of the programme. Life skills are naturally learned in homes through parenting and families. The aim of

the programme is to impact positive skills rather than emphasize the behavior that had caused them to participation in the programme.

1.3. Wake up call

The Wake-up call programme is a substance abuse programme which equips children with the knowledge and skills to face the challenges arising from substance use or abuse. The study discovered that this programme is offered in various offices in Limpopo province and this is not a surprise looking at the statistics of abuse of drug substances by children in the province. The study identified a challenge of dealing with children who are abusing substances. It was revealed that some of the children arrived at the venue where they are supposed to attend the programme while intoxicated. There is no substance abuse treatment institutions in Limpopo that deals with the children who are addicted. Participants reveals the following about Wake-up call:

> "*I facilitated the wake-up call diversion programme to children who committed crime or offences while under the encouragement of substances. The programme is aimed at giving those skills they need in order to cope with the challenges of abusing substances.* " (P1)

> "*Another programme that I renderered for children in conflict with the law is wake-up call. It focuses on substance abuse, empower the child in conflict with the law with ways to stop abusing substances, the impact of substances on their body and the danger of not ceasing from abusing substances*". (P2)

> "*This programme focuses on the dangers of abusing alcohol and other substances. It is usually rendered to children who are already consuming or abusing substances*". (P15)

The study found that though the participants are rendering wakeup call (substance abuse) programme, they struggle to work with children who are aggressive due to the substances. They indicated that some of the children comes to the programme while they are already in addition stage. Lack of substance abuse treatment institution in the province was mentioned as a challenge. Based on the submissions made by the participants above about the Wakeup call programme, the participants render substance abuse programme called wakeup call only to the children who have already

started with the abusing of alcohol or committed the offence under the influence of substances. It is the researcher's supposition that the programme could be more effective if it is used as pro-active programme rather than as a re-active programme. This is because it is very difficult to reprimand children who are already abusing alcohol than to prevent those who have not yet involve themselves in substances.

1.3. Restorative justice programme

Various offices in Limpopo province render restorative justice programme. Restorative justice programme include family group conference (FGC) and victim offender mediation (VOM). Probation officers bring the child in conflict with the law together with his/her family in order to address the committed offence. They also bring the victim of the crime and give him opportunity to express himself/herself about the committed offence and also for the purpose of reconciliation. This is a very crucial programme because it brings everyone on board. Participant's narratives about restorative justice programme are as follows:

> "*There is a programme called restorative justice programme where I engage the victim in the process called victim offender mediation. We focus on reconciling the child who has committed crime and the victim of crime. This programme helps to rebuilding the relationship between the child in conflict with the law and the victim of crime and also offer the child the opportunity to realize the harm, damage and pain that he/she has inflicted to the victims of crime.*"

> "*I facilitated restorative justice programme in order to restore the damage that was done to the victim. I facilitate this programme in the form of victim offender mediation where I normally bring two parties… (I mean the child in conflict with the law and the victim) and try to resolve the root cause of the problem and also ensure reconciliation.*

> "*I conducted restorative justice programme by the name of reverse your thinking. This programme is for the children who committed offences and there is a need for restoration especially when the child committed offence against his neighbour, relative and other members within the same community. "(P7)*

The restorative justice programme is a very imperative programme as it gives the victim the opportunity to express himself or herself. It balance the needs of the victim, child in conflict with the law as well as the community. This programme could be the best programme to reduce re-offending if it is rendered to all the children who are diverted. Children in conflict with the law are engaged in single programme. Placing children in single programme is ineffective considering the fact that children are confronted with so many challenges when they are growing up. Engaging these children in multiple diversion programmes can be effective.

2. THEME 2: CASES OF CHILDREN WHO RE-OFFEND

There are children who re-offend even post their participation in the diversion programmes. This was attested by Gammage (2020) who postulates that some children re-offend within a year after completing the diversion programmes. This theme emerged to provide the cases where children reoffended post diversion programmes. Participants shared the following with regard to the cases of children in conflict with law who re-offended:

"I dealt with the case of a child who was arrested for committing theft and I placed him on the life skill programme which lasted for a 12 weeks. The child completed diversion successfully and he was reintegrated with his family and the community. After six months he re-offended and got arrested again with the same offence. When I assessed that child I realized that the problem was with the family. The mother was not offering developmental needs and basic needs. The child was arrested for entering the shop and steal the food. Another case that I have dealt with is of another child who came in to the diversion programmes after he committed house breaking with intent to steal. The child stole food however he was charged with house breaking. I placed him on life skill programme and family group conference. He completed the diversion programme and he was re-integrated with his family. The child re-offend again with the same offence within 12 months (P1)"

"I remember a case where I was having a child who was arrested for committing shoplifting and the child was subjected to rhythm of life which a life skill programme. He was subjected to ten sessions, bear in mind that the rhythm

of life programme is facilitated in group but having realized that I am unable to get accessible number at the time to make a group I decided to subject this child in the programme individually meaning that he was by himself. I tried to do intensive sessions with him in such a way that I thought did justice to this child. I was thinking that I will get full support from her parents only to find that they attend one session and did not catch up with the programme. The child completed the programme and his charge was withdrawn because she completed the programme. After four months post diversion programme the child re-offended with the same offence and I do the assessment again. The second case was a case of common assault. It happened at school. The child was subjected to rhythm of life programme as well as wake up call. The reason why I subjected this child to wakeup call was that I realized that the child was beginning to involve himself in substance abuse. The child completed the programme successfully. To my surprise he reoffended again and this make me to believe that children can reoffend despite of the efforts that the probation officer try to put in place to assist the child. You will agree with me that change is something comes from within. (P3)."

"The first one was for the child who committed GBH i.e. Assault with intend to do grievous bodily harm against a fellow learner outside the school after the argument. The child was engaged on life skill programme and also restorative justice during the cause of diversion programme. The child was subjected to conflict management, effective communication and also peer pressure. The child successfully completed the programme. He also ask for forgiveness and his apology was accepted. After some months the same child committed the same offence against a neighbour and during assessment I found out that the child has been engaging himself of substances. Even the offence was committed at the liquor store at an early hours of the day meaning that he was consuming alcohol. The second case was a child who was arrested in Thohoyandou. He was attending school at Thohoyandou technical high school. He committed shoplifting in that he stole a cap at Markham. His motive behind the commission of his offence was that he wanted to sell the cap in order to get money to buy data. The child was diverted and he was subjected to substance abuse programme and also life skill programme. The child committed theft again whereby he stole an electric wire for the same purpose. It was difficult to assist this child because

you would remember that there are no rehabilitation centres that caters for children (P4)."

The above submissions indicate that children usually reoffend within one year after their completion of the programme. Various children re-offend with same offence they committed in the first place. The offences that are mostly committed by children include but not limited to shoplifting, assault and theft. The participants are able to identify the contributory factors of reoffending among children during the assessment however they don't address those factors. As articulated by the life skills programme manual 2014, the identified contributory factors and risk factors of re-offending must be addressed to prevent re-offending.

3. THEME 3: EFFECTIVENESS OF DIVERSION PROGRAMMES

The participants were asked about their understanding on the effectiveness of diversion programmes in fighting recidivism. This was aimed at determining if the diversion programmes have positive impact on the behavior of the children in conflict with the law. This theme provided a diverse range of findings from the participants. Probation officers proclaimed that the implementation of diversion programmes is experiencing a lots of challenges. Participants revealed that the practice of diversion programme is less effective due to the lack of resources in the Department. They maintained that the probation services is not well resourced and they believe that if the challenges can be addressed, the diversion programme could be effective. This implies that the diversion programmes are not effective.

Participant number 3 had to say the following:

"Well this is a broader question looking at the diversion programmes, I will try to share with you my understanding. Looking at the developed programmes by our Department in black and white they are very good in such a way that if one can read he can say woooow the Social development have made it because they are well developed and informed by the research and also informed by theoretical framework however coming to issue of effectiveness we have a challenge and children are reoffending after completion. The lack of resources is also another burning issue in the implementation of the programme and this makes the programme less effective".

The latter participant was corroborated by participant no 4 who said

> *"According to me they are not effective. There are certain requirements that we need in order to facilitate these programmes effectively and the department is not providing us with those required equipment."*

Additionally, participant number 08 shares the same sentiment when he says

> *"In my view the programme could be effective, I think you need to underline could be effective in the sense that it might probably mean that is not effective and I'm talking in the area that I'm working. There is a lot of things that need to be done in order to for the diversion programmes to be effective. I have not received trainings on diversion programmes and it's difficult to render these programmes when you are not fully equipped about the programmes. You end up having non-effective programmes."*

Participant number 9 also has this to say this*:*

> *"for me I would say these programmes are ineffective because they are not reviewed and ideally the programmes should be reviewed after every five years and is worrying that when they are being developed, people at grassroots I'm referring to us as probation officers are not involved to give input so that is very unfortunate."*

The above findings showed that the diversion programmes rendered by the participants are not effective in fighting recidivism hence the rate of re-offending is increasing in an alarming rate. The participants are experiencing numerous challenges in the implementation of the diversion programmes which compromise the effectiveness of the programme. Some of the participants proclaim that the diversion programmes are effective in reducing recidivism on children. They indicated that the fact that children in conflict are re-offending does not mean that the programmes are not effective. Participants make the following submissions about the effectiveness of the diversion programmes.

> *"The diversion programmes are effective in changing the behavior of the children in conflict with the law. They instil sense of assertiveness and decision*

making to these children. The only problem is when they return to their homestead and find the similar environment that make them to commit crime in the first place. For example: a child committed theft of food and when he return home he finds his or her parents still struggling to put food on the table. (P1)

"Diversion are very effective, they ensure accountability on the children in conflict with the law. Some of the children only realized that they have make a mistake during diversion and you could see that they are eager to rectify them. The problem starts after they have completed the programme. They are not receives the necessary supports that they need and us as professional we failed them because we don't continue offering them support as we are expected due to workload. We normally move to the next matter."(P2)

"I only conduct life skills programme and it's effective however the child must show interest in the programme. If the child is not showing interest in the programme it can't be effective."(P6)

"I think diversion programme is very effective. There are some of the children that completed diversion programme and now they are doing well in their education. The first on is doing nursing at the University of Venda while the second one is doing financial management. Though other children have re-offended there are success stories of diversion programmes. When you meet others on the street what they do is just to appreciate the sessions that we have with them."(P11)

The findings showed that diversion programmes are effective. Lack of after care and the necessary support from the families contribute to the re-offending of children. The Gwatimba and Raselekoane (2018) pointed out that lack of follow up services post the attendance in the diversion programmes compromised the effectiveness of these diversion programmes. The above findings was attested by study conducted by Hoge and Wison (2013) revealed that diversion programmes are effective in reducing recidivism among the youth. The recidivism rates for diverted youth ranged from 2% to 81%, with an average of 31, 5%. On the other hand, the recidivism rate for the traditionally processed youth ranged from 8% to 81% with an average of 41, 3%. The latter authors were supported by Seroczynski, Evans, Jobst, Horvath and Carozza (2016:25) when they indicated similar findings. They suggest participation in diversion

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programme greatly reduces the propensity to recidivate. The study conducted by Lipsey, Howell, Marion, Chapman and Caver (2010) on the effectives of diversion programmes found that it was difficult to determine their impact. The latter authors suggested that researchers should conduct studies about the effectiveness of diversion programmes.

The question of whether diversion programmes are effective or ineffective is still a big question to answer. There are no studies about the effectiveness of diversion programmes in Limpopo province hence there is a need for the researchers to rigorously investigate the effectiveness of each diversion programmes. Majority of studies that have been conducted and shows positive results about diversion programmes are conducted outside the Republic of South Africa.

4. THEME 4: CONTRIBUTORY FACTORS OF RECIDIVISM

This section is the fundamental part of the research as it looking at the various factors that contributes to the reoffending of children even though they have been subjected to diversion programmes. It is the objective of diversion programmes that if a child complete the programme successfully, that child must not re-offend. The contributory factor of recidivism was explored as the main theme in this study. The researcher sought to understand deeper into the factors which contribute to recidivism of children post diversion. This theme has seven sub-themes:

4.1. Peer pressure and Substance abuse

Hilton, Betancourt, Morrell, Lee and Doegey (2018) define substance abuse as taking alcohol prescription medicine and other legal substances too much or in a wrong way. The World Health Organization (2016) defines substance abuse as harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs. The study revealed that there is a good relationship between peer pressure and crime and also drug substance and crime. The abuse of drug substances has the ability to affect and interfere with the normal mind processing of a person. The study revealed that children post diversion make wrong associations who influence them to unacceptable behaviors such as abusing substances and later reoffend. These findings were attested by the study conducted by Gwatimba and Raselekoane (2018). They revealed

that despite the fact that they gone through diversion programme, they were pushed to re-offended in order to fit again in the very same group that made them to commit crimes. This implies that upon their release they still go back to the communities and associate with their old bad friends. Participants revealed that most of the cases were children reoffended where committed under the influence of drug substances. The findings of this study is confirmed by Clarke (2017), who revealed that peer influence and substance abuse are the strong predictor of recidivism among children. Participant number 1 echoed that:

> *"Children still goes back to their peers post the programme who influence them negatively and they ended up abusing substances and then recidivate. Moreover substances are easily accessible in our communities."*

In corroboration, Participant number 2 stated that:

> *"Majority of the children who are reoffending involved themselves in substance abuse in order to fit in to their peers who influenced them to commit crime"*

Participant number 7 has this to say about peer pressure and substance abuse:

> *"As I've indicated earlier …some of the children are engaging themselves in substance abuse as a result of peer pressure meaning that substance abuse is contributing to recidivism as well as peer pressure"*

All most all the participant mentioned peer influence and substance abuse as one of the contributory factors of recidivism among children in conflict with the law post diversion programmes. From the above findings, it is evident that peer pressure and substance abuse are one reasons behind children's reoffending behavior even though they have been subjected to rehabilitation programmes called diversion programmes. The findings of this study corroborates the qualitative data gathered by Kandala (2018) which showed that peer pressure is the cause of recidivism. The findings are also supported by another previous study wherein it was established that individuals who use substance are likely to high recidivism rate than individuals who do not have history of substance use (Stahler, Menni, Belenko, Welsh, Hiller, and Zajac, 2013). Most children have delinquent peers which causes them to utilize of addictive

substances like alcohol, chat, cigarette and cannabis in turn contribute towards their initial involvement in criminal activities. It is not easy to address the problem of peer pressure and substance abuse. To fight this pandemic of recidivism is not going to be easy because the drug substances are easily available even to the children in our communities.

4.2. Lack of family support

Soumons and Robert (2017) proclaim that family support is the most valuable assert parents and caregivers can give to their children. They argued that parental support is the most imperative factor predicting social competence such as self-esteem, social behavior and education performance. The support entails a broad range of assistance including but not limited to providing children with basic needs and non-material support (Liu, Jiang and Yang, 2020). Soumons and Robert (2017) assert that providing children with emotional support is important for their readjustment importantly when they are facing adversities.

The study established lack of family support as another contributory factor of recidivism among children post diversion programmes. The participants indicated that the parents or guardian of the children who have completed diversion programmes do not provide them with necessary support and they end up seeking support from their peers who make them commit the crime in the first place. Participants mentioned that lack of family support has a great impact on recidivism of children. In addition, they revealed that instead of supporting these children after re-integrated with their families, they stigmatize them. Participant number 2 indicated the following concerning family support:

> "It's painful that some of the circumstances are beyond these children's control. Majority of the families where these children comes from does not provide basic needs for them and they end up resorting to commit theft and shoplifting in order to feed themselves."

The latter participant was corroborated by participant number 9 when he makes his submission:

> *"Lack of family or parental support is another contributory factor……..I'll take you back to the previous question wherein you wanted me to talk about the cases where children reoffended. Majority of the cases where children reoffended are coming from the broken families where they were not support financially or materially. If you look at the trends of crime they committed, is theft and shoplifting. I remember a children who reoffend for the fifth time, these child was committing theft offences whereby he stole food at the shop. Imagine if this child was provided with basic needs. I don't think he would have committed some of his offences."*

The above findings attested by Tegene and Abadi (2018) when they argued that lack of emotional attachment, lack of love and affection from family are the predictors of reoffending behavior on children. Soumons and Robert (2017) contend with them when they postulate that an inadequate support from family is an element that contributes to criminal behavior of children. Steyn (2012) raised the issue of lack of parental support as one of the issues facing diversion which causes children to reoffend. The latter author also attested the findings of this study. Moreover, Gwatimba and Raselekoane (2028) attested the study findings when they postulate that the parents of the children lack interest. They don't attend diversion programmes as expected. The failure by parents to attend diversion programme impacts negatively on the effectiveness of the programme. The involvement of parents in the programme is vital for the purpose of monitoring attendance and ensuring that the child receives the support needed in the diversion. CJA (2008) states that parents have to consent to diversion. Their responsibility does not end with consenting to diversion but extends to their involvement in the programme. Lack of emotional and psychological support from family members leads children to feel isolated and abandoned. This emotional void increases the likelihood of returning to criminal behavior as a way of coping with stress and loneliness. Families must provide a stable and structured environment that is essential for rehabilitation. The absence of financial support leads them to economic instability, making it challenging for children to meet basic needs and resist the temptations of engaging in criminal activities for survival. It is imperative fort the diversion programmes and criminal justice system to recognize the importance of family support and incorporate family based interventions.

4.3. Poor parenting

The study identified poor parenting as the major problem to lives of the children. Participants of this study contend that poor parenting leads children to pro-criminal associations and learning pro-criminal attitudes. They indicated that parents have the responsibilities to care for their children which includes obligation to provide control and protection. In addition, participants proclaim that children without positive parenting are more at risk for their own relationship troubles, depression and aggression among other negative outcomes. Majority of parents failed to build them good sense of belonging and independence decision making which affected their self-esteem and assertiveness. Participant number 8 indicated that:

> *"Firstly parenting it's important that we look at it. When I look at the trends of children that are reoffending, there are elements of gangsterism, they are elements of sitting at the spaza shops and also the element of reporting home late sometimes around 10pm,….12am and 02:00 in the morning and you ask yourself what are parents doing about that? What are they saying about that? A child is absconding classes and went to bottle to consume alcohol and when the teachers invite the parents they did not show up or they came and call the teachers all sorts of names. When the child is not at home by 10pm you must reprimand that child as a parent. The parents are failing to reprimand their children because they also came back home around 03 am….remember the parents of children who are attending diversion programmes are young and they still need guidance so it's difficult for a child to guide another child.*

The latter participant was corroborated by participant number 11 who argued that:

> *"Majority of children who are reoffending were exposed to poor parenting where their parents fight, consume alcohol and commit all sorts of deviant behavior before them. This is very dangerous because children learn behavior from their parents through imitation and modelling. This is according to the Social learning theory by Bandura. There is a strong relationship between domestic violence and reoffending behavior. Some of the children are neglected……they are left on their own especially during weekends with no one to monitor them, no one to monitor their school progress hence majority of these children perform bad*

in school which consequently lead to their school dropout. They have to figure out things for themselves.

Participant number 16 also shared the same sentiments when she said:

"Children especially from my areas are subjected to bad parenting whereby there is no one in the family who encourage them to do well in life. Some are rejected while others are neglected. These children possess low self-esteem and they normally apply aggression as a counter defence mechanism. What is very concerning is that their parents (I mean the parents) who neglect their children are not charged and face the consequences of their action. The problem of re-offending is far from over. Our Department have got parenting skills programme however none of the officials are trained in order to provide effective services. They just render for the purpose of reporting.

The findings were corroborated by Soumans and Robert (2017) who submit that parental rejection increased the probability of children's involvement in committing crimes. The latter scholars were supported by Kandala (2018) who posits that poor parenting is a strong factor that contribute to re-offending behaviors of children. Section 144 (1)(b) of the Children's Act (35 of 2005) talks about developing appropriate parenting skills and the capacity of parents and care givers to safe guard the well-being and the best interest of the children, including the promotion of positive and non-violent forms of discipline. The parents of children who attending diversion programmes lack parenting skills which is contributing on the increase of recidivism. There is a need for the parents of all children who are in diversion programmes to attend parenting skills programmes so that they can receives support and education that can address issues and make parenting easier. Parental influence plays a crucial role in shaping a child's behavior, values, and decision making. Parents are often the primary role models for their children. Poor parenting characterized by negative behavior, criminal activities, or substance abuse leads to the internalization of these behaviors by the children and increasing the likelihood of criminality.

4.4. Lack of aftercare services

The Department of Social Development has developed after care programme called mind the gap with the aim to reinforce the teachings of the previous programmes, to have the information reiterated and at the same time help the children to believe that they have internalized the skills to such an extent that it is safe for them to take leave of the group and to function independently as members of the society. The findings have identified lack of after care services by probation officers as another contributory factors to recidivism among children in conflict with the law post diversion. In various areas, majority of probation officers confirmed that they don't conduct after care services while few probation officers indicated that they render it telephonically which resulted in the ineffectiveness of the programme. Barriers such as transport and workload of probation officers were cited as the major reasons for the lack of after care services. Participant number 3 indicated the following:

> "*The department have developed after care services…….One will refer it as a tracking tool. So one thing that make it or rather make it possible for children to recidivate post diversion is the lack of after care services by us as probation officers. I think our mandate of that the child who completed diversion programme should be monitored for period of 24 months is important but this is something becoming so difficult to be executed by us as probation officers because of several reasons. Here I prioritize case that are still going to court and we put more effort and less effort to child in diversion programme.*"

The latter participant was corroborated by participant number 5 when indicated that:

> "*Within the Department there is after care service that is mandatory and probation officers are expected to render after the children compete diversion programmes. To be honest I am not rendering it since there is no transport.*"

This corroborates Gwatimba and Raselekoane's (2018) view that there is lack of follow up services to track the children in order to prevent re-offending. In addition, the findings were also confirmed by the study that was conducted by the Department of Social Development (2018) in Western Cape which indicated that aftercare services were non-existence in various regions. The Department of Social Development developed is mandated by the CJA 75 of 2008 to provide diversion programmes for

the purpose of preventing re-offending. After care services is one of the programme that were developed by the Department. Probation officers are expected to provide this programme for at least 12 months. It was evident in the previous discussion that children mostly reoffend within 12 months after the completion of diversion programmes. Post diversion, children face challenges in reintegrating to the society. Without ongoing support such as counselling, mentoring and access to social services, they struggle to navigate the challenges successfully. After care services is crucial for preventing relapse in to criminal behavior. Aftercare services can play a significant role in the fight against recidivism.

4.5. Stigmatization

Stigma is a mark of disgrace associated with a particular person or circumstances. The findings of the study show that stigmatization has been a major hindrance to successfully reintegration of the children which leads them to reoffending behaviors. Participants posit that children in conflict with the law face stigma post diversion programmes. Participants make the following remarks:

> "*Some of the children are reoffending as a result of stigma. It is playing a significant role in the criminal activities. Community members and fellow learners stigmatize these children to an extent where they drop out from school. When the child is walking in the streets they will be saying the criminal is back or this is the criminal. So parents even reprimand the children to play with these children who have been on the wrong side of the law. The fact that the child has been rehabilitated through diversion programmes it doesn't mean anything to the community. They don't even have knowledge about diversion programmes.*" (P1)

> "*Some children after they have completed diversion programmes they experience social exclusion and isolation. This isolation usually result in a lack of social support, pushing them back towards negative influences and criminal behavior.*" (P4)

> *Stigmatization lead to lack of support for rehabilitation efforts. Society views children solely through the lens of their past criminal activities and children seek support to the peers who made them to commit offences.*"(P7)

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"Children are exposed to constant exposure to stigma and its affect their mental health. Stigma leads to feeling of low self-worth, depression and anxiety which contributed to a sense of hopelessness and increased the likelihood of reoffending."(P16)

From the above narratives, it is evident that children in conflict with the law face stigma post diversion which impedes their rehabilitation process, they end up committing criminal offence. Community members are ignorant of the fact that if children are not reintegrated effectively into their society, they reoffend. Children in conflict with the law need to find a way of reintegrating back to the society in a way that will encourage them to take responsibility. Providing support and opportunities for education, employment and community involvement can be imperative in reducing the risk of reoffending among children. These findings share similarities with Tegeng and Abadi (2018:8) that negative attitude from the community which stigmatizes and segregates the children makes them to re-offend. The labelling theory suggests that once an individual is labelled as a delinquent or offender they internalize that label and conform to societal expectations by engaging in further criminal behavior.

4.6. Poverty

The findings of the study identified poverty as another strong predictor of recidivism among children in conflict with the law post diversion. Majority of children who are re-offending are coming from families with poor economic status while others are coming from families where there is no source of income. The high rate of unemployment is the cause of poverty among many families. Even the cases of reoffending that were discussed in this study showed that they were committed for financial gain. Participant number 2 revealed the following:

"Children coming from poor background re-offend more than the children who comes from the families with financial stability. In most case you find that children who comes from child headed or youth headed families have no one to provide food for them. They are left on their own and they have to feed themselves. They are compelled to go out and steal so that they may have something to eat. Like the cases I've shared with you earlier, they comes from

poor background. They reoffended with the same offence of theft with the intention of selling the item so that they can get money to feed themselves."

The latter participant was supported by participant number 7 who indicated that:

"Some families does not have any source of income expect child support grants and it very difficult for them to meet basic needs. So the children used illegal means in order to feed themselves. And at the same time there are parents who encouraged their kids to commit theft and shoplifting so that they can have something to augment their little groceries."

Correspondingly, participant number 10 also agreed with the understanding of the participant number 2 and participant number 7:

"Some of the children are re-offending as a result of poverty. You may find that the parents are unemployed and it's difficult for them to put food on the table. It's a pity because even the Department, I mean my employer cannot be able to assist these children. The last time I had about the food parcels in the Department was a year ago. So imagine you have to eat every day and you receive the food parcels once per year."

The above findings are supported by Kandala (2018) who postulates that family income and financial challenges are among the socio-economic factors influencing children recidivism. The lack of money creates the urges to continue in criminal behavior for financial gain. In addition, he indicated that majority of children who recidivate come from families that rely on government grants due to lack or death of parents, dependency on grandparents, and unemployment of parents with no other source of income other than child support grants. The latter author was supported by Tegeng and Abadi (2018) that economic or material deprivation is one among other factors that contribute to re-offending behavior. The role of the family is to support the children either emotional, psychologically and financially. Failure to support the child can puts the child in a wrong position to figure out ways that can provide him or her with something to eat. Majority of the offence that are committed by children include but not limited to Theft, shop lifting and robbery. These offences are committed for financial gain in that they will sell the item and have money. One can realized that

these kinds of offences are not committed for flimsy reasons, however, they are being committed because there is something that they want but their family is not able to provide due to the economic status. The relationship between poverty and crime is complex and debated topic within the field of criminology. It is important to note that poverty itself does not directly contribute to criminal behavior. There are ways in which the two can be interconnected. Children in poverty resort to criminal activities as a means of survival. This includes theft or other illegal means to meet basic needs**.**

4.7. School dropout

This factor emerged as the most mentioned theme during the interview with the participants. They described school dropout as a foolish decision despite the rationale behind. Suncica, Buzarovskaand and Zorica (2017) postulate that students who utilized drugs and alcohol are more likely to drop out of school than those who do not involve themselves in substances. Constant exposure to alcohol and drugs can divert children from pursuing their dreams and initiate them into criminal activities. Such opinions came up in participant's response:

"*Majority of children who are re-offending after being subjected to diversion programmes dropout of school as a result of abusing drugs and other substances.*"*(P4)*

"*Some of the children re-offend as a result of dropping out of school. You see when a child is no longer going to school he/she have a lot of spare time which consequently lead him or her to commit crimes. There is a popular proverb which says "an idle mind is the devil's workshop" which means that evil thoughts enter the mind easily when we are lazy and idle.* "*(P8)*

"*Do you remember the two cases I've shared with you in previous discussion? All the cases were committed by children who are no longer going to school. During the commission of the first offence they were no longer going to school. I facilitated diversion programmes and they completed successfully. I advocated for them to be accepted back in the where they last attended and they were taken back. Few months later I received reports that they were expelled from school after they were found in possession of dagga and dangerous weapons and consequently reoffend with new offence. (P10)*

Bezuidenhout (2013) declares that dropping out of school reduces chances of children in conflict with the law developing social skills such as meeting deadlines, following instructions and relating constructively with peer. School is an important institution which teaches children morals and values. There is a good relationship between school dropout and criminal behavior. School provides a structured environment with positive role models such as teachers and peers. Dropping out from school deprive children of these influences, making them vulnerable to negative peers in their communities. Dropping out of school impacts negatively of self-esteem and self-confidence. Children who feel inadequate or devalued are more susceptible to engage in criminal activities.

5. THEME 5: SERVICES PROVIDED POST DIVERSION

The focus of this section was to find out if there are any services rendered by the probation officers to children in conflict with the law, post diversion. Participants revealed that they are supposed to render after care services and social re-integration of the child to the community. The study revealed that these two programmes are not conducted in various offices across Limpopo province. These offices offer after care services telephonically instead of conducting home visits and school visits. Despite the fact that probation officers are not conducting after care services, they assert that it should be implemented rigorously in order to combat recidivism amongst children in conflict with law post diversion. The aftercare programme helps to track the behavior of the children in conflict with the law after they have been re-integrated with their family and community. Probation officers raise the issue of workload and not having assistance probation officers as some of the reasons that impeding them to provide aftercare services. Another burning issue contributed to the lack of after care is the vehicle to render these services. Participants need to render aftercare services through conducting home visits and school visits and with lack of tools of trade such as vehicle is impossible. Other probation officers are burdened by supervision of generic social workers while others by family preservations. Majority of probation officers do not have assistance probation officers that could help in rendering aftercare services. The few offices are not doing what has been prescribed by the Child Justice Act 75 OF 2008. They are being obligated to assist in other programmes. Participants stated the following regarding the services provided post diversion.

"Well we need to conduct after care services but we are not doing it effectively. When I say we are not doing it effectively I mean that we normally conducted it telephonically because of transport challenges. You know as a probation officer, when we render all our services we have to make use of skills and here we deal with children with criminal elements so if one is to monitor them telephonically we run a very serious risk that most of the information we received are not reliable and is not possible to verify it because telephonically you don't have the chance to observe and verify the information. I relay on telephone monitoring but this is one of the things that I cannot recommend knowing the type of children I'm dealing with. Remember I have relay on parents who failed to attend diversion programmes."(P3)

"There are no services rendered post diversion programmes. Theoretically there is what we call mind the gap programme which we are expected to render to all the children who have completed the programme however it is impossible because we are not provided with the relevant resources".(P7)

"Our Department has an accredited after care programme called mind the gap which is designed for children who have completed diversion. To be honest I am not doing justice to the implementation of the programme. Lack of tools of trades and human capacity are impeding the rendering of after care programmes." (P12)

The findings of the study were attested by a summary report done by the Western Cape government (2018) which stated that aftercare services for children who have completed diversion programmes are not rendered. Challenges such as the workload of probation officers are the reasons for lack of after care services. Children need to be supported post diversion programmes as they confront different challenges that make them to reoffend. According to the summary report of Western Cape government (2018), aftercare services can play a momentous role in child reoffending. It appears during the previous discussion that children normally re-offend within twelve months post diversion, hence the researcher is of the view that if aftercare services are rendered the rate of recidivism among children post diversion will decrease. It is of paramount significant to render social re-integration programme to all the children who have completed diversion in order to deemphasize stigmatization.

6. THEME 6: CHALLENGES EXPERIENCED BY PROBATION OFFICERS WHEN RENDERING DIVERSION PROGRAMMES

The point of convergence of this section was on the challenges experienced by probation officers in the implementation of diversion programmes. The researcher sought to understand challenges faced by POs while implementing the diversion programmes. During the face-to-face interview with the participants, the researcher discovered that there are lots of challenges in the implementation of diversion programmes. These challenges include but not limited to the following: Lack of resources, non-participation of parents in the diversion programmes, limited number of probation officers, accessibility of diversion programmes, training of probation officers, low level of education and behavior of the child during diversion.

6.1. Lack of resources

The shortage of resources is a provincial challenge, and it is compromising the effective implementation of the diversion programmes. The study revealed that probation officers are experiencing numerous challenges with regard to the resources. The study discovered that there is lack of transport, office space, stationery and other equipment that are needed for the implementation of the programme. All these are fundamental tools of trade that are needed for the effective implementation of diversion programmes. Participant number 3 expressed the challenges he is facing as follows:

> *"We have a huge challenge when it comes to the resources that are needed to render effective diversion programmes. There is no transport to conduct monitoring to those children who have completed diversion programmes, I relay on another office which is having 12 officials sharing one vehicle. Transport is compromising the service delivery. Another major problem is the equipment's needed to render the diversion programmes. Some programmes such as rhythm of life requires sound systems, stationery and screen. The department has not provide any of the mentioned tool and they expect us to render effective programmes.*

Participant number 3 was corroborated by participant number 5 when he makes submission regarding his own challenges.

The…..main challenge is the shortage of transport in the Department. We are sharing the vehicle with other professionals from other programme. I get a car once per week and I also have other responsibilities such as investigation of the accused personal circumstances. When it's my day to use a vehicle, I prioritize pre-sentence investigation in order to meet the court's date. Shortage of vehicle deprived me to conduct after care services to children who have completed diversion programmes as required. The other challenge that I can talked about is the office space. The space is not conducive for the running of the programme. Some of the programme are supposed to be conducted in a group form. Now due to office space I'm compelled to render them individually."

Correspondingly, participant number 8 has this to say:

"The challenges that I'm experiencing is resources, I've mentioned earlier that you hear other colleagues talking of first aid kit. Sometimes when you are provide these programmes, it's my view, this is my view… you need to have materials you know depending on the programme that you rendering. You need to have materials in the form pictures………in the form videos that may outlined to the children when we talk about the consequences of substance abuse this is what we are talking about, the consequences of bullying this is what we are talking about and also materials have material that we can provide (pamphlet) to the children who attending the programme and we do not have such things and this makes it difficult for me to render effective programme because some other children understand through reading."

The findings were confirmed by a study conducted by the Western Cape Government (2018) which indicated that proper venues for the facilitation of diversion programmes are needed, tool kits and programme manuals were absent. The reviewed minimum norms and standards for diversion (2015) require that diversion programmes must be planned and budgeted annually in order to ensure the availability of resources to implement the programme. Furthermore, it requires that diversion programmes must take place in an environment that is conducive for the physical and mental well-being of children. Additionally, Section 30 of the CJA (75 of 2008) postulates that the cabinet member responsible for social development must make sure that sufficient funds are allocated for the purpose of implementing diversion programmes. This implies that

there must be enough resources to implement diversion programmes. The lack of resources is preventing probation officers from rendering diversion programmes to the best of their abilities. Lack of resources lead to a sense of frustration and dissatisfaction among probation officers. It contributed in decline in morale and overall job satisfaction. Every employee has the right to be provided with appropriate resources and equipment to enable him or her to do the job. This right is violated in various offices of Limpopo province. Lack of resources makes probation officers unprofessional, incompetent and unable to render services as expected. For probation officers to be seen as competent and professional in their work, they need to be provided with resources in order to carry out their duties. The researcher found that some of the participants utilized their own resources such as motor vehicle, petrol, laptops and their money to provide service delivery to the children in conflict with the law. It was the participant's viva voce evidence that they get to stressful situation due to lack of resources in the Department.

6.2. Non-participation of parents in the diversion programmes

According to Abdulla (2019:108), parental participation is essential because parents provide support and instil morality and positive values in their children. Parental participation in diversion programmes is fundamental for monitoring purposes. The study discovered that parents of children who are attending diversion programmes are do not attend diversion programmes. Participant number 3 expressed the challenges as follows:

> "*Parents do not attend diversion programmes. Even the cases of re-offending children I've shared with you, I think parents where the major problem. They did not offer support to their children as expected. They only attended the first session which was more of an introductory session. I remember very well during my introductory section encouraging her to attend diversion programme in order to supports her child. When we are rendering diversion programme most of the findings that I get from assessment revealed that the client is not the child but the parent tend to be our client or the entire family because most of the contributory factor that lead children to criminal activities emanated from the family. So we seriously need the parents or significant others to attend the programme in order to fight the enemy called crime.*

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The latter participant was supported by participant number 8 who asserts that:

"Unavailability of parents in the diversion programme poses serious challenge in meeting the objectives of diversion programmes. Some of the parents have to be equipped with parenting skills. Parent's participation in diversion programmes must be mandatory.

Steyn (2012) posits that the role of parents in diversion programme is a major challenge to effective diversion results. He maintained that children can easily recidivate due to lack of parental awareness in to what an intervention expects from the children. Parents are often contributors to the criminal behavior of their children and when they do not take part in the programmes, programme have little impact. As prescribed in CJA (75 of 2008), parents and caregivers have the responsibility to ensure that children comply with the diversion order and the conditions postulated in it. This implies that the onus is on the parents and caregivers to monitor their children's daily activities by ensuring that their children attend diversion programme sessions. In other words, they have to be part of diversion programmes in order to ensure that their children are attending the programme and behaving well. The researcher found that parents of children who are in diversion programmes are reluctant to attend the programmes to support their children. They don't know their responsibilities during diversion programme. The success of diversion programmes relies on a supportive family environment. When parents *do* not participate, the lack of family support hinders the participant's progress and reintegration in to the community. Diversion programmes involve assessing and addressing the family dynamics contributing to the child's behavior. Without the active involvement of parents, the assessment is incomplete, leading to the interventions that may not fully address underlying issues.

6.3. Limited number of probation officers

The study discovered a shortage of human resources resulting in probation officers being overloaded with work. This is contrary to the Reviewed Minimum Norms and Standards for Diversion (2015) which states that there must be sufficient professional to support the delivery of diversion programmes. Probation officers are one of the key stakeholders in the implementation of diversion programmes. Lack of these key resources jeopardizes the rendering of effective diversion programmes. Probation

officers render variety of services to children in conflict with the law. Their duties start from the initial assessment of the child within 48 hours apprehension, monitoring of diversion orders, attending PIs, investigation and compilation of presentence reports, serving as an expert witness in courts and render diversion programmes. Other probation officers are also burdened with supervision of generic social workers and cleaners. There is also shortage of assistance probation officers who might assist probation officers with some of the work such as after care services. The few offices that have assistance probation officers are utilizing them on other programmes. Participant number 4 expressed these challenges as follows:

> "We are understaffed as probation officers. If you check as a probation officer we are doing what we call generic probation services. There must be probation officers focusing on outreach programmes and others on facilitating diversion programmes. We should have focused on one aspect in order to provide effective services. Having a pool of probation officers focusing on assessment of children in conflict with the law was going to assist us. Just imagine while you are busy rendering diversion programmes, the police arrested a child and I'm compelled to leave the session and go to assess the arrested child and at the same time the courts are waiting for me to come and present a pre-sentence reports. I also don't have an assistance probation officer to assist with other duties such as monitoring of children placed in home based care supervision and also conducting cell visits."

The latter participant was supported by participant number 7 who expressed his challenges as follows:

> "One person rendering everything cannot produce quality. The say jack of all traits is a master of none. Our department is obsessed with quantity rather than quality. Look where I am, I am working alone without an assistance probation officers and I cover a lot of villages. When I go to leave I close the office.

> "In my view, I will not talk for others, I will say the capacitation in terms of staff is not enough because there some of things that are outlined in the probation services act that and other guidelines that talk to the question of overtime and working over weekend…..we are not able to do that because of financial resources P8."

In addition participant number 09 indicated that:

"*There must be probation officers who are specializing with pre-sentence reports, assessments of children in conflict with the law and also facilitation of diversion programme. I don't even have an assistance probation officer to assist me with other services.*

An evaluation of the diversion programmes study done by the Western Cape DSD (2016) concurs with the study findings. It revealed that probation officers and assistance probation officers who are rendering diversion programmes are understaffed. A limited number of probation officers means that each officer has to manage a higher caseload. This compromises the quality of services and the ability to provide individualized attention and support to participants in diversion programmes. Probation officers facing heavy workloads may experience burnout, leading to decreased job satisfaction and potential turn over. High turnover can further exacerbate the challenges associated with limited resources as new officers need time to become familiar with probation services. Participants numerous responsibilities which include but not limited to conducting assessments of children in conflict with the law, rendering diversion, conducting crime awareness campaign in schools and communities, conducting pre-sentence investigations and as well as giving evidence as an expert witness. They spend a lot of hours in courts. Other responsibilities are given priorities ahead of diversion programmes.

6.4. Accessibility of diversion programmes

Section 55(2) (d) of the Child Justice Act no 75 of 2008 indicated that the diversion programmes must be presented in a location reasonably accessible to the child. Majority of probation officers are stationed in Magistrate courts which are far from the villages. The study discovered that the diversion programmes are not easily accessible by the children who are in conflict with the law. Children have to cover several mileage in order to access the diversion programmes. Majority of the children who are in conflict with the law come from a poverty stricken background and their parents do not afford to transport them to the probation officer's office and it has a negative impact on the effectiveness of the programmes. Participant number 3 expressed the challenge as follows:

"For me the diversion programmes are not easily accessible to the children because there are children who came from different villages which are very far from hear. Some of the children when they arrived here they are already tired as a result of tracking long distance and the concentration is very poor. Some complain about hunger and our Department don't provide food for them. Sometimes I've to buy them something using my money."

Similarly participant number 4 indicated the following:

"Services of diversion programmes are centralized, we expect children to visit us in our offices in order to run these programmes and we know the level of unemployment and poverty in our area. Most families are dependent on Child support grant and it's more difficult for parents to transport these children. The distance is a major barrier to majority of children."

Additionally, participant number 10 and 12 had similar experience about accessibility of diversion programmes;

"There are children who are coming from very far to attend the diversion programmes. For example; here I'm having children who are from as far as Ha-Lambani which is close to 70 kilometers from this office. Accessibility is a serious challenge, especially to children who are attending school. I usually conduct these programmes on Friday when they don't have studies however they still arrive here in my office around 16h30 when its already time to knock off. I always compromise and attend them for only 20 minutes because at 17hrs the last transport will be leaving. The longer the distance they have to pay more money. Some of the parents are unemployed and they don't have money to transport them to my office. Whenever it's my turn to use the vehicle I make it a point that I collect them from their villages which is very rare."(P10)

"Some of the children are coming from very far from the office. If my memory serves well I think its 40-45 kilometres. So I've to travel to go to the children because majority of the children are from poverty stricken families. Sometimes I failed to go to them because of the transport challenges that we are facing at the Department."(P12)

Majority of participants in this study contend that diversion programmes are not accessible to all children due to the distance that the children need to cover in order to arrive at the place where the diversion programmes are being rendered. This is contrary with the Reviewed minimum norms and standards for diversion (2015) which postulates that the diversion programmes must be accessible to all the children in conflict with the law. However, they expressed their willingness to transport them to and from the diversion programme. The challenge of transport in the Department was raised as the stumbling block to respond to the challenge of accessibility of the programme. The distance that children need to access diversion programmes has the negative impact on the effectiveness of diversion programmes. Children might struggle to concentrate during the programme as they arrived to the venue being tired because of the distance that they travelled. To improve accessibility to diversion programmes for the children, a comprehensive approach is needed. This involves funding, community engagement, educational campaigns, infrastructure improvements and policy changes. Collaborative efforts between the government agencies and local communities can play a vital role in overcoming the barriers and ensuring that children easily access diversion programme. Long distance travel affects participants' ability to fully engage in and complete the programme. This could impact the overall effectiveness of the diversion programmes in achieving its goal.

6.5. Training of probation officers

Training is a set of formal lessons given to workers to improve their abilities and knowledge. Effective training equips workers with knowledge and skills to perform specific tasks as required (HR helpboard, 2022). Noe and Kodwani (2018) contend that training is usually provided on the job to allow the employees to navigate the day to day tasks successfully. The findings of this study revealed that training of probation officers is a major challenge across the province. The department applies the train-the-trainer approach when offering the trainings to the probation officers. According to the findings of this study, the train-the-trainer approach appears to be ineffective. Participant number 8 revealed the following:

"Like I said the issue of training is so important. I can tell you that I have not been provided with the diversion programme training since joining the probation services. I just google and see what each programme entail and facilitate the programme.

Participant number 10 indicated that:

"To be honest the issue of training is hindering the effective implementation of diversion programme. I have received different trainings from the colleagues who have been trained to train other officials. This approach is ineffective and the Department must go away with it. From all the trainings that I've received, I have not favoured with the programme manual that will assist as reference. The facilitators of the programmes seems not to be sure of what they were saying. When you need clarity they struggle to elaborate."

"Since I was trained I think is 2009, there are no refresher courses to update and refresh the knowledge and skills. The trainings that I received were theoretical instead of being practical which makes it difficult for me put it into practice." (P13)

The country is currently lamenting about the rising statistics of crime, even children who have been subjected to diversion programmes with the aim of fighting reoffending are recidivating. Probation officers need to be trained by specialized trainers because they are dealing with serious issues that include but not limited to assessment of children in conflict with the law, prevention of crime through awareness campaigns and facilitation of diversion programmes. During the study, the researcher identified training of the participants as a major concern. The Department used train-the-trainer approach and it seems not to be working. It was also established that there are no refresher courses for the participants. The training that participants received is more theoretical rather than practical. Participants do not have the programmes manuals that could assist them to refer to while preparing for rendering the programme.

6.6. Low level of education

The findings of the study revealed that low level of education is a huge challenge which compromises the effectiveness of diversion programmes. It was revealed that some of the children drop out from school while others have difficulty in writing and reading. Participants revealed that some programmes such as life skills require children to express themselves in writing. Participants' narratives are as follows:

> "*Our programmes requires writing and reading skills, so for the child who is not able to write and read it became a challenge because the child will not be able to participate fully to the programme.*" (P2)

> "*There is what we call pre-assessment and post-assessment and one of the reasons behind pre-assessment is to assess the child or rather conduct holistic assessment and part of this holistic assessment is to look at the level of education of the child. There are children who are not able to read nor do write and this create a serious problem in the group in the implementation of the programme*". (P3)

The above findings were corroborated by Steyn (2012) who found that children who are underdeveloped struggle with the programmes because some of the programmes require them to write down their feelings, perceptions and emotions. Furthermore, Steyn also indicates that some of the diversion strategies require certain literacy levels to meaningfully participate in the programme activities. He postulates that life skills programmes need children who are able to read and write as they have to submit written tasks for some of the sessions. The research has found majority of the children who are recidivating are school dropout while others are struggling to perform in schools. Low levels of education can hinder the effectiveness of the diversion programmes because children with lower educational attainment may have difficulty in understanding the purpose and requirements of diversion programmes. This lack of comprehension can hinder their ability to fully engage in and benefit from the programme. Lower educational levels are correlated with high risk of recidivism. Diversion programmes aim to reduce the likelihood of reoffending by addressing the underlying issues and educational gaps can hinder the effectiveness of the interventions.

6.7. Behavior of the children during the programme

The behavior of the children during the programme was a notable concern from the participants. The findings revealed that some of the children arrived at the venue where the programme is being rendered under the influence of alcohol which makes it difficult for them to concentrate. Other children do not show a sense of remorse and they just accepted the commission of their offence in order to avoid prosecution. Rehabilitation starts from within and if a child is not remorseful for the offence he committed it makes it difficult to assist that child. Participants revealed the following regarding the behavior of the children during the programme:

"The child does not understand why they are placed in a diversion programme. They think they are in the programme just to mingle with other children. They influence other children negatively. They shows no interest in the programme."(P1)

The latter participant was supported by participant number 6:

"Some of the children are playful during the programme. They don't take the programme seriously especially because the justice system has a tendency of withdrawing the matter against them once it's diverted. (P6)"

Correspondingly, participant number 15 revealed that:

"As I've indicated to you earlier, substance abuse is now a pandemic which is affecting all groups of people and children are of no exception. Can you imagine, some of the children comes to the diversion programme drunk, I'm not saying smelling alcohol? They come to the programme under the influence of alcohol and what they does the entertain others displays attitudes towards me as a facilitator."

The findings corroborate the findings of the summary report of conducted by the Western Cape Department of Social Development (2016) which revealed that it is not uncommon for the children to be intoxicated when attending a diversion programme. The research found that children do not take diversion seriously and they despise the facilitator during the sessions. The notorious behavior of children during diversion programmes can pose a serious challenge and impact the effectiveness of the

programme. If some of the children are attending the programme while intoxicated, there is a high possibility that they may resist or refuse to comply with the requirements for the diversion. Non- compliance may hinder the programme to address underlying issues. Some of the programmes are conducted in a group form and displaying notorious behavior during the programme can also affect the whole group.

6.8. Supervision

The policy for Social service practitioners (DSD 2017) defines supervision as a process by which an experienced worker is given the responsibility by the organisation to coach and mentor another less experienced worker or workers professional and personal objectives which together promote the best outcome for service delivery. Supervisor has a role of providing guidance, motivation, installing confidence and building morale. All these challenges have a direct impact on the quality of services that are rendered to the children in conflict with the law. Following are some of the narratives by the participants:

> *"Supervision is a serious challenge in our probation services. Supervisors are not sufficiently knowledgeable in the field of probation services hence they focus on administration and spelling rather than engaging in the content. To be honest I am supervising myself, the only time I need a supervisor is when I want her to sign the leave of absence and as well as the reports that are going to court. Surprisingly she just append her signature without even reading what the report entails." (P6)*

> *"Another challenge in the implementation of diversion programmes is that I'm working without supervision. I am being supervised by someone who have never worked as a probation officer. You know they say iron sharpens iron meaning if you have people around you who are knowledgeable and experienced, you will be like them. I don't have anyone to support me while I'm confronted with challenges. For resistance, in my area I have a challenge of dealing with children who came to the programme intoxicated and the influenced the whole group negatively." (P8)*

The findings were corroborated by Gxubane (2023) when he asserted that the biggest challenge with probation services is currently the lack of experience and knowledge for probation services supervisors. Probation officers are supervised by generic social work supervisors who do not possess the knowledge of probation services. The findings suggest that supervision of probation officers are not priority to the supervisor but rather an -add on task to their major responsibilities. In addition, the study conducted by the Western Cape Department of social development (2018) also attested the findings of this study. It reveals that probation officers are not managed by professionals with extensive experience in the field of probation services. It is evident that probation officers are experiencing supervision challenge in their daily lives and it is very difficult to render effective services without a knowledgeable mentor who will offers guidance and motivation as well as trauma debriefing. The three basic functions of supervision as articulated by the supervision framework are not rendered to the probation services. They are not supported during difficult times and not provided with education about the new amendments by their mentors.

7. THEME 7: WAYS TO ADDRESS THE CHALLENGES

The implementation of diversion programme is facing serious challenges as outlined in the previous section. If those challenges are not addressed, these programmes are not going to meet the objectives of diversion programmes such as preventing re-offending. The focus of this section is to find possible ways to address the challenges that are experienced in the implementation of diversion programmes. During the face-to-face interview with the participants, they suggested the provision of resources, employing probation officers and assistant probation officers.

 Participants' narratives are as follows:

> **"***I mean the solution is simple here when you check most of the challenges that I have outlined here they are Departmental problem or challenges so the mere fact that they are departmental challenges you will agree with me that I am not the my employer here….but am just an employee so the one who employed me must make it a point that I have provided with the relevant necessary resources in order to provide effective services."*(P3)

"There must be an increase in budget of social crime prevention services. Everyone can see that the probation services is not allocated enough budget. Increasing the budget will enable the provision of resources."(P5)

"I think the social crime prevention should be allocated with enough budget so that the coordinators in the district level can be able to purchase all the necessary resources."(P7)

The above submissions by participant number 3, 5, and 7 assert that the provision of resources can address more challenges in the implementation of diversion programmes. If the department can provide cars, tool kits and stationery for rendering of diversion, it can help the probation officers to provide and render effective services.

"I think if the Department can hire more probation officers and assistance probation officers can relief the strain of workload of probation officers. If there are more probation officers and assistance probation officers it can help us to put more efforts on the implementation of diversion programme. Look…..now we prioritize other things such as assessments and presentence investigations ahead of rendering diversion programmes." (P6)

"Our department should have to appoint enough probation officers and assistant probation officers" (P10)

"There is a need of employing more probation officers and there is also need of having assistant probation officers that can help us in providing monitoring and aftercare programme."(P15)

From the above submissions by participant number 6, 10 and 15, it is evident that there is a need for the Department to hire human capacity. Hiring of more probation officers will enable them to facilitate the diversion programmes to the best of their abilities without thinking about other things as they will be enough staff to intervene in other services if the need arises. Hiring of assistance probation officers would help in conducting of aftercare services. Lack of aftercare services is a major barrier to the effective implementation of diversion programmes. It may assist in decreasing the number of recidivism among children in conflict with the law post diversion. The research found that the Department is playing a huge role in recidivism of children who have been subjected to diversion programmes by not providing the necessary

resources to the participants. Some of the children can be saved from re-offending by rendering aftercare programme, however, the participants do not have resources to render the programme as excepted or in an effective way.

8. THEME 8: STRATEGIES TO REDUCE RECIDIVISM

The point of convergence of this section was on the identification of strategies that can be used to reduce recidivism among children in conflict with the law post diversion. During the face-to-face interview with the participants, the researcher discovered that there are lots of ways that can be implemented to save our children from committing crimes repeatedly. These strategies include but not limited to the following: Provision of resources for the probation officers, rendering of after care services, compelling parents to attend diversion programmes, strengthening of the law that regulate liquor, proper training of probation officers and rendering of social integration of children in conflict with the law.

8.1. Provision of resources for the probation officers

Resources refer to anything perceived by the individual to help in attaining his or her goals. Resources enable employees to successfully compete their tasks and goals (Halbesleben, Never, and Wastman, 2014). Lack of resources was proven to be a burning issue in the Department and it is impeding the proper rendering of service. The participants cited that the lack of resources affect their performance and their well-being. Some of the resources listed were transport, tool kits and stationery as some of the diversion programmes require children to write. Office space was also cited as some of the programmes especially life skills has to be rendered in group. They believe that if the Department can provide them with the necessary resources it can reduce recidivism since they will be able to provide effective service delivery to the children.

Halbesleben, Never and Westman (2014) indicate that the lack of resources impact negatively on the performance of workers to achieve their goal. A lack of resources leads to a sense of frustration and dissatisfaction among probation officers. It contributed in decline in morale and overall job satisfaction. Insufficient resources are hindering the productivity among employees. A lack of resources is preventing participants from performing their jobs to the best of their abilities. The latter authors

concur with the findings of the study. The participants revealed the following regarding the provision of resources:

> *"If we can be provided with resources, we can go extra mile and implement diversion to the best of our abilities and I'm sure it will reduce recidivism since I will be able to conduct aftercare."(P4)*

> *"Without resources, the diversion programme cannot be effective hence the provision of resources can reduce recidivism."(P6)*

> *"In order to fight recidivism, I think the Department should avail resources for the probation officers." (P10)*

8.2. Rendering of after care services

It was evident that probation officers are not rendering aftercare services as mandated by the Department due to Departmental challenges. All participants identified lack of aftercare services as the programme that can be rendered to reduce recidivism of children post diversion programmes. Participants revealed the following:

> *"Probation officers should be provided with resources. By the resources I mean human capacity in terms of assistance probation officers to help in the monitoring of children who have completed diversion programme. We also have to be provided with cars in order to render this programme mind the gap (after care)." (P3)*

> *"First strategy that I think can reduce recidivism among these children is to strengthen the issue of after care services. We should be provided with the necessary resources so that we can conduct after care the right way unlike conducting it using telephonically."(P5)*

The above submissions were attested by Gwatimba and Raselekoane (2018) who found that there is lack of follow-up activities to track the children in conflict with the law to prevent re-offending. This implies that the rendering of aftercare services can yield positive impact in the reduction of recidivism among these children. Aftercare services can play a significant role in ensuring the success and sustainability of the

diversion process. It was revealed in previous discussion that children recidivate within 12 months after they completed diversion and lack of aftercare is one of the powerful contributory factors to recidivism. Therefore, rendering of these services can reduce re-offending on children. They are designed to reduce the likelihood of recidivism by addressing the root cause of criminal behavior by providing ongoing support and monitoring. These services can help children and their families to navigate the challenges, by making it less likely for the child to re-offend.

8.3 Implementation of social re-integration

Social integration refers to the process of integrating psychologically and socially into one's environment. It refers to various forms of intervention and programmes targeting individuals or children in conflict with the law to reduce the likelihood of reoffending (UNODC, 2012). The participants of the study identified the implementation of social re-integration as another strategy to reduce recidivism of children post diversion. They postulate that after completing diversion programmes, they reoffend as a result of stigma from the community members. The study found that it is imperative for the community members to be aware that the child in conflict with the law has been put through the programmes that are aimed to rehabilitate him or her. They have to be aware that they have a role to play to reduce reoffending probabilities of the children by providing support instead of stigmatizing them. Participant number 7 indicated the following:

> "*One strategy that can be used to reduce recidivism among children is to provide awareness to the community members. The have to be aware of their responsibilities as a community when it comes to children who have been placed through the programme. They have to provide support to these children so that they feel welcomed instead of being called names about their previous offences they have committed. Before a child is being integrated to his family and community there must be sessions with all the stakeholders such as community members, headman, community leaders and all the institution concerned.*"

The latter participant was supported by participant number 8's narrative

"Well…….I think the proper implementation of social reintegration can be very imperative strategy to reduce recidivism. The family need to be prepared as well as the community before the child can be reintegrated with the family and the community to avoid stigmatization which always result in reoffending.

Correspondingly, participant number 9 also supported above participants about the implementation of social reintegration:

"Errrrrr….I think one of the strategy that can assist in reducing recidivism among children is to use a holistic approach whereby all the stakeholders in the community are involved. Stakeholders such as NGOs, community leaders as well as community members must be prepared about the coming back of the child who committed crime. They have to aware of their responsibility which include support functions.

Legodi and Dube (2023) postulate that if the re-integration of offenders is not rendered, the rehabilitation of offenders during the entire sentence bears no fruits. Olivares (2018) further posits that community reintegration of offenders is imperative as it helps to reduce recidivism. The latter authors contend with the study findings which indicate that the proper implementation of social re-integration can reduce reoffending behavior from children. Children face strained relationships with families, friends and the community post the commission of their crimes. Social reintegration can play a vital role on repairing and rebuilding these relationships, fostering sense of trust and support that is crucial for a child's emotional and social development.

8.4. Involvement of parents in diversion programmes

The study revealed participation of parents in diversion programmes as another strategy that can reduce recidivism on children. Participants cited that they must be compelled by a court order to attend diversion until the last session. They believe that some of the parents are playing a role in the criminal behavior of their children. Participants indicated that involving parents will help them to get to the bottom root of the problem. It is believed that there is a need to place some of the parents in parenting skills programmes. Participants' narratives are as follows:

"I think parents of children in diversion programmes should be encouraged to be pro-active at all times during and post diversion programmes". (P3)

"Parents should be also engaged into parenting skills. Sometimes we focus only on the children in conflict with the law not knowing that the parents also need to be assisted with skill on how to take care of a child." (P5)

"Parents are very important in diversion programme. They have to give their children emotional support and financial support. Parents in my area do not understand what diversion programmes entails. Once the child has been diverted you will never see them. Some believe that it our responsibility as professional to change the lives of the children which is very wrong. They say it take a village to raise a child which means it must be a collective efforts from probation officers, parents and other stakeholders that plays a role in diversion programme."(P6)

The findings confirmed by Abdulla (2019) that parental involvement is imperative as parents support their children and imparts positive values and moral in their children. The involvement of parents in diversion programmes is also imperative for the purposes of monitoring attendance and ensuring that the child receives the support that they need (Ntshangase, 2016). The involvement of parents in diversion programmes can be a powerful factor in reducing recidivism among children. A stable and supportive family environment can contribute to the child's overall well-being and reduce the likelihood of re-offending. Involving parents in diversion programmes facilitates better communication between parents and their children. It can also assist in understanding the underlying issues that contribute to delinquent behavior and as a result, it will allow parents to provide more targeted support which will prevent re-offending. It will also beneficial to the parents as they will be provided with parenting skills.

4.4. Summary of the chapter

This chapter presented the discussion on the findings of this study. It focused predominantly on analysis and interpretation of the collected data obtained from the probation officers who are rendering diversion programmes to children in conflict with the law. The findings revealed that there are numerous contributory factors of recidivism among the children in conflict with the law post diversion programmes. Furthermore the study findings revealed that probation officers are encountering numerous challenges in the implementation of diversion programmes and these challenges are compromising the effectiveness of diversion programme. Additionally, the study revealed the strategies that can be used to reduce recidivism among the children. A positive aspect coming out of the data is that probation officers used resources available to render the programme.

CHAPTER FIVE
SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

In this chapter, the conclusions based on the research processes, and the recommendations will be offered. The recommendations include recommendations pertaining to the Department of Social Development as a custodian of CJA no 75 of 2008 and the Department of Justice and constitutional development as a crucial stakeholder in diversion, recommendations for future researchers, recommendations for probation officers as well as recommendations for policy developers. The recommendations are based on the researcher's analyses of the findings and the literature that was reviewed.

As outlined in Chapter one, the purpose of the study was to explore the contributory factors of recidivism among children in conflict with the law, post diversion. This was achieved by a sample of 17 probation officers who were having five or more years of experience in rendering diversion programme. The researcher utilized open-ended questions in exploring the contributory factors of recidivism among the children in conflict with the law post diversion. The researcher utilized a qualitative research approach, as it was well suited for exploring the perceptions of probation officers on factors contributing to recidivism among children post diversion.

The method of data collection was suitable for the study. Detailed information was collected using semi-structured interviews. The research was able to conduct one-on-one interview with the participants of study. Thematic analysis was rendered to make sense of the data collected from the participants. The behavior modification and general strain approaches were utilized to guide the researcher as these approaches focus on changing behavior. The purpose of the approaches is not to understand why or how a particular behavior started.

5.2. Summary of the study

Chapter 1: General introduction and background of the study

This chapter outlined the introduction and general orientation to the research. The chapter covered general orientation of the study, introduction and background, problem statement, rational of the study, theoretical framework, research objectives and questions, ethical consideration, definitions of major concepts, limitations of the study and problem encountered, division of the study and summary of the chapter.

Chapter 2: Literature review

This chapter provided literature which is relevant to the study. The chapter outlined the introduction, contributory factors to recidivism, strategies to reduce recidivism rate, diversion in international context, diversion options in South Africa, the effectiveness of diversion programmes, challenges to the implementation of diversion programmes and summary of the chapter.

Chapter 3: Research methodology

The chapter outlined the introduction, nature of the study, research design, population and sampling procedure, data collection methods and data analysis methods.

Chapter 4: Presentation of the research findings

The research findings are presented and discussed in this chapter. The chapter focused on the narratives of probation officers on factors contributing to recidivism among children in conflict with the law post diversion programmes.

Chapter 5: Conclusions and recommendations of the study

The chapter outlined the overview of the study findings, discussions of the study findings and recommendations. The recommendation section is divided into subsections focusing on the Department of Social Development, recommendations for the Department of Justice and Constitutional Development, recommendations for probation officers, recommendations for policy developers. Recommendations are also made for future researchers.

5.3. Conclusion based on the research findings

- **Conclusions on the diversion programmes facilitated by probation officers**

The diversion programmes manuals are all printed in English which makes it difficult for the probation officers to interpret them to the language and level of the children. The diversion programmes were developed in 2008 after the introduction of Child Justice Act No 75. These programmes are antiquated and they have to be reviewed. Life skill is the most rendered programme by the participants. Probation officers placed children in conflict with the law in single diversion programme instead of multiple diversion programmes which could be effective.

- **Conclusions on the cases where children reoffend**

Children in conflict with the law reoffended due to lack of tracking system by the probation officers. They reoffended within 12 months after the completion of the programme as it was evident in previous discussions. It is evident that aftercare services can play a vital role in fighting recidivism. Children in conflict with the law usually reoffend with the same offence they committed in the first place.

- **Conclusions on the effectiveness of diversion programmes**

The diversion programmes seem to be effective in reducing recidivism among children in conflict with the law especially in other countries. The probation officers are rendering the programmes without the required resources. The venue is also not conducive for the rendering diversion programmes and the lack of resources compromise the effectiveness of the programme. The question still remains on whether diversion programmes are effective or not. Though there are success stories about the diversion programmes and there are also challenges of recidivism among children post diversion programmes. Diversion programmes do not address the root cause of the problem. They deemphasize behavior and focus on impacting skills to the children.

- **Conclusions on the contributory factors to recidivism among children in conflict with the law post diversion programmes**

The diversion programmes developed by the Department of Social Development do not address the environmental factors. Most children recidivate because of criminogenic factors and environmental factors. Criminogenic factors include low self-esteem, negative peer pressure and underestimating the seriousness of the crime while environmental factors include availability of alcohol, drug substances and family environment etc. There are numerous factors that contribute to recidivism of children in conflict with the law post diversion programmes.

- **Conclusions on the services provided to children in conflict with the law post diversion programmes**

Aftercare services of children in conflict with the law are almost non-existence in majority of the offices. Those little offices that render aftercare services use telephone to monitor the children due to transport challenges and workload. The rate of recidivism on children post diversion is increasing in an alarming rate because aftercare services are not provided. Networking with other DSD programmes such as Isibindi must be strengthened. The children in conflict with the law need to be linked to such programme post diversion.

- **Conclusions based on the challenges experienced when facilitating diversion programmes**

Probation officers are experiencing numerous challenges when rendering diversion programmes on a daily basis. Majority of the challenges they experience are departmental challenges and can only be addressed by the Department. Probation services is not well resourced when it comes to human capacity. There is no adequate number of probation officers. There is also no adequate number of assistant probation officers. Other probation officers are burdened with providing supervision to generic social workers as well as providing family preservation services. The few assistant

probation officers that are available in the offices are not performing their duties as articulated in the Probation Services Act 116 of 1991. Venues for the facilitation of diversion programmes are not conducive and they do not meet the required standard as articulated in the minimum norms and standard for diversion programmes. Probation officers do not have the resources needed for the proper implementation of the programme. Some programmes require sound system, monitor and projectors as per the manual and they are non-existent.

- **Conclusions on the ways to address those challenges**

Majority of the challenges experienced by the probation officers while executing their duties daily are Departmental challenges. The Department must prioritize the provision of resources to the probation services as they have been given responsibility of fighting with crime. The budget of probation services must be increased so that it can address some of the important challenges.

- **Conclusions on the ways to reduce recidivism on children post diversion programmes**

Probation officers should receive specialized training from specialized trainers which will enable them to render diversion programmes effectively. The approach of "train the trainer" must be dissolved with immediate effect. The Department must provide probation services with transport, human capacity and other resources. The unavailability of transport is deterring probation officers to conduct aftercare services to the children who have been re-integrated with their families and community which is very crucial in fighting recidivism among children. Reintegration of children with their family and community must be done appropriately to avoid stigmatization from the community as it perpetuates recidivism.

5.4. Recommendations

Recommendations for the Limpopo Department of Social Development

The Limpopo Department of Social Development (DSD) should employ more probation officers (POs) and assistant probation officers (APOs) in order for the successful facilitation of diversion programmes. Majority of the offices in Limpopo have

one to two POs who are responsible for the assessment of children in conflict with the law, attending preliminary enquiry, conducting awareness campaigns, diversion programme, conducting presence investigations and appearing in courts as an expert witness and other duties as outlined in the Child justice act 75 of 2008. The fact that they are understaffed compromise the successful facilitation of diversion programmes. Employing APOs can help in providing monitoring and aftercare services to children who have completed diversion and those who are placed in Home based care supervision.

Probation officers should receive specialized training on diversion programmes from specialized trainers. The train-the-trainer approach is ineffective. The developed diversion programmes are antiquated and there is a need for reviewing them so that they can address the challenges confronted by children of nowadays.

Supervision of probation officer is non-existence. Supervisors that have been assigned with the responsibilities of supervising POs are there to sign the reports and the application of leave. POs must be supervised by professionals who possess the experience in the field of probation services. This will help in the proper implementation of the programme and in the application of different legislation. Supervision of POs must be improved.

The Department of Social Development must provide the POs with the relevant resources for the rendering of diversion programmes. Transport for providing aftercare services are a huge challenge hence children are recidivating within the 12 months period where POs were expected to be rendering those services. Diversion programmes require resources such as sound system, screens, projectors etc. These resources are non-existence and they compelled the POs to run these programmes contrary to the minimum norms and standards for diversion.

Recommendations for the Department of Justice and Constitutional Development

There is a need for the presiding officers and prosecutors to be trained about the Child Justice Act 75 of 2008. Cases of children who have been diverted from the criminal justice system must not be removed from the roll nor withdrawn until the child complete the diversion programmes. Presiding officers must provide the probation officers, child

in conflict with the law and his or her immediate family members with the return dates where the POs will present the compliance or non-compliance report. The charges against a child must only be withdrawn after the presentation of the compliance report. If the child does not comply with the diversion orders, the matter must be transferred to the child justice court.

Recommendations for future researchers

Whether diversion programmes are effective in reducing an alarming rate of recidivism among children is still a big question to answer. Some research studies indicate that diversion programmes are effective in reducing recidivism while other studies indicate that they are not effective. There is a need for the future researchers to rigorously investigate the effectiveness of each diversion programmes.

Recommendations for probation officers

Probation officers must corroborate with other external stakeholders such as the South African Police Services for conducting crime awareness campaigns and social re-integration of the children who completed the programme to prevent children from being stigmatized by the community members. Failure to provide awareness campaigns on community re-integration perpetuate the community to stigmatize them and they end up recidivating. Probation officers must be encouraged to provide aftercare services to the children who have been re-integrated to their family for the prescribed months in order to fight recidivism.

Recommendations for policy developers

A family is the first institution that teaches a child how to behave. Some children who are always finding themselves on the wrong side of the law are committing offences as a result of passive parenting and other notorious behaviors that are being copied from the parents. A policy that compelled the attendance of diversion programmes by the parents of children who are in diversion programmes must be developed because it can help the POs to rigorously assess the parents if they are a problem to the child and how they can be assisted. Other parents may be subjected to parenting skills while others to substance abuse programme.

5.5. Summary of the chapter

The study explored the perceptions of probation officers on factors contributing to recidivism among children in conflict with the law, post diversion. The participants were provided with the opportunity to express themselves. The study revealed numerous factors that contribute to recidivism of children post diversion. The probation officers are confronted with numerous challenges in the implementation of diversion programmes which compromise its effectiveness. The study recommends that parents and guardians must be involved in the diversion programmes. Aftercare services must be conducted to all the children who have completed diversion.

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Addendum A: Interview guide

Section A: Biographical information for research participant

- How old are you?
- What is your gender?
- What is your highest qualification?
- How long have you been facilitating diversion programmes?

Section B

- Share with me the diversion programmes you have conducted for children in conflict with the law
- Share with me at least two cases (do not mention names) wherein you conducted diversion and later the same child re-offended.
- In your own perspective, how effective are the diversion programmes?
- What do you think are the contributory factors of recidivism among children post diversion programmes?
- What kind of services do you provide to child in conflict with the law post diversion programmes?
- What are the challenges that you experience when facilitating diversion programmes?
- What do you think could be done to address those challenges?

- What strategies do you think can be used to reduce recidivism in children post-diversion?

- Thank you for the valuable information. Is there anything else you would like to add before we close?

Addendum B: Request to participate in the study

The perception of probation officers on factors contributing to recidivism among children in conflict with the law post-diversion programmes
By
Tshivhase Jerry

Dear Prospective Participant

My name is Jerry Tshivhase and I am doing research with Kgashane Johannes Malesa, a professor in the Department of Social work towards a Master's degree at the University of South Africa. We are inviting you to participate in a study entitled **"The perception of probation officers on factors contributing to recidivism among children in conflict with the law post diversion programmes".**

The area of study is Limpopo Province. Participants will be drawn purposefully from the Department of Social Development. The purpose of the research is to develop an in-depth understanding on factors contributing to recidivism among children post diversion programmes. 45-60 Minutes of your time is requested for an interview using an audio recorder. This could be possible if you sign the consent form to participate in the study. Field notes shall also be taken to record your responses. The following open-ended questions are asked to gather in-depth information:

Participation in this study is voluntary and you are under no obligation to consent to participation. If you decide to take part, you will be given this information sheet to keep and be asked to sign a written form. You are free to withdraw at any time and without giving a reason.

I will do my utmost to ensure your anonymity in all my written reports and I will not divulge any information that might compromise you in any way. All information that you give will be treated in a confidential manner.

Addendum C: Consent form

CONSENT TO PARTICIPATE IN THIS STUDY

Research title: *The perception of probation officers on factors contributing to recidivism among children in conflict with the law post diversion programmes.*

Researcher: Mr Jerry Tshivhase

I …………………………………………………………, confirm that the person asking my consent to take part in this research has told me about the nature, procedure, potential benefits and anticipated inconvenience of participation.

I have read (or had explained to me) and understood the study as explained in the information sheet.

I have had sufficient opportunity to ask questions and I am prepared to participate in the study.

I understand that my participation is voluntary and that I am free to withdraw at any time without penalty.

I am aware that the findings of this study will be processed into research report, journal publications and/ or conference proceedings, but that my participation will be kept confidential unless otherwise specified.

I agree that the data will be audio recorded.

I have received a signed copy of the informed consent agreement.

Participant Name and Surname…………………………………….......................

Participant signature……………………………….......Date………………

Researcher's Name and Surname…………………………………………….

Researcher's signature…………………………………Date:…………………..

Addendum D: Unisa policy on research ethics

I **Jerry Tshivhase** (Name of applicant) declare that I have read the policy for research ethics of UNISA and that this form is a true and accurate reflection of the methodological and ethical implications of the proposed study. I shall carry out the study in strict accordance with the approved proposal and the ethics policy of UNISA. I shall maintain the confidentiality of all data collected from or about research participants, and maintain security procedures for the protection of privacy. I shall record the way in which the ethical guidelines as suggested in the proposal has been implemented in this research. I shall work in close collaboration with my program managers and shall notify them in writing immediately if any change to the study is proposed. I undertake to notify the Higher Degrees Committee in writing immediately if any adverse event occurs or when injury or harm is experienced by the participants attributable to their participation in the study.

SIGNATURES OF RESEARCHERS

_____   _____
Signature of Principal investigator   Date:

_____   _____
Signature(s) of Project Collaborator / Supervisor   Date

Addendum E: Permission letter to conduct a study

RE:

PERMISSION LETTER

The perception of probation officers on factors contributing to recidivism among children in conflict with the law post-diversion programmes:

By

Tshivhase Jerry

Request for permission to conduct research at Department of Social development.

The perception of probation officers on factors contributing to recidivism among children in conflict with the law post-diversion programmes:

The Head of Department (HOD)

Department of Social Development

Limpopo province

Dear Sir/Madam

Re: Request for permission to conduct a study with Limpopo Probation officers

I Jerry Tshivhase, am doing research with Kgashane Johannes Malesa, a Professor in the Department of Social work towards a Master's degree at the University of South Africa. We are inviting you to participate in the study entitled ***"The perception of probation officers on factors contributing to recidivism among children in conflict with the law post diversion programmes***".

The aim of the study is to explore and describe factors that contribute to recidivism in children who are in conflict with the law, post-diversion programmes. Your Department has been selected because it has been given the responsibility of fighting against crime especially on crime committed by children by the Child justice Act no 75 of 2008. Though the Department has come up with diversion programmes in order to prevent children from reoffending, there is a high rate of recidivism among children post diversion. The study will be qualitative in nature as the researcher is seeking first-hand information and experiences of the participant.

The study finding will benefit the Department as the employer, the provincial government and the country as a whole as the country is facing the raising statistics of recidivism. It will further assist the employer and Probation officers to develop strategies that can reduce the rate of recidivism to children as it is the duty of the Department to reduce crime committed by children.

Thank you
Kind regards
Jerry Tshivhase
Researcher

Addendum F: Researcher acknowledgement form

The perception of probation officers on factors contributing to recidivism
among children in conflict with the law post-diversion programmes:
By
Tshivhase Jerry

Hereby, I **Jerry Tshivhase**, ID number: **860206 6174 082** in my personal capacity as a researcher, acknowledge that I am aware and familiar with the stipulations and contents of the

- Unisa Research Policy
- Unisa Ethics Committee
- Unisa IP Policy

And that I shall conform and abide by these policy requirements

Signed: ……………………………..

Date:……………………………..

Addendum G: Debriefing acknowledgement letter

Enq: NF Mohale

Tel. (C): (081) 014 5529
Tel. (H): (076) 669 6953
Email: Ntombifuthi.Mohale@dshd.limpopo.gov.za
       mohalef@yhaoo.com

To whom it may concern

Re: LETTER OF DEBRIEFING SERVICES ARRANGEMENT

This serves to confirm that Mr. Jerry Tshivhase student no: 20368534 arranged with me to render debriefing services when a need arises. I am employed at the Department of Health in Lephalale as a counsellor and commit myself to offer debriefing services as requested.

Your cooperation in this regard shall be highly appreciated.

Regards
Ntobifuthi fortunate Mohale

NF Mohale (counsellor)

Addendum H: Research ethics clearance letter

UNISA | university of south africa

COLLEGE OF HUMAN SCIENCES RESEARCH ETHICS REVIEW COMMITTEE

04 May 2023

Dear Mr Jerry Tshivhase

NHREC Registration # :
Rec-240816-052
CREC Reference # :
20368534_CREC_CHS_2023

Decision:
Ethics Approval from 04 May 2023 to
04 May 2024

Researcher(s): Name: Mr. J. Tshivhase
Contact details: 20368534@mylife.unisa.ac.za
Supervisor(s): Name: Prof K. J. Malesa
Contact details: maleskj@unisa.ac.za

Title: The perception of probation officers on factors contributing to recidivism
among children in conflict with the law post-diversion programmes.
Degree Purpose: Masters

Thank you for the application for research ethics clearance by the Unisa College of
Human Science Ethics Committee. Ethics approval is granted for one year.

The *low risk application was reviewed by* College of Human Sciences Research Ethics
Committee, in compliance with the Unisa Policy on Research Ethics and the Standard
Operating Procedure on Research Ethics Risk Assessment.

The proposed research may now commence with the provisions that:

1. The researcher(s) will ensure that the research project adheres to the values and principles
   expressed in the UNISA Policy on Research Ethics.
2. Any adverse circumstance arising in the undertaking of the research project that is relevant
   to the ethicality of the study should be communicated in writing to the College Ethics Review
   Committee.
3. The researcher(s) will conduct the study according to the methods and procedures set out
   in the approved application.
4. Any changes that can affect the study-related risks for the research participants, particularly
   in terms of assurances made with regards to the protection of participants' privacy and the

confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.

5. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.

6. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data require additional ethics clearance.

7. No fieldwork activities may continue after the expiry date (04 May 2024). Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

Note:

The reference number 20368534_CREC_CHS_2023 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.

Yours sincerely,

Signature:

Prof. KB Khan
CHS Research Ethics Committee Chairperson
Email: khankb@unisa.ac.za
Tel: (012) 429 8210

Signature: PP

Prof ZZ Nkosi
Acting-Exécutive Dean: CHS
E-mail: nkosizz@unisa.ac.za
Tel: 012 429 6758

Addendum I: Limpopo research ethics clearance certificate

LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE PREMIER

Office of the Premier

Research and Development Directorate

Private Bag X9483, Polokwane, 0700, South Africa

Tel: (015) 230 9910, Email: mokobij@premier.limpopo.gov.za

LIMPOPO PROVINCIAL RESEARCH ETHICS
COMMITTEE CLEARANCE CERTIFICATE

Review Date: 05 July2023

Project Number: LPREC/99/2022: PG

Subject: The Perceptions of Probation Officers on Factors Contributing to Recidivism among Children in Conflict with the Law Post-Diversion Programme

Researcher: Tshivhase J

Chairperson: Prof I Swarts

Chairperson: Limpopo Provincial Research Ethics Committee

The Limpopo Provincial Research Ethics Committee (LPREC) is registered with National Health Research Council (NHREC) Registration Number **REC-111513-038.**

Note:

i. This study is categorized as a **Low Risk Level** in accordance with risk level descriptors as enshrined in LPREC Standard Operating Procedures (SOPs)

ii. Should there be any amendment to the approved research proposal; the researcher(s) must re-submit the proposal to the ethics committee for review prior data collection.

iii. The researcher(s) must provide annual reporting to the committee as well as the relevant department and also provide the department with the final report/thesis.

iv. The ethical clearance certificate is valid for 12 months. Should the need to extend the period for data collection arise then the researcher should renew the certificate through LPREC secretariat. PLEASE QUOTE THE PROJECT NUMBER IN ALL ENQUIRIES.

Addendum J: Permission letter- Department of social development

Confidential

LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
SOCIAL DEVELOPMENT

Ref : S4/3/2
Enq : MJ Moloisi
Tel : 015 230 4381 / 082 457 7120
Email : MoloisiMJ@dsd.limpopo.gov.za

Thohoyandou
725 Extension
0950

Dear Mr J Tshivhase

RE: THE PERCEPTION OF PROBATION OFFICERS ON FACTORS CONTRIBUTING TO RECIDIVISM AMONG CHILDREN IN CONFLICT WITH THE LAW POST-DIVERSION PROGRAMMES
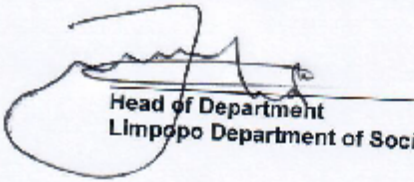
The above matter has reference.

Thank you for applying for permission to conduct research at the Limpopo Department of Social Development. The department further acknowledges receipt of the research review outcome from the Limpopo Provincial Research and Ethics Committee certifying that you have been granted full approval and ethical clearance to conduct a study titled: '*The Perception of probation officers on factors contributing to recidivism among children in conflict with the law post-diversion programmes*".

The following statements are articulated in the research proposal; namely that:

- The study aims to explore the perception of probation officers on factors contributing to recidivism among children in conflict with the law, post-diversion programmes.
- The study will be crucial to the Department of Social Development; with respect to restorative programme; wherein the results should assist in a thriving service delivery model, individual growth, and professional advancement for probation officers.
- The target population will be probation officers employed by the Department of Social Development in Limpopo Province.

To this effect, this letter serves to grant you (i.e., Mr J Tshivhase) permission to conduct research at the Department of Social Development in Limpopo Province.

We trust you will find this to be in order.

Head of Department
Limpopo Department of Social Development

21/07/2023
Date

24 Biccard Street, Polokwane, 0700, Private Bag x9710, POLOKWANE, 0700
Tel: (015) 230 4300, Fax: (015) 291 2298   Website: http://www.dsd.limpopo.gov.za

The heartland of Southern Africa – *development is about people*

Addendum K: Certificate of editing

ZEE EDITING AND PROOFREADING SERVICES
PO BOX 663 THOLONGWE 0734
LANGUAGE MATTERS

21 January 2024

TO WHOM IT MAY CONCERN

This is to certify that the dissertation titled "The Perception of Probation Officers on Factors Contributing to Recidivism among Children in Conflict With the Law, Post Diversion" by Jerry Tshivhase has been edited and proofread for grammar, spelling, punctuation, overall style and logical flow. The edits were carried out using the "Track changes" feature in MS Word, giving the author final control over whether to accept or reject effected changes prior to submission, provided the changes I recommended are effected to the text, the language is of an acceptable standard.

Please don't hesitate to contact me for any enquiry.

Kind regards

Dr. Hlaviso Motlhaka (BEDSPF-UL, BA Hons-UL, MA-IUP: USA, PhD-WITS, PGDiP-SUN)
Cell number: 079-721-0620/078-196-4459
Email address: hlavisomhlanga@yahoo.com