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PROBATION  
ITS APPLICATION IN THE REPUBLIC  
OF SOUTH AFRICA  
UNDER THE CHILDREN'S ACT OF 1960

by

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CONTENTS

<u>INTRODUCTION.</u>	Page 5
 <u>PROCEDURES FOLLOWED DURING THE COURSE OF THE RESEARCH.</u>	 21
 <u>CHAPTER I.</u> The Origin and Growth of Probation in Britain, the United States of America, and South Africa.	 28
 <u>CHAPTER II.</u> The Present Legislative and Administra- tive System in South Africa.	 71
 <u>CHAPTER III.</u> The Relationship between Probationer and Probation Officer.	 82
 <u>CHAPTER IV.</u> Selection, Investigation, Treatment, and Case Recording.	 106
 <u>CHAPTER V.</u> Probation : Its Application in South Africa and Suggestions for Its Improvement.	 131
 <u>CHAPTER VI.</u> Methods of Treatment and their Effec- tiveness.	 229
 <u>CHAPTER VII.</u> Contacts and their Influence on Treat- ment Results.	 239
 <u>CHAPTER VIII.</u> Probation Officers' Views on Probation Treatment.	 256
 <u>CHAPTER IX.</u> Probationers' Attitudes Towards Proba- tion Officers.	 270
 <u>CHAPTER X.</u> Summary of Findings.	 284

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APPENDICES.

- |   |          |
|---|----------|
| A. Particulars about a Child who has been placed on Probation in terms of Section 31(2) of The Children's Act No. 33 of 1960. | Page 304 |
| B. Regional Areas and their Branch Offices visited for the purpose of completing Questionnaires.                              | 315      |
| C. Magisterial Districts in each of the Regional Areas visited.   | 316      |
| D. The Professional Staff and Case Loads as at 1st December 1968, of all Regional Offices and Branch Offices visited.         | 319      |
| E. The Tables in the Text.  | 320      |
| F. Notes.   | 321      |
| G. Schedule recording Results of Contacts between Probationers and Probation Officers.  | 324      |
| H. Bibliography.  | 328      |

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INTRODUCTION

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## INTRODUCTION

### 1. Definition of Probation

The following authoritative definitions may provide a basis for ascertaining the generally-accepted meaning and implications of probation. For this purpose the following authorities have been selected : L. le Mesurier, the United Nations Department of Social Affairs, David Dressler and the Scottish Home Department.

Mrs. L. le Mesurier, in her work entitled "A Handbook of Probation and Social Work of the Courts", gives the following definition of probation :-

A system of dealing (chiefly) with young persons found guilty of crimes of lesser gravity and especially with first offenders, wherein these, instead of being sent to prison or otherwise punished, are released on suspended sentence during good behaviour, and placed under the supervision of a probation officer, who acts as a friend and adviser, but who in case of the failure of the probationer to fulfil the terms of his probation, can report him back to the court for the execution of the sentence originally imposed. [ 4 ]

The report compiled by the United Nations Department of Social Affairs in 1951 and titled "Probation and Related Measures" contains the following definition of probation :-

By way of summary, it may be said that probation is a method of dealing with specially selected offenders and that it consists of the conditional suspension of punishment while the offender is placed under personal supervision and is given individual guidance or 'treatment'. [ 5 ]

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In this second definition it will be noticed that the emphasis is placed on offenders, that probation is made a condition of the suspended sentence, and that it is a service designed to benefit society.

David Dressler, in his "Probation and Parole", gives the following definition :-

They are services designed to benefit society and the maladjusted individual in society. They are case work services and law-enforcement services, not mutually exclusive, but operating together. [6]

A further definition is to be found in "The Probation Service in Scotland", a booklet prepared by the Scottish Home Department and published in 1961 :-

Probation is a period of trial, a combined effort to put right something that has gone awry in an individual's life. [7]

In all these definitions, the emphasis is clearly placed on the treatment of the individual in his normal social surroundings, as an alternative to imprisonment. Probation is thus seen as a reform undertaken as a service to society.

According to le Mesurier, in the work mentioned above, it is misleading to speak of a "suspended sentence". When an offender is released on probation no sentence is imposed, but if the probationer fails to observe the terms of his probation he can be brought before the court and punished for the original offence. Within the limits of the law the court retains the complete discretion concerning the nature of punishment. The definition also conceals what is perhaps the most important element in probation, viz. that the offender is released on a recognizance to which he is a willing party. In other words, probation rests not upon the exercise by the court of its powers of compulsion, but upon a promise by the

offender to mend his ways.

## 2. Current South African Provisions regarding Probation

During the latter half of 1956, Dr. F. Brümmer of the South African Department of Social Welfare and Pensions, visited the Continent of Europe to study certain social problems. In his report he mentioned, inter alia, that the foundation on which child care rests in the countries he visited differed very little from one country to another. Everywhere it was accepted that more successful social education and adjustment were achieved when treatment was provided within the family unit. He recorded in his Report :-

Dit is dan ook algemene beleid om maatskaplike omstandighede te skep wat die gesinslewe sal versterk en die kind se normale ontplooiing sal verseker. Hierdie doel word ywerig deur die Staat, die Kerk en private inisiatief nagestreef. [ 1 ]

In the light of his findings Dr. Brümmer suggested that, whenever the South African policy on child care was reviewed, attention should be given to the following recommendations :-

- (a) Dat op proefstelling slegs bevel word in gevalle waar 'n maatskaplike ondersoek laat blyk dat intensiewe toesig 'n redelike kans het om tot rehabilitasie te lei
- (b) Dat toesig deur 'n proefbevoegde vir 'n betreklike kort termyn op intensiewe wyse geskied
- (c) Dat sodra dit blyk dat toesig nie langer nodig is of dat dit nie vrugte afwerp nie, die proefleerling van die bepalinge van die Kinderwet ontslaan word of dat die bevel gewysig word. [ 2 ]

A "Works" Committee was thereafter appointed under the chairmanship of Dr. F. Brümmer to investigate the amendment of the Children's Act, No. 31 of 1937. This Committee's

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report was published in June, 1959 and one of its more important recommendations was that provision be made in future legislation that :-

- (a) A Commissioner of Child Welfare, in his discretion, when returning an uncontrollable child to the care of his parents or legal guardian should impose conditions applicable to the child, his parents, or both
- (b) Where such conditions are imposed, the child be placed under the control and treatment of a probation officer
- (c) A probation officer at any time during or after the expiration of the treatment period shall submit a report to the Commissioner of Child Welfare on the results of the treatment and shall make a recommendation as to what further steps are to be taken. [ 3 ]

The Committee further suggested that, to ensure the enforcement, conditions should be reasonable and clearly defined. In the report the need for punishment for non-compliance with these conditions was suggested, in order to stress their seriousness. The Committee's suggestions and recommendations regarding the necessity for and nature of probation were accepted, and during the Parliamentary Session of 1960 the amended Act was approved. Provision for probation orders in respect of children found in need of care and treatment is accordingly to be found in the present Children's Act. Section 31 of Act No. 33 of 1960 provides, in fact, the most important existing legislation for probationary treatment.

Care is necessary in interpreting the use of probation services. An example of this is provided by the fact that Section 342 (1) of the Criminal Procedure Act, 1955 as substituted by Section 98 of the Children's Act, 1960, provides that any court in which a person under the age of 18 years is convicted may instead of imposing any punishment, order inter alia that he be placed under

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the supervision of a probation officer. This is not the same as being placed on probation. Rule 10(1) of the Regulations published in Government Gazette No. 6659 dated 30th March, 1961, specifically states that "A children's court may, in terms of sub-section (4) of section thirty-one, order a child who has been placed on probation under supervision of a probation officer to comply with one or more of the following requirements, as the court may direct." These requirements are quoted in full in Chapter two of this thesis.

It is, rather surprisingly, true that the present South African Children's Act (No. 33 of 1960) contains no definition of the words "probation" and "probationer". Section 31(1) of this Act provides "that a Children's Court which, after holding an inquiry, is satisfied that a child is a child in need of care may, apart from other ways and means of disposal, order that the child be returned to or remain in the custody of his parents or guardian or of the person in whose custody he was immediately before the commencement of the proceedings; or order that the child be placed in the custody of any suitable foster parent. A Children's Court which has made one of the above-mentioned orders, may also order that the child be placed on probation or under the supervision of a probation officer or of any person or association of persons who are seeking for the protection, welfare and reclamation of children." [ 8 ]

In terms of Section 58 of the Children's Act (No. 33 of 1960) a probation officer is an officer of every Children's Court and every Magistrate's Court held within the area for which he is appointed.

As inquiries in respect of children brought before Children's Courts are canalised through the office of the local probation officer, the latter is in a position to make recommendations to the court in respect of the methods of treatment. In cases where it is recommended that a child be placed under supervision, the

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probation officer may also recommend under whose supervision the child should be placed. Normally, supervision is entrusted to the welfare organisation that has undertaken the investigation.

Paragraphs (a) and (b) of Section 31 of the Children's Act (No. 33 of 1960) clearly state that, if the Children's Court is satisfied that a child is a child in need of care, it may order that the child be returned to or remain in the custody of his parent or guardian or of the person in whose custody he was immediately before the commencement of the proceedings; or order that the child be placed in the custody of any suitable foster parent. A Children's Court which has made one of these orders may also order that the child be placed on probation.

Sub-section 5 of Section 31 provides that any probation officer may, during a child's period of probation, and shall on the termination of this period, furnish to the Commissioner of Child Welfare of the district in which the child resides a report on the behaviour, progress, and welfare of the child.

Nowhere in the Children's Act or in the Regulations framed thereunder has any provision been made for the application of probation by welfare workers other than probation officers employed by the State. It appears, therefore, that under existing legislation the responsibility for the application of probation is primarily the function of the probation officer.

As in the case of supervision, the probation officer may, at his discretion, call on social workers to assist him in carrying out his plan of treatment for probationers under his care. He, however, is responsible for drawing up the plan of treatment, for ascertaining which welfare agencies are available, and deciding how their services could best contribute towards the rehabilitation of the probationer. The probation officer is responsible for initiating and executing the plan of treatment, for effecting any alterations to the

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plan that may become necessary from time to time, and for selecting welfare organisations and individuals best suited and equipped to make a positive contribution towards the attainment of the objective. He is, in actual fact, the leader of the group dealing with the application of the plan of treatment. He must, therefore, ensure that at all times he has all the relevant facts and that he is aware of new developments, so as to enable him to maintain the initiative. Should it become necessary to alter the existing plan of treatment, it would be his duty to advise the other persons engaged in the team effort of the changes he wishes to make and to state why he regards them as necessary and how he intends to proceed with the execution of the new ideas.

### 3. The Design of the Present Research

The present research study was in the first place undertaken to ascertain to what extent the probationers and their parents have complied with the requirements laid down by the Children's Court. A secondary objective was to obtain the views of probationers, their parents, and the supervising probation officers on this particular method of treatment.

A questionnaire comprising 43 questions was drawn up. In order to complete the questionnaires in detail, it was necessary to study the case files of 110 probationers and to visit them, their parents, and their supervising probation officers. Several towns and cities of the Republic were included in the survey.

It is hoped that the findings of this research will present a clear and informative picture of the results of probationary treatment as applied in South Africa since the passage of the 1960 Children's Act. Furthermore, the views of those directly concerned in the application of the probationary system may have much to contribute to the improvement of the system in order to achieve more lasting results. The opinions solicited from parents,

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probationers, and probation officers, will be discussed in the ensuing chapters.

For the purpose of completing the 110 questionnaires, visits were made to Pretoria, Springs, Germiston, Johannesburg, and Kimberley. The largest number of probationers in the study were, however, resident in Cape Town, and it was in this city that the completion of the questionnaires commenced. Assistance from the local probation officers facilitated and expedited the tracing of the probationers. In some instances the case files did not contain all the relevant data, and with the aid of the professional staff of the Cape Town office of the Department of Social Welfare and Pensions supplementary information was obtained. The staff of all the other offices visited were co-operative, and with their help it was possible to complete the questionnaires in detail. Only four regional offices in the Republic of South Africa were not visited in connection with this research. These offices were Port Elizabeth, East London, Durban, and Bloemfontein.

An important part of the research was the examining of a complex procedure namely probation which usually begins in preventative treatment and is conducted throughout according to statutory provisions, general rules and directives from the Head Office of the Department of Social Welfare and Pensions. This is a practical uniform and standardised procedure, which could in fact be studied quite adequately in any one office of the Department. The reason for drawing upon the 5 regional offices was not primarily to diversify the material, but to obtain a sufficient number of cases for comparison and analysis. Procedures regarding writing reports, investigations and treatment also do not differ from office to office.

A number of the tables classify the probationers according to regional areas, e.g. 1, 2, 4, 5, 6, 7, 10, 13, 16, 19, 22, 23, 26, 29, 32, 35, 37, 38, 39, 40, 41, 43, and 44. None of

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these show any statistically significant difference between areas which would affect the general conclusions arrived at in this study.

It should not be forgotten that the age, sex and race composition of the probation groups varied in the different areas and that if comparison between areas are to be made, it would be necessary for the groups to be standardised for those socio-biological characteristics. If this is done, the number of the apparent differences is reduced. Although the findings of this study have been presented arithmetically where statistical data are available, the nature of the study itself is essentially qualitative not quantitative.

The 110 cases included in the research is regarded as a major piece of field work. Considering the distances between the regional areas visited and those not visited, as well as the small number of cases available throughout the country, the limited number of available cases in the areas not included did not warrant a visit.

The extent of non-institutional disposal of white children in need of care by the Children's Courts in South Africa in terms of Section 31(2) of the Children's Act, 1960, for the years ended on the 31st March of 1964 and 1965, are revealed by the following figures :-

	1964	Percentage	1965	Percentage
Children returned to previous custody (without supervision)	174	9	198	13
Children returned to previous custody and placed under supervision	718	39	491	32
Children returned to previous custody and placed on probation	93	5	105	7
Children placed in foster-care (without supervision)	193	10	132	9
Children placed in foster-care and under supervision	661	35	540	35
Children placed in foster-care and on probation	13	1	13	1
Children placed under control of an approved agency	18	1	41	3
	1,870	100	1,520	100

The above figures clearly indicate that only a small number of white children were placed on probation during the two years immediately prior to the commencement of this research. The figures for the two 12-month periods ended 31st March 1964 and 31st March 1965 are in fact 106 and 118, respectively. Most of the probationers in the five regional areas selected for the purpose of the research during the year 1965 were, in actual fact, included in the research. The research was started in June 1966 and only probationers who had completed their periods of probation shortly prior to this date or who were at the point of completing their periods, could for obvious reasons be selected for the purpose of this study.

The figures in respect of Coloured probationers were much smaller. In the regional areas of Cape Town and Kimberley, only 16 and one Coloured children, respectively, were placed on probation during the year 1965. The total number of European and Coloured probationers remained the same for 1966. The 110 probationers selected represented 81% of this figure. No Bantu or Asian children were placed on probation at this time.

The number of non-institutional disposals of white juvenile offenders in terms of Section 342(1) a, b, and c, of the Criminal Procedure Act for the two years ended 31st March 1964 and 31st March 1965, are as follows :-

	1964	Percentage	1965	Percentage
Children placed under supervision of probation officer	19	73	15	83
Children placed in the custody of a suitable person (without supervision)	1	4	1	6
Children placed in the custody of a suitable person under the supervision of a probation officer	6	23	2	11
	26	100	18	100

For practical reasons it was decided to limit the number of cases for inclusion in the research to approximately 100. The system of selection and treatment of probationers was uniform because the procedure followed in this regard was laid down in departmental circulars. Therefore the methods applied did not

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differ from one area to another. (It was also considered more economical to take about two-thirds of the available cases.) This did mean that the cases were drawn wholly from the Transvaal and Cape Province, but this was agreed to in the plan of the research. The title of the research might accordingly have been altered to the two provinces only, but in view of their presumed representativeness the restriction of the title would appear to be unnecessary.

The probationers in respect of whom the questionnaires have been completed were not specially selected for this purpose. The only criterion for selection was the availability of their present residential addresses. In order to obtain the probationers' views, and those of their parents, on the effectiveness of probation treatment, it was necessary to question them in person. This could not have been done unless their residential addresses were available on the case files. Where a probationer and his parents had moved to an unknown address and the supervising probation officer had failed to trace them, the case could not be accepted for inclusion in the sample. For this reason, the research concentrated on those probationers who had just completed, or who had nearly completed, their probationary periods.

Probationers who had almost completed the probationary periods determined by the Children's Courts, were included in the research as well. It was felt that they and their parents were in a particularly good position to express an opinion on the effectiveness of probation as a form of treatment. In these cases the probation officers supervising such probationers were definitely able to say whether the treatment had met with success or failure. They were also in a position to give reasons for the results.

The opinions of the probation officers as revealed by the research are regarded as of great value and importance.

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Most of the probation officers had frequent contact with their probationers and were acquainted with their personalities, their parents, and their general circumstances. This knowledge was invaluable in determining whether progress had been made and to what degrees; or whether the probationer's behaviour had deteriorated notwithstanding the probation officer's efforts. At least one probation officer who was acquainted with the probationer, and with his previous and present circumstances, was always available.

Thus probation officers contributed substantially to the data collected in the research. Without their aid, and that of the probationers and their parents, the present study would not have been possible. In particular, probation officers gave information about their clients which was not always reflected in the reports on the case files, thus making it possible to determine the degree of progress made by the probationer while being treated.

Through the assistance of probation officers, case files were easily obtainable, and at every office visited a room was placed at my disposal where the contents of these files could be studied. I should accordingly like to record my very deep appreciation of the kind helpfulness shown to me by the officials of the Department of Social Welfare and Pensions.

Mrs. Brunhilde Helm, Senior Lecturer in the School of Social Work in the University of Cape Town, encouraged me to continue my studies after the M. Soc. Sc. Degree had been conferred on me. She was always prepared to listen to any difficulties encountered, and gave valuable advice on how to overcome them. Her guidance regarding the compilation of some of the tables contained in this thesis, and on aspects of its presentation, has been particularly helpful.

The Dean of the Faculty of Social Science and Director of the School of Social Work, Professor Edward Batson, gave me advice in all stages of my studies. His guidance, particularly during the years 1966, 1967, and 1968, helped immensely to define a central theme and to give meaningful interpretations to the relevant data. I wish to record my great indebtedness to him, and my appreciation of the interest, humour, and wisdom with which he guided me.

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PROCEDURES FOLLOWED  
DURING THE COURSE OF THE RESEARCH

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During the latter part of February, 1966, the title "Probation : Its Application in the Republic of South Africa" was submitted to the Professor of Sociology and Administration and Director of the School of Social Work, University of Cape Town, for his consideration and recommendation to the Senate as a subject for a thesis. The subject was approved.

The compilation of a questionnaire, specifically including data about the methods of probation treatment and the results of such treatment as evidenced by the probationer, his parents, and the probation officers themselves, was undertaken.

Considering that only a limited number of probationers were receiving treatment in South Africa, and that they were mainly resident in the bigger towns and cities, it was agreed that at least 110 probationers should be interviewed for the purposes of the study. This entailed much travelling, throughout the country, visiting the persons concerned, and inspecting the relevant case files at the offices of the supervising probation officers, in order to complete the questionnaires. A list showing the regional and branch offices visited may be found in Appendix B. It was estimated that the visits and interviews would take about six months or longer to complete.

It was necessary, also, to obtain the written approval of the Department of Social Welfare and Pensions to visit its regional and branch offices for the relevant information and to arrange with the Department to grant me vacation leave from time to time to enable me to visit cases living at great distances from Cape Town.

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When I had received the necessary approval to continue on the lines indicated, a number of books dealing with juvenile delinquency, and more specifically with probation as applied in England, and the United States of America, were obtained from the Departmental Library and from the Consulate-General of the United States of America. The latter also kindly arranged for books dealing with probation to be sent to me from various sources in America. A selective study was made of the contents of all this literature, as it had to be returned to the suppliers within a fixed period.

During the early stages of the research, it became clear that there was very little literature available on the history of probation and its actual application in South Africa. Probation treatment, as provided for in the Children's Act, No. 33 of 1960, was not introduced in this country before April, 1960. Apart from the Act, the only other reference sources available were : Dr. F. Brümmer's report (compiled by him after his study tour of Europe during the latter half of 1956); the report published by the Works Committee under his chairmanship during June 1959; and the publication "Evaluasie-ondersoek van Proefplasing van Sorgbehoewende Kinders in die Republiek van Suid-Afrika" dated 15th April, 1964 and compiled by the Research Section of the Department of Social Welfare and Pensions. Having established this fact, I realised that much more attention would have to be given to the experience of the probation officers, and their remarks and views as reflected inter alia also in the case files. A complete study had to be made of all the documents on every relative file before interviewing the probation officer, the probationer, and his parents, as they were the only sources available from which the required data could be obtained.

The collection of data and the completion of the first questionnaire was begun at Cape Town during the latter part of June, 1966. The necessity of obtaining full and accurate information was constantly borne in mind.

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All the departmental offices to be visited were advised in good time of the purpose of my visit, and at the same time they were asked to compile a list of the file numbers of cases of probationers :

- (i) whose period of probation had just expired,
- (ii) who had been transferred to institutions at, or just before, the end of their probation period, and
- (iii) who were about to complete the period of probation as determined by the Children's Court.

After careful study of the contents of each file furnished by an office, an itinerary was drawn up for visits to the probationers residing in the area of that particular office. Private transport was used for this purpose. In some instances it was necessary to return to the residence of a probationer already visited, when either he or one of his parents had not been at home at the time of the first visit. The information tendered by a relation living in the same premises as the probationer and his parents was neither accepted nor used. It was assumed that information received from brothers, sisters, uncles, aunts, grandparents, or other relations might be biased, or presented from a point of view different from a parent, and therefore not suitable for the purpose of the study.

The completion of a questionnaire was accomplished in three stages. The first stage, as indicated in the foregoing paragraph, was to study the case file and to select data in connection with the probationer's address, sex, race, age, attendance of a school, standard passed, (if any) at the time of the Court order, type of school attended, intelligence quotient, the place of residence of the probationer (distinguishing between city, town, country and "uncertain"); the reasons for recommending probation treatment; the requirements to be complied with by the child and his parents; the extent to which the probationers and parents complied with the

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requirements; the period of probation; the number of progress reports written by the probation officers, etc. The second stage entailed interviews with the probationers and their parents to ascertain their opinions on probation treatment and their attitudes towards the supervising probation officers. The third stage comprised interviews with the probation officers. These interviews being undertaken to obtain information on the methods used in the treatment process and the nature of the assistance and guidance given during the period of treatment, and to obtain the supervising officer's views on the effectiveness or otherwise of probation treatment. A copy of the questionnaire used is to be found in Appendix A.

Probationers and their parents were specifically asked for their opinions on probation treatment. The majority gave preference to probation as an alternative to institutional treatment. A large variety of reasons was given in support of their choice. Most of the reasons offered seemed to indicate that there was still a great deal of affection between parent and child and that they preferred to keep the family unit intact. Some of the probationers were a source of concern to their parents, as they were responsible for extra expense when the parents were already finding it difficult to provide for their normal requirements. In many instances they brought shame and embarrassment to their families, and in some instances were even directly responsible for arguments and discord between fathers and mothers, involving other members of the family as well. Notwithstanding the unhappiness in their homes as a result of disobedience, uncontrollability, truancy, association with unsuitable friends, and criminal offences, their parents were (in most instances) still prepared and anxious to have them remain at home. They were hopeful that, with the help and co-operation of the probation officer, the probationers' attitude and behaviour would change for the better.

Considering that the great majority of probationers and parents were in favour of the probationer's remaining at home,

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and that they might, therefore, be ignorant of and prejudiced against institutional treatment, special attention had to be given to completing paragraphs 33 and 34 of the questionnaire. After the interviews with probationers and parents, the probation officers were also questioned about the opinions expressed to them by the former, so that definite and accurate information could be obtained.

The following Departmental regional offices existed in South Africa at the time of my Study : Johannesburg, Kimberley, Pretoria, Germiston, Bloemfontein, Port Elizabeth, East London, Durban, and Cape Town. The 110 questionnaires were completed in five of the nine regional areas as follows :

Johannesburg	32
Pretoria	19
Germiston	13
Kimberley	11
Cape Town	35

These five regional areas were selected because it was anticipated that they would have the largest number of probationers under treatment at the time, and that the methods used by probation officers at these centres would be basically the same as those used throughout the country. It was presumed that there would, also, be experienced as well as less experienced professional officers on the staff of each of these offices. It was considered advisable, too, to determine to what extent previous experience of the staff had an effect, if any, on the results obtained by this method of treatment.

The case files in respect of probationers were, in most instances, divided in sub-files. Because the treatment took place within the family unit, most case files contained at least two sub-files. One sub-file bore the name of the probationer on its cover and all correspondence and documents of a general nature were filed in this folder. The other sub-file, containing a copy of

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the Children's Court proceedings and order, and all reports on the particular child, was called either the "Treatment Sub-File" or "Family Sub-File". The information selected from the case files was usually found in the latter.

The reports in the treatment and family sub-files represented the following categories :

- (a) The Process Reports, reflecting the steps taken by the probation officer initiating the treatment of the child prior to taking any legal action. (These reports normally contained factual information in respect of the child and his family, the nature of the treatment applied and the reaction to such treatment, as well as the probation officer's views on why the particular kind of treatment applied up to the time of writing the process report had proved unsuccessful and what further action was regarded as necessary).
- (b) The Report by the Professional Officer, normally intended for the Children's Court. (This lengthy report always contained identifying details, such as the name of the child, his sex, his residential address, race, religious denomination, and home language, as well as the main reasons for the investigation. Further, it included a brief historical background of the family, their home and financial circumstances, educational achievements, relationship between members of the family, a description of the child's behaviour pattern and the possible reasons for such behaviour, the probation officer's findings, and his recommendation as to what further action should be taken).
- (c) The Progress Reports. These gave a summary of the treatment applied, the results of such treatment, the possible reasons for its success or failure; and in many cases a further plan of treatment, with the reasons why a new plan was necessary.
- (d) The Final Reports. (These were usually written upon termination of the probation period. Copies of these reports are required to be submitted to the Commissioner of the district in which the child resides and must clearly indicate the child's behaviour,

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progress, and welfare at the time of the expiration of the Children's Court order).

The various reports were fully studied for the purpose of selecting the required information for the questionnaires. Reports describing the course of the study were compiled during the years 1966, 1967, and 1968 and the contents of these are presented in the relevant Chapters of this work.

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CHAPTER I

THE ORIGIN AND GROWTH OF PROBATION  
IN BRITAIN, THE UNITED STATES OF AMERICA,  
AND SOUTH AFRICA

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THE ORIGIN AND GROWTH OF PROBATION  
IN BRITAIN, THE UNITED STATES OF AMERICA,  
AND SOUTH AFRICA

This chapter deals with the historical background and development of probation in Britain, the United States of America, and South Africa. It is intended as an introduction and background to a more detailed study of probation and its application in the Republic of South Africa.

1. Britain

Methods of dealing with crime which include probation are now found in many European countries, but the system appears to have been more fully organised and more frequently used in England and the United States of America.

The desire to keep children out of prison and to safeguard them against cruel methods of treatment has resulted in both legal and religious efforts to find some satisfactory alternative. The results of such efforts have shown that in many cases mercy could be more effective than severity, and concern for the individual could contribute towards the well-being of the community.

The first effort, or perhaps experiment, in England was made by some of the magistrates of Warwickshire Quarter Sessions. In 1820 they started the practice of releasing selected young offenders, who served a nominal day's imprisonment, on condition that they returned to the care or employment of their parents or masters, who were required to supervise them better in future. This practice was followed and carried further by the well-known recorder of Birmingham, Matthew Davenport Hill who, in

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1841, instituted a register of released young offenders, in whose cases he thought there was reasonable hope of reformation. The police were asked to inquire into the young offender's conduct from time to time. At about this time, a special "inquiry officer" [ 9 ] was also appointed to supervise offenders released in this way.

An American jurist points out that it is commonly supposed that probation began in August 1841, when a Boston cobbler by the name of John Augustus stood bail for a drunkard in the Boston Police Court, "and took him under his protective wing". [ 10 ] This jurist also reveals that in the records of the Court Assistants of the Colony of Massachusetts Bay, 1630 to 1692, some information was found about the treatment of cases indicating methods of what looks like probation. As an illustration of this statement, the case of a Mrs. Harding is quoted where "The General Court respited her case until the next Court, and ordered that in the meantime she be dealt with by Mr. Cotton, Mr. Wilson and the church, to see if she may be convinced and give satisfaction". [ 11 ]

John Howard (1726 - 1790), Elizabeth Fry (1780 - 1845) and later Frederick Rainer, a printer of Hertfordshire, were some of the first to draw attention to the unsatisfactory state of English prisons and to the whole problem of the treatment of criminals. Publicity such as this eventually led to the appointment of the first "police court missionary" whose duty it was to visit some of the Metropolitan Police Courts and to attempt the reclamation of drunkards. This service was later expanded and the work of the missionaries was approved and helped by magistrates and officials, especially by the courts of Mansion House, Lambeth, Bow Street, and Southwark. The number of missionaries was increased and later it became necessary to appoint women for this type of work as well. In this way legal and religious efforts were combined in an attempt to find a more successful method of treatment of offenders. These combined approaches converged towards the conception of probation as it is known to-day.

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The middle of the nineteenth century, which marked a significant awakening of the public conscience in all spheres of social welfare, saw the beginning of various movements for improving the lot of those found guilty of crimes, and especially for mitigating the rule of severity which had hitherto been maintained, and for substituting reformatory methods. The growth of reformatory and industrial schools must be mentioned as movements aimed at clearing the prisons of many young people.

The work of the "police court missionaries" was facilitated by a provision contained in Section 16 of the Summary Jurisdiction Act of 1879 which provided, inter alia, that where a Court of Summary Jurisdiction considered that, though the charge was proved, the offence was so trifling that it was inexpedient to inflict any punishment other than a nominal punishment, the court, upon convicting the offender, could discharge him, on condition of his giving security with or without sureties to appear for sentence when called upon, and on condition of his good behaviour.

The legal machinery for the enforcement of probation orders is found in the Probation of Offenders Act, 1907. Juvenile Courts were established in 1908 by the Children's Act of that year. The first Act made provision for the statutory appointment of probation officers on a local basis and for the payment of their salaries from public funds. The majority of the missionaries were appointed as probation officers to the courts they served and for many years they continued to be paid partly by their Societies. The officers specially appointed to the London Juvenile Courts following the promulgation of the Children's Act of 1908, were, from the first, paid wholly out of public funds.

The basic duties of probation officers were laid down in terms which are still accepted today, though their interpretation has undergone much development : " to advise, assist and

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befriend" the probationer, as well as to supervise him and see that he observes the conditions of his recognizance. The machinery of supervision, too, is familiar : "to visit or receive reports from the person under supervision" and to report to the court on his behaviour. This 1908 Act formed the basis not only of the probation system in Great Britain, but also of similar legislation in several other parts of the world.

The working of the Act, however, soon revealed inadequacies in the methods of selection of persons for probation, in the provisions for probation treatment, and in the appointment of probation officers themselves. Preliminary inquiries had not been specified amongst the duties of probation officers. The result was that many courts made probation orders with little information about the offenders. Though the Act specified a maximum probation period of three years, it set no minimum. The majority of orders at this time were for twelve months, but some were for as little as three, giving no scope for long-term reconstructive work. Many courts did not appoint probation officers at all, while the lack of any special qualifications resulted in many unsuitable appointments.

From the time it was passed, the Act was used extensively by some courts. A Departmental Committee appointed in 1909 to examine the working of the Act reported that probation had "already proved of great value in a large number of cases and might become in the future a most useful factor in our penal law". [ 12 ]

The war of 1914-1918 delayed any further planned development. In 1922 a Departmental Committee considered and reported on the training, appointment, and payment of probation officers. The value of probation as a means of reformation and the prevention of crime was emphasized in the report. The Committee also found that, of the 748 officers registered as proba-

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tion officers, the great majority were attached to religious or social agencies such as the Police Court Mission, Discharged Prisoners' Aid Societies, the Church Army, and the Society of St. Vincent de Paul. Another fact disclosed by the Committee was that the Service was constituted largely of part-time officers, while full-time officers were confined mainly to London and the large towns. Many of these part-time officers had other occupations; they included school attendance officers, police, collecting officers, inspectors of the National Society for the Prevention of Cruelty to Children, Poor Law officers, and others whose work was only remotely connected with probation. The Committee stated categorically that many of these part-time officers did not appear to be properly qualified to act as probation officers, and their employment was detrimental to the success of the system. It is most interesting to note that this Committee, established some 44 years ago, considered that a case-load of 50 - 60 should be the maximum.

The more important recommendations of the Committee were embodied in the Criminal Justice Act, 1925, amended by the Criminal Justice Act, 1926. These Acts provided a framework for the development of the Service, but, since they left the main initiative in local hands, the actual rate of development still depended on the varying local response. Some of the reasons for differences in local practice are very understandable. Small county courts might, during the year, deal with only a few cases in which probation would be worth considering. Some had part-time clerks with little time to consider the implications of probation.

Experience was making the necessity for a strong central lead in the development of the Service increasingly apparent, and the Home Office was attempting to give that lead. Meanwhile the work of the probation officer was becoming both wider in scope and deeper in application.

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A Departmental Committee was appointed in 1934 to consider the whole question of social services in courts of summary jurisdiction, and the terms of reference of the Committee accordingly required it "to inquire into the social services connected with the administration of justice in courts of summary jurisdiction, including the supervision of persons released on probation and in suitable cases of persons ordered to pay fines; the application of conciliation methods to matrimonial disputes; and the making of social investigations on behalf of the court and other work falling, or likely to fall, on probation officers". [ 13 ]

This Committee recommended that, while the appointment of probation officers and local administration should remain in the hands of the local Probation Committees, the Home Office should take a larger share in the supervision, administration, and direction of the Service as a whole. The duties of probation officers themselves received very thorough consideration. Probation itself was accepted as the primary function of the probation officer, and various suggestions were made as to the way it should be carried out. The Committee stated in general terms that "the object of probation is the ultimate establishment of the probationer in the community and the probation officer must accordingly take a long view". [ 14 ]

Perhaps the main developments during this very important period can be summed up as :-

- (a) a realization of the need for greater central guidance and co-ordination to promote more uniform development without the loss of local knowledge, initiative, and personal interest;
- (b) an extension of the duties of probation officers;
- (c) the recognition of the need for new standards of qualifications, selection, training, and conditions to meet the growing demands being made on the Service.

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The Second World War, 1939 - 1945, affected the Service both directly and indirectly. Its direct impact was felt in staff shortages and the hampering of recruitment and training due to the call-up, fluctuating case-loads and frequent transfers arising from evacuation, in difficulties of visiting and reporting in the heavily bombed areas, and in the extension of duties to meet new needs in both city and country areas. The indirect effects were equally important. Evacuation revealed to the country the shocking conditions under which many families still lived in city slums, and led to a great pressure to remedy these evils once the war ended.

In 1946 the National Institute of Industrial Psychology was asked by the Training Board to investigate the work of probation officers.

The Criminal Justice Act, 1948, repealed and replaced the Probation of Offenders Act, 1907, and embodied most of the Committee's recommendations. The old, rather cumbersome, use of the recognizance was abolished, and courts could now make a single order requiring an offender, for a period of time to be specified, to be under the supervision of a probation officer appointed or assigned to the particular petty sessional division in which he would be living. The principle of consent on the part of the offender, previously implied in the recognizance, was preserved by the stipulation that, in the case of any offender over 14, a probation order could be made only if he expressed his willingness to comply with its requirements. Another change was the introduction of a minimum period of one year for a probation order, while the maximum period remained three years,

The factors to be taken into account by courts in making probation orders were also simplified. Instead of the earlier list of considerations, some of which (such as age, mental

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condition, and the trivial nature of the offence) had increased misunderstandings of the scope of probation, the court was to consider the circumstances, including the nature of the offence and the character of the offender, thus allowing greater discretion in the use of probation wherever it seemed desirable in an individual case. Another feature of the Act was the emphasis it placed on the importance of adequate inquiries about the offender as well as the offence before a decision was made regarding treatment. Probation officers were now required not merely to investigate cases in which the question of making a probation order might arise, but "to inquire, in accordance with any direction of the Court, into the circumstances or home surroundings of any person with a view to assisting the Court in determining the most suitable method of dealing with his case": [ 15 ]

Approved probation hostels and homes also received statutory recognition for the first time under the 1948 Act. Prior to this Act, their use had been governed by Home Office circulars, and contributions to their expenses were made on a per capita basis only.

The Fifth Schedule of the Act and the Probation Rules made in 1949 and later, laid down the duties of probation officers in terms at once wider and more general than in the past, though the basic duty to "advise, assist, and befriend" probationers remained. They were wider in that they prescribed a general responsibility to "seek the welfare" of all those to whom the probation officer had a statutory duty, including matrimonial and after-care clients as well as those under probation or supervision orders.

Wider recognition of the possibilities and scope of the Probation Service had been matched by a fuller acceptance of the need to deepen and extend the probation officer's own skill and understanding. This has shown itself in improved training for

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new entrants, in opportunities for advanced learning for serving officers, and in the development of casework, supervision and consultation.

The need for research has also been recognized in all parts of the Service. In 1961 the Home Office Research Unit launched a large-scale investigation which has now become the Probation Research Project. Its general purpose is to study the differences in the outcome of probation for different types of offenders and with different types of treatment. This involves attempts to classify both probationers and the varying ways of dealing with them; attempts to predict the outcome of probation orders; and the attempts to find out whether other criteria of "failure" or "success" in probation could be used in addition to those of reconviction.

The more important Sections of the Criminal Justice Act, 1948 that deal with probation are quoted here :-

"Probation" :

- (1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer for a period to be specified in the order of not less than one year nor more than three years.
- (2) A probation order shall name the petty sessional division in which the offender resides or will reside, and the offender shall (subject to the provisions of the First Schedule to this Act relating to probationers who change their residence) be required to be under the supervision of a probation officer appointed for or

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assigned to that division.

- (3) Subject to the provisions of the following section, a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences :

Provided that (without prejudice to the power of the court to make an order under subsection (2) of section eleven of this Act) the payment of sums by way of damages for injury or compensation for loss shall not be included among the requirements of a probation order.

- (4) Without prejudice to the generality of the last foregoing subsection, a probation order may include requirements relating to the residence of the offender :

Provided that -

- (a) before making an order containing any such requirements, the court shall consider the home surroundings of the offender; and
- (b) where the order requires the offender to reside in an approved probation hostel, an approved probation home or any other institution, the name of the institution and the period for which he is so required to reside shall be specified in the order, and that period shall not extend beyond twelve months from the date of the order.
- (5) Before making a probation order, the court shall explain to the offender in ordinary language the effect of the order (including any additional requirements proposed to be inserted therein under subsection (3) or subsection (4) of this section or under the following section) and that if he fails to comply therewith or commits another offence he will be liable to be sentenced for the original offence; and if the offender is not less than 14 years of age the court shall not

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make the order unless he expresses his willingness to comply with the requirements thereof.

(6) The court by which a probation order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy to the offender, to the probation officer responsible for the supervision of the offender and to the person in charge of any institution in which the probationer is required by the order to reside; and the court shall, except where it is itself the supervising court, send to the clerk of the justices for the petty sessional division named in the order a copy of the order together with such documents and information relating to the case as it considers likely to be of assistance to the supervising court.

(7) Where a probation order requires the offender to reside in any institution, not being :

- (a) an approved probation hostel or approved probation home, or
- (b) an institution in which he is required to reside for the purposes of any such treatment as is mentioned in paragraph (a) or paragraph (b) of subsection (2) of the following section; (as listed in the Act) the court shall forthwith give notice of the terms of the order to the Secretary of State.

The greater part of a probation officer's work is the supervision of probationers. Some thousands of people in Great Britain are put on probation each year; in 1962, 47,385 such orders were made in England and Wales, and about 4,500 in Scotland. In December of that year probation officers in England and Wales were supervising 71,024 probationers, 82.8% of whom were males, while in Scotland the corresponding figures were 7,834 and 86.4%. [ 16 ]

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Because of their association with the work of the courts and because of what has been described as "their status as social workers among delinquents", probation officers -- especially in England and Wales -- have acquired a variety of functions outside the main stream of their work. Broadly speaking, these functions may be divided into (a) inquiry work, and (b) supervising duties.

It is the statutory duty of probation officers "to inquire, in accordance with any directions of the court, into the circumstances or home surroundings of any person, with a view to assisting the court in determining the most suitable method of dealing with his case". Among other inquiries that the probation officers may be asked to make by the courts in England and Wales are those concerning the adoption of children; the welfare of children involved in divorce cases (when the probation officer acts as a divorce court welfare officer); and certain matters in summary domestic proceedings. A court may ask, for instance, that inquiries should be made into the means of the parties to domestic proceedings before an order for the payment of money is made, or into dispute about the guardianship of infants, or into applications for consent to marry. The services of probation officers are also enlisted by the courts in matrimonial conciliation work. In Scotland, probation officers may be appointed to undertake inquiry duties in relation to children, similar to those of divorce court welfare officers in England and Wales, but they do not undertake matrimonial conciliation work.

In addition to their main function of supervising probationers, probation officers are responsible for the supervision of :-

- (1) Boys and girls, who when under the age of 17 were subject to supervision orders as being in need of care and protection, or being beyond the control of their parents or guardians, or for failing to

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attend school regularly.

- (2) Offenders required to pay fines. (The supervision may be ordered when the fine is imposed or later; and if the offender is under 21 years old he may not be committed to prison for failing to pay, unless he has had the benefit of supervision or unless the court is satisfied that supervision would be undesirable or impracticable in his case).
- (3) The children of parties to matrimonial proceedings when such children have been the subject of orders as to their custody.
- (4) In England and Wales, boys and girls released from approved schools and offenders released from prisons and borstals under statutory aftercare arrangements.

Other duties falling to probation officers are attendance at court, escorting boys and girls to approved schools, obtaining lodgings for probationers and vacancies in approved probation hostels or homes, keeping in touch with the families of probationers who are away from home, and advising on all sorts of other questions.

In England and Wales, the Home Secretary is responsible for the probation service as a whole. He discharges this responsibility through the Division of the Home Office and with the assistance of the Probation Advisory and Training Board appointed by him. For purposes of local administration, England and Wales is divided into 102 probation areas each of which (except for the London area) is the responsibility of a probation committee of magistrates, who may co-opt other persons capable of assisting the committee in its work. The main functions of probation committees are to appoint and pay probation officers, meet their expenses, assign them to the courts, exercise general supervision of their work, and provide them with clerical assistance, equipment, and offices. Case committees review the work of probation

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officers in individual cases. The cost of providing the probation service is shared equally between the Exchequer and local funds.

In London, the administration of the service is divided between : the Home Secretary, advised by the London Probation Committee (constituted of judges and magistrates); the Receiver for the Metropolitan Police District (an officer who is responsible to the Home Secretary for providing the money for the expenditure of the Metropolitan Police, the Metropolitan Magistrates' Court, and the London Probation Service); and the London Probation Service Headquarters. The Service Headquarters, which comprises the principal probation officer, two deputy principal probation officers, and four assistant principal probation officers, with clerical staff, advises upon and implements the policy of the Home Secretary, organises and supervises the probation officers' work, assigns them to the courts, arranges training within the service, deals with day-to-day staff relations and, subject to the Home Secretary's directions, undertakes a variety of administrative and clerical duties.

In Scotland the Minister responsible for the probation service is the Secretary of State for Scotland. The basic units for local administration are the counties and large burghs, which, may, separately, be probation areas, or may be grouped into combined areas. Administration in each area is the responsibility of a probation committee which comprises, as ex-officio members, the sheriff of the sheriff-dom in which the area lies and any sheriff's substitute having jurisdiction in the area whom the sheriff may nominate, and not more than fifteen or less than six other members appointed annually by the council of the county or large burgh, as the case may be. Probation committees in Scotland are not required to appoint case committees, although they have the power to do so. Inspection of local services is carried out on behalf of the Secretary of State by a joint Child Care and Probation

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Inspectorate.

In December 1963 there were over 2,000 full-time probation officers in England and Wales, approximately 600 of whom were women, and in Scotland (December 1962) there were some 200 probation officers (including officers in training or about to start their training) of whom 40 were women. The average number of cases in England and Wales which each male officer was supervising at the end of December 1962 was about 60 and each woman officer was supervising about 40 cases; in Scotland the corresponding figures were approximately 50 for male officers and 30 for woman. [ 17 ]

The results of an examination (published in 1958 by the Cambridge Department of Criminal Science) of the records of over 9,000 offenders who had been placed on probation for indictable offences by the courts of London and Middlesex showed that 73.8% of the adults and 62.4% of the juveniles that were included in the study completed the probation period satisfactorily and committed no further offence for three years thereafter.

In England, probation is regarded as a method of dealing with offenders and more particularly juvenile offenders. The methods of treatment and supervision developed in probation have, however, been extended, in some countries, to persons who are not "offenders" in the legal sense, but who are in danger of becoming offenders through wayward behaviour, neglect, or unfavourable home circumstances, or who are otherwise in need of special care, guidance, or supervision. Strictly speaking, this approach is aimed at the prevention of delinquency, and the social rehabilitation of maladjusted persons, rather than the treatment of offenders.

The preliminary investigation by a probation

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officer is not regarded as an attempt to find mitigating reasons why the court should place an offender on probation, but the whole purpose of the investigation is to strengthen the hands of the court in dealing with the individual offender, to enlighten the magistrate on the offender's personality and his relation to society, and to help the magistrate to decide whether it would be in the interest of the offender and the interest of the community to place him on probation, or whether some other form of treatment is indicated.

The information required by the court is compiled from the data obtained through investigation of the external and internal influences in the offender's life. In dealing with a juvenile, the family as a unit is always taken into consideration. At the same time, the child as an individual is kept in mind. He is studied as an individual, but also as a part of the family, and his reactions to the family and the family's reactions towards him are all considered important factors.

## II. The United States of America

In his book "Practice and Theory of Probation and Parole", David Dressler defines probation as follows :-

Probation is a treatment program in which final action in an adjudicated offender's case is suspended, so that he remains at liberty, subject to conditions imposed by or for a court, under the supervision and guidance of a probation worker. [ 18 ]

According to N. S. Timasheff in "One Hundred Years of Probation", a new method of treating corrigible offenders convicted of trivial offences was devised in Boston, Massachusetts, in 1841.

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It consisted in giving such offenders another chance, good conduct after trial being deemed conducive to definitive release from punishment, and bad conduct being followed by the imposition of the delayed sentence and by the execution of punishment. [ 19 ]

The circumstances under which a man appeared in court on a charge of being a common drunkard and the steps taken by a Mr. Augustus to assist him are related here in the latter's own words (quoted by the abovementioned author). This action is regarded as having inspired the idea of probation in the United States.

In the month of August, 1841, I was in court one morning, when the door communicating with the lockroom was opened, and an officer entered, followed by a ragged and wretched-looking man who took his seat upon the bench allotted to prisoners. I imagined from the man's appearance that his offence was that of yielding to his appetite for intoxicating drinks, and in a few moments I found that my suspicions were correct, for the clerk read the complaint, in which the man was charged with being a common drunkard. The case was clearly made out, but before sentence had been passed, I conversed with him for a few moments and found that he was not yet past all hope for reformation, although his appearance and his looks precluded a belief in the minds of others that he would ever become a man again. He told me that if he could be saved from the House of Correction, he never again would taste intoxicating liquors; there was such an earnestness in that tone, and a look expressive of firm resolve, that I determined to aid him; I bailed him by permission of the court. He was ordered to appear for sentence in three weeks from that time. He signed the pledge and became a sober man; at the expiration of his period of probation, I accompanied him into the court room; his whole appearance was changed and no one, even the scrutinising officers, could have believed that he was the same person who, less than a month before, had stood trembling on the prisoner's stand.

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The judge expressed himself much pleased with the account we gave of the man, and instead of the usual penalty -- imprisonment in the House of Correction -- he fined him one cent and costs, amounting in all to \$ 3.76, which he immediately paid. The man continued industrious and sober, and without doubt has been by this treatment saved from a drunkard's grave. [20]

Probation was adopted after the criminal code had become less severe and vindictive and after the social sciences had begun to exert their influence. Historically, the practice adopted in Massachusetts is important because it was the first State to use probation, both as an informal court procedure and by statutory authority, and its experience has influenced practice and law in other States. The first statute was passed in 1878, but this was preceded by a long period of evolution in the Massachusetts courts, emanating from the desire to escape from the rigidity of the penal law.

The Department of Adult Probation and Parole of the State of Utah described the purpose of probation as follows :-

Probation seeks to accomplish the rehabilitation of persons convicted of a crime by returning them to society during a period of supervision, rather than to the unnatural and, too often, unhealthful atmosphere of prisons and reformatories. Successful probation entails an adequate investigation into the facts of the defendant's environment, character, and previous record; a wise selection by the court of the offenders capable of benefitting by the treatment; and a zealous but sympathetic prosecution of his duties by the supervising officer. Probation may be regarded as an investment in humanity. It has been shown many times that a dollar invested in good probation will return from two to four dollars in fines collected, restitution made, and families supported. It builds up rather than degrades. It is an investment in community protection. It puts men to work

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to earn money rather than confinement at public expense. [21]

One of the devices employed was the ancient practice of benefit of clergy, developed in the English courts and originally used to enable the clergy, and later anyone who could read, to escape severe punishment. The attempt of American courts to suspend sentence indefinitely apparently owed its origin to the early English practice of judicial reprieve, and served to justify the use of judicial discretion.

Another early method was to release and hold in security for good behaviour. By 1830 it was, apparently, a general practice to permit the offender to go on his own recognizance, and no sentence was pronounced if his behaviour was good. In the revised statutes of 1836, the courts were permitted to discharge certain classes of offenders if they had friends who would stand security for their future good conduct. Yet another method was to file the case, either in minor offences or in cases where there were extenuating circumstances, and so avoid passing sentence. This was, in effect, a suspension of sentence and not a closing of the case, because it could be reopened at any time for sentence.

Thus it was through judicial experiment with methods of suspending the sentence that the basis of the probation system was laid. Evidently this was believed to be within the common law powers of the judge, and was developed as a part of the administration of justice, just as rules of evidence were developed in the common law courts and equitable remedies in Chancery.

Probation was first established by statute in Massachusetts in 1878. The law applied only to the courts of criminal jurisdiction in Suffolk county, but it contained the fundamentals of a probation system and provided for a salaried officer to be

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appointed by the mayor. In 1880 a permissive law allowed cities and towns to appoint officers. Probation throughout the State of Massachusetts was attained in 1891, when it was made mandatory for each police, district, and municipal court to appoint an officer. The judiciary rather than the municipal authorities was given the power of appointment. In 1898 the superior courts were given the authority to appoint probation officers. The system in Massachusetts originated in the lower courts and was extended to the superior courts, while in other States the opposite situation has existed and extension to the lower courts has been slow.

Maryland was the second State to pass a probation law, in 1894. Vermont followed suit in 1898; and Illinois, Minnesota, and Rhode Island in 1899. The laws of Illinois and Minnesota related only to children. Thus there were six States with probation legislation before 1900, but only four dealt with adult probation.

In many States the development of probation was closely connected with that of the juvenile court. The first juvenile court law was passed in Illinois in 1899, and in that and all subsequent laws probation was authorized. Probation was also provided for in certain adult cases over which juvenile courts had jurisdiction.

In 1925 probation was authorized by Congress, and its administration was placed under the Bureau of Prisons in the United States Department of Justice. In 1939 the Act establishing the Administrative Office of the United States Courts transferred the federal probation service to this Office.

Helen D. Pigeon, in her book "Probation and Parole in Theory and Practice", points out that it is impossible to obtain definite information on the extent to which probation is

used, because many States do not report their figures fully or regularly. Few of them have central agencies which collect or publish judicial statistics and few probation departments issue standardized reports. According to her, the returns for 1940, which were the latest available at the time of the publication of her book, for 26 States, including the District of Columbia, were as follows :-

Total defendants' sentences	59,026	100%
State prisons and reformatories	22,084	37.4%
Probation or suspended sentence	19,847	33.6%
Local jails and workhouses	12,952	21.9%
All other sentences	4,143	7.0%

[ 22 ]

Only those countries with a population of more than 25,000 could employ a full-time probation officer. Countries with a population of less than 25,000 may pay probation officers a maximum of \$ 1,200 a year. The 1956 amendment of the statute permits countries having a population of between 70,000 and 100,000 to employ up to three probation officers and two assistant probation officers at salaries to be fixed by the county court and the county commissioners. That amendment also made possible the employment of two probation officers in countries with a population of between 25,000 and 70,000, their remuneration to be fixed in the same manner as for the counties in the 70,000 and 100,000 bracket. No limit was set on the number of probation officers which may be employed by the Denver Juvenile Court.

A committee on Laws relating to Children was appointed by the Colorado Legislative Council during 1957 to make a study of Child Welfare in Colorado including :-

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- (1) the needs of children which can be controlled or improved by legislative enactment, with special emphasis on those children who are dependent, neglected or delinquent; and
  - (2) the laws affecting children, including the operation and effect of existing laws and the existence of conflicting, obsolete, or otherwise undesirable laws.

In its report, published in December 1958, this Committee came to the following conclusions :-

- (1) In most large counties, with at least one full-time juvenile probation officer, the juvenile probation case loads are so large that it is extremely difficult to provide adequate services without an increase in staff;
- (2) the large counties without full-time probation officers have sufficient case loads to justify the employment of at least one such officer; and
- (3) the small counties do not have trained people supervising juvenile probation. The juvenile probation case loads in most of these counties are not large enough to justify a full-time probation officer; therefore, it would be necessary to group these smaller counties in order to provide adequate juvenile probation services. [ 23 ]

This Committee also revealed that the average case load for the probation officers of the Denver Juvenile Court was 125 for boys and 100 for girls. It also recommended that juvenile probation services in Colorado should be strengthened to provide qualified probation personnel throughout the State in sufficient numbers to accomplish :-

- (1) adequate supervision for all juveniles placed on probation;

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- (2) preparation of comprehensive social histories which will assist the court in the proper disposition of each case, and which will help the institutions or public agencies on which the court may place the responsibility for the handling of juvenile offenders;
  - (3) co-operation with other local agencies in working with delinquent juveniles; and
  - (4) exchange of information with other county courts for those juveniles on probation who change their county of residence. [24]

The Committee on Children's Laws also concluded that the annual probation costs were, then, about one-tenth of the expense of maintaining a juvenile in an institution for the same period. The Committee stated that it was difficult to determine accurately the rate of success of probation, but generally agreed that at least 85% of the juveniles placed on probation were deterred from becoming habitual violators of the law. The rate of failure of juvenile parole was found to be two to three times as great. \*

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\* The early history of probation in American statute law is largely that of the statutory enactment of the common law practice, with perhaps some slight progress. The State of Massachusetts was the first to enact legislation in this field. This State recognised the importance of probation as a natural and proper part of the administration of criminal courts. The decisive step was taken when the statute of April 26, 1878 was passed. (C. 198)

The history of this statute, which was in later years to be quoted thousands of times in many languages, was extremely simple. The Journal of the Senate of the State of Massachusetts reads :

On motion of Mr. Flatley ordered : that the Committee on the Judiciary consider the expediency of providing for the appointment of an officer in the county of Suffolk, whose duty it shall be to attend the sessions of the criminal courts of the said county, and secure as far as practicably the placing on probation of such criminals

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The Administrative Office of the United States Courts, in its publication No. 103 on the Presentence Investigation Report, published in 1965, described its "functions and objectives" as follows :-

The pre-sentence report is a basic working document in judicial and correctional administration. It performs five functions :

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as in his judgment, would be like to reform without punishment. [ 25 ]

On April 5, Mr. Russell, of the Committee of the Judiciary, reported a bill relating to the subject. The bill was passed by the Senate on April 9 and 10, and a little later by the House of Representatives. No discussion of the bill or opposition to it is mentioned by either the journals of both Houses or by the daily papers.

The law enacted in Massachusetts in 1878 was very short. Its main content is as follows :-

The Mayor of the City of Boston shall appoint ... a suitable person whose duty it shall be to attend the sessions of the courts of criminal justice held within the county of Suffolk, to investigate the cases of persons charged with or convicted of crimes and misdemeanours, and to recommend to such courts the placing on probation of such persons as may reasonably be expected to be reformed without punishment .... It shall be further the duty of such officer, so far as the same is practicable, to visit the offenders placed on probation ... and render such assistance and encouragement as will tend to prevent their again offending. Any person placed upon probation ... may be rearrested by him upon approval of the chief of the police ... and again brought before the court; and the court may thereupon proceed to sentence or make such other disposition of the case as may be authorised by the law.

It is obvious that this statute introduced nothing essentially new into the common law practice. However, the benevolent

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- (1) to aid the court in determining the appropriate sentence,
  - (2) to assist the Bureau of Prisons Institutions in their classification and treatment programs and also in their release planning,
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persons who, in an unofficial capacity, helped the judge in the application of probation who supervised the behaviour of the probationer, and who were usually sureties, were replaced by an officer who received the title of probation officer; this was the first time that the term "probation" was used in a statute. The fact that the statute of 1878 did not mention any limitation of the age of the probationers was of great importance : in this way the common law practice, which was primarily designed for the treatment of minors, was transformed into an instrument applicable also to adults. The law concerned only the county of Suffolk, i. e. Boston and its environs; this was a practice which, in later times, was imitated in many American laws on probation.

The next step was carried out with more understanding of the importance of what had already taken place. In their Ninth Annual Report the Commissioners of Prisons complained of the lack of any provision for the classification of offenders in the prisons of Massachusetts, and drew attention to the necessity of seeking better ways for the treatment of criminals. Probation appeared to be one of them.

The Commissioners said in their report :-

The City of Boston is trying a very important experiment. Under the provision of the law of 1878, Captain E. H. Savage, formerly chief of Police, was appointed probation officer, and has, since October 21, 1878, devoted his entire time to work among persons accused of crime. He obtains information from the Police and in other ways regarding those who have been arrested, and when their cases are called for trial he takes on probation by authority of those who may reasonably be expected to reform without punishment.

The term of probation ranges from three months to one year, under such conditions as seem best suited to the case. The officer becomes bondsman in a certain sum for the faithful performance of these conditions and for the prisoner's appearance at court from time to time until the case is finally disposed of. The time of continuance for appearance usually ranges from six to twelve weeks.

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- (3) to furnish the Board of Parole with information pertinent to its consideration of Parole,
  - (4) to aid the probation officer in his rehabilitative efforts during probation and parole supervision,  
and
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The system adopted by the City of Boston, and so successfully carried out, may well be extended to other larger cities . . . . We recommend the enactment of a law enabling other cities to appoint probation officers, if they desire. [26]

On 2nd March 1880, Mr. Taylor, of the Committee of Prisons, reported in the Senate a bill to the same effect. Like the previous bill, it encountered no opposition and became law on 22nd March 1880, authorising the courts of every town in Massachusetts to appoint probation officers with the same powers and functions as those of Boston. A section was added which enabled the courts to place the offender on probation upon such terms as they might deem best. Furthermore, it was decreed that the person thus released should be given a written statement of the terms of his probation, and that the probation officer should keep a record of his conduct. Sections 6 to 10 of the new law imposed on the probation officers the duty to take care of persons conditionally released from jail. This created a connection between probation and parole.

In 1882 the county of Suffolk was divided into three probation districts. On 28th May, 1891, a law, which was largely attributable to the efforts of the Secretary of the Prison Committee, transformed the power of the courts to appoint probation officers into a duty. This meant that probation was definitely established throughout the State of Massachusetts and that the inequality in the treatment of offenders, depending on the existence or non-existence of probation officers in different judicial districts, was removed.

Probation officers were, however, appointed by lower courts only. Higher courts, had for their purposes to use the probation officers of the lower courts. On 8th June 1898, this was changed, and higher courts were authorised to appoint their own probation officers.

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- (5) to serve as a source of pertinent information for systematic research.

The primary objective of the pre-sentence report is to focus light on the character and personality of the defendant, to offer insight into his problems and needs, to help him to understand the world in which he lives, to learn about his relationships with people, and to discover those salient factors that underlie his specific offence and his conduct in general. It is not the purpose of the report to demonstrate the guilt or the innocence of the defendant.

Authorities in the judicial and correctional fields assert that a pre-sentence investigation should be made in every case.

With the aid of a pre-sentence report the court may avoid committing a defendant to an institution who merits probation instead, or may avoid granting probation when confinement is appropriate.

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Article 1 of the Standard Probation and Parole Act, reprinted in 1964, defines the construction and purpose of this Act as follows : \_

This Act shall be liberally construed to the end that the treatment of persons convicted of crime shall take into consideration their individual characteristics, circumstances, needs, and potentialities as revealed by a case study, and that such persons shall be dealt with in the community by a uniformly organised system of constructive rehabilitation, under probation supervision instead of correctional institutions, or under parole supervision when a period of institutional treatment has been deemed essential whenever it appears desirable in the light of the needs of public safety and their own welfare.

"Probation" is defined in the Standard Probation and Parole Act as a procedure under which a defendant, found guilty of a crime upon verdict or plea, is released by the court, without imprisonment, subject to conditions imposed by the court and subject to the supervision of the probation service.

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Probation cannot succeed unless care is exercised in selecting those who are to receive its benefits. The pre-sentence report is an essential aid in this selective process. [27]

### III South Africa

Probation as a legal provision in the treatment of criminal offenders in South Africa has its origin in the First Offenders Act, No. 10 of 1906, which was assented to on 9 August, 1906. This Act provides inter alia, that when a person is convicted of any crime for which capital punishment is not a penalty, and where no previous conviction is proved or known against him and also after the court has considered the youth, character, and antecedents of the offender, or the trivial nature of the offence, or any extenuating circumstances under which the offence was committed, the court may if it is expedient to release the offender on probation of good conduct, instead of sentencing him to any punishment or treatment, direct that he be released on entering into a recognizance, with or without sureties.

Section 1 of this Act directs that the court must take the offender's age into consideration when recognizance, as a method of dealing with such offenders, is contemplated. No reference to a definite age limit however, could be found. It would, therefore, appear that this was a matter left to the discretion of the court. The fact that the actual word "Youth" is used in the Act indicates that there was probably some differentiation in the approach to and treatment of a minor and an adult offender. [28]

In terms of this Section of the Act, the court may order that the offender be released on entering into a recognizance, with or without sureties, for such period as the court may direct. [29]

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Apparently no provision was made regarding the duration of such period of recognizance. Therefore, it is presumed that in this matter, also, the decision was left to the discretion of the court.

Provision was made in Section 5 of this Act for any Superior Court before which an offender is tried to direct any magistrate or police officer to make such inquiries as that court may deem fit into the character, antecedents, or circumstances of the offender, and to furnish such information to the court. [ 30 ] At this stage no provision existed for the appointment of probation officers, and magistrates and police officers were requested to obtain information for the courts to enable them to decide on the best method of dealing with offenders. It does appear that some thought was given to better treatment and not only to punishment; but only after the Prisons and Reformatories Act, No. 13 of 1911, came into force on 1 October, 1911 was the emphasis more directly placed on treatment.

#### Inception and Development

The Prisons and Reformatories Act, No. 13 of 1911, was the first Act to make provision for the appointment of probation officers and for their remuneration from public funds. This Act was also the first to provide for the establishment or approval of "farm colonies, work colonies, refuges, rescue homes, and similar institutions to which well-conducted convicts and prisoners may be sent on probation during the latter stages of their sentences, while qualifying for absolute release, or to which vagrants may be sent to learn habits of labour and industry".

Only two years after the commencement of the Prisons and Reformatories Act, No. 13 of 1911, were the probation regulations published (Government Notice No. 527 of 1913). New

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regulations which repealed and slightly altered those originally published were framed under Section 88 of Act No. 13 of 1911 and published in Government Notice No. 207 dated 18 February, 1916.

The three Sections of Act No. 13 of 1911 which made provision for the placement of convicts and prisoners on probation are quoted below, to indicate what kind of person was selected for this kind of treatment and to give an idea what such treatment embodies :-

Section 49. If at any time it appears to him expedient, the Governor-General may order the release, either immediately or on probation for such period and on such conditions as to supervision or otherwise as he may determine of any convict or prisoner who is neither an habitual criminal nor a convict or prisoner referred to in the last preceding section.

Section 50. (1) The Governor-General may, by notice in the 'Gazette' establish or approve under such conditions as he may deem fit, farm colonies, work colonies, refuges, rescue homes, and similar institutions to which well-conducted convicts and prisoners may be sent on probation during the latter stages of their sentence, while qualifying for absolute release, or to which vagrants may be sent to learn habits of labour and industry. The Governor-General may apply to any such institution such of the Provisions of this Act and of any regulations, with such modifications thereof, as he may deem expedient. The establishment or approval of any such institution and the boundaries thereof, and the conditions under which it has been established or approved, shall be notified in the 'Gazette'.

(2) Any court having jurisdiction to sentence any person to imprisonment may sentence him, in lieu thereof, to be detained for any period in any such farm colony, work colony, refuge, rescue home, or other similar institution.

(3) The Minister may by warrant under his hand transfer the person so detained to a convict prison or gaol, there to undergo the remainder of his sentence or re-transfer him to any such institution or transfer him from one such institution to another such institution: Provided that, if such person be detained under an order of the court committing him direct to that institution, no such warrant shall be issued except upon an order of a judge in chambers.

Section 51 (1) Any convict or prisoner released upon probation under this Chapter may be ordered as a condition of his release to reside and labour at any institution mentioned in Section 50 during the whole or any part of such period of probation.

(2) If any convict or prisoner fails to observe any condition of his release on probation under this Chapter, he may be arrested and recommitted to any convict prison or gaol by warrant under the hand of the Minister and shall be detained in a convict prison or gaol, as if he had not been so released. The period of detention shall in such event, unless the Governor-General specially determine otherwise, equal the portion of the sentence which was unexpired at the date of the release on probation.

(3) If any convict or prisoner so released on probation complete the period thereof without breaking any condition of the release, he shall no longer be deemed an habitual criminal or (as the case may be) liable for any punishment in respect of the conviction upon which he was sentenced.

(4) In the case of a release on probation under the provisions of this Chapter there may be included a condition that the person released shall not reside in or visit the Union or any defined portion thereof for a specified time: Provided that, if the person released be a natural born British subject or has been naturalised in any part of His Majesty's dominions, there shall not be included a condition that he be banished or absent himself from the Union. [ 31 ]

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The regulations framed under Section 88 of Act 13 of 1911 provided that where a prisoner is released on probation it shall ordinarily be a condition of release that he be placed under care or supervision of a probation officer during the period of probation.

These regulations also stipulated that where a prisoner who has been released on probation and who has been placed under the care or supervision of a probation officer shall, during the period of probation, follow and observe such of the following rules and conditions or any other rules and conditions which may be determined by the Governor-General or by the Minister of Justice on the recommendation of a Board appointed under Act No. 13 of 1911, or which may be determined on the Minister's own motion for the cases falling under Prison Regulation 506 :-

- (a) He shall report himself immediately to the probation officer and as often thereafter as may be fixed in his condition of release, or failing such as may be required by the probation officer.
- (b) He shall not go beyond the limits assigned to him in his conditions of release, or failing such by the probation officer from time to time, without the consent of the Minister of Justice.
- (c) He shall immediately inform the probation officer of any change of his address within his assigned limits.
- (d) He shall, failing any other direction under paragraph (a) on the first of every month furnish a full report to the probation officer, verbally or in writing as may be required.
- (e) He shall not enter any bar, tap, beerhall, or canteen where intoxicating liquor is exposed for sale or obtain such liquor therefrom.
- (f) He shall not drink intoxicating liquor.

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- (g) He shall not associate with criminals or persons of known bad reputation.
  - (h) He shall in all respects conduct himself honourably and soberly.
  - (i) He shall work diligently and honestly for himself and his employers.
  - (j) Where specially ordered in his conditions of release he shall allow the probation officer to receive his wages from his employers periodically as they become due and to administer the same for himself or his family.
  - (k) He shall promptly and truthfully answer all inquiries directed to him by the probation officer.
  - (l) He shall commit no offence.
  - (m) He shall consult with the probation officer as his best friend and follow his advice or directions.
  - (n) He shall carry out faithfully all conditions imposed on him by the Governor-General or by the Minister of Justice.

Failure by the person who has been released on probation to conform to any of the conditions imposed by virtue of regulation two hereof shall render him liable to arrest by warrant issued by the Minister of Justice, whereupon he shall be liable to the pains and penalties of his original sentence as if he had not been so released, and the time during which he was on probation shall not be reckoned to form part of such sentence, or to be dealt with as may by any specific Act be prescribed. [ 32 ]

It is interesting to note that the above probation regulations were applicable to released prisoners only and the rules and conditions were determined by the Governor-General or by the Minister of Justice on the recommendation of a Board under Act No. 13 of 1911.

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The regulations further provided for the appointment of probation officers by the Minister of Justice in any town with a population of 10,000 or more. These officers had to carry out their duties within the areas defined by the Minister, and were paid such remuneration as was appropriated by law for the purpose, or as the Treasury (in default of appropriation) approved, subject to ratification by Parliament. The Minister of Justice was also empowered to appoint the secretary or officer of any branch of the South African Prisoners' Aid Association or of a Children's Aid Society to perform the duties of probation officers, and they were to be paid an allowance determined in the manner described above. Where no other special machinery was created, members of the Police of South Africa or the South African Mounted Rifles, or of the Native Affairs Department could be designated by their respective Ministers to perform the duties of probation officers in the respective centres. The Minister of Justice could also approve the appointment of paid or unpaid assistants to any probation officer. Payment to any such assistant did not make him a public servant for the purpose of the Public Service Act.

Each probation officer appointed by the Minister of Justice was obliged to obey all his directions, and his duties were to :-

- (a) watch over the person entrusted to his supervision or care and serve as his best friend;
- (b) ensure whenever possible the carrying out by the person concerned of the conditions of his release;
- (c) visit the person entrusted to his care at least once a month, and require such person to visit him at least once a fortnight, both in so far as may be practicable, and at all times be prepared to aid him with advice and sympathy;
- (d) immediately investigate any breach of conditions;

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- (e) report to the Minister of Justice any serious breach of conditions;
  - (f) furnish periodical reports as may be required by the Minister of Justice;
  - (g) keep such records as may be directed by the Minister of Justice;
  - (h) where practicable and advisable, receive wages from employers on behalf of persons placed in their care, where such has been consented to in writing by the latter and administer the same for the benefit of such person and his family. [ 33 ]

Section 3 of the Criminal Justice Administration Act, No. 40 of 1914, made provision for suspended and deferred sentences on certain conditions, and actually created the machinery for the appointment of probation officers in respect of persons so released. The wording of this section is as follows :-

Section 3. Whenever a person is convicted before any superior or inferior court of any offence (except High Treason, murder, culpable homicide, rape, assault with intent to do grievous bodily harm, indecent assault, robbery, housebreaking with intent to commit an offence, sedition, public violence, forgery or uttering a forged document knowing it to be forged, fraudulent insolvency, and offences relating to the coinage) it may, in its discretion, if no previous conviction for any offence whatever is alleged or proved by the Crown against the offender:-

- (a) postpone for a period not exceeding six months the passing of sentence and release the offender on one or more conditions (whether as to compensation to be made by the offender for damage or pecuniary loss, good conduct or otherwise) as the court may order to be inserted in recognizances to appear at the expiration of that period; or

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(b) pass sentence, but order the operation of the sentence to be suspended for a period not exceeding three years on such conditions (whether as to compensation to be made by the offender for damage or pecuniary loss, good conduct or otherwise) as the court may specify in the order.

If at the end of the period for which the passing of sentence has been postponed under paragraph (a) the offender has observed all the conditions of the recognizance, the court may discharge the offender without passing any sentence.

If the operation of a sentence has been suspended under paragraph (b) and the offender has, during the period of the suspension, observed all the conditions specified in the order, the sentence shall not be enforced. [ 34 ]

Act No. 40 of 1914 was repealed by the Criminal Procedure and Evidence Act, No. 31 of 1917, and Section 360 of this last-mentioned Act reads as follows :-

Section 360. Whenever a person is convicted before any superior or inferior court of any offence (except public violence, murder, culpable homicide, rape, assault, robbery, forgery or uttering a forged document knowing it to be forged, fraudulent insolvency, offences relating to the coinage, any offence in respect of which a minimum punishment is by law imposed, any conspiracy, incitement or attempt to commit any of the abovementioned offences) it may in its discretion, if no previous conviction for any offence whatever (other than an offence described in section 358) is alleged or proved against the offender :-

(a) postpone for a period not exceeding six months the passing of sentence and release the offender on one or more conditions (as above) as the court may order to be inserted in recognizances to appear at the expiration of that period; or

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- (b) pass sentence, but order the operation of the sentence to be suspended for a period not exceeding three years on such conditions (as above) as the court may specify in the order.

If at the end of the period for which the passing of the sentence has been postponed under paragraph (a) the offender has observed all the conditions of the recognizance, the court may discharge the offender without passing any sentence.

If the operation of a sentence has been suspended under paragraph (b) and the offender has, during the period of the suspension, observed all the conditions specified in the order, the sentence shall not be enforced. [ 35 ]

The following regulations were framed under section 362 of Act No. 31 of 1917 and promulgated by Government Notice No. 2147, 1927 :-

A person whose sentence has been postponed or suspended, and who has been placed under the care or supervision of a probation officer, shall, during the period of suspension of sentence, follow and observe such of the following rules and conditions or any other rules and conditions which may be determined by the Court from time to time :-

- (a) He shall report himself immediately to the probation officer and as often thereafter as may be fixed by the Court, or, failing such, as may be required by the probation officer.
- (b) He shall not go beyond the limits assigned to him by the Court, or, failing such, as may be required by the probation officer from time to time.
- (c) He shall immediately inform the probation officer of any change of his address within his local limits.

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- (d) He shall, failing any other direction or requirement under paragraph (a), on the first of every month furnish a report to the probation officer verbally or in writing, as may be required by him.
  - (e) He shall not enter any bar, tap, beer-hall or canteen where intoxicating liquor is exposed for sale, or obtain such liquor therefrom.
  - (f) He shall not drink intoxicating liquor.
  - (g) He shall not associate with criminals or persons of known bad reputation.
  - (h) He shall in all respects conduct himself honourably and soberly.
  - (i) He shall work diligently and honestly for himself and his employers.
  - (j) Where specially ordered by the Court, he shall allow the probation officer to receive his wages from his employers periodically as they become due and to administer the same for the benefit of himself and his family.
  - (k) He shall promptly and truthfully answer all inquiries directed to him by the probation officer.
  - (l) He shall commit no offence.
  - (m) He shall consult with the probation officer as his best friend and follow his advice.
  - (n) He shall carry out faithfully all conditions imposed on him by the Court.

On report of the probation officer, the Court may relax or vary any of the conditions previously imposed by it. [ 36 ]

The probation regulations quoted above are, in actual fact, still applicable today and have not been amended since 1935. Although the two different groups of regulations published during 1916 and 1927 differ only slightly in context, it is, however,

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important to note that those probation regulations first published were applicable to released prisoners only, and in the latter instance the regulations entrusted the offender to the care and supervision of the nearest probation officer during the period of postponement or suspension of his sentence.

In practice today it very rarely happens that prisoners are released on probation or under the supervision of probation officers. It further appears that adult offenders, whose sentences of imprisonment have been postponed or suspended, are also infrequently placed under the supervision of a probation officer.

Probationary services became more and more focused on juveniles, and their application to adult offenders were less frequently resorted to. Section 56 of the Children's Act, No. 31 of 1937, as amended, and the regulations issued in terms of Section 362 of the Criminal Procedure and Evidence Act, No. 31 of 1917, as amended, and particularly as amended by Section 105 of the Children's Act, provide the statutory basis for the execution of probation services in respect of juvenile delinquents.

The functions prescribed for probation officers under the aforesaid statutory provisions may be classified under the following three headings :-

- (a) Inquiry and report to the court or the magistrate.
- (b) Supervision and control of cases placed under the supervision of the probation officer by the court
- (c) Devising and carrying out measures for

- 
- (i) the observation and correction of tendencies to delinquency in children, and
  - (ii) the discovery and removal of conditions causing or contributing to juvenile delinquency.

Subject to the provisions of the law governing the public service, the Minister may appoint persons of either sex to be probation officers for specified areas, and their functions are set out in Section 56 of Act No. 31 of 1937, as follows :-

1. (a) to inquire into and report to the court or magistrate upon the character and environment of the children or persons under the age of twenty-one years on trial before that court or undergoing preparatory examination before that magistrate and into and upon the causes and circumstances contributing to the delinquency of such children or persons; Provided that nothing contained in this paragraph shall be construed as varying the provisions of any law in force in the Union governing the admissibility of evidence in criminal cases;
  - (b) to devise and carry out measures for the observation and correction of tendencies to delinquency in children and for the discovery and removal of conditions causing or contributing to juvenile delinquency;
  - (c) to supervise and control any child or person convicted of an offence and placed under the supervision of the probation officer;
  - (d) to perform such other duties as may be imposed upon them by this Act or any other law or by the Minister.
2. All probation officers appointed under regulations made under section 362 of the Criminal Procedure and Evidence Act, 1917, and holding office as such at the commencement of this Act shall be deemed to have been appointed under this section.

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3. A probation officer shall be an officer of every Children's Court and every Magistrate's Court holden within the area for which he is appointed.
  4. When a child or pupil is placed under the supervision of a probation officer, that officer shall be designated by his office and not by the name of any particular person holding that office. [ 37 ]

The abovementioned functions of probation officers have been changed, mainly in two respects, by Section 58 of the Children's Act No. 33 of 1960. In accordance with this last-mentioned Act, probation officers are no longer appointed for specific areas but for the whole of the Republic. The other major change is that sub-section 58(3) of the present Act provides that when a child or pupil is placed on probation or under the supervision of a probation officer, the probation officer concerned shall be designated by his office and not by the name of any particular person holding that office. In the previous Children's Act no mention of or provision for probation was made, in actual terms or in concept, as now provided for in the existing Act (No. 33 of 1960).

From a comparison of the historical background of probation and the present legislation in the three abovementioned countries, it appears that :-

- (a) Originally probation was applied to criminals only in all three countries.
- (b) Legislation in Britain and America was changed from time to time to provide probation treatment specifically for the first offender and also for the individual who had not yet become a hardened criminal.

- (c) Ministers of religion, Members of Parliament, judges of the higher and lower courts, welfare societies, and individuals endeavoured to obtain a more humane approach towards the juvenile who had committed a crime. They sought a new approach towards the treatment of the young offender whereby his detention in prison could be prevented.
- (d) Probation treatment in respect of a child found in need of care by a Children's Court was introduced in South Africa for the first time on April 7th, 1960. The Children's Act (No. 33 of 1960) does not specifically provide for probation treatment of juvenile delinquents.
- (e) In each of the three countries, requirements to be complied with by the probationer are generally imposed by the court.
- (f) The treatment of probationers in these countries is normally based on generally-accepted social work methods.

CHAPTER II

THE PRESENT LEGISLATIVE AND  
ADMINISTRATIVE SYSTEM  
IN SOUTH AFRICA

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THE PRESENT LEGISLATIVE AND ADMINISTRATIVE  
SYSTEM IN SOUTH AFRICA

Section III of the previous Chapter, under the caption South Africa, has dealt with the historical background of probation and of the legislation providing for probation up to the end of the first quarter of 1960. Thereafter, an entirely new approach towards probation in general and the selection and treatment of probationers in particular was provided for in the Children's Act (No. 33 of 1960). This new legal provision and its implementation form the subject of the present Chapter.

Section 31 of Act No. 33 of 1960 provides, in fact, the most important legislation for probationary treatment, and it is therefore quoted here in full :-

31. (1) A children's court which, after holding an inquiry as provided in section thirty, is satisfied that a child is a child in need of care may :-
- (a) order that the child be returned to or remain in the custody of his parent or guardian or of the person in whose custody he was immediately before the commencement of the proceedings; or
  - (b) order that the child be placed in the custody of any suitable foster parent; or
  - (c) order that the child be placed under the control of an approved agency; or
  - (d) order that the child be sent to a children's home; or
  - (e) order that the child be sent to a school of industries.

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- (2) A children's court which has made an order under paragraph (a) or (b) of sub-section (1), may also order that the child be placed on probation or under the supervision of a probation officer or of any person or association of persons who are working for the protection, welfare and reclamation of children.
- (3) Any Commissioner of a district in which a child resides who has, in terms of sub-section (2), been placed on probation by a children's court or who has, as a result of a transfer by the Minister in terms of section fifty been placed on probation may, at any time, by order in writing direct any person to bring that child before a children's court in the district.
- (4) When a children's court has, in terms of sub-section (2) placed a child on probation or when a child has, in terms of sub-section (3) been brought before a children's court, that children's court may order the child or his parent or guardian to comply, until such time as that children's court or any other children's court otherwise orders, with such of the prescribed requirements as the court may determine.
- (5) Any probation officer may during the period during which a child is on probation, and shall, on the termination thereof, furnish to the Commissioner of the district in which the child resides a report on the behaviour, progress and welfare of the child.
- (6) (a) The Commissioner of any district in which there is a child of fourteen years or older who is on probation may, at any time, order that child in writing to attend an attendance centre mentioned in the order on such days and during such hours as may be stated in the order: Provided that no child may be ordered to attend such centre for longer than two hours per week or forty-eight hours in all.
- (b) If such order is not complied with --

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- (i) the child shall be guilty of an offence; and
  - (ii) the parent or guardian of the child shall be guilty of an offence, unless he proves that he has taken all reasonable steps to ensure that the order is complied with.

And they shall on conviction be liable to the respective penalties prescribed in respect of an offence mentioned in section thirty-two.

- (7) A children's court which is satisfied that a child is a child in need of care may order that the child be kept in a place of safety or be kept in an observation centre for observation or be returned to the custody of its parent or guardian or of the person in whose custody the child was immediately before the commencement of the proceedings in question until the court has made an order under sub-section (1) in respect of that child or until such time as effect can be given to any order which such court has made.
- (8) A children's court which is satisfied that a child is a child in need of care because his parent has been convicted under sub-section (1) of section eighteen of ill-treating or neglecting him or because he was in a state of mental neglect for which his parent was responsible and has made in respect of such a child an order under paragraph (b), (c), (d) or (e) of sub-section (1) shall, if such parent is present, draw the attention of the parent to the provisions of section seventy-three and record on the record of the proceedings the fact that it has been done. [ 41 ]

The regulations framed under sub-section (4) of section 31 of Act No. 33 of 1960 state the requirements that may be included in the order of the Court and which could be made applicable to the child and his parent or guardian. In view of the importance of these regulations they are quoted here in full :-

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- (10) (1) A children's court may in terms of sub-section (4) of section thirty-one, order a child who has been placed on probation under supervision of a probation officer to comply with one or more of the following requirements, as the court may direct:-
- (a) requirements relative to the child's education, school attendance, employment, place of residence, utilising of leisure, spending or control of his earnings and his relationship or association with members of the family or the community;
  - (b) that he shall abstain from the use of intoxicating liquor, dagga or other drugs;
  - (c) that he shall submit himself to medical, psychiatric or psychological examination or treatment or any other prescribed treatment;
  - (d) that he shall make good, according to his ability, any loss or damage caused by him or that he should render some suitable community service;
  - (e) that he shall at all times co-operate with the probation officer.
- (2) A children's court may, in terms of sub-section (4) of section thirty-one, direct that the parent or guardian of a child who has been placed on probation, shall comply with one or more of the following requirements, as the court may direct :-
- (a) that the parent or guardian shall provide the child with the necessary material means and that on request of the supervising probation officer proof thereof shall be furnished;
  - (b) that the parent or guardian shall hand over, for administration, to a voluntary welfare organisation or some other suitable person assigned by the court, the whole or a part of his earnings;

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- (c) that the father or the mother or guardian shall take up regular employment and that he or she must not in a careless or irresponsible manner lose or change his or her employment;
  - (d) that the parent or guardian shall under all circumstances make proper and approved provision for supervision over and the care of the child;
  - (e) that if the child is exposed to bad outside influences, the parent or guardian shall take active steps to terminate or prevent such contacts and to indicate, on request of the supervising probation officer, the steps which have thus been taken;
  - (f) that the parent or guardian shall submit himself to medical, psychiatric or psychological examination or treatment or other prescribed treatment;
  - (g) that the parent or guardian shall personally within fourteen days report to the supervising probation officer any change of residential address;
  - (h) that the parent or guardian shall see to it that the requirements with which the child must comply are observed and that the non-compliance thereof or any new deviating behaviour by the child is personally, without delay brought to the notice of the supervising probation officer;
  - (i) that the parent or guardian shall in consultation with the supervising probation officer, take active steps to check or to terminate bad habits or deviating behaviour exhibited by the child;
  - (j) that the parent or guardian shall at all times co-operate with the supervising probation officer.
- (3) The requirements which have to be complied with in terms of sub-rule (1) or (2), shall form part of the order in the form of Form No. 11

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and must be set out fully in an annexure thereto.

- (4) If a child who is on probation moves to the area of jurisdiction of another commissioner, the supervising probation officer shall, in writing, forthwith advise the clerk of the children's court which made the order and the probation officer of the district to which the child has moved, of the new residential address of the child.
- (5) On receipt of such notification by the clerk of the children's court, he shall send all papers of that court with regard to the child to the clerk of the children's court of the district in which the child is then residing.
- (6) The final report of the probation officer in terms of sub-section (5) of section thirty-one, on the termination of the period of probation of a child, shall be submitted to the commissioner in duplicate and must, according to whether or not the placement on probation of the child has been successful, contain a recommendation relative to the further steps considered necessary.
- (7) The commissioner shall, subject to the proviso to sub-section (2) of section thirty-six, send a copy of the report submitted to him in terms of sub-rule (6), with his recommendation to the Secretary for a decision by the Minister in terms of section forty-nine or fifty. [ 42 ]

Section 31 of the Act, and the regulations quoted above contain no reference to a minimum age at which children may be placed on probation. There is, however, a definite maximum age limit. A "child", as defined in the Children's Act, No. 33 of 1960, means any person, whether infant or not, who is under the age of eighteen years.

An "infant", as defined in the Children's Act, means a person under the age of seven years. The Work Committee referred to above suggested that probation is aimed at the

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uncontrollable child, with the object of bringing him under the control of the law without necessarily removing him from society, and of getting a firmer hold on the parent who fails in his responsibility. Bearing in mind the age given in the definition of an "infant" and the fact that the behaviour pattern of children under the age of seven years can hardly be regarded as uncontrollable, it appears safe to conclude that a child of the infant group will never be placed on probation. Children with specific uncontrollable tendencies are usually found in the age-group 12 to 18 years, and it may therefore be assumed that probationers come mainly from this group.

The maximum period of probation is clearly defined in the Act. Section 36(2) provides that :-

A child who has, in terms of sub-section (2) of section thirty-one, been placed on probation shall remain on probation for such a period not exceeding one year, as the children's court or the Minister, as the case may be, may determine in its or his order: Provided that where a period of less than one year has been determined in respect of any child, any commissioner to whom a report has been furnished in terms of sub-section (5) of section thirty-one may order that the child shall remain on probation for such further period or periods as he may determine but which shall, together with the original period, not exceed one year. [43]

An important fact to note is that there is no provision in the present Children's Act for the placement of juvenile offenders on probation. Whenever it may appear practicable and advisable to place a juvenile offender on probation, the only method of achieving this would be to ask the Juvenile Court to convert the criminal case into a Children's Court inquiry and then to recommend to the Children's Court that, should the juvenile be found in need of care, he be placed on probation.

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This legal provision for probation gives the probation officer the opportunity to treat the problems of an uncontrollable child and his parents within the community, and it also enables the probation officer to utilise existing resources to achieve this object.

The parties to whom a probation order is applicable may at any time be requested in writing to appear in the Children's Court, and this court may, after having considered any developments or new circumstances in the family, change the conditions of the order.

The present form of probation consists mainly in the treatment of children within the family unit, and this approach is in accordance with the existing Children's Act at present in force.

In accordance with an agreement between the Department of Social Welfare and Pensions and the national bodies of family welfare organisations, the treatment of the uncontrollable child has been entrusted to this Department. Probation is mainly intended for the treatment of older children with clear tendencies to uncontrollability. It is further significant that subsection 5 of Section 34 of the Children's Act of 1960 specifically designates the probation officer as the person responsible for submitting reports on a child placed on probation, and also on the termination of the probation period. Methods of treatment as applied by probation officers, and the effectiveness or otherwise of such methods are discussed in Chapters 3 and 6 of the present work.

The following two diagrams show (a) the steps usually taken in the treatment of the probationer; and (b) the more important resources available in the community for the treatment of the probationer and his family.

DIAGRAM SHOWING THE DIFFERENT STEPS USUALLY TAKEN IN THE  
TREATMENT OF THE PROBATIONER

Chart (a)

**REFERRALS**

The important resources are parents, relatives, schools, police, magistrates, commissioners of child welfare, welfare organizations, churches, neighbours, employers and the probation officer rendering court services.

**THE PROBATIONER  
AND HIS FAMILY**

**PROBATION TREATMENT**

Probation officer explains to child and parents the meaning of probation. Points out to probationer and his parents what role each of them will play in the treatment process. He draws up the plan of treatment in consultation with those taking part in the execution of the approved plan. He enlists the co-operation of all concerned. He alters plan of treatment where and when necessary. He reports to the Children's Court at the termination of the period of probation on the result of probation treatment and furnishes the court with a recommendation relative to the further steps considered necessary.

**INVESTIGATION AND TREATMENT**

Probation Officer studies available information on the file, and plans first and subsequent visits. Interviews child, his parents and all other persons able and willing to give information about child, his behaviour and general circumstances. Writes process and progress reports. Draws up plan of treatment in consultation with child, his parents and other persons closely connected with child's treatment. Gives preventative treatment to family and enlists assistance of resources in community for this purpose. Submits report to Children's Court together with recommendation in respect of those cases where statutory treatment is unavoidable.

**CHILDREN'S COURT**

Holds an enquiry. Makes a finding. Issues the order placing the child on probation. Orders child and/or parents or foster-parents to comply with the requirements contained in the order. Furnishes social welfare officers and the Secretary for Social Welfare and Pensions with copies of the court proceedings, order of the court and the requirements applicable to all parties.

DIAGRAM SHOWING SOME OF THE IMPORTANT RESOURCES AVAILABLE FOR THE TREATMENT OF THE  
PROBATIONER AND HIS FAMILY

Chart (b)

**OTHER RESOURCES**

Teachers.  
Employers.  
Ministers of religion.  
Police.  
Psychologists.  
Psychiatrists.  
Medical practitioners.  
Relatives and friends.

**REGIONAL AND BRANCH OFFICES OF THE  
DEPARTMENT OF SOCIAL WELFARE AND  
PENSIONS**

Investigations and reports. Pre-ventative treatment. Attendance of Children's Courts. Supervision, probation, aftercare and case recording. Render of services to juvenile courts, criminal courts for adults and supreme courts. Co-operate with welfare organizations and other state Departments.

**PLACES OF SAFETY  
AND DETENTION**

Places established in terms of the Children's Act for the reception and detention of children.

**OBSERVATION  
CENTRES**

Any place of safety or a place of detention approved by the Minister as an observation centre, where a child may be kept under observation for the purpose of the Children's Act.

**THE PROBATIONER  
AND HIS FAMILY**

**SPECIALISING WELFARE  
ORGANISATIONS**

Provide services to individuals and families requiring specialised treatment.

**FAMILY WELFARE ORGANISATIONS**

Investigate cases. Provide material assistance. Give professional services to clients. Investigate application for adoption. Co-operate with probation officers and specialising organisations in treatment cases.

**CHILDREN'S COURTS**

The Minister of Justice establishes Children's Courts. Such courts hold enquiries in respect of children alleged to be in need of care. Issue orders regarding their treatment, retention and custody.

**JUVENILE COURTS**

Hear criminal cases in respect of juveniles. Pass sentences in respect of those juveniles found guilty. Convert criminal charges into Children's Court enquiries where such actions are indicated.

**ATTENDANCE CENTRES**

Any building or place at which a child has to attend on the order of a commissioner of child welfare, to receive guidance and to undergo treatment in order that he may be disciplined, educated and rehabilitated.

CHAPTER III

THE RELATIONSHIP BETWEEN PROBATIONER  
AND PROBATION OFFICER

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THE RELATIONSHIP BETWEEN PROBATIONER  
AND PROBATION OFFICER

The establishment of a successful relationship between probation officer and probationer is most important as it has a direct bearing on the eventual result of probation treatment. This relationship is in most respects essentially similar to the relationship between client and social worker in casework.

The casework relationship is widely discussed in professional social work literature, and many and somewhat varying definitions of it are to be found.

That of Swithin S. Bowers is both informative and descriptive, viz :-

Social casework is an art in which knowledge of the science of human relations and skill in relationship are used to mobilize capacities in the individual and resources in the community appropriate for better adjustment between the client and all or any part of his total environment. [ 44 ]

Of special note in this definition is the emphasis upon knowledge of human beings and skills in the creation of relationships.

Felix P. Biestek gives an acceptable definition of what is meant by relationships in casework, viz :-

The casework relationship is the dynamic interaction of attitudes and emotions between the caseworker and the client, with the purpose of helping the client achieve a better adjustment between himself and his environment. [ 45 ]

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In both these definitions the emphasis is placed expressly on relationships which are necessary between worker and client for the purpose of promoting the latter's adjustment in the community. The essential purpose of the profession of social work is the development of the physical and psychological well-being of the individual within his family circle as well as in the environment in which he lives. A number of aids are available to the worker to enable him to attain this objective. The degree to which he will succeed in attaining it will be largely determined by his knowledge of his profession, his knowledge of the existing aids in the particular community, and -- especially -- his skill in applying this knowledge with discretion, purpose, and enthusiasm.

#### TERMINOLOGY

The word rapport borrowed from the French, is in social work used to indicate reciprocity characterized by harmony and understanding. John Darley described rapport as the existing climate reached and maintained during the interview. Further, he enumerates seven requirements with which counsellors must comply for the purpose of establishing successful rapport, viz:-

- (a) The interviewer must be friendly and interested.
- (b) The room in which the interview takes place must be comfortable and must create the impression of privacy.
- (c) The worker must not create the impression that he is in a hurry, even though other clients may be waiting.
- (d) The worker must accept any wavering or doubtful attitudes which the client may reveal and must preferably not express moral or ethical opinions, nor reveal approval or disapproval of the client's point of view or ideas

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- (e) The worker must accept the client as an equal for the duration of the interview.
  - (f) The worker must always inform the client of the precise limitations of the organisation so that he will not expect more than the organisation can offer.
  - (g) The worker must also point out clearly to the client that the responsibility for planning and further action rests with the latter. [ 46 ]

The term "relationship", as used nowadays in casework, acquired its present-day meaning a little more than three decades ago. Virginia Robinson gave the word its present import in her book "A Changing Psychology in Social Case Work", published in 1930. The earliest term which was used to indicate the relationship in casework was "friendship", indicating the prestige which American social workers attained in assisting the poor. The shortcomings of this term were, however, soon realised and a more appropriate scientific term was sought. The word "contact" was also used by some workers and writers, but it did not signify the wider meaning of the association between worker and client. The word "sympathy", too, was used but was found to be misleading.

According to Felix Biestek, since 1929 attempts have been made by different persons to define the word "relationship" or to describe or explain its meaning. There has been considerable inconsistency in this connection.

The essence of the casework relationship was seen as an interaction, a mutual emotional interaction, a contact between two persons, a professional action, and a social process. This approach did not, however, distinguish between the relationships and the processes in casework. Furthermore no distinction was made between relationship and study, diagnosis, and treatment.

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It was probably assumed that relationships were the exclusive goal.

The meaning of the word "relationship", as applied in casework, is clearly described in the definition of Biestek, quoted above. In the definition the term "dynamic interaction" is used, which, according to Biestek, comprises three facets.

In the first place, there is the direction from the client to the worker. There is usually some degree of doubt and uncertainty on the part of the client as to how and to what extent he should disclose his problems and weaknesses to the worker. The client consequently has doubts about whether the worker will listen to his story, whether he will listen with proper interest, whether he will regard him as a person of virtue and dignity, whether he will treat him as just another case, or whether he will judge him as a failure and force him to do something which he may not want to do and compel him to reveal his secrets to others. Every client possesses a greater or lesser measure of uncertainty, reservation, and fear.

In the second place, there is the direction from the worker to the client. The manner in which the worker receives the client, and addresses, questions, and advises him, makes an impression on the client and determines the nature of the relationship and interaction between the two persons.

Issuing from the two abovementioned directions, is the third direction, which again originates with the client. The latter becomes aware of the worker's disposition and conduct towards him and this influences his reaction. If the client regards the worker's reaction as favourable, he will reveal a similar reaction.

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The more human approach in the worker/client relationship first began in America in about 1880. Even at that stage the methods of rendering assistance were centred in advice, persuasion, and adjustment. Mary Richmond placed considerable emphasis on the necessity of creating better relationships and especially of bringing about more warmth in such relationships. She mentions, among other things, that : "In the early stages of a democracy, doing the same thing for everybody seems to be best that administrative skill is equal to, but later we learn to do different things for and with different people with social betterment clearly in view". [47]

## ESSENTIALS OR BASIC PRINCIPLES OF THE CREATION OF GOOD RELATIONSHIPS

### I. Love of One's Neighbour

The command to love your neighbour as you love yourself has for many centuries been, and still is, an important incentive in social care. Neighbourly love is often a cornerstone in the treatment of the individual; stated in terms of the principles of social work, it implies that every person should treat every other human being with regard and respect, that people have a right to equal opportunities to lead a human existence, and that people have the right, as far as is humanly possible, to make their own decisions regarding their lives, their future and their daily affairs. The probation officer subscribes to such principles. "Do unto others as you will have them do unto you" is an article of faith to him. He accepts the assumption that every person has a soul, and that no person, therefore, is too lowly, degenerate, or despicable to be helped.

### II. The Role of the Probation Officer

Knowledge of the profession and available facilities are not sufficient to create a successful probation officer. The

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**proficiency** or ability of the probation officer to achieve the desired rapport, and to create a climate or atmosphere in which correct dispositions or relationships can develop, will eventually determine the result of any interaction between probation officer and probationer. The manner in which favourable relationships with probationers are established indicates the ability of the probation officer to bring about the required climate for positive action. Not only should the probation officer endeavour to create good relationships, but he should also strive to maintain them throughout his interviewing and his subsequent treatment.

As already mentioned, the successful attainment, or otherwise, of the desired relationship between probationer and probation officer is determined by the temperament of the latter and his ability to create the necessary atmosphere and empathy. A further requirement for the creation of healthy relationships is the probation officer's acceptance of the probationer's independence and individuality, and his admission that in every person there is, to a greater or lesser extent, a need to accept and admit, and a need to be treated with love and respect.

From time to time every probation officer perceives a measure of antagonism or disapproval in his probationers. Indeed, the probation officer may himself sometimes experience such emotional feelings or attitudes towards his charge, who may react to the probation officer's attitude with aggression or withdrawal. When the probation officer and the probationer have the same aims and aspirations, any conflicting attitudes are reduced to a minimum.

Negative relationships may be intensified when appointments are either not kept at all or else unpunctually kept, where the probationer refuses to accept the probation officer's help, where the probationer gains the impression that the probation officer is wheedling admissions from him which may later be used against

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him, or where the probationer's private life is discussed and he feels that this is irrelevant. The probation officer must help the probationer to determine the causes of his problem so that together they can strive to find solutions.

The probation officer may often feel antagonistic or even express his disapproval as a result of the probationer's actions, even to someone who really needs help. Such reactions generally indicate the inner conflicts of the probation officer.

Authority has its rightful place in the profession of social work, and the judgematic application of authority can create a feeling of security in the individual concerned. This applies especially in situations where compliance with rules and regulations is desirable, for instance in statutory treatment. The application or maintenance of authority demands proficiency, and it must have a clear object.

Garrett [ 48 ] distinguishes between authorised and unauthorised authority, power, or control. According to her, the correct application of authority is usually found with the expert who has developed this approach by reason of his specialised knowledge and skill. She maintains that the probation officer, too, acquires this sort of authority through his specialised professional knowledge of human beings and their conduct. She adds that this authority is acquired only through careful and systematic study, for without that background the probation officer's knowledge of human behaviour, reaction, and the application of authority would be limited.

Lucy Wright, in her article "The Worker's Attitude as an Element in Social Case Work", states that the "greatest skill of all lies, perhaps, in knowing when to postpone the use of even the force of authority and how to apply that force

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well when used". [ 49 ]

Emanating from a careful study of the subject, a number of essential requirements for the provision of professional services and the creation of healthy relationships have been drawn up. These are set out briefly below.

1. Absence of partiality and prejudice

The probation officer should be scientific in his approach. The accurate identification of causative factors and a balanced objectivity are, in each case, not only desirable but necessary. When the causative factors have been determined, the probation officer will notice the underlying connection between cause and effect, so that he can describe the nature of the problem. Likewise, he will make an objective survey of the available personal virtues.

2. The need for treating the probationer with respect

Persons who need some or other form of assistance must be shown professional regard by the probation officer. What they have to say must be respected. Probationers cannot be helped if the probation officer does not take them seriously.

3. Knowledge of human behaviour

An attempt must be made to assess the probationer's thoughts, conduct, and modes of expression against the background from which he or she comes. It is necessary to understand before judging and treating. In his opinions, judgments, conduct and modes of expression, each probationer, like almost every other person, is moulded by the accepted customs of the family, the neighbourhood, or the district from which he originates.

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#### 4. Ability to listen and to observe

Listening and observing are the most important methods the probation officer can use to study his probationer. The more the latter is allowed to talk and express his feelings, the more opportunities the probation officer has of observing and understanding him. The probation officer must not be hasty, nor should he intervene unnecessarily or interrupt the client's story. The client needs someone who will listen to him in an attentive and professional manner. By keeping silent and listening to what the client has to say, the probation officer will obtain the required insight into the probationer and his problem.

#### 5. Ability to understand feelings

The feelings of a person and the manner in which he expresses them are most indicative of his character. Problems evoke different emotions in different individuals, and the manner in which they are expressed differs from one person to another. To assist others to change themselves and their attitudes, the probation officer must be able to create confidence and a feeling of warmth. The probation officer must be willing and able to associate himself with the feelings of the probationer. He must be prepared to listen to his points of view and his problems, as well as his experiences. Solutions may best be arrived at through careful understanding and interpretation.

#### 6. Ability to set the tempo

In all phases of developments or complications in the process of treatment, the tempo must be adjusted to each individual and his specific problem. From the arranging of the first interview to the closing of the case, the probation officer sets the pace for the collection of facts, their disclosure and interpretation, the endeavour to attain desired objectives, and the use of aids. It is, of course, not possible to get to know everything that the probation officer must know from the probationer's spontaneous narration. It is, therefore, necessary to

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attempt to control the probationer's statements, and to try to obtain new information by way of questions, remarks, and explanations. The most important consideration here is that the probation officer must start at the probationer's level and not at a level of his own choice. The probation officer must therefore always listen before he speaks. When he speaks he must attempt to make contact with the probationer's thoughts. The framing of questions is important, and words must be chosen with discretion. The questions must not be asked rapidly one after the other, nor must the probationer be expected to answer several aspects of a question simultaneously. This will confuse and possibly upset him. The pace must therefore be adjusted to the ability of the probationer.

#### 7. Ability to retain perspective

The probation officer must be able to control expressions of emotion and to bring them in relation to the entire problem. Perspective must be obtained in order to see the probationer's feelings in relation to his problem, as well as in the light of his relationships with his family and environment. The probation officer must always attempt to see the probationer as he sees himself, to see his problem as he sees it, and his living habits as he sees them. He must attempt to form an image from what the probationer reveals of his real thoughts and feelings, his aims and ideals, without condemning the probationer and without prejudice. This does not mean that immoral deeds should be condoned or obscene behaviour overlooked. It means that, through guidance and without instructing the probationer, the probation officer will develop the insight he needs. He must consider what progress has been made in the relationship of mutual trust, before he asks the probationer questions of a confidential nature. During the conversation the probation officer may sometimes be inclined to think of the following questions which should be asked, without listening to the answers of the probationer. Such conduct impedes the conversation and affects the relationships involved.

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## 8. Basic dispositions and attitudes

These can best be described as the basic feelings which remain after the experiences and events which generated them have passed. The basic disposition is an inborn quality which every individual possesses and which can be cultivated, developed, and altered. It must however be borne in mind that attitudes alter continually during the course of the conversation and there is thus need to adjust to every new situation and event. If the probation officer approaches a probationer with the wrong attitude, he will not succeed in establishing a relationship of mutual confidence because the probationer will sense his attitude. In his relationship with probationers the probation officer must be striving honestly and sincerely to help them. Only an attitude of honesty and sincerity can create an reciprocal atmosphere of frankness, in which the probationer will reveal his innermost self without reservation.

## 9. Self-knowledge

No man can give to another that which he himself does not possess. To help people, the probation officer must know himself. He must be clearheaded and objective and, also completely honest.

First of all, he should give an account of his motives. Why does he want to do this work? Why does he want to do this for that person or with that probationer? Clearness of motives is highly important in social work. Secondly, the probation officer should have a sound estimate of what he is able to do. If he attempts too much, he runs the risk of harming the people he wants to help. On the other hand, the probation officer who is too discreet, too hesitant, or even too frightened to attempt new things, may lose excellent opportunities of helping. The probation officer as a professional person should therefore learn to be honest and clearminded about his own ability and proficiency. Over- and underevaluation, in this respect, are equally detrimental. Thirdly, the probation officer must continually take into account his preconceived ideas, his standards, and his prejudices. All these play a role in the carrying out of his duties. He must consciously learn to know and to control them.

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### III. Self-determination

One of the most important principles of casework is that every person, humanly speaking, has an inalienable right to his own life, to live as he chooses and desires, to make his own decisions, and to accept and carry full responsibility for those decisions. The acknowledgement of this right to self-determination, in as much as it is humanly possible, is very important because it determines how the probationer is to be approached and how he should be handled.

Felix P. Biestek gives the following comprehensive description of self-determination :-

The principle of client self-determination is the practical recognition of the right and need of clients, of freedom in making their own choices and decisions in the casework process. Caseworkers have corresponding duty to respect that right, recognize that need, stimulate and help to activate that potential for self-direction by helping the client to see and use the available and appropriate resources of the community and of his own personality. The client's right to self-determination, however, is limited by the client's capacity for positive and constructive decision making, by the framework of civil and moral law, and by the function of the agency. [ 50 ]

Since 1920, the principle that the probationer himself should contribute actively towards his rehabilitation has come more strongly to the fore. This principle is further strengthened by the acceptance of the concept that all men are born free; and it is, moreover, confirmed by the dogmatic consideration that casework can be successful only when the probationer is persuaded to make his own choice and decisions. All probationers are not equally capable of making decisions themselves, therefore it is necessary for the probation officer to observe the individual's

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characteristics and capacities, to develop these to the advantage of the probationer, and to allow him to use them to his maximum benefit. This responsibility of living his own life, so that he can realise the attainable ideals of life which he strives for, rests with the probationer himself just as it does with any other person. Therefore, although the probationer approaches the probation officer for help, he still wants to be free to make his own decisions. This self-determination creates a feeling of self-esteem in people and should be stimulated.

The probation officer can help the probationer to put self-determination into practice by adopting the following approach :-

- (a) helping him to obtain insight into his problems
- (b) making the aids in the community known to him
- (c) stimulating him to self-action
- (d) helping to create an atmosphere or condition in which he can understand his own problem and find a solution.

While the probation officer acknowledges and accepts the principles of self-determination, he must also keep in mind that there are certain conditions or circumstances which limit or restrain its implementation such as :-

- (a) the ability of the probationer to make positive and constructive decisions
- (b) limitations arising from the laws of the land
- (c) limitations arising from moral codes and accepted standards of living
- (d) the limited fields in which the organisation concerned can supply help.

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The probationer must have regard for the field of operation of the organisation, and where the desired help cannot be given he must approach another body from which it can be obtained.

#### IV. Individuality

The disciplines and sciences on which social work is based lead to its professional view of the human individual as a complicated being who cannot easily be fully understood. He is the product of an interaction between inherited and environmental factors, aptitude and atmosphere.

Two people in the same external circumstances do not feel and think exactly alike, and therefore do not act in the same way. Our knowledge of personality characteristics, environmental factors, and the interaction between them, is not such that we can fathom and understand all people. This does not mean, however, that the probation officer who admits this limitation is reluctant to try to help people. Through listening to what the probationer has to say, the probation officer can gain sufficient insight to enable him to make use of the means available in social work. Through his sociological studies and other sources of knowledge of human beings the probation officer ought to be able to help the probationer to help himself to understand his own life situation and the people with whom he comes into contact, and to effect a better social adjustment. To achieve this, the contact between probation officer and probationer must be of a direct and personal nature.

The necessary confirmation for individualization as we understand it today can be found in the following formulation of F. P. Biestek's :-

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Individualization is the recognition and understanding of each client's unique qualities and the differential use of principles and methods in assisting each towards a better adjustment. Individualization is based upon the right of human beings to be individuals and to be treated not just as human being but as this human being with his personal difference. [51]

Casework today is directed towards the probationer, and is therefore based on his personal presentation of the problem. Each probationer is a personality, every problem is an individual one, and social work must be based on the individual circumstances of every particular situation. In casework the general characteristics of human nature are accepted, as well as the importance of observing and recognising general human behaviour patterns. Social work accepts individualism but also stresses the fact that there are certain general or accepted codes and behaviour patterns which must be followed.

The following aspects of the approach to and handling of the individual can, if used correctly, render favourable results :-

#### 1. Thoughtfulness

The careful arranging of appointments and visits, taking into consideration the probationer's convenience, cost, and time, is important. Factors such as the physical appearance of the probation officer and even aspects of the immediate environment in which the interview is held, are also important. The main object is that the probationer should feel calm and at ease. It is also beneficial to ensure that the waiting room is suitably equipped and furnished. Some probation officers find it difficult to compose a report after the discussion. The urge is thus strong to make notes during the interview, of important facts, impressions, and conclusions. When personal facts, feelings, and attitudes are discussed, notes should preferably not be

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made during the interview. Probationers may fear that information of a personal nature will later be used to their disadvantage. They may also feel that they are not receiving the full attention of the probation officer.

## 2. Privacy

The place of the interview, as a means of giving the probationer a feeling of confidence and allowing the probation officer the opportunity of giving his full and undivided attention to the probationer, is important.

Successful interviewing demands privacy, so that the probationer will not be afraid to make confidential statements.

## 3. Punctuality

Punctuality in keeping appointments allows the probationer to feel that he is expected at a definite time, that time has been set aside for him, and will be utilized to his advantage. If it is impossible to hold the interview punctually, or when the probationer has, of necessity, to wait a long time for his turn, the reasons for the delay and circumstances responsible for this should, where possible, be explained to him.

## 4. Preparation

One of the best methods of preparing for an interview is to study all the available documentary facts in respect of the probationer before the interview. This will enable the probation officer not only to refresh his memory, but also to ascertain at which point the interview should be resumed, and to adjust his thoughts to the particular probationer and his particular circumstances.

## 5. Involvement of the client

When the probationer, with due consideration of his capacities, is allowed to participate in the study, diagnosis, and treatment of his problem, this will serve to create a feeling of individuality. During the discussions, and more particularly when the probationer discloses the information about himself, he should be made to realise that this information is important in the consideration of his particular situation and that it is also desirable and necessary for the purpose of helping him.

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## 6. Elasticity

Among probationers there is a certain measure of conformity in aims and aspirations, but there are also differences that make elasticity in treatment and objectives important. As more information about the probationer and his problem is obtained, the plan of treatment must be altered to meet any new situation in accordance with his changed circumstances and attitudes.

## V. Meaningful Expression of Feelings

Man has powers of reasoning, he has sensory organs, and he experiences desires, impulses, feelings, and emotions. He is supposed to give self-direction to his life, and, by means of his intellect and through exercising his will, he should practise self-determination. His emotions are an integral part of his being and the healthy development of these will contribute to the improvement of his personality. One of the greatest challenges to a person is to control and manage his emotions. In moments of stress, emotions can overrule the person and his actions, and this can lead to immature and neurotic behaviour, depending on the intensity of the uncontrolled emotions.

In modern professional treatment great stress is placed on the necessity of an orderly way of life and emotional equilibrium. The basic psychological needs of man have been identified as love, security, status, expression, prestige, independence, and possibly individuality. Every person strives, to a greater or lesser extent, to satisfy these needs; and, if he is thwarted in this striving, frustration and a feeling of defeat result, which may in turn lead to abnormal reactions. One of the important functions of the probation officer when establishing the desired relationship is to create a suitable atmosphere in which the probationer will feel at home and free to express his feelings. He must feel that the probation officer regards his feelings as important, that he can express certain thoughts without uneasiness, and that he

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will not be condemned for his negative ideas. The probation officer must be sincere in his desire to help the probationer to solve his problem, and his actions should make the probationer really aware of his attitude.

Although the probationer must be given every possible opportunity to talk freely in his own manner, it is still often necessary for the probation officer to direct his thoughts to the point under discussion. In practice, the experienced interviewer remains the leader of the discussion without the probationer sensing this. He must be thoroughly acquainted with the services he can offer the probationer and also with the functions of his organisation, in order to prevent digression from the relevant issues.

#### VI. Control of Emotions

The probation officer must possess the ability to gauge and understand the thoughts and feelings of the probationer and he must be able to react suitably to the probationer's expression of these thoughts and feelings. Biestek, in his book "The Casework Relationship", distinguishes three basic components required for creating the controlled emotional situation, namely sensing, comprehending, and reacting.

Sensing means the ability to listen to the probationer and to perceive his gestures, expressions, appearance, and reactions. His manner of speaking, the tempo of his speech, hesitancy or over-stressing of occurrences or incidents, his appearance, clothing, and actions are indications of his feelings. The probation officer must be able to observe these indications and to interpret them correctly.

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By comprehension is understood the ability of the probation officer to comprehend the actions and appearance of the probationer and to associate these with his problem. Comprehending is a growing process; as a clearer image of and insight into the probationer and his problem are obtained, knowledge and understanding of the individual grow. Commensurately, the probation officer must beware of preconceived impressions of the probationer, and should re-evaluate his impressions from time to time in the light of available facts.

Reaction means the expression given to feelings. The expression of feeling is a very important element in the probation officer/probationer relationship, and it is probably one of the most difficult aptitudes to acquire or to cultivate. We therefore find differences in the reactions of experienced and inexperienced probation officers. Reaction is primarily an inner expression of feeling and it gives the probation officer the opportunity to acknowledge consciously and purposefully his own feelings and responses as well as those of the probationer. His training, experience, and knowledge are usually the probation officer's only aids in deciding on the advisability, or otherwise, of expressing his feelings.

## VII. Acceptance

The first indication of the right relationship is the probation officer's acceptance of the probationer as he is, without prejudice or criticism. Acceptance indicates understanding, respect, charity, insight, and assistance. It is the acknowledgment of the person's genuineness and the act of accepting of the person as he is, with all his shortcomings. In other words, it is the acceptance of the person as he is, and not as we want him to be. Every person has inborn dignity, values, basic rights, and needs. The person who approaches the probation officer for help is pre-eminently someone who is discontented with or unhappy about

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certain aspects of his life and who realises the necessity of a change, but -- because of environmental factors or inner shortcomings or weaknesses -- is unable to make the desired changes in himself. On the one hand he is aware of his weaknesses and failures, while on the other hand he is aware of his own dignity and importance. He knows he must disclose his shortcomings and weaknesses to the probation officer, but at the same time he fears that, as a result of this disclosure, the probation officer will have an unfavourable opinion of him. Because of this uncertainty and fear, he is doubtful about consulting someone whom he does not know, and he fears that his plea for help may be refused. He may himself disapprove of the circumstances which force him to ask for help, and may himself fear the relationship with the probation officer. Because the probationer may try to conceal what he regards as unacceptable behaviour patterns directly connected with his problem, it is considered desirable that he should find himself in a pleasant atmosphere during the interview, which will help to diminish his anxiety.

It is the probationer who usually initiates the probationer/probation officer relationship through his visits to the worker, but the ease with which he makes himself and his problem known will depend on how the probation officer allows him to do this. Therefore the probation officer's attention must remain directed towards the probationer and his problem. He must be able to gauge the ability of the probationer to help himself, and he must also be able to stimulate this ability. The rendering of assistance and advice to the probationer indicates acceptance and acknowledgement that he needs help.

Every probation officer has a certain measure of ability to accept a probationer, but there is a difference in the degree of acceptance present in every probation officer, and this difference in degree varies from day to day, and from probationer to probationer. It is possible for every probation officer to

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improve his attitudes, and it is also his responsibility to cultivate this ability.

#### VIII. The Non-Judgmental Attitude

The non-judgmental attitude is a quality of the casework relationship; it is based on a conviction that the casework function excludes assigning guilt or innocence, or degree of client responsibility for causation of the problem or needs, but does include making evaluative judgments about the attitudes, standards, or actions of the client; the attitude which involves both thought and feeling elements, is transmitted to the client. [ 52 ]

The word judgmental, as used in the quotation above, pertains to the ascertainment of the individual's guilt or innocence in certain behaviour patterns. It is also a process of deciding whether a person premeditatedly and consciously committed a misdeed, and whether he could consequently be held responsible. In casework judgment means a process of tacitly or expressly placing the blame on the probationer as being the cause of his dependency, whether or not the problem is connected with environmental or inherited factors.

When rendering assistance, it is important for the probation officer to understand the weaknesses and failures of his probationer, but it is not his function to judge. In social work today it is considered possible to accept the individual without necessarily approving of his actions. Assistance instead of punishment is the function of social work.

To be able to help the probationer to mobilise his inner capacities and to utilize the aids of society in the solving of his problem, the probation officer must be able to understand the probationer, and he must see the probationer in relation to his needs and problems. The probation officer must strive to evaluate

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and not to judge. To be able to make a sound diagnostic evaluation of the probationer's ego, his strength, his weaknesses, and his aspirations, the probation officer must know and understand the individual.

### IX. Confidentiality

In Biestek's book "The Casework Relationship", the following apt description of confidentiality is to be found :-

Confidentiality is the preservation of secret information concerning the client which is disclosed in the professional relationship. Confidentiality is based upon the basic right of the client; it is an ethical obligation of the caseworker and is necessary for effective casework service. The client's right however is not absolute. Moreover, the client's secret is often shared with other professional persons within the agency and in other agencies; the obligation then binds them all equally. [ 53 ]

Confidential information can be defined as factual data in respect of a person which are not normally known by any other person in the society.

Confidentiality in casework is based on the observance of professional ethics as well as an understanding of confidentiality in human relationships. The probationer approaches the probation officer in the realisation that he may disclose information of a personal and intimate nature. He gives this information freely, or with a measure of reserve, but with the understanding that it is necessary to enable him to be helped. He also accepts that the information will be confined to the person or persons concerned in helping him. Every person has at least two inborn rights; to live, and to grow and develop. Where a person discloses his secrets and facts about his private life to someone, he can by right expect such information to be regarded as confidential.

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It is sometimes necessary, in the interest of the probationer, that such information be disclosed to other parties, where -- for example -- such parties can assist in the service rendered to the probationer in connection with his problem. Wherever possible, this disclosure of information about a probationer should occur with his knowledge and approval.

X. The Aim of the Relationship

The relationship between the probation officer and the probationer, which has been established and fostered, has a definite aim in view. When this aim has been realised, the relationship is dissolved. The ultimate aim is the same as that of individual treatment in general. In the case of every individual probationer there are, however, subordinate aims. The important consideration is that the probation officer purposefully establishes relationships with the probationer to achieve specific goals. The probation officer must have a clear image of the aim, otherwise he will be unable to use the relationship positively.

Finally, it should be stressed that the establishment of favourable relationships makes a severe demand on the probation officer's resources and ability; in other words, it requires a satisfied or composed personality. It demands continual, meaningful self-examination and training.

CHAPTER IV

SELECTION, INVESTIGATION, TREATMENT,  
AND CASE RECORDING

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SELECTION, INVESTIGATION, TREATMENT  
AND CASE RECORDING

1. Selection

Success in probation work depends largely on the selection of suitable cases. The probation officer is in the best position to act as advisor to the Children's Court in the selection of cases to which probationary treatment might be suitably applied. This seems reasonable on several grounds, but particularly because it is the probation officer who, once an order has been made, will have the probationer in his care and be responsible for his rehabilitation.

The probation officer should thus be capable of making a proper diagnosis, and of formulating an acceptable and practicable plan of treatment. In order to achieve this objective he must :-

- (a) be acquainted with the rules and proceedings of the Children's Court;
- (b) know and understand the contents of the Children's Act (No. 33 of 1960) particularly with regard to its requirements;
- (c) understand Departmental policy regarding probation services in general;
- (d) be acquainted with all the resources in the community which could assist in and make some contribution towards the implementation of the proposed plan of treatment;
- (e) have sufficient experience in the field of social work and knowledge of the human being to select for probation only those cases with some positive factors inherent in their makeup and present in their general surroundings; and

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- (f) bear as many additionally relevant factors in mind, such as the probationer's general background and environment; his relationship with his parents, friends, and other people in the community; his mentality; adverse and positive influences and factors present; his age and the ages of all the other members of his immediate family circle; his likes and dislikes; as well as the goal he has set for himself in life and the opportunities available in society to achieve this goal.

It is also particularly important for the probation officer to know and understand the circumstances responsible for the child's uncontrollability, wayward behaviour, and all the other factors accepted as grounds for a Children's Court inquiry. He should be able to establish the causative factors, ascertain the potentialities of the child and its parents, and consider ways and means of utilising any available positive factors to the advantage of all concerned. If there are no such positive factors present, nor any (or little) likelihood of obtaining them through guidance, training, influence, and a changed environment, then it should be clear to the probation officer that such a case should preferably not be selected for probation treatment. The Children's Act makes provision for various methods of dealing with children found in need of care. Where probation treatment is not clearly indicated, one or more of the other methods should be considered, such as ordinary supervision, foster care and supervision, or removal to an institution.

Whenever parents are genuinely interested in the physical and moral welfare of their child, have a proper insight into the problems surrounding the child's wayward behaviour and neglect, and are willing and able to make some contribution towards the removal of the causative factors, the probation officer will have at his disposal some of the more important ingredients necessary for the successful plan of treatment. For a large part of the day, the child is in the direct care and supervision of the parents who are, therefore, in a position to influence, guide, educate, and

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discipline him. The child will look to his parents for guidance if he trusts and respects them. He will accept discipline from them if he is assured that they love him and that whatever form of punishment is meted out is aimed at his general acceptance by other members of the family and the public in general. Only if the parents are able and willing to accept their full responsibilities in endeavouring to achieve their child's physical and moral welfare, will the probation officer be justified in recommending probation as provided for by the Children's Act, No. 33 of 1960.

The probation officer must be alert to all possible positive factors present in the individuals concerned and in their environment. He should also be able to determine whether any of these factors could be enhanced, to the benefit of the individual and his family. Further, he should be able to utilise the services of other welfare organisations and individuals in the community to improve the probationer's way of life and behaviour.

Section 31(a) and 31(b) of the Children's Act, No. 33 of 1960, clearly state that, if the Children's Court is satisfied that a child is a child in need of care, it may order that the child be returned to or remain in the custody of his parent or guardian or of the person in whose custody he was immediately before the commencement of the proceedings; or order that the child be placed in the custody of any suitable foster parent. A Children's Court which has made one of these orders may also order that the child be placed on probation.

Nowhere in the Children's Act or in the Regulations has any provision been made for the application of probation by welfare workers other than the probation officers employed by the Department of Social Welfare and Pensions. It therefore appears that the responsibility for the selection of suitable cases and the application of probation, as provided for in the existing

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legislation, is primarily the function of the probation officer.

As in the case of supervision, the probation officer may, at his discretion, call on social workers employed by welfare organisations to assist him in carrying out his plan of treatment in respect of probationers under his care. He, however, is responsible for the selection of cases, for drawing up the plan of treatment, and for ascertaining which welfare agencies and individuals are available and how their services could best be utilised in the rehabilitation of the probationer.

Before he can make a final decision and recommendation to the Children's Court regarding the potentialities of a case as a possible candidate for probation treatment, he must have all possible information pertaining to the individual and his circumstances at his disposal. In order to obtain the required facts, it is necessary for the probation officer to interview the child and his parents, and, if necessary and expedient, other relations and friends. The child's class teacher and headmaster, and -- where applicable -- his employer, can all make some contribution towards obtaining a better insight into the child's character, attitudes, likes and dislikes, friends, mental capabilities, sporting interests, and other leisure activities.

When all the relevant facts have been obtained and studied and all positive and negative factors have been considered, the probation officer will find himself in a position to determine the method of treatment fairly accurately. Should he decide to recommend to the Children's Court that a child should be placed on probation, he must give conclusive reasons for making such a recommendation. He must satisfy the court that the plan of treatment recommended is best suited to the individual and that there is definite hope of success.

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Another important factor that the probation officer must always keep in mind is the probationer's ability to understand and appreciate the nature of probation, what it entails, and the seriousness of the possible consequences should he fail to observe the requirements imposed by the Children's Court. It will serve no good purpose to place a young child on probation, and impose certain conditions for him to comply with, if he does not understand what it is all about and if he himself is therefore unable to co-operate and make a contribution towards improving matters. Such conditions imposed on a young child, or on a child who is mentally backward, will not achieve the desired results and should be regarded as unrealistic and impracticable. In cases where non-compliance with the conditions occurs because the child is too young, retarded, or mentally backward to understand the implications, the probation officer will have no justification for asking the Children's Court to impose stricter measures.

The following example of a child of low intelligence and the negative results obtained by treatment illustrates the inadvisability to place such children on probation.

A Children's Court inquiry was opened in respect of a 14 year old girl. A charge of rape was laid against her father. He was found guilty and given a suspended sentence. This child was admitted to a place of safety and detention and the probation officer was asked to investigate the case and furnish the court with a report and a recommendation.

At the age of 13 years she had passed Standard 3. Her Intelligence Quotient was tested and found to be 75. She had seven brothers and sisters, all younger than herself.

The investigation of the probation officer revealed that the child's father grew up on a farm. He left school after he had obtained a Standard VI certificate. His mother was admitted to a hospital for mental patients when he was only 7 years old. His father was granted a divorce and had remarried. The mother of the probationer was born in a small town and at the age of 14 she left school after

becoming pregnant. She was married with the consent of the Minister of the Interior.

The father of the probationer was employed as an engine driver by the S. A. Railways. He was dismissed when found guilty on the charge of rape. He handed his monthly earnings over to his wife, but discovered later that she had failed to pay the accounts and monthly instalments. He also noticed that the petrol account was exorbitant, sometimes as high as R40.00 per month, on account of his wife's daily visits to friends. During this time the school provided the children with uniforms because the parents could apparently not afford them. The mother's running around and her apparent inability to administer the family's income properly, led to arguments and quarrels between the parents.

The available medical evidence confirmed that the probationer had had sexual intercourse on a number of occasions. She admitted that her father was not the only man who had been intimate with her.

At the age of 13 years she told her parents that she was pregnant. They consented to her getting married and also approached the Minister of Interior for his consent. Before the marriage was solemnised it appeared that she was not pregnant and the parents withdrew their consent.

A report containing the above information was submitted to the Children's Court. The girl was found in need of care and placed on probation for 12 months. She and her parents were ordered to comply with the requirements contained in the court's order. The order of the court was made on the 18th September, 1964. The first visit to the probationer and her parents took place on 18th February, 1965, exactly five months after she was placed on probation. During the latter part of July, 1965 the second and last visit was paid to the probationer by her supervising probation officer. Three months later the Commissioner of Child Welfare was furnished with a report in terms of Section 31 (5) of the Children's Act (1960), recommending her transfer from probation to supervision in terms of Section 50 (1) of the Act. The recommendation was approved and an order of transfer issued on 10th November, 1965. The period of supervision expired on 1st April, 1968. From the contents of the case file it would appear that the probation officer had had no further contacts with this girl after July, 1965.

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This probationer needed some intensive treatment considering her low intelligence and also because of her previous immoral experiences. During her probation period only two direct contacts were made with her. At the end of this period it was ascertained that she persisted with her immoral activities.

Should it be the object to compel parents to accept their parental responsibilities towards their young children, conditions or requirements imposed by the Court should be applicable to them only.

## 2. Investigation

Investigation is, in the first place, a process to determine which cases are suitable for probation and which should be excluded from such form of treatment. The probation officer has various duties to perform. One of his more regular functions is to make a preliminary inquiry into each of his cases, to be able to determine, inter alia, the existing problem, the possible causative factors, and the possible steps necessary to remove the circumstances responsible for the child's appearance in the Children's Court. The information obtained from the preliminary inquiry would, in most cases, reveal the necessity or otherwise of a more thorough investigation. If the result of the inquiry is negative -- that is to say, if it is found that the case does not appear to be one suited to probation -- it would be a mistake to suppose that the probation officer's time had therefore been wasted. This task of elimination is an essential part of the intelligent use of probation, and without it the system would inevitably be impaired, and its true potentialities unfairly gauged.

Investigation must be done thoroughly if it is to be a safe guide to the Children's Court. Without a full investigation the probation officer could find himself insufficiently conversant with all the relevant facts, and therefore unable to make a proper selection and recommendation. The investigation should not be

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based on mere interviews with the child, his parents, and the police in court, and on their uncorroborated statements, but should be supplemented by visits to verify facts and to enable the probation officer to grasp the true position. Thorough investigations of this kind take time, and it is desirable to secure remands for this purpose. If inquiries have to be made without remand, it should be stated to the Court quite clearly that the results are based on uncorroborated statements and not upon proper investigation. Obviously, however, unless there is some grave consideration against it, the remand of the case for 14 days at a time is the proper and convenient procedure, and it is normally followed in the Children's Court throughout South Africa.

The question that regularly arises in the case of a remand is what should be done with the child. The child and his interests must be protected and the probation officer must assist the Court in determining where the child should be placed while the investigation is in progress. It is often imperative that the child should be detained until he can be removed to suitable foster parents or to an institution, or returned to his parents or guardian. The needs of the particular child and the resources available in the community, with which the probation officer should be acquainted, must be considered with a view to making a satisfactory temporary arrangement for the child's care.

The whole purpose of the investigation is to guide and strengthen the hand of the Children's Court in dealing with individual cases. It must enable the Commissioner of Child Welfare to know something of the personalities of the child and his parents and their relation to society, to consider their needs and potentialities, and thus be in a position to decide whether, in their interests and in the interests of the community, it is expedient to place the child on probation, or whether some other form of treatment is necessary.

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When investigating a case for the purpose of obtaining information, the probation officer must take into consideration the external and internal influences. The child's home and family relations, neighbourhood, school or employment, recreational activities, social and religious organisations to which he belongs -- factors such as these could be classified as external influences. The nature of the external influences and the child's acceptance or rejection of these influences will have a direct bearing on his emotions. The probation officer must try to establish whether the external and internal influences are causing conflicts in the child's mind. Also, the ability of the child to see these influences in a balanced perspective and his capabilities of coping with them, with or without assistance, are to be considered. The same environment is viewed in various ways by different persons, partly on account of innate differences between individuals, and partly because of previous experiences that have formed mental associations and mind-sets.

In order to see the child in due relation to his environment, the probation officer must possess some knowledge of local conditions. The standard of living, type of dwelling, local industries, recreational facilities, social and religious organisations operating in the area (and what the inhabitants think of them, and the extent to which they participate in them), local peculiarities of customs and manners -- all these are ascertainable facts which, when properly correlated, will give an indication of that group feeling which is often intensely localized, and which may vary considerably even in different areas of the same town. The individual is generally to an appreciable extent a product of his particular locality, and his behaviour pattern is very often closely connected with his immediate surroundings and the influences inspired or created by them.

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The child's home and his immediate associates are very powerful environmental influences, and it is from the home that the most important information will be obtained. The probation officer must learn to procure this information. The school psychologist is usually available and in a position to furnish expert information. Where a particular child has not yet been examined by a psychiatrist, the probation officer may, with the approval of the Children's Court, arrange for his detention at an observation centre. Probation officers are availing themselves of these facilities more frequently, and this affords them the opportunity of enlisting the assistance of psychiatrists, as well as that of other experts, in examining the child and producing reports. This expert assistance, together with all the information collected by the probation officer from his own investigation, will serve to provide a better knowledge and understanding of the child's character and behaviour.

There are many avenues of approach, and those that might be useful to follow may differ from case to case. Often it is apparent at an early stage of the inquiry that some of the suggested queries would be inappropriate and could at once be ruled out, while others promise to be fruitful and might lead to disclosures so individual that they could not be conjectured in a sketch of this kind. The probation officer need not, therefore, be appalled at the idea of what may at first sight seem a formidable undertaking. One thing leads naturally to another, and practice makes it easy to gather the general routine information quickly and then to concentrate on matters of particular importance in the individual case. The results must then be carefully considered, to enable the probation officer to produce the final report required by the Children's Court.

The probation officer should always be prepared to make a definite and constructive recommendation, and any

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opinion voiced by him must be compatible with the recorded facts. It must be remembered that the decision of the Children's Court will depend, very largely, on the probation officer's report, and if the results are contrary to the considered opinion of the probation officer, it may be because he has failed to give an adequate presentation of the facts.

When the Children's Court makes a probation order, the child now becomes the probationer, but, once the order of court has been made, the investigation does not end. As new facts are obtained and former impressions confirmed or disproved, the probation officer will frequently need to adjust his point of view to changing situations. Where new material facts are discovered, they should be recorded and the probation officer should report them to the Children's Court. The more attention is bestowed upon the whole question of investigation and the vast field it opens, the more clearly does the fact emerge that without thorough investigations proper selection of cases and their successful treatment would hardly be feasible.

### 3. Treatment

When a probation order is made by the Children's Court, it is general practice for the Court to serve a notice in proper form on the parents and child, setting out the conditions imposed. Such conditions are binding on all those persons, usually parents and/or child, specifically mentioned in the order of the court. Thereafter it is the duty of the probation officer to explain the meaning of the order and the conditions laid down by the Court to the probationer and to his parents or guardian. The right place and time to do this depends on the emotional state of the individuals concerned. If it appears that the probationer is very upset about the Court's finding -- namely, that he is a child in need of care -- and about the Court's having placed him on probation and having, furthermore, imposed conditions for him and his parents to comply

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The methods employed by the probation officers in the treatment of children placed under their supervision by Children's Courts or released on licence from institutions are also used in dealing with probationers. There are, however, two important differences. In the first place, the maximum period for which a child may be placed on probation is twelve months, while ordinary supervision may last for a much longer period. Secondly, the Children's Act, No. 33 of 1960, makes provision for the conviction of probationers and their parents or guardians for non-compliance with the conditions imposed by the Children's Court. There is no such provision in the Act for children placed under supervision or released on licence. This legal provision in respect of probationers and the possible punishment of defaulters clearly indicates that probation is not merely another form of supervision. Non-compliance with the conditions imposed on probationers or their parents or guardians is regarded as a crime, and is therefore punishable.

The first talk with the probationer after the court case is important. There is, however, a danger in talking too much at a time when the probationer is still suffering from the strain and shock resulting from his attendance in court. It is possible that much that is said at the interview immediately after the Court's order will be forgotten. The probationer will, however, remember the attitude of the probation officer, and his impression will naturally determine his willingness to accept guidance and directions from the officer in the future. He should preferably leave the court feeling that he can trust his probation officer and can rely on him for help and guidance, providing that he himself co-operates.

Reporting by the probationer to the probation officer and visits by the probation officer to the probationer's home are complementary methods of maintaining contact, and the

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preferential use of either depends upon the needs and circumstances of the individual case. The frequency of contact should be determined by the requirements of each case; but, for obvious reasons, the probationer should be seen fairly often in the early stages of his probation. In some cases it may be necessary to see the probationer daily, or every second day, during the first few weeks; thereafter, developments will determine the frequency of further contacts.

The probation officer should also make it clear to the probationer and his parents that probation is not a "let-off"; it is on the contrary a period of time prescribed by the Court during which, under sympathetic but firm supervision, the probationer has to make definite and continuous efforts to adjust his behaviour and attitudes towards life, and so learn to conform to the accepted standards of decent living.

The probationer should be encouraged to face his problems. He must be shown that he has to tackle the difficult task of rehabilitating himself in his present environment. He must be prepared to live down the stigma brought about by his previous conduct and accentuated by his appearance in court. The probationer must realise that he has a definite task to perform, and that he now has friends who are willing and able to advise and support him, though the ultimate responsibility rests with himself.

To expect the probationer to cope alone with a situation that has already proved too difficult for him, would be not only unwise but unfair. He should be given an outline of the plan of treatment, showing him how his supervisor proposes to deal with the various problems and what part other members of the family and outside resources will play in the programme.

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When the probationer returns to his home, particularly after a period of stay at a place of safety and detention, he usually seeks a renewal of the old associations which probably played their part in the original cause of his appearance in court. The co-operation of the family is essential in helping him to sever contact with any undesirable persons outside the family circle. The probationer must clearly understand why it is regarded as necessary for him not to maintain contact with such persons, and his leisure-time should be utilised in such a manner that he will not seek opportunities of getting into touch with them. Where the family group has, apparently, no interest in him, attempts should be made to foster interest. It must not, however, be too readily assumed that because the parents do not appear sympathetic towards the child, they have, therefore, no real interest in him. As soon as they realise that the probation officer is taking a genuine interest and is capable of understanding and appreciating not only his problem but also the difficulties of the family, co-operation is usually assured. It often happens that one or both parents have very decided views on the question of the future conduct of the probationer, which may be opposed to or differ from those held by the probation officer. Such views must never be lightly or autocratically brushed aside, but listened to with courtesy and attention. If they are considered detrimental to the interests of the probationer, adequate reasons should be given for their rejection.

The first few visits to the home will usually be devoted to establishing good relations and obtaining the goodwill of the family. This does not imply that the necessary immediate action must not be taken until the co-operation of the family is assured. Medical advice may have to be obtained and acted upon without delay, employment may have to be found or changed, or transfer to another school or a complete change of environment may have to be effected. But such steps, properly explained, would naturally commend themselves to the probationer and his family.

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Subsequent visits will be made to ensure that the plan of treatment is being carried out, or to learn whether modification of the plan is desirable. Unless close contact is maintained, not only with the probationer but with his family as well, it would be impossible to supervise treatment adequately.

Through home visiting, whether as part of the plan of treatment or not, the probation officer is called upon to give advice upon a variety of subjects affecting the family. It is obviously impossible for him to possess specialised knowledge of every aspect of human relationships, but it is necessary for him to be in a position to discuss the needs of the family. In order to do this, the probation officer must know the various social agencies, public bodies, and religious organisations functioning in the area. It is sometimes difficult to decide which is the most appropriate authority; intimate and extensive knowledge of the various agencies and their activities is necessary if overlapping is to be avoided and time saved.

The probation officer should not undertake services for probationers or their families which other agencies are better equipped to provide, but he should be the intermediate link between the probationer and the other agency. While co-operation with social and religious organisations is essential, the probation officer must never, in any scheme of treatment, delegate his authority, but must always remain the executor of the plan. When the probationer has developed confidence in and respect for the probation officer, care should be taken not to abuse his confidence or lose his respect.

During the early stages of the period of probation, the probation officer will quite often find that the original plan of treatment is impracticable, or that changed circumstances demand adaptations to meet the needs of the probationer and to enable the probation officer to cope with new developments. Old habits and

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the influence of earlier associates will often persist, in spite of the most elaborately prepared plans to deal with them. It must be remembered that sudden conversions are not always (indeed seldom) permanent, and the probation officer must expect the process of adjustment to be long and slow. The probationer must be allowed to test his own ideas; if these fail to achieve the desired end, or result in more trouble, the probation officer should point out the reason why the probationer has failed, and suggest other ideas which may succeed. In this way, the probationer, taught to benefit from experience, will become more readily disposed to consider the plans made for him by the probation officer, and by thinking them over himself he will begin to understand the reason why they should be accepted.

As an officer of the Children's Court, the probation officer has a definite duty to that Court, but at the same time he is a social worker. The ethical standards of the social work profession should thus never be overlooked, and the role of law-enforcer must be properly adjusted to the role of social worker. The use of threats towards the probationer or other persons connected with him should be avoided as much as possible. There are, however, situations in which the probation officer will feel that he has to place before the probationer the choice of complying with the conditions imposed by the Court or facing the consequences.

#### 4. Case Recording

Most probation officers are well acquainted with case recording from the point of view of producing their own records as well as reading records produced by others. Although case recording is often regarded as an intrusion in the day's work -- a task that interferes with other and more important activities -- its necessity is hardly ever questioned. On the one hand case recording is accorded the status of an essential function, but on the

other hand it is frequently relegated to a position of "low priority" when other tasks require attention.

It is fairly easy to enumerate the purposes of case recording, but more difficult to assess whether the case record is the only method, or the most effective method, of serving these purposes. The following are some of the more generally accepted purposes of keeping case records :-

- (a) systematic collection of factual information (process report)
- (b) recording of probation officer's views and impressions
- (c) drafting of the plan of treatment and evaluation (progress report)
- (d) drafting of the final report, including recommendation and results of treatment (closing report)
- (e) 'training', supervision, and evaluation
- (f) administration
- (g) research

In order to offer effective casework services, we need to understand the client in relation to the factors which influence, or have influenced, his life as well as his problems; in other words his opportunities, and his abilities, his aspirations, his fears, and his limitations. Therefore we require information about the client, his circumstances, and his present and past experiences. The type of information we require varies according to the particular needs, problems, and circumstances of the individual client, and the policy and functions of the particular social welfare agency. Variations occur, also in the way in which information is obtained. Before setting out to collect data in respect of a probationer we must have clarity about what is to be done, how it is to be done, and why it should be done in a particular manner. There must be a planned approach aimed at a defined objective. It is important that we should decide what information is required,

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from whom full and reliable data are to be obtained, and where such persons are to be interviewed. There must be proper planning and a purposeful approach before starting the interviewing. After the probation officer has studied the contents of the case file and all other available information, he will be able to determine what further data are required.

Objective data -- such as the name, address, and age of the client; his marital status, religion, and home language; his occupation, income, and educational qualifications -- are usually easy to obtain and in most instances accurately given in the process reports. Subjective data concerning attitudes, feelings, personal relationships, interests, and expectations are more difficult to obtain and are also more susceptible to error. It may also take time to discover the extent to which the client conforms to or rejects the standards and values generally accepted by his cultural group and the community.

The collection of information about the client may be described as the social study. The most important source of information for the social study is the client himself. From him we may obtain objective data by question and answer techniques. The probation officer learns about the probationer from :-

- (a) what he says and what he omits to say
- (b) the feeling or lack of feeling that accompanies what he says
- (c) the repetitive themes in what he says
- (d) how he looks, dresses, and behaves
- (e) how he responds and reacts to the probation officer
- (f) how he sees the probation officer; for example, as an "authority" to be obeyed or defied; as a "teacher" or as someone to be taught; as a "parent" who will take care of him or who makes demands on him

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- (g) the way in which he views his problems, and whether he is willing to try to do something about them, or looks to the probation officer to take over responsibility for his problems
  - (h) the way in which he sees himself and those around him, for example, does he think he is always "right" or always "wrong"? Does he feel the world is against him and it is no use making an effort? Does he blame others for his misfortunes and feel justified in hurting them? Does he think he is "bad" and should suffer for his "badness"? Perhaps he does not know what he thinks or feels
  - (i) his physical and mental ability to cope with the circumstances, surrounding him, and his willingness to accept responsibility.

From the probationer's family the probation officer may learn about the relationship patterns in the home, how the members of his family react to him and he towards them, and whether they contradict or confirm what he has been told. Additional information may be obtained from such other sources as welfare agencies, the medical profession, the employer, the school, ministers of religion, sports clubs and youth organisations, and from relations other than the immediate family.

In order to record the social study, the probation officer is compelled to examine, analyse, organise, and co-ordinate the data. The record is an aid to clear thinking. It is the means of preserving, in a condensed and manageable form, information which has been sifted, corrected, selected, and co-ordinated. Essential data are, therefore, available for future use by the probation officer, his supervisor, and others.

Apart from checking, co-ordinating, and condensing the data obtained from the client and other sources, the probation officer also interprets these data in order to make a diagnosis or appraisal. The probation officer must try to find the answers to the following questions :-

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- (a) What is the nature of, and how complex are the client's problems?
  - (b) How did they arise and when?
  - (c) What prompted the client to come for help?  
Why is he requiring attention at this particular time?
  - (d) How has he tried to deal with his problems -- both recently and in the past?
  - (e) What does he want to do about them now?
  - (f) What needs to be done -- both immediately and later?
  - (g) What is the client capable of doing -- by himself and with help?
  - (h) What obstacles stand in his way such as :
    - (i) environmental factors
      - concrete
      - other people
      - cultural
    - (ii) his own disabilities
      - physical handicap or illness
      - mental disorder/defect, emotional
      - social (inadequacy, absence of standards, rejection of values)
      - spiritual (apathy, lack of belief, purposelessness, complacency, worthlessness, destructiveness)?
  - (i) Is the service adequate for the probationer, or does he need specialised attention involving assistance from other professions?

The probation officer's interpretation and diagnosis are based not only on data obtained from the client and other sources but also on the interaction of client and probation officer in interviews. The client's contribution to the diagnosis is influenced by many factors, not the least of these being the probation officer's attitudes, reactions, behaviour, and responses to the probationer. The probation officer's influence may stimulate the client to express his feelings and views, to make decisions, and to take action. On the other hand, he may inhibit the probationer

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from assuming responsibilities (for example, if the probation officer attempts to force a solution on the client); or he may provide too little support, direction or guidance, thus leaving the probationer to try to deal with problems and responsibilities which are beyond his capacities.

If the probationer participates with the probation officer in weighing his problems, and in considering the courses of action open to him and the possible repercussions of these courses of action, the "diagnosis" can be helpful to him. In addition, a "diagnosis" based on joint participation is likely to be more accurate than one which relies only on the probation officer's judgment and impressions.

The recording of the "diagnosis" helps to bring into focus the relationship between past and present events, and also serves as a means of clarifying future goals. The record should show, not only the goals which have been decided on by probationer and probation officer together, but also the latter's impressions in regard to the suitability of such goals and the probable progress of the client. Although a "diagnosis" made in the initial stages of casework is likely to be neither complete nor completely accurate, the fact that the material is recorded discourages the probation officer from jumping to hasty conclusions and from cherishing unrealistic expectations of his client. An important feature of the recording of the "diagnosis" and evaluation is that progress can be viewed at a later stage against a background of initial impressions and expectations.

After the exploratory phase of casework, the recording of subsequent interviews provides a means of reviewing the progress of the probationer. This involves more than an account of what the client says and does. It is important that the probation officer should examine his own part in his dealings with

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the client. What is the probation officer's attitude towards the probationer? How does he react to the client, and what are the results of his interaction with the probationer? If the probationer is unpredictable, irresponsible, aggressive or complaining, helpless and hopeless, apathetic or unreliable, or if he seems to make progress and then reverts to previous modes of behaviour -- how in such circumstances does the probation officer feel and behave? Are his feelings and behaviour conducive to the client's progress, or do they serve his own needs rather than those of the probationer?

A continuing case does not necessarily show immediate or cumulative progress. The problem may prove to be more complicated than it appeared at first glance. For example, the probationer may begin to realise that he is not merely the victim of circumstances or of other people's misdeeds, but that he, in fact, is contributing to or aggravating his problems. This may cause discomfort, resentment, or a desire to withdraw. There may be many inter-related problems, and the realisation that the problem for which he requested help (or was referred for treatment) is not the only one, may lead to confusion and discouragement. In addition, awareness that there is no simple ready-made solution to his problems may cause the probationer to be disappointed and frustrated.

Progress reports should show what the probation officer and probationer are trying to do together and how well they are doing it. They should also amplify, modify, or correct the initial assessment of the problem, its causes, and its solution.

There are further questions that need to be considered in this regard. How often or in what circumstances should progress recording be done? Are there advantages in recording each interview as a separate entity, or should the content of several interviews be summarized to show trends and

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developments in the case? If so, at what intervals should recording be undertaken -- once a week, once a month, or only when important developments occur? The general procedure followed by probation officers today is to record all new data and developments immediately they become available or occur. This practice is commendable, because there is less chance of valuable information being overlooked and it also ensures that the probation officer's supervisor is kept up to date.

The closing record should give (in summarized form) essential data regarding application, social study and social diagnosis, nature of the service offered, significant phases in the development of the case, effectiveness of the treatment in terms of changes occurring between the opening and the closing of the case, and prospects for the future.

A concise and carefully prepared closing report should make it possible for future perusers of the record to obtain essential data without having to read through the entire file. The closing report may be supplemented by summaries of pertinent letters, reports, or other documents.

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CHAPTER V

PROBATION :  
ITS APPLICATION IN SOUTH AFRICA  
AND SUGGESTIONS FOR ITS IMPROVEMENT

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PROBATION : ITS APPLICATION IN SOUTH AFRICA AND  
SUGGESTIONS FOR ITS IMPROVEMENT

1. Introductory Remarks

The previous two Chapters have been devoted to general reviews of the nature of probation, its underlying principles, and the detailed processes and techniques that its successful application requires.

The present Chapter reverts now to the empirical research study, linking with the discussion contained in Chapter Two. Details will now be given of the application practices and settings of probation in South Africa, as revealed by the research.

After study of the process, progress, and final reports in each case included in the study, full records were made in respect of the probationers and their parents. Clear indication of the progress or otherwise of the probationer, while under treatment, was thus obtained. In all cases, reasons were given for the probationer's progress or failure.

From these reports in the case files it was generally possible to determine the probationer's and his parents' attitude towards the probation officer. Their opinions on probation treatment were frequently reflected in the reports. All these data helped in determining the methods used in the actual treatment and the manner in which the clients responded to such treatment. In cases where the opinions of the probationers, their parents, and their supervising probation officers on the results, the reasons for such results, and on the methods used in the treatment process, were not clearly stated in the reports, this shortcoming was made

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good during the interviews. The interviews with probationers, their parents, and probation officers also afforded the opportunity of scrutinizing the correctness of the available reports on the case files. It may thus be claimed that reasonable steps have been taken to ensure that the data reflected in the questionnaires are correct.

In order to ensure that at least 110 probationers were included in the research project, it was considered necessary to include all those probationers recently dealt with by the offices visited. The cases available at these centres were all accepted for the purpose of this study; because of the limited numbers involved, it was not practicable to apply any selective measures.

The time required for the study of the case files, for interviews with the probationers, their parents, and the probation officers, for visits to the homes of the probationers, and for the completion of the questionnaires, averaged approximately four hours per case. This average period, however, makes no allowance for the many hours travelling from Cape Town by car to the four other regional areas visited. In a few cases the parties to be interviewed were not at home during the first visit, and subsequent visits were necessary.

All the probationers, parents, and probation officers interviewed freely answered the questions put to them. In a few instances the child was not quite sure how he should reply. It was then necessary to re-phrase the question.

When introducing myself, I informed the probationer that I was from the Department of Social Welfare and Pensions. In the great majority of cases they immediately appeared to be at ease, often volunteering information that had not been sought and was not always relevant. In such instances they were not interrupted

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but afforded the opportunity of stating their case.

A few parents reported that they were still experiencing problems with the probationer. They inquired what further steps they should take to remedy the situation. In such cases, parents were told to discuss the matter with the supervising officer at the first available opportunity. Where the matter was of a serious nature and required immediate action, they were advised to telephone the probation officer so as to arrange for an immediate discussion. My attitude in such cases was that I should not interfere with the clients of another probation officer, as any advice I should offer might interfere with the accepted plan of treatment. Furthermore, I realised that I would not be able to maintain further contact with the parent and could therefore not ensure that my suggestions and advice would be accepted and put into practice, nor could I be certain of what the eventual results of such new approaches would be. In other words, my role was that of social researcher, and not of therapist or counsellor. I took great care to bear this distinction clearly in mind, and to ensure that it was apparent to others.

In cases where the probationer or parent, or both, rejected probation treatment, I nevertheless found it possible to solicit the required information. In not a single instance was I turned away. The cases where it was necessary to make a second visit because the parent or child, or both, were out at the time of the initial call were fortunately few.

Some of the parents and probationers expressed their gratitude for the assistance and guidance given by the probation officer. It was encouraging to hear them praising the untiring efforts of the officer and also to hear them speak of the great change in the probationer's attitude towards his parents and how he tried to compensate for all the unhappiness caused by him in the past,

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Some openly stated that they had been at a loss as to what could be done, and had it not been for the probation officer's assistance their child would have found himself in serious trouble. Probationers also expressed their gratitude and admitted that only recently had they come to realise the foolishness of their past behaviour. They explained how they were assisted in changing their lives, how they severed contact with undesirable friends, why they stopped visiting places of disrepute, and how happy they were in an atmosphere where everybody was content and appreciative. Their testimonies served to prove that, notwithstanding the serious nature of a child's wayward behaviour, parents and children will respond to treatment if they can be brought to realise that their behaviour pattern is unacceptable to society and that they themselves must make amends if lasting success is to be achieved. It appeared that once they realised that the probation officer was sincere in his efforts and determined to stop them from persisting in undesirable behaviour, they gradually accepted and responded to his guidance and volunteered their co-operation.

A few parents suggested that a greater measure of success could have been achieved more quickly through probation treatment, had the visits of the probation officer been more frequent. When asked why they themselves did not call on the supervising officer more often, excuses and reasons were given; for example, that they had small children who could not be left unattended at home; that their own work was of such a nature that they could not find the time to visit the office of the social welfare officer; or that there was an aged or sickly parent staying with them who required constant attention and care. Others expressed the hope that the probation officer would maintain contact with them although the period of probation had expired. Some parents admitted that a good deal of progress had been made, but expressed the opinion that, should regular contact stop, the probationer might revert to his previous undesirable behaviour and might resume contact with

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persons responsible for his appearance in the Children's Court. The wishes and anxieties expressed by the parents tended to indicate the desirability of prolonged contact by the probation officer, at least up to the stage where all concerned were convinced that the circumstances responsible for the statutory measures taken, had been eliminated to such an extent that there remained very little chance, if any, of a recurrence.

The probation officer should explain to the parent and child that, even when the probationary period has expired and there are no further legal requirements for the probationer and/or the parent to comply with, they may nevertheless get into touch with him at any time if they feel the need for doing so. The parent and child will feel more content if they are told that further assistance will be given should they feel that developments warrant such action.

Where frequent or regular contact over a fairly long period, possibly twelve months, has been maintained, the advisability of severing such a relationship suddenly should be closely investigated and the possible consequences fully considered. Preference should be given to fewer contacts at greater intervals towards the end of the probation period, in order to ascertain the ability of the probationer and his parents to cope with their own problems independently.

The questionnaire method of investigation was chosen because investigations here and elsewhere have shown that the questionnaire is an effective method of obtaining factual information. The data collected and considered relevant to the treatment of probationers and the results obtained by such statutory methods are shown in the following tables.

## 2. Tables Reflecting Some Research Data

TABLE NO. 1

110 Probationers classified according to regional areas  
and age in years

Regional Area	Age					All Ages
	Under 6	6 to 11	12 to 14	15 to 16	Over 16	
Kimberley	3	6	2	0	0	11
Cape Town	2	7	6	10	10	35
Germiston	0	1	3	3	6	13
Pretoria	0	2	1	10	6	19
Johannesburg	0	1	6	13	12	32
All Areas	5	17	18	36	34	110

TABLE NO. 2

110 Probationers classified according to  
regional areas and sex

Regional Area	Sex		All pro- bationers
	Male	Female	
Kimberley	10	1	11
Cape Town	20	15	35
Germiston	7	6	13
Pretoria	3	16	19
Johannesburg	20	12	32
All Areas	60	50	110

TABLE NO. 3

110 Probationers classified according to sex and age in years

Sex	Age					All Ages
	Under 6	6 to 11	12 to 14	15 to 16	Over 16	
Male	4	14	13	16	13	60
Female	1	3	5	20	21	50
Both Sexes	5	17	18	36	34	110

TABLE NO. 4

110 Probationers classified according to regional areas  
and intelligence quotient

Regional Area	Intelligence quotient						All pro- bationers
	Not avail- able	69 and lower	70-79	80-89	90-109	110+	
Kimberley	8	0	0	1	2	0	11
Cape Town	26	0	1	1	5	2	35
Germiston	5	0	0	2	6	0	13
Pretoria	10	0	3	2	2	2	19
Johannesburg	12	2	3	2	12	1	32
All Areas	61	2	7	8	27	5	110

TABLE NO. 5

110 Probationers classified according to regional areas  
and school standard attained during probation period

Regional Area	School standard								All pro- bationers
	Pre- School	Std. 2 & lower	Std. 3	Std. 4	Std. 5	Std. 6	Std. 7	Std. 8	
Kimberley	3	6	1	0	0	1	0	0	11
Cape Town	2	10	7	3	7	4	1	1	35
Germiston	0	1	0	0	2	7	1	2	13
Pretoria	0	2	0	1	1	7	5	3	19
Johannesburg	0	1	2	3	7	11	6	2	32
All Areas	5	20	10	7	17	30	13	8	110

TABLE NO. 6

110 Probationers classified according to regional areas  
and type of school attended

Regional Area	Type of school			All pro- bationers
	Pre-school	Ordinary	Special	
Kimberley	3	8	0	11
Cape Town	2	32	1	35
Germiston	0	11	2	13
Pretoria	0	16	3	19
Johannesburg	0	25	7	32
All Areas	5	92	13	110

TABLE NO. 7

110 Probationers classified according to regional areas  
and the grounds responsible for the probation order

Regional Area	Grounds			All probationers
	Neglect	Uncontrol- lability	Neglect & un- controllability	
Kimberley	7	4	0	11
Cape Town	5	17	13	35
Germiston	0	9	4	13
Pretoria	3	13	3	19
Johannesburg	0	25	7	32
All Areas	15	68	27	110

TABLE NO. 8

110 Probationers classified according to age in years  
and grounds responsible for probation order

Age	Grounds			All pro- bationers
	Neglect	Uncontrol- lability	Neglect & un- controllability	
Under 6	5	0	0	5
6 to 11	9	5	3	17
12 to 14	1	10	7	18
15 to 16	0	30	6	36
Over 16	0	23	11	34
All Ages	15	68	27	110

TABLE NO. 9

110 Probationers classified according to sex  
and grounds responsible for probation order

Sex	Grounds			All pro- bationers
	Neglect	Uncontrol- lability	Neglect & un- controllability	
Male	10	33	17	60
Female	5	34	11	50
Both Sexes	15	67	28	110

TABLE NO. 10

110 Probationers classified according to regional areas  
and period in months of probation as determined in court order

Regional Area	Period			All pro- bationers
	6 months & under	7-9 months	12 months	
Kimberley	7	0	4	11
Cape Town	0	0	35	35
Germiston	0	0	13	13
Pretoria	3	0	16	19
Johannesburg	3	1	28	32
All Areas	13	1	96	110

TABLE NO. 11

110 Probationers classified according to age in years  
and probation period in months as determined in court order

Age	Period			All pro- bationers
	6 months and under	7-9 months	12 months	
Under 6	3	0	2	5
6 to 11	4	0	13	17
12 to 14	0	0	18	18
15 to 16	2	0	34	36
Over 16	4	1	29	34
All Ages	13	1	96	110

TABLE NO. 12

110 Probationers classified according to sex  
and period of probation in months  
as determined in court order

Sex	Period			All pro- bationers
	6 months & under	7-9 months	12 months	
Male	8	1	51	60
Female	5	0	45	50
Both Sexes	13	1	96	110

TABLE NO. 13

110 Probationers classified according to regional areas  
and number of reports written by probation officers

Regional Area	Number of reports												All pro- bationers
	None	1	2	3	4	5	6	7	8	9	10	11 and more	
Kimberley	0	0	1	0	1	0	0	2	0	7	0	0	11
Cape Town	4	1	0	3	4	6	0	3	2	3	6	3	35
Germiston	2	0	0	1	2	2	0	1	1	0	0	4	13
Pretoria	3	1	1	1	3	3	0	3	0	0	0	4	19
Johannesburg	0	0	2	6	1	3	4	1	1	2	4	8	32
All Areas	9	2	4	11	11	14	4	10	4	12	10	19	110

TABLE NO. 14

110 Probationers classified according to age in years  
and number of reports written by probation officers

Age	Number of reports												All pro- bationers
	None	1	2	3	4	5	6	7	8	9	10	11 and more	
Under 6	0	0	0	0	0	0	0	0	0	3	2	0	5
6 to 11	2	0	0	0	1	2	0	3	0	4	3	2	17
12 to 14	4	1	2	2	2	1	0	0	0	0	1	5	18
15 to 16	1	1	0	5	4	6	3	6	2	1	3	4	36
Over 16	2	0	2	4	4	5	1	1	2	4	1	8	34
All Ages	9	2	4	11	11	14	4	10	4	12	10	19	110

TABLE NO. 15

110 Probationers classified according to sex  
and number of reports written by probation officers

Sex	Number of reports												All pro- bationers
	None	1	2	3	4	5	6	7	8	9	10	11 and more	
Male	3	1	2	3	3	9	4	6	3	9	7	10	60
Female	6	1	2	8	8	5	0	4	1	3	3	9	50
Both sexes	9	2	4	11	11	14	4	10	4	12	10	19	110

TABLE NO. 16

110 Probationers classified according to regional areas  
and the number of contacts between probationers  
and probation officers

Regional Area	Number of contacts												All pro- bationers
	None	1	2	3	4	5	6	7	8	9	10	11 & over	
Kimberley	0	1	1	0	0	0	0	2	0	7	0	0	11
Cape Town	3	2	2	5	4	0	4	5	1	0	6	3	35
Germiston	2	0	1	3	1	1	1	2	0	0	1	1	13
Pretoria	3	1	0	1	0	4	2	3	1	1	0	3	19
Johannesburg	0	0	3	2	1	2	0	3	3	3	5	10	32
All Areas	8	4	7	11	6	7	7	15	5	11	12	17	110

TABLE NO. 17

110 Probationers classified according to age in years  
and number of contacts between them and probation officers.

Age	Number of contacts												All pro- bationers
	None	1	2	3	4	5	6	7	8	9	10	11 and more	
Under 6	0	0	0	0	0	0	0	0	0	3	2	0	5
6 to 11	2	0	0	1	2	0	0	3	0	4	3	2	17
12 to 14	4	2	2	3	0	1	0	2	0	0	2	2	18
15 to 16	0	2	1	4	3	4	6	4	3	2	3	4	36
Over 16	2	0	4	3	1	2	1	6	2	2	2	9	34
All Ages	8	4	7	11	6	7	7	15	5	11	12	17	110

TABLE NO. 18

110 Probationers classified according to sex  
and number of contacts between them and probation officers

Sex	Number of contacts												All pro- bationers
	None	1	2	3	4	5	6	7	8	9	10	11 and more	
Males	2	3	2	5	4	2	4	10	3	9	8	8	60
Females	6	1	5	6	2	5	3	5	2	2	4	9	50
Both Sexes	8	4	7	11	6	7	7	15	5	11	12	17	110

TABLE NO. 19

110 Probationers classified according to regional areas  
and number of changes of supervising probation officers

Regional Area	Number of changes						All pro- bationers
	None	1	2	3	4	5	
Kimberley	4	0	0	7	0	0	11
Cape Town	10	12	9	3	0	1	35
Germiston	7	5	0	1	0	0	13
Pretoria	6	7	5	1	0	0	19
Johannesburg	17	11	4	0	0	0	32
All Areas	44	35	18	12	0	1	110

TABLE NO. 20

110 Probationers classified according to age in years  
and number of changes of supervising probation officers

Age	Number of changes						All pro- bationers
	None	1	2	3	4	5	
Under 6	0	0	2	3	0	0	5
6 to 11	3	7	3	4	0	0	17
12 to 14	9	6	1	1	0	1	18
15 to 16	16	12	7	1	0	0	36
Over 16	16	10	5	3	0	0	34
All Ages	44	35	18	12	0	1	110

TABLE NO. 21

110 Probationers classified according to sex  
and number of changes of supervising probation officers

Sex	Number of changes						All pro- bationers
	None	1	2	3	4	5	
Male	24	21	6	8	0	1	60
Female	20	14	12	4	0	0	50
Both Sexes	44	35	18	12	0	1	110

TABLE NO. 22

110 Probationers classified according to regional areas  
and the longest intervals in months between contacts

Regional Area	Intervals between contacts							All pro- bationers
	Under 1 month	Over 1 but under 2 months	Over 2 but under 3 months	Over 3 but under 4 months	Over 4 but under 5 months	Over 5 but under 6 months	6 months and longer	
Kimberley	2	0	2	0	0	7	0	11
Cape Town	1	2	4	5	8	8	7	35
Germiston	3	3	3	0	0	2	2	13
Pretoria	4	3	4	4	0	0	4	19
Johannesburg	19	6	5	0	1	0	1	32
All Areas	29	14	18	9	9	17	14	110

TABLE NO. 23

110 Probationers classified according to regional areas  
and the opinions expressed by the probationers  
on probation treatment

Regional Area	Opinions expressed			All prob- bationers
	Definite	Vague	None	
Kimberley	0	4	7	11
Cape Town	16	9	10	35
Germiston	10	2	1	13
Pretoria	17	2	0	19
Johannesburg	26	6	0	32
All Areas	69	23	18	110

TABLE NO. 24

110 Probationers classified according to age in years  
and the opinions expressed by them on probation treatment

Age	Opinions expressed			All pro- bationers
	Definite	Vague	None	
Under 6	0	0	5	5
6 to 11	4	5	8	17
12 to 14	12	6	0	18
15 to 16	28	5	3	36
Over 16	25	7	2	34
All Ages	69	23	18	110

TABLE NO. 25

110 Probationers classified according to sex  
and the opinions expressed by them on probation treatment

Sex	Opinions expressed			All prob- bationers
	Definite	Vague	None	
Male	34	13	13	60
Female	35	10	5	50
Both Sexes	69	23	18	110

TABLE NO. 26

110 Probationers classified according to regional areas  
and the opinions expressed by their parents on probation treatment

Regional Area	Opinions expressed			All pro- bationers
	Definite	Vague	None	
Kimberley	3	8	0	11
Cape Town	24	10	1	35
Germiston	9	4	0	13
Pretoria	17	2	0	19
Johannesburg	25	7	0	32
All Areas	78	31	1	110

TABLE NO. 27

110 Probationers classified according to age in years  
and the opinions expressed by their parents on probation treatment

Age	Opinions expressed			All pro- bationers
	Definite	Vague	None	
Under 6	2	3	0	5
6 to 11	11	6	0	17
12 to 14	15	3	0	18
15 to 16	29	6	1	36
Over 16	21	13	0	34
All Ages	78	31	1	110

TABLE NO. 28

110 Probationers classified according to sex  
and the opinions expressed by their parents  
on probation treatment

Sex	Opinions expressed			All prob- bationers
	Definite	Vague	None	
Male	44	15	1	60
Female	34	16	0	50
Both Sexes	78	31	1	110

TABLE NO. 29

110 Probationers classified according to regional areas  
and their attitudes towards supervising probation officers

Regional Area	Attitudes			All pro- bationers
	Acceptance	Rejection	Indifference	
Kimberley	8	1	2	11
Cape Town	26	2	7	35
Germiston	11	0	2	13
Pretoria	18	0	1	19
Johannesburg	25	5	2	32
All Areas	88	8	14	110

TABLE NO. 30

110 Probationers classified according to age in years  
and their attitudes towards supervising probation officers

Age	Attitudes			All prob- bationers
	Acceptance	Rejection	Indifference	
Under 6	5	0	0	5
6 to 11	13	1	3	17
12 to 14	10	4	4	18
15 to 16	31	1	4	36
Over 16	29	2	3	34
All Ages	88	8	14	110

TABLE NO. 31

110 Probationers classified according to sex  
and their attitudes towards supervising probation officers

Sex	Attitudes			All pro- bationers
	Acceptance	Rejection	Indifference	
Male	43	5	12	60
Female	45	3	2	50
Both Sexes	88	8	14	110

TABLE NO. 32

110 Probationers classified according to regional areas  
and the attitudes of their parents  
towards supervising probation officers

Regional Area	Attitudes			All prob- bationers
	Acceptance	Rejection	Indifference	
Kimberley	9	2	0	11
Cape Town	29	0	6	35
Germiston	13	0	0	13
Pretoria	18	0	1	19
Johannesburg	27	0	5	32
All Areas	96	2	12	110

TABLE NO. 33

110 Probationers classified according to age in years  
and the attitudes of their parents towards  
the supervising probation officer

Age	Attitudes			All prob- bationers
	Acceptance	Rejection	Indifference	
Under 6	5	0	0	5
6 to 11	15	2	0	17
12 to 14	15	0	3	18
15 to 16	32	0	4	36
Over 16	29	0	5	34
<b>All Ages</b>	<b>96</b>	<b>2</b>	<b>12</b>	<b>110</b>

TABLE NO. 34

110 Probationers classified according to sex  
and the attitudes of their parents towards  
the supervising probation officer

Sex	Attitudes			All prob- bationers
	Acceptance	Rejection	Indifference	
Male	52	2	6	60
Female	44	0	6	50
Both Sexes	96	2	12	110

TABLE NO. 35

110 Probationers classified according to regional areas and race

Regional Area	Race		
	White	Coloured	All prob- bationers
Kimberley	10	1	11
Cape Town	19	16	35
Germiston	13	0	13
Pretoria	19	0	19
Johannesburg	32	0	32
All Areas	93	17	110

TABLE NO. 36

110 Probationers classified according to age in years and race

Age	Race		
	White	Coloured	All probationers
Under 6	5	0	5
6 to 11	13	4	17
12 to 14	15	3	18
15 to 16	29	7	36
Over 16	31	3	34
All Ages	93	17	110

TABLE NO. 37

110 Probationers classified according to regional areas  
and home language

Regional Area	Home language			Total
	Afrikaans	English	Both	
Kimberley	11	-	-	11
Cape Town	22	5	8	35
Germiston	10	2	1	13
Pretoria	18	-	1	19
Johannesburg	13	14	5	32
All Areas	74	21	15	110

TABLE NO. 38

110 Probationers classified according to regional areas  
and place of residence

Regional Area	Place of residence				Total
	City	Town	Country	Uncertain	
Kimberley	2	7	2	-	11
Cape Town	35	-	-	-	35
Germiston	7	6	-	-	13
Pretoria	19	-	-	-	19
Johannesburg	32	-	-	-	32
All Areas	95	13	2	-	110

TABLE NO. 39

110 Probationers classified according to regional areas  
and attendance or non-attendance at school

Regional Area	Occupation				Total
	Pre-school	At school	Employed	Un-employed	
Kimberley	3	7	-	1	11
Cape Town	2	15	6	12	35
Germiston	-	7	6	-	13
Pretoria	-	18	1	-	19
Johannesburg	-	21	9	2	32
All Areas	5	68	22	15	110

TABLE NO. 40

110 Probationers classified according to regional areas  
and change of the probation order  
prior to expiration of probation period

Regional Area	Change of probation order				Total
	Not altered	Period extended	Requirements altered	Removed to Institution	
Kimberley	11	-	-	-	11
Cape Town	28	-	-	7	35
Germiston	12	-	-	1	13
Pretoria	17	-	1	1	19
Johannesburg	26	2	1	3	32
All Areas	94	2	2	12	110

In no cases were both requirements altered and periods extended. The 12 probationers removed to institutions prior to the expiration of their probation periods came from the group which rejected probation treatment and who failed to co-operate with the probation officer.

TABLE NO. 41

110 Probationers classified according to regional areas  
and requirements determined by the Children's Court

Regional Area	Requirements				
	School attendance, employment, etc.	Abstinence from liquor, etc.	Medical and psychiatric treatment	Co-operation with probation officer	Other
Kimberley	4	-	-	4	1
Cape Town	28	4	3	26	16
Germiston	11	3	4	13	5
Pretoria	18	2	8	19	9
Johannesburg	32	-	5	32	25
<b>All Areas</b>	<b>93</b>	<b>9</b>	<b>20</b>	<b>94</b>	<b>56</b>

The requirement "that he shall make good, according to his ability, any loss or damage caused by him or that he should render some suitable community service", was not inserted in any of the court orders. Only in 4 cases were the probationers charged for non-compliance and all of them were reprimanded and warned.

TABLE NO. 42

Parents/guardians classified according to regional areas  
and requirements determined by the Children's Court

Regional Area	Requirements				
	Provision of material means	Administration of income	Regular employment	Co-operation with probation officer	Other
Kimberley	11	-	7	11	4
Cape Town	12	-	-	20	18
Germiston	6	-	3	3	7
Pretoria	18	-	3	10	2
Johannesburg	6	-	1	14	19
All Areas	53	-	14	58	50

The figures shown under the heading "other" more specifically include requirements concerning the responsibility placed on the parents/guardians to ensure compliance by the probationers of those requirements applicable to them. It is apparent from the above table that there was no need for the administration of the family income by welfare agencies or other individuals.

TABLE NO. 43

110 Probationers classified according to regional areas  
and the submission of reports to the Children's Court  
on the expiration of probation period  
and manner of disposal of probationer

Regional Area	Reports submitted		Manner of disposal			Total
	Yes	No	Transfer to institution	Placed under supervision	Discharged from Act	
Kimberley	3	8	6	4	1	11
Cape Town	24	11	9	4	22	35
Germiston	2	11	1	3	9	13
Pretoria	5	14	2	3	14	19
Johannesburg	10	22	4	5	23	32
All Areas	44	66	22	19	69	110

At the time of the research no final reports were submitted to the Commissioner of Child Welfare in respect of 66 probationers. It is possible that such reports could have been submitted at a later date. The process and progress reports on the case files did, however, indicate the results obtained by this form of treatment in respect of each case. These reports also indicated the further plan of treatment in respect of each probationer.

TABLE NO. 44

110 Probationers classified according to regional areas  
and statutory action taken against parent/guardian  
for non-compliance with requirements and results of such action

Regional Area	Results of criminal action				
	Criminal Action		No action taken	Found not guilty	Total
	Yes	No			
Kimberley	-	11	11	-	11
Cape Town	-	35	35	-	35
Germiston	-	13	13	-	13
Pretoria	-	19	19	-	19
Johannesburg	1	31	31	1	32
All Areas	1	109	109	1	110

The parents of 2 probationers completely rejected probation treatment, but only one of them was charged for non-compliance and found not guilty.

A total of 110 probationers was included in the research. Of this number 93 were White and 17 Coloured.

TABLE NO. 45

110 Probationers classified according to sex and race

Sex	Race		All probationers
	White	Coloured	
Male	48	12	60
Female	45	5	50
Both sexes	93	17	110

3. Analysis and Discussion of Some of the Findings

The 17 Coloured probationers, were all living in Cape Town except for one who resided in Kimberley. In view of the fact that the majority of Coloured people in South Africa are concentrated in the Cape Province, and more particularly in the Western Province, a larger number of Coloured probationers in the Peninsula was anticipated. Of the 17 Coloured probationers 12 are males and 5 females. The 12 males, when classified according to age-groups 6 to 11 years, 12 to 14 years, 15 to 16 years and over 16 years, show 4, 3, 5, and 0 for each group respectively. Two of the 5 females fall in the age-group 15 to 16 years and the other 3 are over 16 years of age. The results of the probation treatment in respect of all the Coloured children are shown in Table No. 46.

TABLE NO. 46

17 Coloured probationers classified according to age in years  
and results obtained by probation treatment

Age	Results			
	Successes	Partial successes	Failures	All probationers
Under 6	0	0	0	0
6 to 11	1	1	2	4
12 to 14	0	1	2	3
15 to 16	2	3	2	7
Over 16	1	0	2	3
All Ages	4	5	8	17

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Only about a quarter of the Coloured probationers responded fully to probation treatment. Some progress was made in between a quarter and a third of the cases. In somewhat less than half of the cases, however, no improvement in behaviour was evident and they were thus regarded as failures.

On analysis of the possible causes of the large proportion of failures, it appears that the 17 probationers were contacted on 112 occasions over the 12 month's probation period. This is an average of 6.6 contacts per probationer or approximately one contact every two months. It seems highly likely that more frequent or regular contacts were necessary if failure was to have been avoided.

The more general explanations offered by probation officers for the low rate of success with Coloured probationers included the following :-

- Parents rejected the probation treatment
- Probationer persistently absconded from home
- Father an alcoholic
- Probationer associated with "bad" or criminal friends
- Father deserted the family

The question arises whether in cases where the parents were defiant and unco-operative, or where the fathers were established alcoholics or had deserted their dependants, or where the child had persisted in absconding from his home, and had maintained contact with undesirable friends, should this not be regarded as an indication to the probation officer and the Children's Court that probation treatment -- or any other treatment within the family circle -- had little chance of meeting with the appropriate response? In such cases the removal of the child concerned from his home to an institution where regular contact, supervision,

guidance, training, and discipline were available, was the possible solution. Such action would have afforded the probation officer more time to give adequate attention to probationers and their families in whose case positive factors were still present and there were more hopeful signs of obtaining positive results.

TABLE NO. 47

17 Coloured probationers classified according to age in years and standard of education

Age	School standard				All probationers
	Std. 2 and lower	Std. 3	Std. 4	Std. 5	
6 to 11	4	0	0	0	4
12 to 14	2	1	0	0	3
15 to 16	2	4	0	1	7
Over 16	1	0	1	1	3
All ages	9	5	1	2	17

The level of educational qualifications must be regarded as fairly low, when cognizance is taken of the fact that 10 of these probationers were 15 years of age and older. Only 2 had progressed as far as standard 5, the highest achievement of the group. Including one probationer who was in Std. 4, a total of 3 out of 17 had higher school qualifications than the 5 in Std. 3 and the 9 in Std. 2 and lower groups. The 3 probationers with the higher school qualifications were all regarded as failures who did not respond positively to probation treatment. The reasons for failure in these three cases were :-

- (i) Father an alcoholic who failed to co-operate with the probation officer;

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- (ii) Father deceased and mother unfit to guide and discipline the child;
  - (iii) Both parents deceased and the elder brother failed in his efforts to control the probationer.

In the first case the father of the probationer was an alcoholic who offered no assistance to the probation officer in his efforts to rehabilitate the child. The probationer actually found the father's abuse of liquor, and the frequent swearing and fights resulting from this, intolerable and absconded from home. The absence of a father in the second case, and the death of both parents in the third, should have been sufficient indication to the probation officer that any form of treatment within the disrupted family circle had very little chance of meeting with even slight success.

The analysis of the circumstances of the 3 older probationers with higher school qualifications tends to prove the importance of the proper selection of cases for probation treatment. The requirements included in the order of court, together with the possibility of being sentenced to corporal punishment or imprisonment for non-compliance with these requirements did not serve as a deterrent to irresponsible behaviour in those cases where the parent and child found themselves entangled in other serious domestic problems. When such factors are present and the probation officer, after a full investigation and careful consideration of the facts, is convinced that the available human material possesses very few positive potentialities for making a favourable adjustment, or for making some contribution to its own rehabilitation, the removal of the child from such an environment should be seriously considered.

#### 4. Selection and Treatment of White Probationers

A total of 93 White probationers was included in

the research. They represent 85% of the total number of cases interviewed. The age distribution of these probationers was as follows :-

TABLE NO. 48

93 White probationers classified according to regional areas and age in years

Regional area	Age in years					All prob- ationers
	Under 6	6 to 11	12 to 14	15 to 16	Over 16	
Kimberley	3	6	1	0	0	10
Cape Town	2	3	4	3	7	19
Germiston	0	1	3	3	6	13
Pretoria	0	2	1	10	6	19
Johannesburg	0	1	6	13	12	32
All areas	5	13	15	29	31	93
Percentages	6	14	16	31	33	100

The distribution of these 93 White probationers according to the results of their probation treatment was as follows :-

TABLE NO. 49

93 White probationers classified according to age in years and results obtained by probation treatment

Age	Results			All probationers
	Successes	Partial successes	Failures	
Under 6	0	5	0	5
6 to 11	1	10	2	13
12 to 14	5	9	1	15
15 to 16	14	13	2	29
Over 16	8	15	8	31
All ages	28	52	13	93

Only at Kimberley and Cape Town were probationers younger than seven years subjected to probation orders. The findings of the probation officers in respect of the 5 children under 7 years of age included in the study were that probation treatment was only partly successful. No requirements, however, were included in the court orders in respect of these children. Only the parents were required to comply with certain requirements. The results of probation treatment in these cases must, therefore, be measured against the actual response of the parents alone. These children were found in need of care because their parents failed to care for them in a satisfactory manner. It was also established that their older brothers and sisters were placed on probation at the same time. None of these young children had misbehaved in any way nor were their older brothers and sisters regarded as uncontrollable. The parents had neglected their children and, to make

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them realise the seriousness of their failure, only they were ordered to comply with certain requirements. Their compliance with the requirements imposed by the Children's Court was deemed to be only partly satisfactory. For this reason probation treatment in respect of their children was graded a "partial success".

Sub-section 1 of section (18) of the Children's Act, 1960, dealing with prevention of neglect, ill-treatment, and exploitation of children, clearly states that :

Any parent or guardian of a child or any person having the custody of a child who ill-treats, neglects... or abandons that child or allows it to be ill-treated, shall be guilty of an offence if as a result of the ill-treatment, neglect or function of its mind or body is likely to be injured or detrimentally affected, even though no such suffering, injury or detriment has in fact been caused or even though the likelihood of such suffering, injury or detriment has been averted by the action of another person.

Sub-section 2 of the same section also provides that :

Any person legally liable to maintain a child who, while able to do so, fails to provide that child with adequate food, clothing, lodging and medical aid, shall be guilty of an offence.

In the case of the young children placed on probation it was ascertained that the parents had acted in an irresponsible manner by abusing alcohol, and had furthermore failed to provide for the children's essential requirements.

Adequate provision has been made in the Children's Act to deal with parents and guardians who fail in their responsibility towards their children. Section 88 of this Act also provides that :

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Any person who is convicted of an offence under any provision of this Act for which no punishment is specially provided shall be liable to a fine not exceeding one hundred pounds or, in default of payment of such fine, to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine.

The advisability and practicability of placing young children on probation in cases where the parents have been negligent and irresponsible should be viewed with some reservation. Act 86 of 1963 makes ample provision for the treatment of people addicted to liquor or drugs, who squander their means, and who lead a disorderly life. It, therefore, appears that probation treatment in respect of families where the children are still fairly young should not be considered. In preference to such orders, consideration should be given to those other statutory provisions referred to above.

Children young enough to be classified as "infants" in terms of the Children's Act were, in the course of the study, not asked for their opinions on probation. It is doubtful whether any importance could have been attached to their answers in this regard. All of them did, however, say they liked the "uncle" or "auntie" visiting them from time to time. A rather surprising finding was that the parents of these children were almost all vague when asked to express an opinion on the value of probation in the case of their own children.

In a few instances, fathers and mothers did not express similar opinions. While the mothers appeared to be hopeful that probation treatment would eventually bring about the desired results, most of them saying that a lot of good had already been achieved, the fathers were more inclined to criticise the whole idea. Furthermore, they regarded the probation officer's visits as interfering with their private lives. On close examination it

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was established that most of them were ignorant of what this kind of treatment entailed. Neither did they realise that they themselves were expected to play a major part in its application, if any visible and lasting success was to be achieved. Some fathers bluntly stated that they had not been enlightened on what was expected of them. Others even suggested that the responsibility of caring for the young children rested with their wives. According to them, they were employed on a full-time basis, they were away from home most of the day, and they handed their earnings to their wives for administration. They were of the opinion that their duties and responsibilities towards their dependants ended when they had handed over their weekly or monthly wages. This attitude shows that they were ignorant of the important part they should have played in the general rehabilitation of all the members of the family. Upon further discussion, they did admit that as head of the house they could be expected to share the duties of training, disciplining, and educating the children. Further, they admitted that the requirements included in the Children's Court order were binding on both father and mother.

The fathers who abused liquor, or who associated with other women, or who squandered their salaries in an irresponsible manner were more inclined to find fault with the probation officer and the methods of treatment employed by him. Because of their obvious sense of guilt, they sought reasons for their faults and mistakes beyond themselves.

A total of 13 White probationers were found to be in the 6 to 11 age-group. This figure represents 14% of the total number of White probationers dealt with. In respect of five probationers no requirements were included in the probation orders. Only the parents were ordered to comply with specific conditions. When asked for their opinions on this kind of treatment, most of the probationers were either vague or unable to give a reasonable reply. They either said they did not know, or that their parents should be

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approached. Here again, it was established that this particular statutory provision was utilized for the purpose of forcing the parents to accept their responsibilities towards their young children.

In the following case only the parents were required to comply with requirements which they did successfully.

Five children from this family were placed on probation for a period of 12 months. The three brothers and two sisters were found in need of care because of the uncompromising attitude of the parents and the neglect of their children. The father initiated the investigation by approaching his local social welfare officer for assistance regarding the care of his children after his wife had deserted them and because her whereabouts were not known. The neighbours were not prepared to look after them. The children aged 11, 10, 6, 4 and 2 years were too small to be left on their own during the day while he was at work. They were all removed to a place of safety and detention. He eventually traced his wife in another city and persuaded her to return to the home and family. The probation officer, who undertook the investigation, ascertained that both parents were attached to their children.

The income of the father was regarded as ample for the normal requirements of the family. Sufficient accommodation was available in a reasonably well-furnished house.

The Children's Court having found the five children in need of care, returned them to the custody of the parents who had since been reconciled, and also placed them on probation under the supervision of the probation officer. The following requirements were included in the order of the court :-

- (a) The parents shall provide the children with accommodation, food, clothing, medical care and must also take steps to ensure their regular attendance at school;
- (b) both parents shall consult the probation officer regularly in all matters concerning the children's physical and moral welfare;

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- (c) the mother of the children shall compile a budget at the end of every month and submit it to the supervising officer for scrutiny and approval;
  - (d) the parents shall conduct the local office of the marriage guidance council regarding the problems they encounter in their relationship;
  - (e) both parents shall abstain from alcohol; and
  - (f) the children shall assist their parents as much as possible.

All the requirements were applicable to the parents except for (f) above which was applicable to the children only. This particular requirement must be regarded as rather vague. It is also quite obvious that the three younger children aged 6, 4 and 2 were totally unable to take part in the execution of the order of the court in this respect.

The supervising probation officer maintained regular contact with the family. A great deal of guidance was given to them. The relationship between the father and mother gradually improved resulting in a happy atmosphere at home. At the end of the probation period the children were discharged from the provisions of the Children's Act, 1960. Treatment in this case was recorded as completely successful.

The findings of the probation officers regarding the results in respect of this age-group were rather encouraging. Only in one instance was the result completely negative, while three were regarded as definite successes and the other nine were deemed to have benefitted to a reasonable degree. These findings suggest that in cases where the parents are confronted with legal action such measures serve to make the parents realise their responsibilities towards their children.

Children who have been found in need of care in terms of Section 30 of the Children's Act, 1960, may be placed

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under the supervision of a probation officer or of any person or association of persons working for the protection, welfare, and reclamation of children. It is not possible to state that this kind of supervision would have met with the same results as in the case of probation orders. No information is available from which a comparison could be made between the two forms of statutory treatment.

The average number of contacts per probationer in this age-group was 7 over a period of twelve months. This shows that the intervals between contacts were at least one month or longer. The most disconcerting finding was that two of the 13 probationers were not contacted at all during the probation period. What was in the circumstances even more surprising was that probation treatment in respect of these two cases was regarded as partly successful. How such a finding was possible is almost inexplicable, because only through regular contact could the probation officer presumably be in a position to ascertain whether any change had taken place. Such regular contact would afford the supervising officer ground for making comparative evaluation of the past and the present; how success could be presumed without comparative evaluation is difficult to understand.

The parents of the two probationers who were not contacted during the probation period, however, reported to me that they were satisfied that some improvement in their general circumstances had taken place. They expressed the opinion that their sense of responsibility had been stimulated by their appearance in the Children's Court. They stated, too, that the appearance in Court had been a shock to them. It made them realise that they had failed in some of their duties, and as a result of this realisation they decided to make amends for their neglect. They expressed fear of losing the custody of their children in the event of their not complying with the conditions imposed by the court. Furthermore,

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they understood that the probationers could be transferred to Children's Homes if they continued to neglect them. This realisation on the part of the parents was a most encouraging development. It is significant that the parents had had to appear in court with their children before they accepted their responsibilities, and only then did they start mending their ways.

If the statutory provision had been explained in detail to the parents and if they had been told of the possible consequences for all concerned, would they not have responded sufficiently and thereby avoided an appearance in court? Did the probation officer not act too hastily in asking for the opening of Children's Court proceedings? On the relevant case files no information could be found indicating that the parents were told that they had failed in their duties towards their children, how they could and should alter and improve conditions, and how the probation officer and other sources of help in the community could assist in achieving the desired circumstances.

The children concerned found themselves declared in need of care through no fault of their own; the parents being entirely to blame for their neglect. The parents, who were regarded by the probation officer as mentally normal although irresponsible, could have obtained some insight into their own unsatisfactory circumstances. This could have been effected by educating them to appreciate the fact that their irresponsibility was not acceptable to the community and could not be tolerated.

Probation officers are expected to render preventive services to those individuals and families who cannot solve their own problems. Such services may take place over shorter or longer periods, depending on the nature and complexity of the problem or problems. Only after all possible methods have failed and the help and assistance of the available resources have

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been enlisted to no avail, would the probation officer be justified in taking the matter to the Children's Court.

It would appear that, in the two relevant cases quoted above, court proceedings were initiated before a thorough investigation had been made and before other possible methods of treatment had been fully tried. The response of the parents to probation treatment was, in fact, positive and credit for this favourable change is due to the deterrent effect of probation as a form of therapy.

Fifteen, or 16% of the 93 White probationers fall in the age-group 12 to 14 years. In respect of 5 of the 15 cases, the treatment was regarded as successful, a further 9 responded only partially, while the remaining one showed no progress at all, and was listed as a complete failure. This means that in 7% of the cases in this age-group probation treatment made no visible change in the probationers' way of living, and his general social circumstances remained unchanged.

These 15 probationers and their parents were contacted on 73 occasions which gives an average of 4.9 contacts per case over a period of 12 months. One case was contacted on 23 different occasions, one 11 times and another 10 times. The balance of 12 received 7 or fewer visits from the probation officers. No contacts were reported in respect of 3 probationers. The average number of contacts for the age-group 6 to 11 years is 7.2 per probationer, which is 2.3 more contacts per person than for the age-group 12 to 14.

A comparison of the results obtained by probation treatment for the two age-groups discussed above shows that, in the case of the 6 to 11 age-group, one responded fully, 10 made reasonable progress, while in two instances there was no improvement at

all. The percentages for the two groupings are reflected in Table No. 50.

TABLE NO. 50

28 White probationers classified according to age-group  
and results obtained by probation treatment

Age-group	Results in percentages			
	Successes	Partial successes	Failures	All results
6 to 11	8	77	15	100
12 to 14	33	60	7	100

It appears that the number of contacts between the probation officer and his probationers influences the eventual results. Where such contacts were more frequent, the number of cases listed as successful was definitely higher. The value of regular and frequent contacts in order to ensure that the client derives the maximum possible benefit from the rehabilitative measures seems to be confirmed.

The probation officer's finding in respect of the 3 probationers who were not contacted at all during their probation periods, was that they had responded partially. This seems to indicate that the statutory provisions applied in their case did, in fact, have some beneficial results. The requirements included in the court orders helped to make the probationer and the parents realise that they had certain responsibilities which should not be ignored. In these cases partial success was due to the fact that the judicial action had made them think and had encouraged them to examine their behaviour patterns. It had led them to realise that some action on their part was essential in order to achieve better conditions, and any credit for improvement must therefore go to

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the parents themselves. While the probation officers cannot claim part of such credit, because they gave no assistance to the persons concerned after the conclusion of the court proceedings, some preventive services were nevertheless rendered up to the time of the Children's Court inquiry. It is possible that these preventive services could have helped to make the parents aware of the unfavourable aspects of the child's circumstances.

At the time of the parents' appearance in the Children's Court, they, as well as the probationers, were informed of the requirements with which they had to comply. They were also told of the possible consequences should they fail to comply with these requirements. They were given to understand that, in the event of their non-compliance, the probationers could be removed from their custody and placed in an institution. Such explanations, as well as the possibility of their losing the custody of their children, appear to have had some beneficial effect.

The parents of the 3 probationers who were not contacted during the probation period reported that they were in favour of probation treatment, stating their reasons as follows :-

- (a) Probation permitted the children to remain in their care;
- (b) They appreciated the seriousness of the court case;
- (c) They realised that they could lose the custody of their children if they failed to comply with the requirements imposed by the Children's Court;
- (d) They felt it was essential that they should make special efforts to improve conditions for the benefit of all concerned.

These explanations given by the parents seem to indicate that they had obtained better insight into their problems, realised the seriousness of the situation, and adopted a positive approach in seeking a solution.

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The probationers themselves said that they preferred probation treatment to any other form of statutory treatment, because it ensured their remaining at home. They explained that they could not express any opinion on the effectiveness, or otherwise, of probation treatment because there were no contacts between them and the probation officers after the Children's Court inquiry.

The parents could not express an opinion for the same reason. They did however report that they were willing to co-operate with the probation officer. In all three cases they said that they knew where to contact the supervising probation officer and, had the situation deteriorated, they would have got into touch with the officer themselves. The attitude of these parents is praiseworthy, and suggests a substantial basis for rehabilitative measures.

Two of the 3 probationers were in Standard 6 and one in Standard 5 at the time of the inquiry. The Intelligence Quotient of only one probationer (the one in Standard 5) was available, and in his case it was found to be 110. All the probationers attended school regularly and were making satisfactory progress. It was also established that they attended their local Sunday schools regularly.

The question arises why it was found necessary to place the particular 3 children on probation when so many positive factors within the family were present. Would proper and continuous preventive services not have ensured the same co-operative attitude on the part of the parents and resulted in the same positive developments? Through scrutiny of the contents of the relevant case files it was ascertained that possibly the most important reason for placing the children on probation, was the excessive drinking of the fathers in all three cases. Their abuse

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of liquor resulted in the squandering of a significant portion of the family income. The dependants suffered physically as a result of this irresponsible behaviour and, furthermore, the children were neglected to such a degree that expedient action in terms of the Children's Act, 1960, was regarded as essential in order to protect them.

The parents of the other children in the age-group 12 to 14 years, and more particularly those who were contacted by the probation officers during the probation period, accepted the supervising officer readily. They also looked upon the officer as an individual who could and who would help them to solve their problems. In the probation officer they saw a person with whom they could discuss and share their troubles, and who would best advise them on the steps they should take to remedy them.

The parents of 12 probationers in this age-group reported that they accepted probation as the correct form of treatment in their own particular case, and also regarded and accepted the probation officer as the person best able to provide such services.

The following case illustrates the measure of success achieved by probation treatment where a 14-year old child has been placed on probation for only six months. Positive reaction to treatment in such a short period became possible mainly because the child and her two groups of parents accepted the probation officer and co-operated with him in the execution of the plan of treatment.

At the age of 14 years this girl was placed on probation for a period of six months. The reports on the case file disclosed that her parents were divorced five months before her birth. They remarried when she was only six months old, but a few months later they were divorced for the second time. Custody of the child was awarded to the mother by the Supreme Court. Both her

parents entered separate marriages shortly after their second divorces.

She was the only child from her mother's first marriage. At the age of 14 years she absconded from her mother and step-father and went to her father and step-mother. The principal of her school reported that her attendance at school was regular and that she was of normal intelligence. According to her mother, her behaviour at home gave no cause for alarm and she was quite attached to her half brother and sister.

The probationer did not see her natural father for about 13 years when she was first permitted to spend the July holidays with him and his family. After her return home the mother and step-father found it impossible to discipline her. The child's behaviour further deteriorated and eventually she absconded from home and was found at her natural father's house. A Children's Court inquiry was opened, and the child placed by the probation officer with her father as a place of safety.

When questioned about the reasons for her sudden change in attitude towards her own mother she could give no definite reason. She merely stated that she thought her mother and step-father were rather too strict. She indicated that she would like to know her own father better, because she did not have the opportunity in the past. Both her mother and step-father were disappointed with their daughter's behaviour and her sudden decision to stay with her father. They, however, decided to afford her the opportunity of living with her own father. The Children's Court found her in need of care and placed her in the care of her father but on probation for six months. She was also ordered to attend school regularly and to remain in the custody of her father unless a competent court ruled otherwise. Approximately two months after the finalisation of the court case the probationer's father and step-mother reported that she was inclined to tell lies. Her own mother phoned frequently and it was obvious that she tried to put her daughter up against the step-mother. The father, step-mother, and probationer were contacted regularly and much guidance was given to all of them. After probation treatment had been in progress for four months the probationer phoned her natural mother telling her that her step-mother had chased her away. Her mother called for her and took her home. The same day a police constable removed her to a place of safety and detention. After three days at the place of safety and detention she was returned to her own mother

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on retention order. The Department of Social Welfare and Pensions authorised her transfer in terms of Section 50(1) of the Children's Act, 1960, to the custody of her mother and also placed her under supervision of the probation officer. The probationer's further adjustment appeared to be completely satisfactory and she remained in the care of her mother until the period of her suspension had expired.

In the case of the parents of the other probationers, the finding was that they were not enthusiastic about the probation officer's visits, although they did not purposely hinder him in his dealings with them. They did not, however, approve of probation treatment in their own case, for two reasons. They either felt that the probation officer was too concerned with their private lives, or they thought that the particular child should have been removed to an institution in the first place. They suggested that the question of seeking assistance when needed should have been left to them to decide. In their opinion such drastic legal action was not completely justified.

The probationers still to be dealt with, as far as the Whites are concerned, are those in the age-group 15 to 16 years and in the group 16 years and over. In fact, they represent the largest number of cases dealt with.

The results of probation treatment in respect of the 60 White probationers in these age-groups, based on the finding of the probation officers, show that 22 (or 37%) completely responded and fully benefitted, 28 (or 47%) partly responded, and the balance of 10 (or 16%) showed no visible signs of response. The reports on the case files, and the information obtained from the probation officers and the probationers, suggest no reasons why these findings should not be accepted as correct. The results of this particular kind of treatment, as far as these age-groups are concerned, can safely be accepted as most encouraging. Bearing

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in mind the ages of the children and the nature and complexity of their particular problems, as well as the general circumstances responsible for their appearance in the Children's Court, it would have been unrealistic to have hoped for a more favourable result.

Probationers older than 15 years often proved more uncontrollable than those in the younger age-groups. Their wayward behaviour often deteriorated over a number of years, frequently they maintained close relationships with undesirable friends, and sometimes they were unwilling to relinquish these friendships. Others accepted employment, and therefore considered themselves to be self-supporting and old enough to plan their own lives. Some of them adopted fixed ideas, and quite often probation officers found it extremely difficult to make them realise that their ideas and actions clashed with the generally-accepted norms. For these reasons, the relatively large proportion of successes achieved in this age-group indicates that probation treatment can be a commendable method if purposefully and correctly applied.

Indeed probation treatment is more specifically intended for the older and uncontrollable child. It is aimed at those children who require much stricter and more frequent attention. The fact that 70 (or 64%) of all probationers dealt with in this research fall into the two oldest age-groups, proves that probation officers have the correct approach as far as the selection of older children for probation is concerned.

Table No. 51 below summarizes the findings regarding the relationship between age of probationer and the outcome of the probationary measures.

TABLE NO. 51

All probationers classified according to age-groups  
and results obtained in percentages

Age-group	Results per cent			
	Successes	Partial successes	Failures	All results
Under 6	0	100	0	100
6 to 11	12	65	23	100
12 to 14	28	56	16	100
15 to 16	44	44	12	100
Over 16	27	44	29	100
All age-groups	29	52	19	100

No failures were found in the age-group under 6 years, and the largest number of failures was in the age-group over 16 years.

The average number of contacts per probationer for the 5 age-groups is shown in the following table :-

TABLE NO. 52

All probationers classified according to age-group  
in years and average number of contacts per age-group

Age-group	Average number of contacts
Under 6	9.4
6 to 11	7.2
12 to 14	4.9
15 to 16	6.9
Over 16	7.3

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If Tables 51 and 52 are read in conjunction, they clearly indicate that, in the case of the first age-group (with the highest average number of contacts) progress was made in all the cases. The two age-groups 6 to 11 and over 16 years, with an average of 7.2 and 7.3 contacts respectively, showed 23% and 29% failures, while the age-group 12 to 14 years, with an average of only 4.9 contacts, revealed only 16% failures. The number of failures in the age-group 15 to 16, with an average of 6.9 contacts, had only 12% failures.

No contacts were made with 3 probationers who were 15 years of age and older at the time of the Court inquiry. All 3 probationers were placed on probation for 12 months. Inquiries by the supervising probation officer at the end of the twelve month period revealed that the general behaviour of each probationer and the circumstances of every case had improved sufficiently to warrant a grading of "partially successful". This seems to contradict the general finding in so far as it concerns the relation between the number of contacts and results.

An analysis of the factors responsible for placing the 3 children on probation revealed that 2 of them frequented night clubs, which resulted in their staying out late at night, associating with undesirable friends, and partaking of liquor at the places they visited. They became uncontrollable and their parents requested that statutory action be taken against them. The third child was previously found to be in need of care and placed in the custody of foster-parents under the supervision of a probation officer. He, however, absconded from his foster-parents' home at times, and during his absence he associated with persons of undesirable character. As a result of this he was transferred from supervision and placed on probation in terms of Section 50 of the Children's Act, 1960.

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The first two cases referred to above were asked not to visit any night clubs in future, and requirements in this regard were included in the probation order. Together with their parents, they were also required to co-operate with the probation officer. The terms of the third child's probation order required that he remain in the custody of his foster-parents and that both he and the foster-parents co-operate with the probation officer.

The contents of the three case files revealed that the children concerned had misbehaved in a serious manner, associated with undesirable persons, and had become uncontrollable. Preventive services resulted in no progress. As a last effort to make them realise the seriousness of the situation, and before their removal to a school of industries was considered, they were placed on probation. Considering the complexity of their problems, one would have expected close contact between them and their supervising probation officers after the probation orders had become effective. This, however, was not the case. However, after the probation requirements had been imposed, they and their custodians did seem to realise the seriousness of the situation. When they had to choose between remaining at home and complying with these requirements or being admitted to a school of industries, they obviously chose the first method of treatment. Their subsequent progress was satisfactory enough to prevent their removal to an institution. This suggests that, where a certain degree of compulsion (such as probation requirements) is present, the individuals concerned become more restrained in their activities. Where restrictions are imposed and compliance with these restrictions is legally enforceable, probationers respond more readily, to the advantage of all concerned.

##### 5. Attending at an Attendance Centre as an Additional Requirement

The probationer who is 14 years or older may be

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ordered to attend an attendance centre for a period not exceeding 48 hours in all, and such attendance should not be for longer than two hours per week. The Act also makes provision for the approval by the Minister of Social Welfare and Pensions of any building or place as an attendance centre. An attendance centre is defined in the Act as any building or place which a child has to attend on the order of a Commissioner of Child Welfare to receive guidance and to undergo treatment in order that he may be disciplined, educated, or rehabilitated.

At the time this research was undertaken only two institutions were utilized as attendance centres. Norman House Place of Safety and Detention situated in Edenvale, near Johannesburg and Germiston, and the Louis Botha Children's Home in Pretoria were the two places where probationers met at set times.

Programmes were drawn up by the probation officers in co-operation with the staff of the two institutions. The activities so planned made provision for group discussions, physical training, and various forms of sport.

The children living in Johannesburg who were subjected to this particular requirement, gathered at a prearranged time and place in the city from where they were conveyed in Government vehicles to Norman House. At the conclusion of the day's programme they were taken back to Johannesburg, from where they returned to their homes by public transport.

The probation officer played a leading role in the implementation of the approved programmes. These included lectures to the probationers on various subjects. The subjects and the group activities were specially selected and were aimed at the rehabilitation of the participants. During these gatherings the probationers' reactions to guidance and instruction, their relation-

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ship to other children and their group leaders, their ability to take part in the activities, and any possible signs of leadership were studied by the probation officers. After every meeting, reports pertaining to the child's behaviour, attitude, relationship, and participation were written in each case file. These reports were studied by the supervising probation officers and the knowledge gained was utilized by them in further rehabilitation measures.

Some of the probationers, after having visited the attendance centre on a few occasions, clearly stated that they found the discussions and other group activities interesting, enjoyable, and stimulating. They also intimated that they would like to continue attending. Others, again, were reluctant and offered various excuses for not being able or willing to take part in the programmes. The more general reasons offered for their attitude were that they had to travel long distances to and fro, that too much time was involved in travelling and attending, and that the attendance interfered with their own plans and activities. Some stated that they were not interested and would like to be relieved of the obligation of attending the centre.

It is interesting to note that during 1965 and the early part of 1966 special steps were taken to select as many candidates as possible for probation orders in areas where the attendance of one of the two abovementioned centres was a specific requirement. The number of probationers ordered to attend gradually decreased and at the time of the writing of this report there were no probationers living on the Reef in respect of whom such a requirement was applicable.

Of the 110 probationers included in this research 31 (or 28%) were ordered by the Children's Court to attend the attendance centre. The majority of these probationers were resident in Johannesburg and, therefore, had to attend the centre at

Norman House. Only 8 resided in Pretoria and they gathered at the Louis Botha Children's Home at the fixed times.

Details concerning these probationers are given in the ensuing tables.

TABLE NO. 53

31 Probationers who attended an attendance centre,  
classified according to age-groups in years  
and school standard

Age-group	School standard						All probationers
	2	3	4	5	6	7	
Under 6	0	0	0	0	0	0	0
6 to 11	0	0	0	0	0	0	0
12 to 14	1	1	0	1	0	0	3
15 to 16	0	1	1	2	6	6	16
Over 16	0	0	1	1	6	4	12
All age-groups	1	2	2	4	12	10	31

TABLE NO. 54

31 Probationers who attended an attendance centre,  
classified according to sex and age-group in years

Sex	Age-groups			All pro- bationers
	12 to 14	15 to 16	Over 16	
Male	3	5	5	13
Female	0	11	7	18
Both sexes	3	16	12	31

The majority of these children were 15 years and older and 22 of them had progressed to Standard 6 and further at school.

The response of the 31 probationers to probation treatment is shown in Table No. 55 below :-

TABLE NO. 55

31 Probationers who attended an attendance centre,  
classified according to age in years, sex and  
results obtained

<u>Age-group</u>	<u>Sex</u>	<u>Results</u>			
		<u>Successes</u>	<u>Partial successes</u>	<u>Failures</u>	<u>All probationers</u>
	<u>Male</u>				
12 to 14	3	1	0	2	3
15 to 16	5	1	4	0	5
Over 16	5	1	2	2	5
	<u>Female</u>				
12 to 14	0	0	0	0	0
15 to 16	11	6	2	3	11
Over 16	7	2	2	3	7
<u>All age-groups</u>	31	11	10	10	31

Of the 31 probationers required to attend the attendance centre, a total of 11 were completely rehabilitated, while a further 10 made promising progress. A comparison of the results obtained in respect of this particular group of probationers with those achieved in respect of the total number of cases dealt with reveals the following interesting facts :-

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Group	Successes	Partial successes	Failures
General	32 (or 29%)	57 (or 52%)	21 (or 19%)
Group who attended Attendance centre	11 (or 36%)	10 (or 32%)	10 (or 32%)

These figures seem to indicate that the results obtained in respect of those probationers who attended the two centres were less favourable. The number of definite failures in this group was approximately 4% higher than that of the general group. An explanation for this position could be that only children of the age of 14 years and older could be ordered to attend an attendance centre, for a maximum of 48 hours. The probationers in the older age groups were placed on probation mainly because of their uncontrollability, association with undesirable friends, truancy, and other malpractices. Probation treatment was, in the first place, aimed at curbing their wayward behaviour; and secondly, their parents were compelled to accept their responsibilities towards their own children. Among the 110 probationers included in the research there were 18 whose ages placed them in the under 6 and 6 to 11 years age-groups. The children in the two younger age-groups showed no visible signs of uncontrollability, and therefore the probation orders were mainly directed at their parents.

It further appears that the additional requirement imposed on the probationer for the purpose of rehabilitating him did not necessarily contribute to achieving quicker or better results. It is, however, not possible to state beyond all doubt that the results would have been more favourable, or less so, in the absence of the requirement concerning the probationers' attendance at an approved centre. The fact that these children did comply with the Children's Court order (on the whole their attendance was fairly regular) and

the guidance and training received from the probation officers at the attendance centres, combined with other treatment measures, all contributed towards giving the child better insight into his problems and served to encourage him to mend his ways.

The activities at the centre afforded the probation officers the opportunity of studying the probationers' personalities, and any sign of leadership and keenness to participate was directed into the right channels. These group activities made it possible for the group leaders to make a more thorough study of their clients and to utilize the probationers' mental abilities and personalities in a constructive manner by asking them to help to draw up further programmes, to lead certain discussions, and to act as group leaders.

A study of the attitudes of this particular group of probationers towards the supervising probation officers revealed the information contained in Tables 56 and 57.

TABLE NO. 56

31 Probationers classified according to age-group and their attitudes towards supervising probation officers

Age-group	Attitudes			All probationers
	Acceptance	Indifference	Rejection	
12 to 14	1	0	2	3
15 to 16	15	0	1	16
Over 16	9	2	1	12
All age-groups	25	2	4	31

The following is an example of two sisters who were ordered to attend an attendance centre. They failed to attend as prescribed. The supervising probation officer maintained frequent

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contact with them and their parents. Although they did not comply with the requirement pertaining to their attending the attendance centre, good results were obtained by guidance and encouragement.

These two sisters were placed on probation for a period of 12 months at the ages of 16 and 14 years respectively. The more important reasons for this treatment were truancy, absconding from home, partaking of alcohol and frequently staying with men. They were both removed to the place of safety and detention after they were found in most undesirable circumstances and a Children's Court inquiry was opened.

The investigation disclosed that the two sisters came from a large family. There were two older brothers, three younger sisters and three younger brothers. The father, who was a qualified painter, passed Standard VII, and the mother obtained a Standard VI certificate. The family shared a house with other relatives under rather overcrowded conditions. The girls' father had a good income and was able to provide for their normal requirements. The relationship between the parents and between them and their children was regarded as normal. The parents attended church services fairly regularly and the children were regular in their attendance of the Sunday School.

It was confirmed that the girls were often guilty of truancy. Every morning they left home pretending that they were going to school, but instead of doing so they met young men with motor cars and spent the rest of the day in their company. It was also revealed that the two sisters left the school without the permission required and proceeded to places where these young men were waiting for them.

The parents realised that they were unable to control their two daughters. They arranged for them to be admitted to a boarding school. Before this could be done they disappeared from home and two days later they were found in the company of young men. The girls admitted having slept with these men and having partaken of alcohol during their recent escapades. When questioned they both informed the probation officer that they were unhappy at home because their uncle drinks excessively and when drunk makes immoral proposals to them. They also complained about the house being too over-crowded. They both confirmed that they were attached to their parents and had no complaints as far as they were concerned.

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The father admitted that the house was crowded but he felt he could not leave his aged mother alone. He, however, pleaded with the probation officer to return his daughters to him and his wife, and undertook to find other accommodation where he and his family could live on their own. The Children's Court returned both children to the custody of their parents, placed both on probation and ordered the parents and the two girls to comply with certain requirements. The two girls were ordered to submit to the discipline of their parents, to attend school regularly and to attend the Attendance Centre for a total time of 48 hours.

It, however, soon appeared that the two probationers did not attend the Attendance Centre as regularly as required. All sorts of excuses were tendered for their failure to keep the appointments with their group worker. The consequences for non-compliance with the order of the Children's Court were fully discussed with them and their mother, but matters did not improve and eventually they did not attend the Attendance Centre at all.

Both girls left school and took up employment. Further visits were made and guidance given to both parents and children. The two girls had severed contact with their undesirable friends and according to the mother they now found it possible to control them. The mother was convinced that the positive reaction achieved may be attributed to the guidance and assistance of the supervising probation officer. Both girls were discharged from the provisions of the Children's Act.

The two probationers did not comply with the requirements pertaining to their attendance of the Attendance Centre. After the court enquiry they only attended infrequently and eventually completely failed to adhere to the order. It may, therefore, be concluded that they derived very little, if any, benefit from this kind of treatment simply because they did not avail themselves of the facilities. It must, therefore be assumed that the credit for the success obtained by probation treatment in this case, must go to regular interviews between probation officer and probationers and to the guidance to the parties concerned. It also seems reasonable to conclude that with supervision as provided for in the Children's Act, without probation requirements the same results would have been obtained.

TABLE NO. 57

31 Probationers classified according to sex and attitudes towards supervising probation officers

Sex	Attitudes			All probationers
	Acceptance	Indifference	Rejection	
Male	9	2	2	13
Female	16	0	2	18
Both sexes	25	2	4	31

It is encouraging to note that 25, or 81%, of these probationers accepted the probation officer and were willing to co-operate with him. Their attitude towards the supervising officer and their co-operation made concerted planning and action possible. In a few cases such contact and co-operation were not readily forthcoming at the beginning. Continued contacts and efforts on the part of the probation officer eventually convinced the probationer that his supervisor was sincere in his efforts to help him. Once the probation officer succeeded in creating this impression on the child, he was usually ensured of the child's co-operation.

Most parents accepted the probation officer, intimating to him that they were prepared to co-operate and to take part in implementing the proposed plan of treatment. Only five parents showed definite signs of indifference. In only two instances did parent and child show signs of prejudice or hostility towards the probation officer. In these cases all efforts to change their attitude met with no success. Consequently, because of the attitudes and the lack of co-operation no success was achieved through this particular method of treatment.

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## 6. Probationers in Foster-care

A total of five probationers were placed in the custody of foster-parents. All of them as well as their custodians were ordered to comply with certain requirements. Only one was in the age group over six but under 11 years, while the other four were in the age group over 16 but under 18 years. Two of them were boys and the other three girls.

Two of the probationers were not related to their custodians. One was placed with her grandparents, one with an uncle and one with an elder brother. These children were all placed in foster-care because the Children's Court found their parents unsuitable and unable to care for them in a proper manner. Two of them were living in Pretoria, two in Cape Town, and one in Germiston. One of these probationers did not comply at all with the requirements and was removed to an institution. Another only partly complied with the court's order and was later removed to an institution for unmarried mothers. The remaining three made remarkable good progress and were discharged from the provisions of the Children's Act after the expiration of the probation periods.

Section 31(1)(b) of the Children's Act, 1960, makes provision for the placement of a child found in need of care in the custody of a suitable foster-parent. Sub-section (2) of the same section provides that a Children's Court having placed a child in foster-care may also place that child on probation. Such a child and the foster-parent (custodian) of that child may be ordered to comply with one or more requirements. Any foster-parent who fails to comply with the requirements laid down, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred Rand or, in default of payment of that fine, to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine. The legal position of the foster-parent is

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therefore the same as that of the natural parent in so far as it concerns the compliance with the requirements applicable to them.

The following is an example of a probationer in foster-care having been treated successfully.

This case concerns a girl who was brought to the attention of the probation officer shortly after she had attained the age of 17 years. She alleged that her father had had frequent sexual intercourse with her during the past 6 months. She also reported that he was drinking excessively. Her father insisted that she return home but she was afraid to, and after a Children's Court enquiry was instituted she was placed with a private family as a place of safety, pending further investigations.

The investigation revealed that she was the fourth child of a large family. Her three brothers had left home and were self-supporting, while her four younger brothers and sisters were still at school and living at home. It was also ascertained that both parents were working and that their combined income was sufficient to provide for the family's normal needs. In the past the father drank excessively at times and this often resulted in his being paid off by his employer. At one stage his committal to a retreat was contemplated. Because of his drinking and spells of unemployment the mother found herself obliged to take up remunerative work in order to ensure a regular income.

At the time of the investigation the family were resident on a plot some 15 miles outside the city. The house was big enough to accommodate them, but environmental conditions in general were rather unsatisfactory and most of the neighbours were regarded as being poor. All the children, including the probationer, attended Sunday school regularly.

The girl's father had appeared in court on a charge of rape. Both she and her younger sister testified in court that their father had frequently interfered with them. After the provisional enquiry the case was referred to the Attorney-General, who refused to prosecute. Information obtained from the child's mother and the older children confirmed that the father had stopped abusing liquor, and he was regularly employed. He showed more affection and understanding towards his wife and children and there had been no further efforts

to be intimate with his daughters.

The probation officer, however, was of the opinion that the probationer should not be forced to return home. He intimated that there was some hope that the relationship between this girl and her father could improve. He recommended to the Children's Court that she be placed in foster-care on probation. This recommendation was approved by the court and she was placed on probation for a period of 6 months. During this period she complied with the requirements applicable to her and the relationship with her father improved considerably. He also consented to her getting married, to a young man whom he previously disliked. She was discharged from the provisions of the Act and her treatment was regarded as having been completely successful. A local welfare society was asked to take over the further rehabilitation of the family and was asked to give special attention to the care of the younger children. Later reports received revealed that the father had deserted his family, failed to support them regularly and sufficiently and that the mother had now instituted divorce proceedings.

Only one adopted child was placed on probation.

The following is a brief extract from the particular case file.

Eight days after birth she was adopted and 15 years later she was placed on probation for a period of 12 months. Her behaviour and her relationship with her adoptive parents was exemplary. Approximately 9 months prior to the Children's Court enquiry she met a young man. She admitted that their association was not a happy one. After she spent any time in his company she was moody and eventually her parents forbade her to have any further contact with him. She, however, absconded through her bedroom window and only returned the next day. About a week later she again disappeared and two days later she was found in the young man's room. Both were apprehended and she was removed to the place of safety and detention. A medical examination revealed that she had had sexual intercourse.

The investigation by the probation officer disclosed that her adoptive parents were financially sound and well able to provide for all material needs. The family occupied a beautiful house in a good residential locality. Further it was also established that the parents were interested in cultural activities and both of them were well educated. Their friends thought

highly of them and regarded them as two well-adjusted personalities. They had one son of their own and he was 9 years older than their adopted daughter. Both parents had no connection with any church and professed to be atheists. The probationer was of normal intelligence and her progress at school was satisfactory. She was aware of the fact that she was an adopted child. On several occasions she expressed the desire to obtain information regarding the surname of her natural parents. She also told the probation officer that she was not sure whether she wanted to return to her adoptive parents or if she should rather get away from her present environment even if it was only for a short period. The relationship with her boyfriend did not bring her complete happiness. She admitted that her parents had good reason for feeling unhappy about this association.

During the time that she was detained at the place of safety and detention she was referred to a child guidance clinic for further examination and guidance. The report obtained from this clinic stated inter alia that she had a very strong will of her own. She disliked any authority and would not accept any opposition. She had no consideration for other people. She refused to ask permission of her parents to go out and if they tried to stop her she would simply take the key of the front door and leave the house. Quite often she returned in the early hours of the morning. This behaviour on her part led to frequent quarrels and often harsh words were spoken, but all to no avail. The clinic also reported that it was possible to establish a good relationship between her and her parents and also between her and people in authority. The report emphasised that consistent sympathetic guidance together with love, support, protection and a strong feeling of acceptance would contribute towards establishing a better relationship. Her admission to a boarding school was suggested. The Children's Court found her in need of care and placed her on probation and returned her to the custody of her adoptive parents. The following requirements were included in the order of the court :-

- (a) She must reside in the boarding school nominated by the probation officer;
- (b) She must relinquish all association with undesirable persons; and

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- (c) she must subject herself to the authority of her parents and persons responsible for her education and treatment.

The probationer was placed in the boarding school selected by the probation officer. She kept regular correspondence with her parents and visited them during the school holidays. Her parents suspected her of continuing the relationship with her boy friend. This was later confirmed when she admitted being pregnant and that he was the responsible party. This new development temporarily brought an end to her school career. She was removed to a home for unmarried mothers and her baby given for adoption. After the birth and adoption of her child, she came back to her parents and returned to school. Further reports on the case file revealed that her relationship with her parents gradually improved and she also made satisfactory progress at school. At the expiration of the probation period she was discharged from the provisions of the Children's Act and her treatment was regarded as having been successful.

## 7. Discussions of Some of the Treatment Methods

To summarize, the findings clearly indicate that there is a definite relation between the number of contacts (i. e. contacts between the probation officer and the probationer) and the results obtained through probation treatment. There is also evidence that some parents and probationers respond favourably to probation treatment although no contacts, or only a few contacts, are made.

The probation officers helped their probationers in many ways to solve their problems. The methods employed aimed at improved behaviour and circumstances of the clients could be described as guidance and education. In the first place, the persons concerned had to be convinced that either their general circumstances or their behaviour patterns, or both, were in conflict with the generally accepted norms and that they needed to make improvements, with a view to conforming to these norms.

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Once it was brought home to the individuals that their behaviour, attitudes, and relationships did not conform to accepted standards, they had to be shown how amendments could be made and why these were necessary and desirable. Such convincing, guidance, and training demanded a great deal of the probation officer's time, more particularly in those cases where the individuals had become used to their daily practices or where their past efforts to alter circumstances had not met with success. They could initially not see the necessity of making changes, nor had they the desire to do so, and presented a real challenge to the probation officer, who needed a great deal of tact, patience, and persistence to influence, persuade, and convince them why their present way of life should not continue. Furthermore, the probation officer had to indicate where changes were necessary, and what part they themselves had to play in achieving the desired objectives.

In Table No. 58 below, the methods more generally used by probation officers to assist probationers in the rehabilitation process are shown, classified according to regional area. Table No. 59 amplifies this by detailing the steps taken by probation officers.

TABLE NO. 58

Treatment methods used by probation officers and  
the frequency of application of such methods in  
regional areas

Methods	Regional Areas					Total
	Kim-ber-ley	Cape Town	Ger-mis-ton	Pre-toria	Johan-nesburg	
Discussions with probationer and his parents	9	28	13	19	28	97
Interviews with headmaster and teacher	10	23	4	11	24	72
Interviews with employer	0	9	3	3	9	24
Interviews with relatives or friends	11	34	12	15	32	104
Interviews with clergy	0	3	0	4	2	9
Interviews with club or group leaders	0	1	2	3	28	34
Interviews with police	8	7	3	2	10	30
Interviews with other social workers	10	8	5	0	22	45
All methods	48	113	42	57	155	415

TABLE NO. 59

The type and frequency of assistance and guidance  
given to probationers in regional areas

Assistance and guidance	Regional areas					Total
	Kimberley	Cape Town	Ger- mis- ton	Pre- toria	Johan- nesburg	
Obtained admission or readmission to school	1	9	2	9	9	30
Obtained employment	1	11	5	4	18	39
Assisted parents to improve their financial position	1	10	3	1	8	23
Assisted parents to find better accommodation	0	13	1	0	1	15
Persuaded probationer to accept guidance and discipline	3	25	9	17	29	83
Encouraged parents to take keener interest in probationer's welfare	9	32	11	15	32	99
Persuaded probationer to sever contact with undesirable friends	1	24	9	12	31	77
Persuaded parents to stop abusing alcohol	7	13	3	4	3	30
Encouraged probationer and parents to attend church services more often	8	2	2	0	3	15
Encouraged probationers and parents to raise their standard of living	1	9	2	5	12	29
Persuaded parents to adopt a more positive approach towards problems	9	34	9	16	32	100
Encouraged parents to take a more active part in probationer's rehabilitation	9	28	8	12	32	89
All types of assistance	50	210	64	95	210	629

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The above figures indicate, inter alia, that probationers and their families did not need much in the way of material assistance. Only 23 families required guidance in respect of the administration of their incomes. A further 15 families were assisted in finding better accommodation in respectable residential areas. The families so assisted were mainly from the Coloured population group.

Most of the probationers and their families needed guidance, training, and assistance relevant to their behaviour, attitudes and relationships. Of the 110 probationers dealt with, 83 were influenced to accept guidance and discipline from their parents. A total of 77 probationers were associating with undesirable friends and were encouraged and persuaded to relinquish such relationships.

From the above figures it would also appear that the parents themselves, more often than the probationers, were responsible for the presence of unacceptable conditions. The attention of the probation officers was more frequently concentrated on the rehabilitation of the parents. Because of their failure to guide, train, discipline, and educate their children properly, the methods of treatment were more generally focused on the parents. Proof for such a conclusion is found in the following figures :-

99 parents were encouraged to take a keener interest in their child's general welfare;

100 parents were persuaded to adopt a more positive approach towards their own and their children's problems;

in the case of 89 parents it was necessary to encourage them to take a more active part in the probationer's rehabilitation.

These findings indicate that the parents were more often at fault than their children, and in these cases they were

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responsible for the neglect and/or deviate behaviour of the children concerned. As a result of the parents' having failed in their duties and responsibilities towards their children, the probation officers were compelled to concentrate more on the parents. Without the assistance and co-operation of the parents very little progress in probation treatment was achieved.

How efficiently did the probation officers apply the methods listed above? The success and achievements of such officers can best be measured against the results of such treatment. The number of cases that responded fully or partly to probation treatment is indicative of the encouraging and favourable results obtained. The credit for such positive results must, in the first place, go to those parents who responded to the action taken by the supervising officers.

The parents of the following probationer made no positive contribution towards her rehabilitation. She, however, responded to treatment after she started work and moved to a boarding house.

At the age of 17 years this probationer was placed on probation after having run away from home and having been found in the company of a young man. This young man was charged with abduction, found guilty and sentenced to a period of imprisonment. The girl was the eldest of 4 children. The Children's Court ordered that she be detained at a place of safety and detention pending further investigation.

Both the parents were employed at the time of her misdemeanour. They held good positions and were well able to provide for the material needs of their dependants. They occupied a large and neatly furnished home.

The relationship between the parents was not very sound. The mother suspected her husband of having an affair with another woman. According to the probationer her parents were always quarrelling and this situation gave rise to a feeling of insecurity.

The principal of her school reported that the girl was always good-mannered and although her intelligence quotient was not tested he regarded her as an average pupil. Her parents both stated that she never caused any trouble prior to her meeting with her abductor. After she met this young man her behaviour gradually deteriorated and later on they found themselves unable to control her. She eventually showed no respect for them and the relationship between them became seriously disturbed.

The probationer stated that she was unhappy at home and said she did not want to return. To compensate for the feeling of insecurity she turned to her boyfriend who offered her some sympathy. Consequently she became emotionally dependent upon him to such an extent that she agreed to run away with him. Her behaviour in the place of safety and detention was quite exemplary and after a few weeks she was appointed head girl.

The probation officer who investigated the case recommended to the Children's Court that she be committed to a School of Industries. At this stage the probationer refused to return to her parents.

Both parents and also the minister of their church pleaded for her return. The parents even promised to take an active part in her rehabilitation should she return to their custody. The Court postponed the case for 14 days in order to enable the probation officer to investigate the parents' application. After the submission of a further report the Children's Court placed the child on probation for 12 months.

Shortly after her return to her parents' custody her father deserted his family. The probationer also reported that there had been constant quarrels between her parents, that her father openly ignored her, that he did not pay her school fees or even buy the necessary books. She also found her mother to be nervous and insulting. Her father had failed to pay the rent for the house and they had been given notice to vacate it because the rent was in arrear. He returned to his family after an absence of a few weeks. She reported that there was still a tense and unhappy atmosphere at home. Both parents kept on reminding her of her past relationship with the young man, which did not improve the relationship between them.

She obtained employment and also moved into a private hotel, after she found it impossible to cope with the situation at home any longer. She rendered satisfactory service to her employer and became engaged to

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a fine young man. She maintained regular contact with her probation officer and progress was noted in her general behaviour. After the 12 month probation period her supervising probation officer was satisfied that she had become self-supporting, that her behaviour in general was exemplary and that there was no need for further supervision. She was discharged from the provisions of the Act.

The frequent quarrelling between the parents and the tense atmosphere drove this young girl into the arms of a young man who used her for his own purposes. After she started to work and obtained board and lodging elsewhere and had got engaged to a man who was genuinely interested in her physical and moral welfare, she became a normal young girl. The young man's parents also made her feel happy and welcome and gave her the recognition that she had lacked for a long time.

The number of contacts between the probation officer and his probationers does not necessarily reveal the time and energy devoted to such communication. From the contents of the reports on the case files, sufficient evidence was available to prove that such contacts, more often than not, lasted for many hours. During these personal relationships, much time was devoted to identifying unwarranted and selfish attitudes, and explaining the necessity of proper guidance and discipline, the importance of setting good examples, the need of good relationships between parents themselves and between them and their children, and how all these could best be achieved. The parents and probationers were educated to distinguish between right and wrong, between normal and abnormal, between selfish and unselfish, and between proper and improper. Some parents and probationers responded immediately to such influence and guidance, while others needed much more convincing and encouragement. Those who admitted their mistakes and who realised that they were at fault accepted the assistance offered more readily, and took part in the practical implementation of the proposed plan of treatment more willingly.

Owing to the big case loads and the heavy demand

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on the probation officers to make investigations and to submit reports in respect of persons appearing in the criminal courts, and because of the limited time allowed for such investigations, the professional officers were compelled to select those probationers who required more attention and assistance. They were not in a position to give the same attention to all the probationers, nor could they always give them the attention warranted by their particular circumstances. This is the main reason why all the children and their parents were not contacted as often as required, and why some probationers were contacted fairly frequently while others did not receive the same attention. There appear to be two specific reasons why probationers and their families did not receive the required attention and why there was a big difference in the number of contacts made. In the first place the volume of work made it impossible for the probation officers to give the time and attention to the treatment each case deserved. Secondly, a large number of probationers and parents contacted the probation officers by telephones or called at their offices of their own accord. The probationers and parents themselves felt that they needed assistance, and where this was not forthcoming from their supervising officer, they made an effort to obtain the required help by approaching him on their own initiative. This action on the part of the clients resulted in contact between them and the probation officer, and the information so obtained was recorded in the case files. The number of contacts entered in the files would have been less had it not been for the efforts of the probationers and their parents in seeking such help more often than planned by the probation officer himself.

The fact that some of the persons subjected to probation treatment felt the need for more attention, and actually took steps to obtain such help, is indicative of their realisation that they themselves could not cope with existing problems adequately, and hence needed assistance. Their action indicates that they realised the necessity of co-operating with the supervising officer.

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In the probation officer they saw somebody who could give positive assistance in removing the problems with which they were contending. The attitudes of these probationers and their parents were positive factors, which could have been utilized more fully in the treatment process. Without their co-operation the chances of making progress through this form of treatment would be decidedly smaller.

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CHAPTER VI

METHODS OF TREATMENT  
AND THEIR EFFECTIVENESS

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## METHODS OF TREATMENT AND THEIR EFFECTIVENESS

In social work in general today, the measurement of results achieved is seen to be very desirable, although the difficulty of establishing valid criteria is widely acknowledged. Measurement of the results of probation are no less desirable, and, in order to evaluate the effectiveness of the methods used by probation officers, it is essential to have some basis against which such methods can be measured.

The Department of Social Welfare and Pensions has for many years advocated that the individual who shows deviate behaviour be treated within the family circle for as long as possible. The removal of the individual, and more particularly a child, from his home environment is regarded as the last step that should be resorted to for the protection of his physical and moral welfare. Probation treatment as such is, in actual fact, intended for the treatment of the child within his normal home environment.

The Department of Social Welfare and Pensions, in its manual of procedure, prescribes procedures and methods for the use of the probation officer in his dealings with and treatment of cases. The following is an extract from the manual of procedure, dealing with "aspects in a treatment process".

Immediately after the assignment of a case the process of treatment commences. The treatment process is characterized by different aspects which do not necessarily follow one another in a particular order but rather intermittently. They are, inter alia :-

Planning, Contact, Process Report, Progress Report and Closing Report.

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(a) Planning

On receiving a case file assigned to him, the professional officer will, after a study of the contents of the file, plan his initial action. The first contact should not be made before deciding with whom, why, where, and when such contact should be established.

(b) Contact

A contact can be seen as a communication, with the client or other interested person, with a positive objective which constitutes part of the treatment process.

For statistical purposes a contact must be accounted for in a process report and it should contain evidence of movement in the treatment process or further insight into the problem situation.

(c) Process Report

This is the systematised, summarised documentation of the content, circumstances, and climate of a contact or contacts made in connection with the case on the same day and into which the professional opinion and thinking of the professional officer has been worked through and incorporated.

The facts obtained, together with the results of objective observation and directed interviews will only acquire meaning after they have been worked through scientifically. The skill with which the casework relationship has been developed and utilised will indicate the officer's professional knowledge, perception, and creative thinking.

The process report, therefore, shows the extent to which social work principles have been recognized and upheld as well as the ability of the professional officer to apply the social work techniques in a treatment process.

Because an effective treatment process is impossible without planning, a process report should not be concluded without the necessary planning for the next step.

(d) Progress Report

A progress report should be submitted to the supervisor on predetermined return dates and is a summary of the most important facts in process reports compiled since the beginning of the treatment process or since the previous progress report.

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It should contain the diagnosis and evaluation of the present position on which the future plan of treatment is based.

In the progress report the professional officer will, after diagnosis and evaluation, give a professional opinion of movement in the treatment process up to that point. In his report the officer will explain how he has followed social work principles and applied social work techniques in the treatment process and how he proposes to continue utilising them within the casework relationship.

Following on this, and at the end of every progress report, a plan of treatment should be given. In drawing up the treatment plan, the individual nature of the client in his specific situation, his potential, and the part he himself has to play in his own treatment should be taken into account. The plan should be aimed at both long-term and short-term goals which may be modified and supplemented in future progress reports as circumstances require.

(e) Closing Report

A closing report is written when treatment of a case has been concluded. This implies that treatment has been completed and that the case needs no further social work attention. The content of such a report is similar to that of a progress report, but instead of a treatment plan it should set forth the reasons for terminating the process of treatment.

The processes quoted above are also applicable in all dealings with probationers. A study of the case files of the 110 probationers included in the research reveals that probation officers have more or less complied with the procedure stipulated by the Department of Social Welfare and Pensions. Most of the reports however, lacked one or more of the required processes. The deviations or discrepancies which occurred more frequently are the following :-

- (a) Very little indication, or none at all, could be found showing that the available documents or data had been studied prior to the planning of further action. It must, however, be presumed that such studies were, in fact, made of the available data before

the probation officer could plan his next move. Only in a few instances did the officer state clearly that, on receipt of the relevant case file, a study was made of the contents and that as a result of the knowledge thus gained, a certain scheme for initiating a proposed plan of action was decided upon. It is rather doubtful whether the failure on the part of the probation officer to state in writing that he had studied the information on the file before planning his next step, could have had any important influence on the treatment and on the eventual results of such action. The important aspect to note is the lack of proof that the direction of the Department of Social Welfare and Pensions had been complied with.

- (b) The second step prescribed by the Department is the planning of the initial action. Contacts should not be made unless the officer has a definite purpose or objective in making such contact. After the officer has acquainted himself with available facts he should plan his first interview. He must decide with whom he is going to have the first interview, why he is going to interview that individual in the first place, and when and where such contact should take place. It is also essential that he should decide what further information is required, and who might be in the best position to furnish such data.

The case files studied at the various offices visited clearly showed that in the majority of cases, such planning was done at an early and proper stage. It was not always clearly stated in the reports on the files why the interview was held with a specific individual, neither did the officers mention why people were contacted in a particular sequence. It is noteworthy that the client himself was very often the last person visited. Further, the contents of the reports disclosed that where the client was the last person to be interviewed he was confronted with situations on which the probation officer already had decided views. Quite often this approach resulted in the probationer being accused of certain deviate behaviour before he was given the opportunity of explaining the reasons for his action. It is generally accepted that in the majority of cases the interviewing should commence with the client. In the case of probationers this procedure was not strictly adhered to.

From the information reflected on the task record cards compiled in respect of all probationers, as well as the entries in the probation officer's

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diaries, it was abundantly clear that the next contact with the client was usually arranged to take place approximately two weeks after the last one. It was not always possible to determine from the reports and notes on the files that the probationers were advised of the date, time, and place of subsequent discussions. Some of the visits by the supervising officer must have been unexpected and possibly regarded by the probationer as inconvenient, as the interview did not always take place at regular intervals nor at set times.

Most reports on the case files contained a plan of treatment. Unfortunately these plans of treatment were not always sufficiently motivated. As a result of this lack of detail, it was not possible to ascertain whether the plan of treatment was justified, whether it was practicable, and whether alternative methods of treatment would have been more expedient and appropriate.

In approximately 50% of the files scrutinised, no proof could be found that the supervisors of the professional officers had given them any directions and guidance regarding their proposed plans of treatment. Most supervisors reported that they had given verbal guidance and instructions direct to the probation officers concerned. They all readily agreed that such action on their part should have been reflected in the particular file. No comparisons were possible in cases where such written instructions were lacking, neither was it possible to determine whether the guidance given by the supervisor contributed in any way towards the successful treatment of the probationer.

Some supervisors called for progress reports at regular intervals by allocating return dates. In most of these cases the period between return dates was approximately three months. Other supervisors did not follow the same procedure. In these cases the allocation of return dates for progress reports was based on the progress made by the probationer. Where satisfactory progress had been maintained over a period of months, the second group of supervisors was inclined to set return dates at longer intervals. In cases where no progress was evident or where deterioration had set in, progress reports were called for at shorter intervals. This second approach appears to be commendable because it affords the supervisor the opportunity of studying the process reports more frequently and of keeping

himself up to date with developments. He is therefore able to help the supervising officer in adapting the plan of treatment as necessitated by developments.

Planning is an important facet of the treatment process. It is essential to successful treatment that such planning should commence right at the beginning and be maintained throughout. It is also essential that the probation officer's supervisor should take part in such planning and that guidance, advice, and assistance given by him to the probation officer, should be entered in the file in writing. It would be impossible for him to remember all the directions given in a specific case and he could easily refresh his memory by referring to his notes in the file. Supervisors usually have four to six probation officers under their control, and each officer usually has a case load varying from 80 to 120. This means that the section for which a supervisor is responsible, deals with a case load of between 400 to 600 cases at a time. He will find it impossible to remember all the facts of each case, and for this reason alone he should make written entries in the case files for future reference.

- (c) The Department of Social Welfare and Pensions attaches great importance to the desirability of regular reporting and of comprehensive written reports. These reports must contain all the factual information in respect of the client. The Department defines a process report as "the systematised and summarised documentation of the contents, circumstances and climate of a contact or contacts made in connection with the case on the same day and into which the professional opinion and thinking of the professional officer have been worked through and incorporated". It is really not of much importance whether such a report is called a process report, a progress report or a closing report. As mentioned earlier, it is desirable that a report should contain all the factual data in respect of the probationer such as his full name, date of birth, address, educational standard, home language, and intelligence quotient; the names and addresses of his parents, brothers, and sisters, and those of his near relations and friends; his relationship with such relations and friends; his home conditions and financial position; the existing problem and the probable causes of such problem(s); the ability of the individual and his close relations to take part in any planned action to remove the causes of the

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problem; and their willingness and ability to take part in any efforts aimed at his rehabilitation. Such a report must also reflect the probation officer's own views on the various circumstances that caused or contributed towards the child's neglect and/or his deviate behaviour, the role the various individuals concerned can play in remedying the undesirable situation or in changing poor behaviour patterns or attitudes.

The probation officer's next step is to plan the treatment. Apart from deciding what action he himself is going to take in such a process, he should also indicate clearly what resources are available in the community and the part each of them is going to play in the implementation of the plan of treatment. A detailed report will enable the probation officer to evaluate the factual data and thus assist him in arriving at a decision on what action should be taken. Such a factual report represents a source for future reference and is invaluable to the supervising officer or his successor. The importance of a detailed report cannot be over-emphasised.

Once it has been ascertained what the requirements are in regard to the contents of such reports, the effectiveness of these can be evaluated more appropriately and effectively.

A study of the contents of the case files revealed that the probation officers had, in the majority of cases, complied with the Department's directions. Copies of all the reports submitted to the Children's Court were available on the case files and contained the required factual data, the probation officer's plan of treatment, and his recommendation. These reports were of invaluable assistance to the Court and played an important role in helping the Court to make an appropriate order. The requirements regarded as necessary for inclusion in the Court's order were in all cases appended to all the copies of the reports. The requirements proposed by the investigating professional officers were in all cases acceptable to the Children's Courts. Only in a few cases did the Court add one or two other conditions not included in the list appended to the professional officer's report. These conditions were included in the Court's order after the presiding Commissioner of Child Welfare had discussed their inclusion with the probation officer. After a child has been placed on probation, his treatment, which starts

with the first contact, continues. The important difference is that after the inquiry there are two significant factors to note. In the first place there is a well-considered plan of treatment approved of by the Court, and secondly the Court has issued an order containing certain conditions applicable to either the child or his parents or to all of them. All further developments in connection with the probationer, his parents, and general circumstances after the inquiry, are reflected in process reports. Progress reports afford the probation officer the opportunity to evaluate the rehabilitative measures taken, and to consider whether the existing plan of treatment is the correct one or whether the plan of treatment should be adapted to meet new developments. The supervisor is also able to study the present situation and, where necessary, to guide the probation officer in matters concerning the probationer's rehabilitation. The supervisor has to determine the dates on which he wants the files with the progress reports submitted to him.

On scrutiny of the case files it was observed that the progress reports were hardly ever submitted to the supervisor on the dates fixed by him. Only in the minority of cases were such reports available on dates earlier than predetermined. In most cases the files with the required reports reached the supervisor many days after the date indicated. The two more important reasons put forward by the probation officers for the apparent delay were too big a case load, and their inability to keep frequent contact with the probationers. As a result of these situations they were not able to write progress reports which would contain all the latest available facts. The absence of progress reports and their infrequent submission seem to indicate that the treatment aspect was neglected. As mentioned in earlier chapters, the probationers were not contacted as frequently as anticipated, with the result that treatment was not as intensive as could be expected.

The available progress reports clearly showed that probation officers were anxious to help probationers in their care. Wherever a child's behaviour or his general circumstances deteriorated and such information was brought to the probation officer's attention, steps were taken to deal with such situations. Where probationers and their parents approached the probation officer for advice and assistance in solving old or new problems, help was

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readily given. The process reports on the case files contained information on the nature of the assistance asked for, the manner in which it was granted and the extent to which such help was given.

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CHAPTER VII

CONTACTS AND THEIR INFLUENCE  
ON TREATMENT RESULTS

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CONTACTS AND THEIR INFLUENCE  
ON TREATMENT RESULTS

Neither in the Children's Act, 1960, nor in the Regulations framed in terms of it, is there any indication of how often the probationer should be contacted during his period of probation. This is a matter left to the discretion of the probation officer and his supervisor. It is, however, generally accepted that the circumstances of the probationer, his particular needs, and the intricacy of his problems are all factors to be duly considered when planning for treatment. The nature of the child's needs and problems usually indicates the necessity of frequent or less frequent contacts. In other words, the intensiveness of the treatment depends mainly on the needs of the individual, therefore the frequency of contacts will differ from person to person.

The probation officer responsible for probation treatment in respect of the probationer placed under his care always has the relevant case file at his disposal. In cases where he has not undertaken the original investigation his first step will be to make a thorough study of the information on the file. After he has completed this study, he can proceed with the planning of his treatment programme. Only after he has acquainted himself with all the relevant facts and after he has made his first contact with the probationer and his parents will he really be in a position to determine the individual's needs. These needs will indicate to the probation officer whether immediate, regular, and intensive treatment is required. A knowledge of the personalities he deals with, their ability to take an active part in their rehabilitation, and their desire to improve circumstances is invaluable to him if he wishes to obtain maximum positive results.

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Especially those probationers who have recently been placed on probation will require more assistance and guidance in order to bring about the changes regarded as necessary in their behaviour pattern and their domestic and general circumstances. Frequent contacts and intensive treatment are obviously necessary if proper progress and lasting results are to be achieved. Only after the probation officer had succeeded in establishing good contact with the probationer and his close relations and has laid the basis for good client/worker relationships, will he have the components necessary for successful treatment. The progress made by the probationer, his ability to help to solve his problems, as well as his keenness to make further amendments when and where necessary, will all serve to help the probation officer to decide when and where further guidance and assistance are necessary. If satisfactory progress has been made over a period of a few months and the probation officer is satisfied that there are no visible signs of new problems developing, he will contact the probationer less frequently. When progress has been maintained by all parties concerned, such positive results will indicate to the probation officer that less attention is required on his part and longer intervals between contacts may be considered. It is important that the probationer should be given every opportunity to make the greatest possible contribution to his own rehabilitation. Such an effort on his part and whatever success he may achieve, will boost his feeling of independence, selfrespect, and ability to cope with some of the problems surrounding him.

In cases where the probation officer has enlisted the assistance of other resources in the community to help in the treatment and rehabilitation of the probationer, he must plan the future treatment of the persons concerned in consultation with those fellow workers. He must also advise the probationer of any changes in the plan of treatment, and explain why such changes are necessary and what part the probationer has to play in implementing

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these newly-formed plans. The probation officer's approach to the probationer and his relationship with him must be sincere, and should create the impression that the supervising officer is genuinely interested in his welfare. The probationer's feelings of confidence and respect towards his probation officer are most essential, and such a relationship can only be established by means of regular contact, and through trust, honesty, and sincerity on the part of the probation officer.

No general rule exists regarding the frequency of contacts between probation officer and probationer, the time that should be devoted to each contact, or whether the contacts should occur at regular intervals and at fixed venues. These are matters left to the discretion of the supervising probation officer, and the circumstances of each and every case will, to a very large extent, indicate the procedure to be followed. It is, however, most necessary that contacts between probationer and probation officer should take place very soon after the conclusion of the Children's Court inquiry and that frequent contacts, perhaps once a week, should be made for the first three months. After the first three months, the intervals between the contacts could be extended to a fortnight between visits for the following three months, and thereafter one contact could be made per month. On this basis it would appear that an average of approximately 24 contacts over a period of 12 months is indicated. Again, it should be emphasised that it is not advisable to lay down a general rule in this regard, because the needs and circumstances of the probationers differ from person to person.

Infrequent contacts in the following case and the inability to implement the plan of treatment resulted in complete failure.

At the age of 17 years this girl was placed on probation for a period of six months. She had one elder sister and two younger brothers and a sister. Her father deserted his family 12 months earlier and failed to support his dependants. The mother was in receipt of a maintenance grant. This probationer passed Standard VIII at the age of 17 years and took up employment because her father refused to support her any longer, and forced her to leave home.

Shortly after her 17th birthday she was arrested for theft. The criminal case was converted into a Children's Court inquiry and the case referred to the social welfare officer for an investigation and recommendation. The investigation revealed that the father lost one leg in the second world war, that he was abusing liquor, that he acted unreasonably towards his children, that he was frequently involved in quarrels. The mother again was inclined to over-protect the children and to cover up for them.

They occupied a three bedroomed house which was satisfactorily furnished and always well-kept.

The probationer found herself involved in frequent disputes with her father because of her association with the opposite sex. She changed her place of employment fairly often and on two occasions was asked to resign because of "dishonesty". The investigation further revealed that she became uncontrollable. The reason for this appeared to be the over-protectiveness of her mother, and also the fact that her mother lied to her father in order to prevent him from punishing her for her thieving, lies and association with undesirable friends.

She was placed on probation as a result of her criminal tendencies and uncontrollability. Only two requirements were included in the court's order for her to comply with. Firstly she was ordered to work regularly and that she must co-operate with the supervising probation officer at all times. Her mother was ordered to maintain proper and thorough supervision over her, to report any change of address within 14 days, to ensure that the probationer complied with the requirements applicable to her and to take active steps aimed at the prevention of any undesirable behaviour on the part of the probationer.

From the case file it appears that no further contact was made with the probationer by the supervising probation officer until her father phoned about 5 months later reporting that his daughter had absconded from

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home and that she was completely uncontrollable. The mother was questioned on these points but denied that her daughter had absconded or that she was unable to control her. She also stated that her husband had not returned to his family and was therefore not acquainted with the circumstances at home. It was, however, confirmed that the probationer had disappeared and that her mother was not aware of her whereabouts for some weeks.

Shortly after the expiration of the probation period the probationer became a housekeeper and companion to an elderly lady. She left this position after a short period and again disappeared. Her mother later reported that she had given her consent to get married to an engine driver on the S. A. Railways. The father stated that he had not given his permission and she was, therefore, unable to get married. Several further attempts were made to obtain the truth from the mother and to ascertain the probationer's address but without any success. The probation period had already expired but no steps were taken by the supervising probation officer to have the child discharged from the provisions of the Children's Act. After the probationer's disappearance all the probation officer's attention was directed on the father who was still drinking excessively and eventually he was admitted to a mental hospital.

In this case probation treatment was regarded as not successful. The reason for this conclusion was the child's disrupted home, the inability of both parents to control and discipline her and her frequent disappearance making it impossible for the probation officer to continue intensive and uninterrupted treatment.

A factor that should always be kept in mind is the duration of probation treatment. In terms of the Children's Act, 1960, the maximum probation period may not exceed 12 months. This limited period provided for in the Act indicates that intensive treatment is essential when drastic changes are necessary, and if lasting results are to be achieved.

The research revealed that eight of the 110 probationers dealt with were not contacted at all during their probation periods. The number of contacts in respect of the remaining 102 probationers was as follows :-

<u>Number of probationers</u>	<u>Number of contacts per probationer</u>
4	1
7	2
11	3
6	4
7	5
7	6
15	7
5	8
11	9
12	10
<u>17</u>	11 or more
<u>102</u>	

These findings indicate that the average number of contacts for 50 probationers was one or less in every two months. The average number of contacts for the other 60 probationers was 6.3 over 12 months. Only 17 probationers were contacted more often than once a month. The specific figures in respect of these 17 cases are as follows :

<u>No. of probationers</u>	<u>No. of times contacted</u>	<u>Average contacts per month</u>
3	11	0.9
3	12	1.0
1	13	1.08
1	14	1.17
3	15	1.25
1	16	1.33
1	18	1.5
1	19	1.58
1	23	1.92
<u>2</u>	26	2.17
<u>17</u>		

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The above figures reveal that only in 3 cases were the probationers contacted as often as anticipated. In the case of at least 93 probationers the treatment was not as intensive as the standard envisaged in the discussions above. Where so little contact was made with children and their parents, one might safely assume that long intervals between contacts must have occurred. A study of the case files revealed the following situation as far as the periods between contacts are concerned.

In the case of 17 probationers the periods between contacts were regarded as normal and these persons were contacted as often as deemed necessary. Of these, 10 were resident in Johannesburg, 1 in Germiston, 3 in Pretoria, and 3 in Cape Town.

The intervals between contacts varied from what may be described as normal to no contacts whatsoever. Five probationers were not contacted at all during the 12 months probation period and in the case of three others only indirect contacts were made, reflecting a total of 8 probationers with whom there were no direct contacts after the conclusion of the Children's Court inquiry.

49 Probationers were contacted at least once every 10 weeks. This means that 49, or 45% of the probationers dealt with were interviewed by the probation officers at least once during a period of approximately 2 months. The periods between contacts in respect of the other 61 probationers varied from 10 to 25 weeks and longer, and included the 8 children who were not contacted at all. The following figures show the maximum periods between contacts with the abovementioned 61 probationers:

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<u>Maximum period between contacts</u>	<u>Number of probationers so contacted</u>
10 weeks	5
11 weeks	2
12 weeks	3
14 weeks	2
15 weeks	1
16 weeks	3
18 weeks	7
20 weeks	16
22 weeks	1
24 weeks	4
25 weeks and longer intervals	17
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	61
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These figures indicate that a large number of probationers were neither directly nor indirectly contacted as often as satisfactory standards would require.

Further analyses of the data collected in respect of probationers, the number of times contacted by their probation officers, the duration of the intervals between contacts, and the actual results achieved by such treatment, are revealed in the following tables :-

TABLE NO. 60

110 Probationers classified according to regional areas and results obtained by probation treatment

Regional area	Results			All probationers
	Successes	Partial successes	Failures	
Kimberley	1	8	2	11
Cape Town	7	20	8	35
Germiston	3	6	4	13
Pretoria	6	11	2	19
Johannesburg	15	12	5	32
All areas	32	57	21	110

TABLE NO. 61

110 Probationers classified according to results achieved and age in years

Age in years	Results			All results
	Successes	Partial successes	Failures	
Under 6	0	5	0	5
6 to 11	2	11	4	17
12 to 14	5	10	3	18
15 to 16	16	16	4	36
Over 16	9	15	10	34
All ages	32	57	21	110

TABLE NO. 62

110 Probationers classified according to results  
achieved and sex

Sex	Results				
	Successes	Partial successes	Failures	All probationers	
Under 6	4 males	0	4	0	4
	1 female	0	1	0	1
6 to 11	14 males	2	8	4	14
	3 females	0	3	0	3
12 to 14	14 males	5	6	3	14
	4 females	0	4	0	4
15 to 16	16 males	8	5	3	16
	20 females	8	11	1	20
Over 16	12 males	5	5	2	12
	22 females	4	10	8	22
All ages	60 males	20	28	12	110
	50 females	12	29	9	

TABLE NO. 63

110 Probationers classified according to results  
achieved and maximum intervals between contacts

Maximum intervals between contacts	Results			
	Successes	Partial successes	Failures	All probationers
1 to 5 weeks	4	4	5	13
6 to 10 weeks	13	16	7	36
11 to 15 weeks	3	5	0	8
16 to 20 weeks	5	19	4	28
21 to 25 weeks	2	2	1	5
26 to 30 weeks	1	3	0	4
31 to 52 weeks	4	8	4	16
All results	32	57	21	110

TABLE NO. 64

110 Probationers classified according to number  
of contacts and age in years

Age in years	Number of contacts					All pro- bationers
	0-5	6-10	11-15	16-20	21-25	
Under 6	0	5	0	0	0	5
6 to 11	5	10	2	0	0	17
12 to 14	12	4	2	0	0	18
15 to 16	14	18	2	2	0	36
Over 16	12	13	6	0	3	34
All ages	43	50	12	2	3	110

TABLE NO. 65

110 Probationers classified according to intervals  
between contacts and age in years

Age in years	Maximum interval in weeks between contacts						All pro- bationers
	1-10	11-20	21-30	31-40	41-50	51+	
Under 6	5	0	0	0	0	0	5
6 to 11	3	9	2	1	0	2	17
12 to 14	7	5	2	1	0	3	18
15 to 16	20	12	2	1	0	1	36
Over 16	19	6	4	3	0	2	34
All ages	54	32	10	6	0	8	110

The above figures indicate that there is not a great difference between the number of contacts for the 5 age-groups. The number of contacts for the youngest and oldest age-groups was, in actual fact, slightly higher in comparison with the 3 other age-

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groups.

The largest number of failures was found in the age-group 6 to 11 and over 16 years which had the second highest number of contacts. Some success was obtained through this kind of treatment in respect of all 5 probationers in the youngest age-group, and the results in respect of the over 16 years group showed 9 successes and 15 partial successes, while in the case of 10 no definite progress was noted. This seems to indicate that there is some relation between the number of contacts made and the eventual results obtained from such contacts.

It is also true that this apparent relation between the number of contacts and the results obtained from such contacts does not follow the same pattern throughout. Moreover, and significantly, the findings revealed that the 8 probationers who were not directly contacted during their probation period all showed visible signs of progress.

A schedule containing information about every individual probationer is to be found in Appendix G. These data are reproduced in full, for each probationer listed in serial order, for detailed reference, and so that regroupings of the data may be made for any specific purpose that the reader may have in mind but which has not been covered in the analyses presented in the Chapters.

The schedule recording the results of contacts between probationers and probation officers shows that in the case of 49 probationers the maximum period between contacts was 10 weeks and less, and the number of complete successes in respect of these cases is 17. The number of cases showing some progress is 20, while 12 made no progress at all. Only 15 probationers in the second group of 61, in whose case the maximum periods

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between contacts were 11 weeks and longer, were listed as complete successes. In comparison with the 20 in the first group of 49 in respect of whom only some progress was noted, the second group of 61 had 37 partly successful cases. These figures do not seem to indicate that better results were obtained where contacts were more frequent. This however does not show that frequent contact is ineffective. It may well be that the probationers who were contacted most frequently were so contacted because they were more difficult cases, and hence might have shown even higher ratios of failure if contacted only as frequently as the other cases. As indicated earlier, probation treatment was introduced to deal with uncontrollable children as well as those whose parents had failed in their responsibilities towards their children, without having to disrupt the family unity. Furthermore, these legislative measures were aimed at short-term treatment, thus implying regular and active steps to remove the existing problem as well as the factors that caused the undesirable situation.

The large number in respect of whom favourable progress was reported, which includes the completely and partly successful cases, does seem to prove that probation treatment has its advantages. It also seems to indicate that by using this method of treatment positive results have been achieved in cases where other statutory methods might not have produced the same number of successes in such short periods.

It is, however, not yet possible to state definitively, what the number of contacts between the supervising officer and his clients should be in order to achieve the best possible results. In social work in general, and more specifically in probation treatment where statutory provisions are employed as a method aimed at immediate results, direct and indirect contacts are the only practical approaches towards the rehabilitation of the child and his family. Here again the number of contacts necessary to produce maximum

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lasting results within the shortest possible period would depend on certain conditions and factors pertaining to the individuals concerned and their general circumstances and environment.

The nature of the existing problem, the complexity and causes of such a problem, the personalities and the abilities of the persons involved, their general circumstances, and their sincerity (or otherwise) in helping to seek the solution to their problem, as well as their mental ability to make amends, are all important factors to note when planning treatment. Personalities, the nature and complexity of their problems, and their general circumstances differ from person to person and from family to family. A thorough study of the individual and all the factors surrounding him is necessary in order to decide how best he could be assisted in solving his problems. Where regular contact and intensive treatment are indicated in one case, similar steps might not be warranted in another. The obvious conclusion seems to be that the probation officer who has studied the case and has acquainted himself with all the relevant facts must decide what assistance the probationer requires and how often he needs assistance. He must decide how often it is necessary and expedient to contact the cases in his care. In order to do this efficiently he must be allowed enough time to study the circumstances of his cases and to visit them as often as he deems necessary. With case loads very often varying between 80 and 120 per probation officer, it seems unlikely that he would be able to maintain such regular contact with his probationers as required.

In the following case the probationer did respond favourably to guidance by the probation officer after only three contacts during the 12 months probation period.

During the first school term of 1964, this girl showed definite signs of uncontrollability. At the end of that year the headmaster of the school refused to re-admit her after she had absconded from school. In December of that year she was removed to a place of safety and detention. Two months later she returned to her parents, on a retention order. The case was referred to a probation officer for investigation and report.

At the time of the investigation, this girl was 16 years old and in Standard VIII. Her elder brother had also passed Standard VIII and served an apprenticeship with the S. A. Railways. Her one younger brother and three younger sisters were still at school. The father was also employed by the S. A. Railways and because of the shortage of staff he worked overtime, usually 12 hours per day. The mother was mentally retarded and not employed outside the home.

The family resided in a poor locality and the house occupied by them showed definite signs of neglect. Only two bedrooms were available and quite often some of the daughters slept in the sitting room.

A good relationship existed between the parents and also between them and the children. The father was particularly upset about his daughter's behaviour and the possibility of her being removed to an institution. He pleaded for her return.

According to the principal of the school, she smoked on the school premises, inhaled benzine and played truant. She was severely reprimanded and some improvement was noticeable in her behaviour and school work. Towards the end of 1964 she accompanied another girl to a country town and both were returned by the police. A few weeks later she again ran away from home and was found in another town in the company of the same girl.

The probationer told the probation officer that her parents were not aware of the fact that she went out with boys. When asked why she absconded from home she replied that she had done this for two reasons. Firstly for adventure and secondly because her teacher always found fault with her and often accused her falsely.

The probation officer ascertained that the child's father was away from home for the larger part of the day including weekends. The shortage of staff and the family's needs compelled him to work long hours in order to support them. He was seldom at home and

therefore not in a position to guide and discipline his daughter. The mother did not take much interest in the welfare of her dependants and made no positive contribution towards their upbringing and training. Notwithstanding these rather adverse circumstances the probation officer recommended probation treatment, in respect of this particular child. The Children's Court accepted the recommendation and she was subjected to such treatment for a period of 12 months. This order was made on the 24th February, 1965. The probation officer visited the family 23 days after the finalisation of the enquiry. Three months and 4 days later a second visit was paid to the family. On this occasion the mother said she had no complaints about the probationer's behaviour. She also stated that she was in poor health and enquired whether the probationer could not be released from attending the attendance centre because her (the probationer's) assistance was needed at home. This request was not acceded to and the mother was persuaded in agreeing to the child's regular attendance. No further visits were made. Towards the end of the probationer's period of treatment she herself called on the probation officer and reported that she intended getting married to a trainee of the S. A. Police College. The probation officer did not discuss the matter with her parents. One week later the probationer's mother confirmed that she had got married. The consent of the Minister of Social Welfare and Pensions for this marriage was not obtained. At this time the probationer was still a minor, her period of probation had not expired, and she was not discharged from the provisions of the Children's Act. Apart from the consent of her parents she also required the consent of the Minister in order to get legally married. After her marriage they moved to a small country town where her husband was stationed as a police constable. The case file was closed and filed. In this case the supervising probation officer contacted the probationer and her parents only on two occasions during the 12 months probation period. After her marriage and also after the expiration of the period of probation, the probation officer concerned failed to furnish the Commissioner of the district in which she resided with a report on her behaviour, progress and welfare. Section 31(5) of the Children's Act, 1960, had therefore not been complied with.

This probationer did respond to treatment after only three contacts during her probation period. Her mother confirmed that she reacted positively to the guidance given by the probation officer.

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CHAPTER VIII

PROBATION OFFICERS' VIEWS  
ON PROBATION TREATMENT

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PROBATION OFFICERS' VIEWS ON PROBATION TREATMENT

In regard to all of the 110 probationers dealt with, the probation officers supervising or having previously supervised the particular case were approached for their views on the effectiveness, or otherwise, of probation treatment in respect of the cases under their care. In some cases more than one officer took part in the treatment of the individual and his family. In the case of a small number of probationers it was not possible personally to obtain the views of the probation officers who previously dealt with the probationer -- because of resignations, transfers, or absence on leave. It was, however, possible to establish their views from the reports on the case files. These reports contained information about the results achieved through the treatment up to the time of the writing of the report, and included the views of the probation officers on such developments.

The probation officers were specifically asked whether they thought that probation treatment was the correct method employed and, if not, what alternative form of treatment they would suggest, with a view to obtaining the same or better results. The views of the officers are listed in the Tables below :-

TABLE NO. 66

Probationers classified according to regional areas and views of probation officers on the efficacy of probation treatment

Probation officer's views	Regional areas					
	Kimberley	Cape Town	Ger-mis-ton	Pre-toria	Johan-Johan-nesburg	All pro-bationers
Probation treatment is appropriate method	1	12	5	10	22	50
Institutional treatment	2	20	5	6	8	41
Ordinary supervision	8	3	3	3	2	19
All views	11	35	13	19	32	110

TABLE NO. 67

110 Probationers classified according to regional areas and the type of treatment suggested by probation officers as would have been appropriate

Regional area	Type of Treatment				All probationers
	Pro-bation	Institu-tionali-sation	Super- vision	Foster care	
Kimberley	0	4	7	0	11
Cape Town	12	20	3	0	35
Germiston	5	5	3	0	13
Pretoria	10	6	2	1	19
Johannesburg	22	8	2	0	32
All areas	49	43	17	1	110

These figures seem to indicate that in 50, or 46%, of the cases dealt with the probation officers were satisfied that probation treatment was the correct or best method of statutory treatment. In the other 60 cases, representing 54% of the total number included in the research, the probation officers themselves were of the opinion that this particular kind of treatment was not the most suitable one. Some of them stated that in certain cases probation treatment was not completely warranted, and that it was too drastic a measure for some of the cases dealt with. It was even suggested that if all the relevant facts had been available at the time of the Children's Court inquiry an entirely different recommendation would have been submitted to that court for its consideration. Further, it was pointed out that in some cases the circumstances and behaviour pattern of persons concerned changed to such an extent that it was not possible to continue intensive treatment. It was also felt by some probation officers that if proper preventive services had been provided over a reasonable period, such treatment could have prevented the

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need for any statutory measures.

The views expressed by the probation officers clearly indicated that they either disagreed with their predecessors' recommendations or that they themselves had formed other opinions on what the more appropriate form of treatment should be, even in those cases where they themselves had initiated Children's Court proceedings.

In some of the cases where probation treatment met with negative results, it was suggested that, if more time had been available for the intensive and thorough treatment of such cases, the results might have been different. The order of Court placing the child on probation, and the requirements included in such order, were regarded as justified and proper, but thereafter circumstances prevented the supervising officer from dealing with the child and his problems as often as was required.

The findings listed in table no. 59 show that probation treatment met with complete success in 32 cases, 57 cases were regarded as partly successful, and the remaining 21 cases showed no visible signs of progress. The question arises whether probation treatment as such, and more particularly the methods utilized in this rehabilitative process, were responsible for the favourable results obtained in the 32 cases regarded as successes and for the improvement noted in the 57 cases listed as partly successful. The probation officers themselves indicated that only in 50 cases was such treatment regarded as the correct method. This seems to signify that the 89 cases showing favourable and partly successful results include 39 cases in respect of which the same or better results could have been obtained, had other statutory measures been applicable. Because no alternative forms of treatment were applied, it is not possible to make any comparisons or to draw any clear conclusions. For the same reasons it is also not possible to

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say that probation treatment was not the correct method used in respect of the 21 probationers who showed no improvement.

A further question that needs to be asked is why the apparently unsatisfactory situation concerning the selection of candidates for treatment in terms of the relevant provision of the Act was permitted to continue. It may also be asked who should have taken the initiative in rectifying the matter.

Again it is necessary to point out that probation treatment in respect of children, as provided for in the Children's Act, No. 33 of 1960, was introduced in this country as late as April 1960. Therefore, when this research was started during the early part of 1966, probation treatment as we know it today was only six years old.

It seems to me desirable that a conference on probation should have been held when this new method of treatment had been in operation for five or six years. All probation officers with reasonable practical experience of this kind of treatment should have been asked to attend such a conference. At such a gathering, information concerning the selection of cases for probation treatment, the criteria for selection, and methods of actual treatment could have been discussed. At the same time, an evaluation of the methods of treatment used, and the results obtained by such methods, could have been made. Such discussions would at least have afforded all concerned the opportunity of exchanging views on the matter and of presenting ideas on how new approaches could be implemented. All parties concerned could then have been furnished with a circular letter containing any amendments of the Department's policy on probation. This could have been particularly helpful to newly appointed professional officers.

Only two State Departments are directly responsible for the selection of cases for probation and the actual treatment

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of such cases. Such selection is, irrefutably, the task of the probation officer. Normally this should be done in consultation with his supervising officer. If necessary, the selection could be discussed with the regional head, which would minimize the chances of selecting unsuitable cases. Once a decision has been reached concerning the suitability of a case for probation, it is the duty of the probation officer dealing with the matter to submit a comprehensive report to the Children's Court. The recommendation for such treatment should be thoroughly motivated. The Commissioner of Child Welfare, who is an employee of the Department of Justice, then enters into the picture by making the final decision and issuing an order accordingly. This court order normally states the period of probation and stipulates any requirements the Court wishes to impose on the parties concerned. After such an order has been granted the whole matter is again in the hands of the professional staff of the Department of Social Welfare and Pensions, with the object of proceeding with the treatment, but this time in accordance with a Court order.

The views expressed by the probation officers on the one hand, and the findings of this research on the other, both seem to indicate that probation treatment could be much more successful if :-

- (a) experienced staff were selected for this work;
- (b) more thorough and fuller investigations were undertaken before deciding on a plan of treatment;
- (c) suitable cases were selected for the purpose of probation treatment;
- (d) rehabilitative treatment were to be provided in respect of the child and his family for a reasonable period, before resorting to legal provisions;
- (e) the case loads were limited, to ensure that all probationers will receive the attention they need;
- (f) regular and intensive treatment were provided; and
- (g) the services of all the available resources in the community were utilized.

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Only when it is practicable to implement these suggestions, would it be possible to obtain detailed results against which the merits of probation treatment could be measured more fully. For the present, the facts disclosed by this research are the only available information, and any findings and conclusions must be based on these. The fact that 89, or 80.9% of the probationers dealt with did respond to such treatment indicates beyond all reasonable doubt that probation treatment has its rightful place alongside other statutory measures provided for in the Children's Act, 1960.

TABLE NO. 67

18 Reasons given by probation officers for the  
success achieved through probation treatment,  
and the frequency of such views

<u>Reasons</u>	<u>Frequency</u>
Parents afraid of legal consequences	8
Parents and probationer co-operated fully with probation officer	26
Parents and probationer adopted positive approach towards treatment	25
Child well placed in foster care	2
Child's attitude towards his parents improved	2
Child accepted responsibility	2
Child severed contact with undesirable friends	2
Child responded to discipline	3
Child attended Sunday school	2
Child's behaviour improved because of father's removal to an institution	1
Parents gave guidance to the child	3
Child obtained better insight	4
Relationship between child's parents improved	1
Regular contact between child and probation officer resulted in improved behaviour	1
Positive factors present in family used to their advantage	4
Child accepted probation officer as his confidant	2
Child responded to group work at the attendance centre	3
Parents health improved by psychiatric treatment	1
<b>All reasons for success</b>	<b>92</b>

An analysis of the reasons given by the probation officers themselves for the successes achieved through probation treatment shows that in 26 instances the probationer and his parents fully co-operated with the supervising officer. Another 25 adopted a positive approach towards the plan of treatment suggested by the

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probation officer, and took part in implementing this plan. A further eight parents changed their negative attitude into a positive one and, where they were at first unwilling to take an active part in the rehabilitation of the child, they were eventually persuaded to do so, to the advantage of all concerned. Three probationers responded favourably to discipline and another three made good progress towards their rehabilitation after attending the attendance centre. The reasons given by the probation officers (as listed above) for a favourable reaction setting in after a period of treatment, all seem to indicate that some parents and children do respond positively to treatment. Their response depends largely on motivation by the probation officer.

The following case illustrates the positive reaction of a mother of three probationers after she had been given some guidance.

Complaints were received by the Social Welfare officer that the mother of three children was emotionally unbalanced and also addicted to drugs. The investigation that followed disclosed that both parents had obtained a Standard VI certificate. The father was employed by the S. A. Railways as a labourer at a basic salary of R60.00 per month. Working overtime his salary amounted to R140.00 for some months. They found it difficult to meet all their financial obligations. They lived in a three bedroomed house in an average residential locality. As a result of the mother's abuse of drugs and her anti-social behaviour the family experienced more or less social isolation.

The three children who were 14, 9, and 7 years of age appeared to be physically normal and all of them made remarkably good progress at school. The Intelligence Quotient of the eldest child only was tested in accordance with the individual scale and found to be 119. The teachers of the two younger children were of the opinion that their progress at school indicated that their intelligence was also above the average.

The school attendance of the eldest child gradually deteriorated. Quite often she pretended to be ill, but when referred to a doctor for treatment she failed to keep the appointment. The visiting school teacher

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established that the mother was reluctant to co-operate and also unwilling to encourage her daughter to attend school regularly. The marks in tests and in the examination showed a gradual decline. The school work of the other two children also weakened.

The medical practitioner who treated the mother was of the opinion that she had an hysterical personality and showed psychopathic symptoms. He considered having her certified in terms of the Mental Disorders Act. She often quarrelled with her neighbours, caused disturbances and interfered with other people. She invited boys to her house and insisted that they join her in drinking beer, especially Bantu beer. She admitted giving her husband a hiding and did so whenever she thought it necessary.

Both parents were, however, very attached to their children. At the time of the investigation by the probation officer, the three children were placed with a private family as a place of safety. This drastic action resulted in the mother's abstinence from taking drugs, her relationship with her husband improved and she stopped interfering with her neighbours. There was a general improvement in her behaviour. In order to ensure that this improvement continued the probation officer recommended the return of the children to the custody of their parents, and also suggested that they be placed on probation for 12 months. The Children's Court found all three children in need of care and made an order in accordance with the recommendation. The following requirements, applicable to the parents only, were inserted in the order of the court :-

- (a) the parents must provide for the children's normal material needs and must on request of the supervising probation officer furnish proof thereof;
- (b) both parents must under all circumstances make proper and approved provision for supervision over and care of their children;
- (c) if the children were exposed to bad outside influences, both parents must take active steps to terminate or prevent such contacts and must indicate on request of the supervising probation officer the steps which had thus been taken;
- (d) both parents must submit themselves to medical, psychiatric or psychological examination or treatment or other prescribed treatment;

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- (e) that the parents shall personally within 14 days report to the supervising probation officer any change of residential address;
  - (f) they shall see to it that the requirements with which the children must comply were observed and that the non-compliance thereof or any new deviating behaviour by any of them was personally, without delay, brought to the notice of the supervising probation officer;
  - (g) the parents shall in consultation with the supervising probation officer take active steps to check or terminate bad habits or deviating behaviour exhibited by the children;
  - (h) the parents must at all times co-operate with the supervising probation officer.

After finalisation of the Children's Court enquiry the supervising probation officer called on the mother and explained to her the contents of the court's order. The principal of the school was also informed of the various requirements applicable to the parents and their children. No further direct or indirect contacts were made with the probationers or their parents. When the parents were interviewed 9 months later for the purpose of completing of this questionnaire, the mother particularly expressed her gratitude for the help received in solving their problems. She reported that she had stopped taking drugs, her health had improved and the relationship between her and her husband was now a happy one. They lived in peace with their neighbours and they had become active members of their church and spiritually they were contented and happy. The children's attendance at school was quite normal and so was their progress. When asked for the reasons for this dramatic change in their lives, the mother said their appearance in the Children's Court and the requirements included in the court's order, made her realise that she had failed in her duties as a mother, and she decided to mend her ways in order to become a good mother to her children and thereby retain their custody.

TABLE NO. 68

32 Reasons given by probation officers for the  
failure of probation treatment, and the frequency  
of such views

<u>Reasons</u>	<u>Frequency</u>
Child retarded and therefore unable to understand requirements	5
Child frequently changed address	1
Child rejected all forms of guidance	2
Child did not co-operate with probation officer	7
Father deceased and mother unable to control child	3
Child rejected his stepfather	3
Father of probationer aggressive towards probation officer	1
Probation officer received no co-operation from parents	3
Father of probationer an alcoholic	8
Father of immoral behaviour	2
Father frequently absent from home	1
Parents unable to control the child	7
Mother has inadequate personality	3
Child absconded from his home	8
Irregular contact with child	6
Child maintained contact with undesirable friends	11
Father deserted his family	3
Mother of child addicted to alcohol	3
Mother of child of low morals	3
Mother abandoned child	5
Father in prison	1
Stepmother not interested in child	1
Both parents deceased and brother unable to control child	1
Father dominating and unsympathetic to the child	1
Child smokes dagga and partakes of liquor	3
Child of immoral behaviour	1
Aged grandparents unable to guide and discipline child	1
Both parents employed and nobody present to supervise child	2
Child mentally disturbed	1
Mother over-protected and spoilt child	1
Father and mother living apart	2
Father did not support his dependants	1
<b>All reasons for failure</b>	<b>101</b>

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The investigating officers were not ignorant of the factors listed above. In some instances the prevailing circumstances were directly responsible for the probation officer's intervention, and, because it was not possible to remove the existing factors, the Children's Court was approached for probation orders. It should have been abundantly clear to the investigating officers that, in the cases where either parent or both parents were addicted to alcohol, other methods of treatment, as provided for in existing legislation, would have been more expedient in dealing with that particular problem. To place the children concerned on probation and then to order the parents to comply with certain requirements, especially concerning their drinking pattern, must be regarded as wishful thinking and not taking cognizance of the factors directly responsible for the child's neglect or his uncontrollability.

Five probationers were regarded as mentally retarded and therefore unable to understand the significance of probation treatment; three mothers had inadequate personalities; and one child was certified as mentally disturbed. These nine persons were all unable to take an active part in the execution of the plan of treatment.

It not infrequently appeared from the reports on the case files that the probation officers who recommended probation treatment were overkeen to keep the family together, and therefore selected cases for probation treatment which should have been excluded from such statutory orders. These disclosures seem further to stress the importance of thorough investigations and the necessity of selecting only suitable candidates for probation treatment. It appears safe to conclude that probation treatment would have produced even more encouraging results had only those cases been selected who could have availed themselves of the opportunities afforded by this method.

CHAPTER IX

PROBATIONERS' ATTITUDES  
TOWARDS PROBATION OFFICERS

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PROBATIONERS' ATTITUDES TOWARDS PROBATION OFFICERS

The attitude of the probationers towards their probation officers was, more or less that of acceptance. Only eight of them intimated that they did not like their probation officer. When asked to explain their reasons for such views, it appeared that the more important grounds were that they disliked the idea of being placed on probation. As a result of their non-acceptance of this kind of treatment they regarded the probation officer's presence as interfering with their private lives. They also rejected the idea of being told how they should behave and what they should or should not do.

The details in respect of the eight probationers are reflected in the next three tables.

TABLE NO. 70

8 Probationers who rejected probation officers,  
classified according to age-group in years and  
results of treatment

<u>Age-group</u>	<u>Results</u>			
	<u>Successes</u>	<u>Partial successes</u>	<u>Failures</u>	<u>All probationers</u>
Under 6	0	0	0	0
6 to 11	0	0	1	1
12 to 14	2	1	1	4
15 to 16	0	2	0	2
Over 16	0	0	1	1
<u>All age-groups</u>	<u>2</u>	<u>3</u>	<u>3</u>	<u>8</u>

TABLE NO. 71

8 Probationers who rejected probation officers,  
classified according to sex and results of treatment

Sex	Results			All pro- bationers
	Successes	Partial successes	Failures	
Male	2	1	2	5
Female	0	2	1	3
Both Sexes	2	3	3	8

TABLE NO. 72

8 Probationers who rejected probation officer  
classified according to sex, sex of supervising probation officer,  
and results of treatment

Sex of proba- tioner	Results					All pro- bationers
	Sex of probation officer Same	Different	Successes	Partial successes	Failures	
Male 1		1	1			1
2		1		1		1
3		1			1	1
4		1			1	1
5		1	1			1
Female 1	1			1		1
2	1			1		1
3	1				1	1
Both Sexes	3	5	2	3	3	8

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Five of the eight probationers who rejected the probation officer as well as the plan of treatment showed some progress at the end of the treatment period. The other three did not benefit from the efforts aimed at their rehabilitation and were listed as failures. It is clear from the reports on the case files that special efforts were made by the probation officers to change the attitudes of the probationers. Such steps met with no success, and eventually it was recommended that they all be transferred to institutions for further treatment.

In the following case the child rejected all authority and guidance. Her removal to an institution was considered but she absconded before this could be effected.

This report concerns a 15 year old girl who is the second eldest child in a family of ten children. The father is a bricklayer and her mother a housewife and they are very poor. Both parents had, however, passed Standard VI at school. They occupied a small house comprising four rooms, one of which was used as kitchen-diningroom, and the others as bedrooms.

In October 1955, eight children were found to be in need of care, and seven were committed to institutions while one was placed in foster care. The father drank excessively and the mother showed very little interest in her family, which resulted in the children's neglect. The condition of the house and the sparse furniture gave the impression of extreme poverty. The marriage of the parents was not very happy resulting in frequent quarrels and desertion by either the father or mother.

Reconstruction services were provided to the parents and because of the favourable reaction to treatment all the children were returned to them after almost four years' absence. This improvement in the parents' behaviour and general attitude towards the children was maintained and 3 years later the children were completely discharged from the provisions of the Children's Act. No further contact was kept with the family.

During 1964, 2 years after the children's discharge from the provisions of the Act, it was reported to the social welfare officer that a 15 year old girl had left home and was staying with her married sister. She was found to be uncontrollable, Her parents took her home but she

absconded again. The assistance of the police was enlisted. She was apprehended and removed to a place of safety and detention. A sworn statement was made by her to the police alleging that her father had made frequent attempts to seduce her.

A full investigation was made of the family's circumstances and it was ascertained that their financial position, conditions of the home, the drinking pattern of the father and the relationship between the parents and between them and the children showed some improvement.

It was ascertained that this particular daughter was of normal intelligence and had made satisfactory progress at school. Her mother, however, complained that she associated with undesirable friends and all efforts on the part of the parents to break the association was unsuccessful. She would not accept guidance from them. Her leaving home was seen as her effort to get away from discipline. A Children's Court enquiry was held and she was found in need of care, returned to the custody of her parents and placed on probation for a period of 12 months. The court ordered that she should attend school regularly; that she must not change her place of abode without the permission of the probation officer; and that she must co-operate with the probation officer at all times. Her parents were ordered to provide for her normal material requirements, maintain proper supervision, report any change of address within 14 days, and also any failure on her part to comply with the requirements applicable to her. They were also ordered to co-operate with the probation officer.

Contact was maintained with the probationer and her family. The parents reported that their daughter attended school regularly and that her behaviour gave no reason for complaint. Only four months after she was placed on probation, the married sister reported that she was smoking dagga, associating with men and visiting hotels in their company and had again absconded from home. She was apprehended and removed to a place of safety and detention from where she absconded 3 weeks later. It was later established that she was in Johannesburg and living with a man. This association continued for two months and only then was she returned to her parents by the man. She and her "fiance" told them that they wanted to get married and her parents immediately consented although they had only known him for a day. The probationer, however, was instantly returned to the place of safety and detention. The parents also withdrew their consent for her to get married. The District Surgeon found her to be pregnant. Three months after her return to the place of safety and

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detention she was returned to her parents in terms of Section 50(1) of the Children's Act. She again absconded from home and all efforts to trace her were unsuccessful.

This probationer was detained in the place of safety and detention for a period of approximately 5 months and had received intensive treatment during this time, but had made no visible progress. The more important reason for the failure of probation treatment in this particular case was her complete rejection of her parents, her unwillingness to accept guidance and discipline, her partaking of alcohol and dagga and her immoral behaviour. It was also suspected that she had returned to her lover in Johannesburg, but all efforts to trace them met with no success.

The research disclosed that 23 probationers did not express a definite evaluation of probation treatment. To them it was immaterial whether the supervising probation officer continued visiting them or whether he stayed away completely. They did not see any actual need for treatment, although they did admit that the probation officer could help them solve some of their problems.

The particulars in respect of these probationers are given in the following three tables :-

TABLE NO. 73

23 Probationers who were vague in expressing an opinion on treatment, classified according to age-group in years and results of treatment

<u>Age-group</u>	<u>Results</u>			<u>All probationers</u>
	<u>Successes</u>	<u>Partial successes</u>	<u>Failures</u>	
Under 6	0	0	0	0
6 to 11	0	2	2	4
12 to 14	2	4	1	7
15 to 16	0	4	1	5
Over 16	1	4	2	7
<u>All age-groups</u>	<u>3</u>	<u>14</u>	<u>6</u>	<u>23</u>

TABLE NO. 74

23 Probationers who were vague in expressing an opinion on treatment classified according to sex and results of treatment

<u>Sex</u>	<u>Results</u>			<u>All probationers</u>
	<u>Successes</u>	<u>Partial successes</u>	<u>Failure</u>	
Male	3	8	3	14
Female	0	6	3	9
<u>Both sexes</u>	<u>3</u>	<u>14</u>	<u>6</u>	<u>23</u>

TABLE NO. 75

23 Probationers who were vague in expressing an opinion on treatment,  
classified according to sex, sex of supervising probation officer,  
and results of treatment

Sex of probationer	Sex of probationer and officer	Results			All probationers
		Success	Part success	Failure	
Male	Same	-	-	-	-
Male	Different	3	8	3	14
Female	Same	-	6	2	8
Female	Different	-	-	1	1
Both Sexes	All probationers	3	14	6	23

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The three tables above show that of the 23 probationers whose attitudes revealed various degrees of indifference towards the method and towards the officers responsible for implementing the plan of treatment, 14 were males and 9 females. It is interesting that only 8 were of the same sex as the probation officer responsible for their treatment. It is also important to note that only 3 of these probationers responded fully to treatment, 14 made some progress, while 6 apparently did not benefit at all. This seems to indicate that, where the co-operation of the children concerned is not spontaneous, some progress in their rehabilitation may, nevertheless, be expected.

It is impossible to say whether the probationer's being of the same sex, as the probation officer (or not) had any direct influence on the prevailing attitudes. Of the 110 probationers dealt with, only 41 were of the same sex as the supervising probation officer. It must, however, be pointed out that, of the 21 probationers who were graded as failures, 14 (or 67%) were not of the same sex as their probation officers. In the case of the 32 probationers who progressed most favourably while under treatment, 23 (or 72%) were not of the same sex as the supervising officer. This seems to indicate that there is no direct relationship between whether or not the probationers are of the same sex as their probation officers, on the one hand, and successes or failures on the other.

The parents of 78 probationers expressed definite opinions on probation treatment. Of this number, 30 were completely in favour of the prescribed treatment, 19 definitely rejected such treatment, and 29 were not sure whether they fully approved or disapproved of the methods used. Those parents who did not approve of probation treatment were asked to state the kind of treatment they regarded as more appropriate. Seventeen suggested the child's removal to an institution, one recommended admission to a boarding school, and another parent preferred psychiatric treatment

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for the particular child. All those parents in favour of their children's removal to institutions reported that they were unable to control and discipline them. They also suggested that the assistance and guidance received from the probation officers did not seem to curb the child's deviate behaviour, and that they had reached the stage where they found it useless to continue any treatment within the family circle. All the children of the 19 parents who disapproved of statutory measures involving probation treatment were graded as complete failures by their probation officers. The parents' reluctance to continue with any rehabilitative measures within the family is mainly due to probationers' attitudes towards their parents and their probation officers, their continued anti-social behaviour, and their apparent reluctance to accept guidance from those interested in their general welfare.

Twenty-nine parents were not sure whether statutory treatment of this kind would prove satisfactory. Most of them agreed that some improvement and progress had been made since they and their children were ordered to comply with specific requirements. The results achieved did not impress them as being favourable or as outstanding. They did, however, suggest that through the continued efforts of all concerned, the progress made would be maintained, and that further improvement was possible.

Some parents held conflicting views on this kind of treatment. Several mothers were completely in favour of the probation officer's plan of treatment, while their husbands either completely or partly rejected the proposed action. It did appear that the mothers who had much closer contact with their children than the fathers (who, as a result of their absence while at work, did not have the same close relationship with their children) were in a better position to notice any change in the child's behaviour. Mothers also more readily accepted and acknowledged the help obtained from sources outside the family circle. They also gave

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credit more freely to the efforts of the probation officers. Some suggested that, had it not been for the help of the supervising officer, things would have deteriorated to a point where the child's removal to an institution would have been unavoidable.

The 29 parents, representing 37.3% of the parents questioned, who were rather undecided or unsure about the effectiveness of such statutory measures, require further consideration. Did they, in actual fact, disapprove of such treatment? Were they really reluctant to express a definite opinion? Were they perhaps not prepared to admit that the problem and its remedy was beyond them? Could it be that they were the defaulters and not prepared to admit it? If any credit was due to the probation officers for the measure of success achieved, were they unwilling to give credit where it was due? Did the parents persist in their anti-social behaviour and the neglect of their children, and in doing so contribute directly towards further deterioration?

It is not possible to give definite answers to these questions. Quite often the parents themselves were directly responsible for their own and their children's appearances in the Children's Court. Some of them tried to make amends for their past failures, others found it impossible to change their lives in any noticeable manner, while some merely persisted in their drinking habits and other malpractices. It is reasonable to expect that parents who, through their misbehaviour, contributed towards their children's appearance in court and who persistently failed in their parental duties would not readily agree that probation requirements were necessary to compel them to mend their ways.

Of the 69 probationers who expressed definite views on this kind of statutory treatment, 22 were emphatic that they did not agree with probation treatment, while the other 47 were convinced that no other method of treatment would have had the same positive

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results. The 22 probationers who disapproved of statutory action expressed mainly two reasons for their views. One group supported the suggestion that such rehabilitative measures were interfering with their lives and that they could not tolerate the idea of being told by someone other than their parent, what they should or should not do. They would not accept the probation officer's advice and guidance.

The probationers in this group generally expressed the opinion that they were entitled to run their own lives the way they thought fit, and suggested that they were able to do so in a manner acceptable to their families and their friends. Twelve probationers may be placed in this group. The other 10 were not in favour of such treatment because the circumstances at home, and more particularly the behaviour and attitude of their parents towards them, had not changed to any noticeable degree. They all said they would prefer to be in an institution. According to them, their admission to an institution would afford them the opportunity of getting away from the frequent fights between their parents, constant drinking, cursing, and swearing. The rehabilitative measures taken by the probation officers in respect of the 22 probationers who had rejected such action met with very slight success. Sixteen were regarded as complete failures, and in respect of the other 6 only negligible improvement was recorded.

Eighteen probationers did not express an opinion. This figure included mainly the children in the under 6 age-group. Definite replies were not really expected from them and they were not pressed for their views.

The number of children who were either unwilling or unable to state their views on probation treatment totalled 23. In some cases it was clear that they did not know what it was all about. They did remember the "uncle" or "auntie"

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visiting their parents from time to time, but they did not think that it concerned them.

The inability of children and parents to understand probation treatment, the unco-operative attitudes of some probationers and parents, and the apparent absence of a sincere desire to improve behaviour patterns and general living conditions are some of the main reasons for the failure of this method of treatment.

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CHAPTER X

SUMMARY OF FINDINGS

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## SUMMARY OF FINDINGS

### 1. The Data of the Research

From the comparative study of legislation dealing with probation in, respectively, the United States of America, Great Britain and South Africa, outlined in the earlier sections of the present work, one important difference in approach stands revealed. Whereas, in England and America only persons who have been convicted of an offence are considered for a probation order (that is to say, an order requiring them to be under the supervision of a probation officer for a period, to be specified in the order, of not less than one year nor more than three years) in South Africa only such children as have been found in need of care by the Children's Court can be placed on probation. In South Africa it is not legally possible for a Criminal Court to place a juvenile offender on probation. It is, however, legally permissible to stop proceedings against a child in a Criminal Court and to convert these proceedings into an inquiry in a Children's Court. Should the Children's Court find the child in need of care, he could be placed on probation for a period not exceeding twelve months.

In England probation is regarded as a method of dealing with offenders, and more particularly juvenile offenders. The method of treatment and supervision developed in probation has been extended, in some countries to persons who are not "offenders" in the legal sense, but who are in danger of becoming offenders through wayward behaviour, neglect, or unfavourable home circumstances, or who are otherwise in need of special care, guidance, or supervision. Strictly speaking, this approach is aimed at the prevention of delinquency and at the social rehabilitation of

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maladjusted persons rather than at the treatment of offenders.

In the United States of America probation is described as a form of treatment in which the probation officer helps an adjudicated delinquent to correct his behaviour and reform his habits while remaining in open society. The Juvenile Court Law provides that in counties with a population in excess of 2,000,000, there shall, in lieu of a county juvenile justice commission, be a probation committee consisting of not less than seven members who shall be appointed by the same authority as that authorised to appoint the probation officer in such county. Probation officers are nominated by the juvenile justice commission or regional juvenile justice commission of the particular county in such manner as the judge of the juvenile court in that county directs, and are then appointed by such judge.

In South Africa all probation officers, of either sex, are appointed by the Minister of Social Welfare and Pensions. A person so appointed is an officer of every Children's Court and every magistrate's court. The functions of probation officers are set out in Section 58 of the Children's Act, No. 33 of 1960. Section 31(2) of this Act provides that children who have been found in need of care and who have been returned to the custody of their parents or guardians, or who have been placed in the custody of a suitable person, may be placed on probation. Section 50(1) of the Act further provides that the Minister may transfer a child or pupil from any institution to which he has lawfully been sent, or from any custody in which or control of supervision under which or probation on which he has lawfully been placed by any authority, to any institution, custody, control, supervision, or probation mentioned in Section 31 of this Act. Section 31(2) of the Children's Act authorises the Children's Court to place a child on probation, and Section 50(1) empowers the Minister to make a similar order in respect of any pupil or child who has previously been dealt with in terms of the Act, and who has as

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yet not been discharged from the provisions of this Act.

The Children's Act, No. 33 of 1960, in fact, contains the only statutory provision for probation treatment in this country. A definite maximum probation period is determined by Section 36(2), which provides that "A child who has, in terms of subsection two of section 31, been placed on probation, shall remain on probation for such a period, not exceeding one year, as the Children's Court or the Minister, as the case may be, may determine in its or his order".

Rule 10(1) of the Regulations framed under the Children's Act makes provision for a number of requirements which may be included in the court's order, and such requirements may be made applicable to the child, or his parent or guardian or foster parent, or both.

From the outset, the present research study clearly revealed the importance of proper selection of suitable candidates for probation treatment and confirmed the opinion that probation officers must be suitably trained and experienced in order that the best possible results may be obtained. With this objective in mind, it is essential that probation officers must :

- (a) be acquainted with the rules and proceedings of the Children's Court;
- (b) know and understand the contents of the Children's Act, No. 33 of 1960, particularly as regards legal requirements;
- (c) understand Departmental policy regarding probation services in general;
- (d) be acquainted with all resources in the community which could assist in and make some contribution towards the implementation of the proposed plan of treatment;

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- (e) have sufficient experience in the field of social work, and knowledge of human nature to select for probation treatment those cases with some positive factors inherent in their make-up and present in their general surroundings; and
  - (f) have all the facts regarding the probationer's general background, environment, relationship with his parents, friends, and other people in the community, mentality, adverse and positive influences, his age, his likes and dislikes, and also the goal he has set for himself in life and the opportunities available in society to achieve this goal.

It is furthermore important for the probation officer to know and understand the circumstances responsible for the child's uncontrollability, or wayward behaviour, and to be informed on all other factors generally accepted as grounds for a Children's Court inquiry. He should be able to establish the causative factors, ascertain the potentialities of the child and its parent, and consider ways and means of utilizing any available positive factors to the advantage of all concerned.

All the probation officers interviewed in the present research were graduates, but many of them had had very little practical experience. Some of them were asked to investigate cases of neglect, uncontrollability, and wayward behaviour after only a few months employment, and from among their investigations, cases for probation treatment were then selected. A number of them stated that if they had had more knowledge and experience of this particular kind of statutory treatment, they would have been much more careful in the selection of cases, which in turn would probably have meant greater success in their treatment. They also admitted having recommended probation treatment where other methods would have been more appropriate. Several probation officers, when interviewed, explained that shortly after commencing employment, they recommended certain children for probation treatment; later, however, they came to realise that their recommendations had not been justified. The research findings

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suggest that probation officers with less than 12 months experience should preferably not be asked to investigate, select, and treat cases where probation treatment is indicated.

For the probation officer, case recording is an important function. In order to produce a professional record of the case, he is compelled to examine, analyse, organise, and co-ordinate his data; the record is thus an aid to clear thinking. It is the means of preserving, in a condensed and manageable form, information which has been sifted, corrected, selected, and co-ordinated. Moreover, the probation officer must interpret the data if he is to make a diagnosis or appraisal.

Most probation officers were well acquainted with case recording from the point of view of producing their own records as well as reading records produced by others. Many accorded case recording the status of an essential function, but others sometimes relegated it to a position of low priority when especially under conditions where other pressing tasks required their attention.

A study of the case files of the 110 probationers included in the research disclosed that probation officers more or less complied with the procedure concerning written reports as stipulated by the Department of Social Welfare and Pensions. The reports, however, lacked two important ingredients. In the first place, there was very little or no indication on the files that the available documents and data were studied before the planning of the investigation. Secondly, most files did not contain a plan of action. It was not always clearly stated in the report why the interview was held with a specific individual and neither was it mentioned why people were contacted in a particular sequence. It was not always possible to determine from the reports and notes on the files whether the probationers were advised of the date, time, and place of the next and subsequent interviews. Some of the visits by the supervising officer must have been unexpected and regarded by the

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probationer as inconvenient because the contacts did not always take place at regular intervals or at set times.

In approximately half of the files scrutinized, no proof could be found that the supervisors of the professional officers had given any directions and guidance regarding the proposed plan of treatment. Most supervisors reported that they had given verbal guidance and instructions to the probation officer concerned. They all readily agreed that such action on their part should have been reflected in the particular case file.

Some supervisors called for progress reports at regular intervals by allocating return dates for this purpose. In most of these cases the period between return dates was approximately three months. Other supervisors allocated return dates based on the progress made by the probationer. Where satisfactory progress had been maintained over a period of months, the second group of supervisors was inclined to set return dates at longer intervals. In cases where no progress was evident or where deterioration had set in, progress reports were called for at shorter intervals. This approach appears to be commendable because it affords the supervisor the opportunity of studying the process and progress reports more frequently and of keeping himself up to date with developments. He can thus help the supervising officer to alter the plan of treatment, as necessitated by changing circumstances.

The Department of Social Welfare and Pensions attaches great importance to regular and comprehensive written reports. A process report is defined by the Department as "the systematized and summarised documentation of the content, circumstances, and climate of a contact or contacts made in connection with the case on the same day and into which the professional opinion and thinking of the professional officer has been worked through and incorporated".

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All case files contained at least one copy of the reports submitted to the Children's Court in respect of each case. The reports contained the factual data, the professional officer's plan of treatment, his reasons for such treatment, and his recommendation. These reports were considered to be of very great assistance to the court and played an important role in helping the court to make an appropriate order. The requirements regarded as necessary for inclusion in the court's order were in all cases appended to all copies of the reports. Only in a few cases did the court add one or two other conditions not included in the list appended to the probation officer's report. These conditions or requirements were included in the order after the presiding Commissioner of Child Welfare had discussed their inclusion with the reporting officer.

On scrutiny of the case files it was observed that the progress reports were by no means regularly submitted to the supervisor on the return dates fixed by him. Only in the minority of cases were such reports available on dates earlier than predetermined. In most cases the files with the required progress reports reached the supervisor many days after the date indicated.

The available reports clearly showed that probation officers were anxious to help the probationers in their care. Whenever a child's behaviour or his general circumstances deteriorated and such information was brought to the attention of the probation officer, steps were taken immediately to deal with the situation. Where probationers and their parents approached their supervising officers for advice and assistance in solving old or new problems, help was given readily. The process and progress reports on the case files contained information on the nature of the assistance asked for, the manner in which it was granted, and the extent to which it was given.

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## 2. Selection, Statistics, and Findings

The probationers in respect of whom the questionnaire was completed were not specially selected for this purpose. The only criterion for selection was the availability of their present addresses. In order to obtain their views, and those of their parents on the effectiveness of probation treatment, it was necessary to question them in person. Special efforts were made to interview all probation officers in connection with the probationers under their supervision. Where this was not possible, the supervisor was approached for his views and suggestions.

Only at Kimberley and Cape Town were probationers younger than seven years subjected to probation orders. The finding of the probation officers in respect of these five children was that probation treatment was only partly successful. No requirements, however, were included in the court orders in respect of these children. Only the parents were required to comply with certain requirements.

A total of 17 children in the age-group 6 to 11 years (13 White and 4 Coloured) were subjected to probation orders. It can safely be assumed that these 17 children plus the 5 in the age-group 6 years and younger could hardly make any substantial contribution towards their rehabilitation. Indeed, they were too young to reach any understanding of the nature and meaning of probation treatment.

The findings prove that there is a definite relation between the number of contacts made by the probation officer with probationers and the results obtained through such contacts.

No general rules exist regarding the frequency and number of contacts to be made with the probationer during the period of supervision, nor the time that should be devoted to each

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contact, nor whether the contacts should occur at regular intervals and at fixed meeting places. These are matters left to the discretion of the supervising probation officer, and the circumstances of each case will to a very large extent indicate the procedure to be followed. It is, however, most necessary that contacts should take place soon after the conclusion of the Children's Court inquiry and that frequent contacts, perhaps once a week, should be made at least during the first three months. This appears to have been the objective of most probation officers. The reasons given by them for not having been able to achieve this were their heavy case loads and pressure of other urgent duties.

Except for a few children whose probation period was 6 months, the rest were all placed on probation for the maximum period of twelve months.

The large number of completely and partly successful cases does seem to prove that probation treatment has its advantages. It also seems to indicate that by using this method of treatment, positive results have been achieved in cases where other statutory methods might not have produced the same number of successes in such a short period. It is, however, not possible to state conclusively what the number of contacts between the supervising officer and his clients should be in order to attain the highest possible achievements.

The number of contacts necessary to produce the maximum lasting results within the shortest possible period, would depend on certain conditions and factors pertaining to the individuals concerned and their general circumstances and environment. The nature of the existing problem, the complexity and causes of such a problem, the personalities and the abilities of the persons involved, their general circumstances, and their sincerity (or otherwise) in helping to find the solution to their problem, as well as their mental ability to make amends, are all important factors to consider when

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an evaluation of the results of this type of treatment is made.

### 3. Attitudes of Probationers towards Probation Officers

The attitude of the probationers towards their probation officers was, more or less, that of acceptance. Only 8 intimated that they did not like their supervising officer. When asked to explain their reasons for such views, it appeared that the more important grounds were that they disliked the idea of being placed on probation. As a result of their non-acceptance of this kind of treatment, they regarded the probation officer's presence and attention as interfering with their private lives. They also disliked the idea of being told how they should behave and what they should or should not do.

Only 2 of these 8 probationers showed some progress at the end of the treatment period. It is clear from the reports on the case files that special efforts were made by the probation officers to change their attitudes. Such steps did not meet with success, and eventually it was recommended that all six be transferred to institutions for further treatment.

The research disclosed that only 12 probationers did not express a definite opinion on probation treatment. They were either too young to form an opinion, or they could not see any actual need for such treatment. Some of the older children did admit that the probation officer could perhaps help them to solve some of their problems. It is important to note that only 2 of these children responded fully to treatment and another 2 made some progress, while 8 did not benefit at all. This seems to indicate that where the co-operation of the children concerned is not spontaneous, hardly any progress should be expected in their rehabilitation.

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#### 4. Views of Parents and Probationers on Probation Treatment

The parents of 78 probationers expressed definite opinions on probation treatment. Thirty were completely in favour of the prescribed treatment, 19 definitely rejected such treatment, and 29 were not sure whether they fully approved or disapproved of the methods used. The parents of 31 probationers were not sure whether statutory measures of this kind would prove satisfactory, and were therefore unwilling to express an opinion. The parents of one child were not available for questioning, although the child himself said that his parents had no objection to the probation officer's visiting him.

Those parents who did not approve of probation treatment were asked to state the kind of treatment they regarded as more appropriate. Seventeen suggested the child's removal to an institution, one recommended admission to a boarding school, and another preferred to have nothing but psychiatric treatment for his child. All those parents in favour of their children's removal to an institution reported that they were unable to control and discipline them. They also suggested that the assistance and guidance received from the probation officers did not seem to curb the child's deviate behaviour, and that they had reached the stage where they found it useless to continue any treatment within the family circle.

Most of the parents who were not prepared to express their views, did agree that some improvement and progress had been made since they and their children were ordered to comply with specific requirements. They did, however, suggest that, through the continued efforts of all concerned, the progress made might be maintained, and that further improvement was possible.

Of the 69 probationers who expressed definite views on this kind of statutory treatment, 22 were emphatic that they did not approve of probation treatment, while the other 47 were

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convinced that no other method would have had the same positive results. The probationers who disapproved of statutory measures expressed mainly two reasons for their views. One group supported the suggestion that such rehabilitative measures were interfering with their private lives and that they could not tolerate the idea of being told by someone other than their parents what they should or should not do. They would not accept the probation officer's advice and guidance. Ten probationers said they were not in favour of such treatment because the circumstances at home, and more particularly the behaviour and attitudes of their parents towards them, had not changed to any noticeable degree. They would all have preferred to be in an institution. According to them, their admission to an institution would afford them the opportunity of getting away from the frequent fights between their parents, and their constant drinking, cursing, and swearing.

Forty-one probationers were either unable or unwilling to express any opinion. In some cases it was clear that they did not know what it was all about. They remembered the "uncle" or "auntie" visiting their parents from time to time, but they did not think that it concerned them.

##### 5. Methods of Treatment

Probation officers assisted probationers in many ways to solve their problems. In the first place the persons concerned had to be convinced that either their general circumstance or their behaviour patterns, or both, were in conflict with the generally accepted norms and that they needed to make certain changes, with a view to conforming to these patterns. Such convincing, guidance, and training demanded a great deal of the probation officer's time, more particularly in those cases where the individuals had become used to their daily practices or where their own efforts to alter circumstances had not met with success. Some of them could not see the necessity of making changes, nor had they

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the desire to do so.

The statistical data undoubtedly show that the parents themselves, more often than the probationers, were responsible for the presence of unacceptable conditions. Therefore the attention of the probation officers was more frequently directed to the rehabilitation of the parents. In 99 instances, parents were encouraged to take a keener interest in their children's general welfare. On a hundred occasions parents had to be persuaded to adopt a more positive approach towards their own and their children's problems, and 89 times parents had to be encouraged to take a more active part in the rehabilitation of the probationer.

These findings indicate that the parents were more often at fault than their children, and in these cases they were responsible for the neglect and/or deviate behaviour of the children concerned. As a result of the failure and negligence on the parents' part, the probation officers were compelled to concentrate more on them. Without the assistance and co-operation of the parents, very little progress in probation treatment was achieved.

#### 6. Attendance at an Attendance Centre as a Specific Requirement

Thirty-one of the 110 probationers dealt with in this research were, in addition to other requirements, also ordered to attend an attendance centre. In the Children's Act, No. 33 of 1960, an attendance centre is described as "any building or place which a child has to attend on the order of a Commissioner to receive guidance and to undergo treatment in order that he may be disciplined, educated, and rehabilitated".

From the figures given in Chapter Five, it would appear that the results obtained in respect of the probationers who were ordered to attend an attendance centre were less favourable than those of the general group. The percentages of successes and

partial successes for those who attended an attendance centre are 36 and 32, compared with 29 and 52 for the general group. The Children's Act, 1960, provides that only children of the age of 14 years and older may be ordered to attend an attendance centre for a total of not more than 48 hours. The probationers in the older age-groups were placed on probation mainly because of their uncontrollability, truancy, association with undesirable friends, and other malpractices such as the use of alcohol and dagga. The fact is that the majority of these probationers did comply with the Children's Court order, and on the whole their attendance was fairly satisfactory. The guidance and training obtained from the probation officers at the attendance centre, coupled with other treatment measures, all contributed towards giving the child a better insight into his problems, and encouraged him to mend his ways. No evidence, however, could be found to substantiate any possible claim that probationers who attended an attendance centre made quicker and more noticeable progress than those who did not attend.

#### 7. Probation Officer's Views on Probation Treatment

The probation officers were specifically asked if they thought that probation treatment was the correct method applied, and if not, what alternative form of treatment they suggested. Their views are mainly as follows :-

<u>Opinion</u>	<u>No. of officers</u>
Probation treatment is the appropriate method	50
Treatment in an institution should be substituted for probation	41
Ordinary supervision should be substituted for probation	19

In 50 of the cases dealt with, the probation officers were convinced that probation treatment was the correct or the best method of statutory treatment. In respect of the

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other 60, they themselves were of the opinion that this particular method of treatment was not quite the correct one. Some of them stated that in certain instances probation treatment was not completely justified, and that it was too drastic a measure for some of the cases dealt with. It was even suggested that, had all the relevant facts been available at the time of the Children's Court inquiry, an entirely different recommendation would have been made. It was also felt by some probation officers that if proper preventive services had been rendered over a reasonable period, such treatment could have prevented any statutory action.

The views and opinions expressed by probation officers clearly indicate that in some cases they either disagreed with their predecessors' having recommended probation or that they themselves formed a different opinion on what the more appropriate form of treatment should be, even in respect of those cases where Children's Court proceedings were initiated by themselves. In some of the cases where probation treatment failed, it was suggested that, had more time been available for intensive and thorough treatment of such cases, the results might have been different.

The findings of this research, and the views expressed by the probation officers, jointly seem to indicate that probation treatment could be much more successful if :

- (a) experienced staff were used for this particular work;
- (b) more thorough and fuller investigations were undertaken before deciding on a plan of treatment;
- (c) only suitable cases were selected for probation;
- (d) rehabilitative treatment were to be provided in respect of the child and his family for a reasonable period, before resorting to legal provisions;
- (e) the case loads were limited to ensure that all clients will receive the attention they need;

- (f) regular and intensive treatment were provided after the court order is made, and
- (g) proper and full use were made of all available resources in the community.

From the reasons put forward by the probation officers for the failure of probation treatment in some cases, it is evident that a moderate number of persons were unable to make a substantial contribution towards the removal of the circumstances responsible for the court order. The main reasons advanced are as follows :-

<u>Reason</u>	<u>No. of Cases</u>
Child retarded and does not understand probation and its implications	5
Father of probationer an alcoholic and cannot solve his own problem	8
Mother of child an alcoholic, which creates further problems	3
Mother abandoned probationer	5
Mother has inadequate personality	3
Father deserted his dependants	3
Father in prison	1
Father and mother living apart	2
Mother of low morals	3
Child mentally disturbed	1
	—
	34
	—

The investigating officers were not ignorant of the factors listed above.

#### 8. Selection of Clients for Probation

Throughout the study the importance of proper selection has been stressed. In order to make the selection of

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suitable clients a success, it is essential that only experienced staff should be used. They should make a thorough investigation of the client and all the factors concerning him and study all such information before deciding on a plan of treatment. The fact that, in the case of 55% of the total number of probationers dealt with, the probation officers themselves concluded that such treatment was incorrect or not completely justified cannot be ignored. This aspect of the probation officer's work undoubtedly requires further serious consideration. The senior and experienced professional staff who act as supervisors should give more attention and assistance to the inexperienced officers in the selection of cases for such statutory treatment. There also appears to be a need for more regular guidance to probation officers on matters concerning the child's treatment within the family unit.

The research revealed that five children under the age of six years and a further 17 younger than 12 years were selected by probation officers for this kind of statutory treatment. These children were definitely unable to participate intelligently and actively in the execution of the accepted plan of treatment. The more experienced probation officers were more cautious in their selection of younger children for such treatment.

In the case of 11 families, children were placed on probation because of the excessive drinking of the father or mother, or both. The abuse of alcohol by them caused the neglect of their children and also directly contributed towards the uncontrollability of their older children. The treatment of these alcoholic parents in terms of Section 15 or 16 or 29 of Act 86 of 1963 (Act on Retreats and Rehabilitation Centres) was clearly indicated. During the interviews with probation officers they admitted that statutory action in terms of this particular Act would have been more appropriate.

These figures emphasize the importance of

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proper selection of cases for probation orders.

### CONCLUSION

The findings clearly indicate that probation as a statutory provision has definite advantages. There is sufficient reason to believe that more encouraging results are possible, provided experienced staff are used for this work, only suitable cases are subjected to probation orders, and treatment is carried out much more intensively. The Department of Social Welfare and Pensions is conscious of discrepancies and shortcomings and is continuously striving to improve matters through the further training of the personnel, and by providing more and better treatment facilities. Probation, as provided for in the Children's Act, 1960, has been implemented in South Africa for the last eight years, and there is reason to believe that it will keep its rightful place alongside other statutory measures aimed at the rehabilitation of children found in need of care.

APPENDICES

APPENDIX APARTICULARS ABOUT A CHILD WHO HAS BEEN PLACED ON PROBATION  
IN TERMS OF SECTION 31(2) OF THE CHILDREN'S ACT NO. 33 OF 1960

1. File No. .....
2. Name of Probationer .....
3. Sex of Probationer:  
     Male .....
- Female .....
4. Race of Probationer:  
     European .....
- Coloured .....
- Asiatic .....
- Bantu .....
5. Language of Probationer:  
     Afrikaans .....
- English .....
- English and Afrikaans .....
- Other (specify) .....
6. Age (in years) of Probationer at time of making the order:  
     6 years and younger .....
- Over 6 but under 12 .....
- Over 12 but under 14 .....
- Over 14 but under 16 .....
- Over 16 but under 18 .....
7. At any time during the period of probation, was the Probationer attending school?  
     Yes .....
- No .....
8. School standard passed by the Probationer at the time of the Court's Order:  
     None .....
- Pre-school .....
- Special class .....

Standard 2 and lower \_\_\_\_\_  
 Standard 3 \_\_\_\_\_  
 Standard 4 \_\_\_\_\_  
 Standard 5 \_\_\_\_\_  
 Standard 6 \_\_\_\_\_  
 Standard 7 \_\_\_\_\_  
 Standard 8 \_\_\_\_\_  
 Standard 9 \_\_\_\_\_  
 Standard 10 \_\_\_\_\_

9. Type of school attended by Probationer at the time of making the order or previously attended:

No school attended \_\_\_\_\_  
 Nursery school \_\_\_\_\_  
 Ordinary school (including private schools) \_\_\_\_\_  
 Ordinary school but in special class \_\_\_\_\_  
 Special school (controlled by Provincial Education) \_\_\_\_\_  
 Special school (controlled by Union Department, e.g. epileptics, blind, deaf) \_\_\_\_\_  
 Technical College \_\_\_\_\_  
 School of Industries \_\_\_\_\_  
 Reformatory \_\_\_\_\_  
 Domestic Science \_\_\_\_\_  
 Other (specify) \_\_\_\_\_

10. I.Q. of Probationer:

Not available \_\_\_\_\_  
 110 and higher (above normal) \_\_\_\_\_  
 90 to 109 \_\_\_\_\_  
 80 to 89 (dull - normal) \_\_\_\_\_  
 70 to 79 (sub-normal) \_\_\_\_\_  
 69 and lower \_\_\_\_\_

11. Occupation of Probationer during probation:

Pre-school \_\_\_\_\_  
 At school \_\_\_\_\_  
 Employed \_\_\_\_\_  
 Unemployed \_\_\_\_\_

12. Place of residence at commencement of probation:

City .....

Town .....

Country .....

Uncertain

13. Grounds for recommendation of probation:

Uncontrollability of child .....

Neglect of child by parent/guardian .....

Uncontrollability and neglect .....

Other (specify) .....

14. Have conditions in terms of Section 31(4) been laid down?

In respect of child only .....

In respect of parent/guardian only .....

In respect of both child and parent/guardian .....

15. Have any of the following requirements been inserted in respect of the child?:

Requirements relative to the child's education, school attendance, employment, place of residence, utilising of leisure, spending or control of earnings and his relationship or association with members of the family or community:

Yes .....

No .....

That he shall abstain from the use of intoxicating liquor, dagga, or other drugs:

Yes .....

No .....

That he shall submit himself to medical, psychiatric, or psychological examination or treatment or any other prescribed treatment:

Yes .....

No .....

That he shall make good, according to his ability, any loss or damage caused by him, or that he should render some suitable community service:

Yes .....

No .....

That he shall at all times co-operate with the probation officer:

Yes .....

No .....

- 16. Have any of the following requirements been inserted in respect of the parent/guardian?:

That the parent or guardian shall provide the child with the necessary material means and that on request of the supervising probation officer proof thereof shall be furnished:

Yes .....

No .....

That the parent or guardian shall hand over, for administration, to a voluntary welfare organization or some other suitable person assigned by the court, the whole or a part of his earnings:

Yes .....

No .....

That the father or mother or guardian shall take up regular employment and that he or she must not in a careless or irresponsible manner lose or change his or her employment:

Yes .....

No .....

- 17. Indicate to what extent the requirements placed on the child have been complied with:

Not complied with .....

Partly complied with .....

Fully complied with .....

No requirements inserted .....

- 18. Indicate whether criminal action in terms of Section 32 has been taken against the child for non-compliance or part compliance with requirements:

Yes .....

No .....

No requirements inserted .....

Full compliance and therefore no action .....

19. Indicate what the outcome of any criminal action taken against the child was:

- Found not guilty \_\_\_\_\_  
 Warned or reprimanded \_\_\_\_\_  
 Fined \_\_\_\_\_  
 Sentenced to corporal punishment \_\_\_\_\_  
 Result unknown \_\_\_\_\_  
 No criminal action taken \_\_\_\_\_  
 No action taken because of compliance with requirements \_\_\_\_\_  
 \_\_\_\_\_

20. What was the original period of probation?

- No period fixed \_\_\_\_\_  
 1 to 3 months \_\_\_\_\_  
 4 to 6 months \_\_\_\_\_  
 7 to 9 months \_\_\_\_\_  
 10 to 12 months \_\_\_\_\_  
 Over 12 months \_\_\_\_\_

21. How many progress reports were submitted?

- None \_\_\_\_\_  
 One \_\_\_\_\_  
 Two \_\_\_\_\_  
 Three \_\_\_\_\_  
 Four \_\_\_\_\_  
 Five \_\_\_\_\_  
 Six \_\_\_\_\_

22. Has the probation order been changed prior to expiration of probation period?

- Changed \_\_\_\_\_  
 Cancelled \_\_\_\_\_  
 Changed and cancelled \_\_\_\_\_  
 Neither changed nor cancelled \_\_\_\_\_

23. Indicate how the order of probation has been changed, prior to expiration of period of probation:

- Order not altered \_\_\_\_\_  
 Probation period extended \_\_\_\_\_

- Requirements altered \_\_\_\_\_  
 Period extended and requirements altered \_\_\_\_\_
24. What was the result of the cancellation of probation?  
 Not cancelled \_\_\_\_\_  
 Discharged from provisions of Act \_\_\_\_\_  
 Removal to institution \_\_\_\_\_  
 Transfer to foster care and supervision \_\_\_\_\_  
 Transfer to custody of parents and supervision \_\_\_\_\_  
 Transfer to custody of guardian and supervision \_\_\_\_\_  
 No change in custody but placed under supervision \_\_\_\_\_
25. Has a report on the expiration of the probation period been submitted to the Commissioner of Child Welfare?  
 Yes \_\_\_\_\_  
 No \_\_\_\_\_  
 If not, why not \_\_\_\_\_
26. How has the probationer been disposed of, after the expiration of the probation period and after the submission of the final report?  
 No final report submitted \_\_\_\_\_  
 Discharged from provisions of the Act \_\_\_\_\_  
 Transfer to institution \_\_\_\_\_  
 Transfer to custody of parents under supervision \_\_\_\_\_  
 Transfer to foster care under supervision \_\_\_\_\_  
 Transfer to custody of guardian and supervision \_\_\_\_\_  
 No change in custody but placed under supervision \_\_\_\_\_
27. Has the probation officer, having recommended probation in this case, remained the supervising probation officer throughout?  
 Yes \_\_\_\_\_  
 No \_\_\_\_\_
28. How many times has the supervising probation officer changed during probation period?  
 No change \_\_\_\_\_  
 Once \_\_\_\_\_  
 Twice \_\_\_\_\_

Three times \_\_\_\_\_

Four times \_\_\_\_\_

Five times and more \_\_\_\_\_

29. Has the supervising probation officer been of the same sex as the Probationer throughout?

Yes \_\_\_\_\_

No \_\_\_\_\_

30. How many contacts have been made with Probationer during period of probation?

None \_\_\_\_\_

One \_\_\_\_\_

Two \_\_\_\_\_

Three \_\_\_\_\_

Four \_\_\_\_\_

Five \_\_\_\_\_

Six \_\_\_\_\_

Seven \_\_\_\_\_

Eight \_\_\_\_\_

Nine \_\_\_\_\_

Ten or more \_\_\_\_\_

31. What was the extent of any interruptions in the contacts?

No interruptions \_\_\_\_\_

Interruption of 1 week \_\_\_\_\_

Interruption of 2 weeks \_\_\_\_\_

Interruption of 3 weeks \_\_\_\_\_

Interruption of 4 weeks and longer \_\_\_\_\_

32. Reasons for interruptions:

Change of probation officer:

Yes \_\_\_\_\_

No \_\_\_\_\_

Probation officer absent:

Yes \_\_\_\_\_

No \_\_\_\_\_

Pressure of work:

Yes .....

No .....

Probationer changed address:

Yes .....

No .....

Probationer required less attention:

Yes .....

No .....

Other reasons:

Yes .....

No .....

State such reasons .....

33. What is the Probationer's opinion, if any, of probation treatment?

- (a) Has he expressed a definite, vague, or no opinion.
- (b) Give his reason(s) for rejecting this kind of treatment.
- (c) If he approves or favours this form of treatment, state his reasons.
- (d) What alternative form of treatment does the Probationer suggest.

34. What is the parent's/guardian's opinion of probation treatment?

- (a) Has he expressed a definite, vague, or no opinion.
- (b) Why does the parent/guardian reject or condemn this kind of treatment.
- (c) Why does the parent/guardian approve of this form of treatment.
- (d) What alternative form of treatment does the parent/guardian suggest.
- (e) His/her reason(s) for such suggestions.

35. Probationer's attitude towards probation officer:

- (a) Acceptance.
- (b) Rejection.
- (c) Indifference.

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36. Parent/guardian's attitude towards probation officer:
- (a) Acceptance.
  - (b) Rejection.
  - (c) Indifference.
37. What were the method(s) of treatment used by the probation officer?
- (a) Discussions with Probationer at his home.
  - (b) Interviews with Probationer's headmaster or class teacher.
  - (c) Interviews with Probationer's employers.
  - (d) Interviews with Probationer's relatives or friends.
  - (e) Interviews with Probationer's clergy.
  - (f) Interviews with club or group leaders.
  - (g) Interviews with police.
  - (h) Discussions with other social workers.
  - (i) Interviews with other persons: specify.
38. What form of assistance or guidance did the Probationer receive from the probation officer?
- (a) Obtained his/her admission/re-admission to school.
  - (b) Obtained employment/alternative employment for him/her
    - (i) Once.
    - (ii) More often.
  - (c) Assisted Probationer's parents/guardian to better their financial position.
  - (d) Assisted Probationer's parents/guardian to find more suitable accommodation.
  - (e) Educated Probationer to accept discipline and guidance from his/her parents/guardian.
  - (f) Influenced Probationer's parents/guardian to take a keener interest in his/her education, upbringing, and leisure time activities.
  - (g) Persuaded Probationer to sever contact with undesirable friends.
  - (h) Persuaded Probationer's parents/guardian not to use alcohol excessively.
  - (i) Encouraged Probationer and parents/guardian to attend church services more frequently.
  - (j) Encouraged Probationer and parents/guardian to raise their standard of living.

- (k) Persuaded Probationer and parents/guardian to adopt a more positive approach towards their problems.
- (l) Persuaded parents/guardian to take an active part in the Probationer's rehabilitation.
39. Indicate how the requirements placed on the parents have been complied with by them:
- No requirements inserted .....
- Not complied with .....
- Partly complied with .....
- Fully complied with .....
40. State whether criminal action has been taken against parent/guardian for failure to comply with or only part compliance with requirements:
- Yes .....
- No .....
- No requirements inserted .....
- Full compliance therefore no action .....
41. What was the result of any criminal action taken against the parent/guardian?
- Found not guilty .....
- Sentenced to a fine .....
- Sentenced to imprisonment .....
- Result of case unknown .....
- No criminal action taken .....
- No action necessary as requirements complied with .....
42. Other children in the family placed on probation during the same period as this Probationer:
- None .....
- One child .....
- Two children .....
- Three children .....
- Four children .....
- Five children and more .....
43. Probation officer's views on the effectiveness or otherwise of probation treatment:
- (a) Do you regard probation treatment as an effective

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method of treatment?

- (b) State your reason(s).
- (c) Do you regard probation treatment as an ineffective method of treatment.
- (d) State your reason(s).
- (e) Give your reason(s) for the success achieved with probation treatments in this case.
- (f) Give your reason(s) for the failure of probation treatment in this case.
- (g) What other form of treatment would you recommend as more appropriate in this particular case?

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APPENDIX BREGIONAL AREAS AND THEIR BRANCH OFFICES VISITED  
FOR THE PURPOSE OF COMPLETING QUESTIONNAIRESRegional OfficesBranch Offices

Pretoria

Pietersburg  
Rustenburg  
Witbank

Johannesburg

Klerksdorp  
Krugersdorp  
Potchefstroom

Germiston

Benoni  
Ermelo  
Springs  
Vereeniging

Kimberley

Upington  
De Aar

Cape Town

Bellville  
Paarl  
Riversdale  
Worcester

APPENDIX CMAGISTERIAL DISTRICTS IN EACH OF THE REGIONAL  
AREAS VISITEDRegional Office and  
Magisterial DistrictsPRETORIA

Pretoria  
 Brits  
 Bronkhorstspuit  
 Groblersdal  
 Warmbad

JOHANNESBURG

Johannesburg

Branch Office and  
Magisterial DistrictsWITBANK

Witbank  
 Barberton  
 Belfast  
 Lydenburg  
 Middelburg  
 Nelspruit  
 Pelgrimsrust  
 Waterval Boven

PIETERSBURG

Pietersburg  
 Letabe  
 Potgietersrust  
 Sibasa  
 Zoutpansberg

RUSTENBURG

Rustenburg  
 Koster  
 Marico  
 Swartruggens  
 Thabazimbi  
 Waterberg

KLERKSDORP

Bloemhof  
 Christiana  
 Delareyville  
 Lichtenburg  
 Mafeking  
 Schweizer-Reneke  
 Wolmaransstad

KRUGERSDORP

Krugersdorp  
 Oberholzer  
 Randfontein  
 Roodepoort

Regional Office and  
Magisterial Districts

GERMISTON

Germiston  
Alberton  
Boksburg  
Kempton Park

KIMBERLEY

Kimberley  
Barkly West  
Boshof  
Hay  
Herbert  
Hopetown  
Jacobsdal  
Kuruman  
Postmasburg  
Taungs  
Vryburg  
Warrenton

Branch Office and  
Magisterial Districts

POTCHEFSTROOM

Potchefstroom  
Ventersdorp

BENONI

Benoni

ERMELO

Ermelo  
Amersfoort  
Bethal  
Carolina  
Piet Retief  
Standerton  
Volksrust  
Wakkerstroom

SPRINGS

Springs  
Balfour  
Brakpan  
Delmas  
Heidelberg  
Nigel

VEREENIGING

Vereeniging  
Sasolburg  
Vanderbylpark

DE AAR

De Aar  
Britstown  
Colesberg  
Hanover  
Naauwpoort  
Philipstown  
Richmond  
Victoria West

UPINGTON

Upington  
Gordonia  
Kenhardt  
Prieska

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Regional Office and  
Magisterial Districts

CAPE TOWN

Cape Town  
Simonstown  
Wynberg

Branch Office and  
Magisterial Districts

BELLVILLE

Bellville  
Kuilsrivier

PAARL

Paarl  
Caledon  
Somerset West  
Stellenbosch  
Wellington

RIVERSDALE

Riversdale  
Bredasdorp  
Heidelberg  
Ladismith  
Swellendam

WORCESTER

Worcester  
Beaufort West  
Carnarvon  
Ceres  
Fraserburg  
Laingsburg  
Montagu  
Sutherland  
Tulbagh  
Williston

APPENDIX DTHE PROFESSIONAL STAFF AND CASE LOADS AS AT 1ST DECEMBER 1968,  
OF ALL REGIONAL OFFICES AND BRANCH OFFICES VISITED

<u>Regional</u> <u>Office</u>	<u>Branch</u> <u>Office</u>	<u>Professional</u> <u>Staff</u>	<u>Case</u> <u>Load</u>
Pretoria		10	780
	Pietersburg	1	63
	Rustenburg	1	96
	Witbank	2	147
<hr/>			
Regional and Branch Offices		14	1,086
<hr/>			
Johannesburg		18	1,520
	Klerksdorp	2	254
	Krugersdorp	6	380
	Potchefstroom	1	86
<hr/>			
Regional and Branch Offices		27	2,240
<hr/>			
Germiston		7	429
	Benoni	2	100
	Ermelo	1	65
	Springs	4	298
	Vereeniging	3	316
<hr/>			
Regional and Branch Offices		17	1,208
<hr/>			
Kimberley		3	426
	De Aar	2	134
	Upington	2	207
<hr/>			
Regional and Branch Offices		7	767
<hr/>			
Cape Town		7	783
	Bellville	4	297
	Paarl	4	335
	Riversdale	1	59
	Worcester	2	152
<hr/>			
Regional and Branch Offices		18	1,626
<hr/>			

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APPENDIX ETHE TABLES IN THE TEXT

<u>Chapter</u>	<u>Tables</u>
V	1 - 59
VII	60 - 65
VIII	66 - 69
IX	70 - 75

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APPENDIX F

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APPENDIX GSCHEDULE RECORDING RESULTS OF CONTACTS BETWEEN  
PROBATIONERS AND PROBATION OFFICERS

<u>Probationer's Number</u>	<u>Age in Years</u>	<u>Sex</u>	<u>Number of Contacts</u>	<u>Maximum Interval in Weeks between Contacts</u>	<u>Suc- cesses</u>	<u>Partial Suc- cesses</u>	<u>Fail- ures</u>
1	Under 6	M	9	20	-	1	-
2	"	M	9	20	-	1	-
3	"	M	9	20	-	1	-
4	"	F	10	20	-	1	-
5	"	M	10	20	-	1	-
6	6 to 11	M	7	3	-	-	1
7	"	M	7	3	-	-	1
8	"	M	9	20	-	1	-
9	"	M	9	20	-	1	-
10	"	M	9	20	-	1	-
11	"	F	9	20	-	1	-
12	"	M	10	20	-	1	-
13	"	M	10	20	-	1	-
14	"	F	10	20	-	1	-
15	"	M	15	18	-	1	-
16	"	M	4	24	1	-	-
17	"	M	7	18	-	-	1
18	"	M	4	15	1	-	-
19	"	M	3	26	-	1	-
20	"	F	0	52	-	1	-
21	"	M	0	52	-	1	-
22	"	M	11	8	-	-	1
23	12 to 14	M	1	8	1	-	-
24	"	M	2	32	-	1	-
25	"	F	0	52	-	1	-
26	"	M	3	11	-	1	-
27	"	M	7	16	-	1	-
28	"	M	3	3	-	1	-
29	"	M	10	20	-	1	-

<u>Probationer's Number</u>	<u>Age in Years</u>	<u>Sex</u>	<u>Number of Contacts</u>	<u>Maximum Interval in Weeks between Contacts</u>	<u>Suc- cesses</u>	<u>Partial Suc- cesses</u>	<u>Fail- ures</u>
30	12 to 14	M	0	52	-	-	1
31	"	F	3	11	-	1	-
32	"	M	1	22	-	-	1
33	"	F	0	52	-	1	-
34	"	M	10	6	1	-	-
35	"	M	11	8	-	-	1
36	"	M	23	2	1	-	-
37	"	M	2	28	-	1	-
38	"	M	7	7	1	-	-
39	"	M	5	6	1	-	-
40	"	F	0	38	-	1	-
41	15 to 16	F	5	6	-	1	-
42	"	M	1	52	1	-	-
43	"	F	6	32	-	1	-
44	"	M	15	18	-	1	-
45	"	M	4	16	1	-	-
46	"	M	3	8	-	1	-
47	"	M	6	8	-	1	-
48	"	F	8	24	1	-	-
49	"	F	7	24	-	1	-
50	"	M	6	16	-	-	1
51	"	F	3	18	1	-	-
52	"	M	6	10	-	-	1
53	"	F	4	10	1	-	-
54	"	F	18	10	-	-	1
55	"	F	6	8	-	1	-
56	"	F	1	12	1	-	-
57	"	F	5	8	-	1	-
58	"	F	6	14	-	1	-
59	"	F	8	6	-	1	-
60	"	F	9	12	-	1	-
61	"	F	5	12	1	-	-
62	"	M	7	6	1	-	-

<u>Probationer's Number</u>	<u>Age in Years</u>	<u>Sex</u>	<u>Number of Contacts</u>	<u>Maximum Interval in Weeks between Contacts</u>	<u>Results</u>		
					<u>Suc- cesses</u>	<u>Partial Suc- cesses</u>	<u>Fail- ures</u>
63	15 to 16	M	7	6	1	-	-
64	"	F	3	17	1	-	-
65	"	F	2	14	-	1	-
66	"	F	7	6	-	1	-
67	"	F	12	5	-	1	-
68	"	F	16	4	1	-	-
69	"	F	3	18	1	-	-
70	"	M	5	9	-	1	-
71	"	M	10	18	1	-	-
72	"	M	10	8	-	-	1
73	"	M	9	6	1	-	-
74	"	M	10	5	1	-	-
75	"	M	8	6	-	1	-
76	"	M	4	8	1	-	-
77	Over 16	M	19	4	-	-	1
78	"	M	3	28	1	-	-
79	"	M	7	6	-	-	1
80	"	F	4	26	-	1	-
81	"	F	15	18	-	1	-
82	"	F	7	8	-	1	-
83	"	F	2	20	-	1	-
84	"	F	7	5	1	-	-
85	"	M	6	25	-	1	-
86	"	F	0	52	-	-	1
87	"	F	0	52	-	-	1
88	"	F	2	20	-	-	1
89	"	F	3	36	-	-	1
90	"	F	2	6	-	-	1
91	"	M	7	6	-	1	-
92	"	M	10	6	1	-	-
93	"	F	5	10	-	1	-
94	"	F	5	24	-	1	-
95	"	F	14	4	1	-	-
96	"	F	7	7	1	-	-
97	"	F	3	20	-	-	1

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<u>Probationer's Number</u>	<u>Age in Years</u>	<u>Sex</u>	<u>Number of Contacts</u>	<u>Maximum Interval in Weeks between Contacts</u>	<u>Results</u>		
					<u>Suc- cesses</u>	<u>Partial Suc- cesses</u>	<u>Fail- ures</u>
98	Over 16	F	12	8	-	1	-
99	"	F	2	32	-	1	-
100	"	F	26	2	-	-	1
101	"	F	12	4	-	1	-
102	"	F	13	3	-	-	1
103	"	M	7	6	1	-	-
104	"	M	8	6	-	1	-
105	"	M	11	5	-	1	-
106	"	M	8	6	1	-	-
107	"	M	26	2	1	-	-
108	"	F	9	9	-	1	-
109	"	F	9	9	-	1	-
110	"	M	10	10	1	-	-

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 ANNEXURE H

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