



An Exploratory study on the perceptions of former divertees on the factors that contributed to their non-compliance with diversion orders in the Central Karoo (Western Cape, South Africa).

By

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COMPULSORY DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people, has been attributed and has been cited and referenced.

Signature

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ABSTRACT

Non-compliance with court diversion orders by child divertees remain a challenge within the child justice system in South Africa. The overall aim of the study was to explore the perceptions of former divertees regarding the factors that contributed to their non-compliance with diversion orders. Qualitative research approach and a purposive sampling technique were adopted. Non-probability sampling was utilised to draw purposive sampling. Semi-structured one-to-one interviews were used as the method of data collection. There were 15 male participants between the ages of 15 and 21 years who represented the dominant gender type diverted in the rural courts of the Central Karoo.

The study showed children diverted had a basic understanding of what diversion entails and the consequences for failing to comply with the diversion court orders. However, economic challenges in households played a significant role in non-compliance with diversion orders as some divertees chose temporary job opportunities over diversion programme attendance. Furthermore, the study revealed that diversion programmes do not offer food, and this affected their concentration level and hindered full participation to benefit from diversion opportunities. Another factor that contributes to non-compliance with diversion orders is a non-supportive child justice system. Courts showed inconsistency in the management of diversion, as some courts do act on non-compliance with diversion orders whilst others do not. Lack of proper support and monitoring by both probation officers and parents put divertees at risk of non-compliance with diversion orders. However, some divertees defied their diversion orders by not attending programmes. Association with older friends and smoking dagga for a greater part of their day put further risk on successful completion of diversion programmes.

To encourage full diversion programme attendance, it is recommended that diversion service providers provide food for the divertees before the start of each session. Effective monitoring and follow-up of diversion programmes by probation officers are important to ensure compliance. Furthermore, to achieve long-term behavioural change and minimise the chances that divertees abandon diversion, it is recommended that diversion sessions include different facilitation methods such as physical activities to keep the divertees interest in attending.

DEDICATION

This thesis is dedicated to the child and young offenders in the Central Karoo, Western Cape Province, who voluntarily participated in this research and to their probation officers and assistant probation officers who assisted me in the selection of the study sample. You made it possible for me to use my years of social work practice in the field of probation services, to academically contribute to research to aid children in conflict with the law. I could not have asked God for a better way to end my career as a probation officer in the Central Karoo in this privileged manner. Thank you, God, for seeing me through this journey, in Your service.

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CLARIFICATION OF CONCEPTS

Concepts are clarified in the context in which they are operationalised in the study:

Central Karoo refers to three rural towns, namely Beaufort West, Laingsburg and Prince Albert in the Western Cape (South Africa).

Diversion refers to “the process where a child under the age of 18 years who has committed a crime where enough evidence is available to prosecute is referred away from formal court proceedings to informal legal procedures” (Gxubane, 2014:242).

Divertee refers to a child under the age of 18 years who has committed a crime and was ordered by the court to attend a diversion programme.

Diversion programme refers to community-based, therapeutic and life skills sessions as well as community services used as diversion options in the Central Karoo that is facilitated by the probation officer or assistant probation officer.

Form 6 refers to a diversion order issued by the court to compel the divertee to attend a diversion programme as prescribed in the Child Justice Act 2008.

Form 9 refers to the report as prescribed by the Child Justice Act 2008, to be completed by the probation officer or an assistant probation officer to inform the court on whether the divertee was compliant or non-compliant with the diversion order.

Non-compliance of diversion refers to a process whereby a divertee fails to attend and/or drops out of the diversion programme without informing the probation officer or the assistant probation officer in charge.

Non-compliance with diversion order refers to not adhering to the diversion options as issued on Form 6

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CHAPTER ONE

ORIENTATION AND BACKGROUND OF THE STUDY

1.1 INTRODUCTION

This study focuses on community services and community-based life skills and therapeutic diversion programmes facilitated by probation officers (POs) or assistant probation officers (APOs) employed by the Western Cape Government, Department of Social Development (DSD) based in the Central Karoo. Mostly Coloured and Xhosa boys are referred to these community services and diversion programmes. The Central Karoo has predominantly Afrikaans speaking residents.

The Constitution of the Republic of South Africa (1996) and the Child Justice Act No.75 of 2008 (CJA) brought a transformed legal process in the management of children arrested for criminal offences (Hargovan, 2013). The principal objective of the CJA is to divert eligible child offenders who are under the age of 18 in cases where there is enough evidence to prosecute, away from formal court procedures to suitable diversion programmes (Hargovan, 2013; Gxubane, 2014). However, the divertees' non-compliance with diversion orders remains a big concern which was noted by the provincial Department of Social Development (2017). It seems as if divertees in the rural areas show the likelihood to drop out of diversion programmes and that children generally show no interest to attend programmes during holiday periods (Department of Social Development, 2017).

This research report comprises five chapters. Chapter one introduces the thesis, the second chapter presents the literature review conducted on the study focus area, followed by chapter three, which presents the methodology and research design that the study used. Chapter four presents the findings of the study and is followed by the main conclusions and recommendations presented in chapter five. This chapter presents the statement of the problem, the rationale and significance as well as the overall aim and specific objectives of the study. It further presents the main research questions and ethical considerations of the study.

1.2 STATEMENT OF THE PROBLEM

Hernon and Schwartz (2007) cited in Miles (2019:2) defines a problem statement as one that is written clearly and precisely, identifies what was studied, demarcating the boundaries of the study, identifies some generalizability and justifies the benefits and importance of the study. The definition furthermore includes the identification of an overarching question and key factors (Miles, 2019).

The central problem researched was non-compliance with diversion orders as perceived by former divertees in the Central Karoo, Western Cape Province, South Africa. As a basis to non-compliance with the diversion orders, this research identified the problem to be threefold. The first issue identified was internal and external risk factors in the living environment of the child offender. The second issue was limitations in the capacity of the staff responsible who render diversion services. Lastly, the failure of courts to apply section 58 of the CJA on children who are non-compliant with diversion orders and how it compromises diversion services. These issues are comprehensively discussed in Chapter Four of the report.

The South African Institute for Crime Prevention and Reintegration of Offenders (NICRO) nationally diverted 2 321 child offenders in the 2016/2017 financial year and reported a 15% success rate (NICRO, 2017:5). This was significantly less than the success statistics of the Department of Social Development (DSD), Western Cape Province. The actual number of children referred to diversion by DSD in 2016/2017 was 3 460 of which 1 970 were compliant and 1 490 were non-compliant with diversion orders (Department of Social Development, 2017). These numbers relate to non-financial statistical data 2015/2016 to 2017/2018 about a significant increase in non-compliance with diversion orders in the Central Karoo (Department of Social Development, 2018). This data shows that 62 out of the 158 divertees (more than a third) did not comply with the conditions and requirements of the diversion orders (Department of Social Development, 2018). Diversion nationally contributed to 30% of the preliminary inquiry outcomes in 2017/2018 as well as in 2018/2019 (Department of Justice and Constitutional Development, 2019).

Many children do have dreams and want to become for example a teacher, policemen or an entrepreneur working for themselves, but are likely to end up in Child and Youth Care Centres (CYCC), prison or worst, dead living a criminal life if an efficient response to factors contributing to non-compliance of diversion orders are further delayed (NICRO, 2017).

1.3. RATIONALE OF THE STUDY

Before 1994 South Africa as a country had not given many of its children, particularly black children, the opportunity to live and act like children, and also that some children as a result of circumstances in which they find themselves have come into conflict with the law (Child Justice Act, No. 75 of 2008).

The rationale of this study was underpinned by two factors discussed below.

The foundation of the study

Before the commencement of the CJA, the justice system in South Africa had no dedicated legal process to deal with children in conflict with the law (Steyn, 2010). Child offenders were managed within a fragmented system, scattered among different departments and ministries where the focus was primarily to address their pathological behaviour and not to work developmentally on their strengths (Steyn, 2010). The primary focus of probation officers was to provide remedial services to the courts with little to no attention to the long-term best interest of child offenders, the victim and the community (Gxubane, 2012). A developmental approach to social work practice is defined as the practical and appropriate application of knowledge, skills and values to enhance the well-being of individuals, families, groups, organisations and communities in their social context (Patel, 2005, cited in Gxubane, 2012).

The reform of the child justice system was greatly influenced by the White Paper for Social Welfare (1997) and the Inter-Ministerial Committee on Youth at Risk (1998) in shifting the thinking of the criminal justice from a punitive to a restorative approach (Gxubane, 2012). Diversion programmes, prevention and early intervention programmes were proposed as key principles to guide the management of young offenders in the transformed system (Gxubane, 2012). The essence of diversion is to protect the rights of children and to give them a second chance from having a criminal record by including them into suitable rehabilitation programmes to address the root causes of their criminal behaviour (Mujuzi, 2015).

Professional experience in probation practice

Furthermore, the motivation for conducting this study derived from the researcher's passion for child justice practices and her role as a social work supervisor responsible for the administration of child justice services in the management area where the study was conducted. The researcher is employed

in the Department of Social Development, Western Cape Province and is driven to contribute to social policy related to daily probation practices such as to reduce non-compliance with diversion orders.

The researcher observed how the courts responded differently to non-compliance with diversion orders. Some courts required POs to provide feedback reports on prescribed form 9 (see Appendix 2) about children's compliance or non-compliance with diversion orders and to testify on corrective measures taken in cases of non-compliance. Other courts seem to lack care and interest in the diversion as neither the PO nor the non-compliant child is called to court after the submission of form 9, regardless if the child was compliant or non-compliant with the diversion order. A further inconsistency observed was that some courts withdraw cases before children attended community service or the diversion programmes whilst some only do so after the receipt of form 9 given evidence that the child complied with the conditions of the diversion order. These inconsistencies occur despite Section 58(4) of the CJA that provides clear guidelines on how the courts should address non-compliance with diversion if it was due to the divertees' fault.

Therefore, by conducting this study the researcher wanted to contribute to the body of knowledge in the field of child diversion services, with a specific focus of factors that could contribute to children been non-compliance with diversion orders.

1.4. SIGNIFICANCE OF THE STUDY

A concern raised by the Department of Social Development (2017) was the increase in numbers of children who are non-compliant with diversion orders. Children are confronted by many negative influences of caregivers, friends, gangs and access to substances, presented in their risk-taking behaviour and need to be regularly monitored and supported (Kleinhans, 2013). Children who grow up in communities like these have very little options in life with the odds stacked against them (NICRO, 2017). If there is no seriousness about monitoring and supporting children in diversion programmes youth justice service providers are wasting their time in child offender rehabilitation services. Neglecting diversion services is working against the CJA to prevent children from getting a criminal record. Diversion programmes have to be monitored properly and infrastructure to support it needs to be put in place to ensure effective rehabilitation of child offenders.

1.5. OVERALL AIM AND SPECIFIC OBJECTIVES OF THE STUDY

The overall aim of the study was to explore non-compliance with diversion orders amongst former divertees in the Central Karoo (Western Cape) so as to contribute to the body of knowledge in the research topic area. Therefore, 15 divertees who failed to comply with diversion orders were interviewed so as to explore the following:

1. Their understanding of diversion and diversion orders;
2. Their understanding of the consequences of failing to comply with diversion orders;
3. Their perceptions regarding factors that have contributed to their non-compliance with diversion orders; and
4. Their suggestions, if any, regarding what could be helpful, in helping divertees to comply with diversion orders.

1.6. MAIN RESEARCH QUESTIONS

In this study, the following research question was explored in understanding non-compliance with diversion orders by former divertees: What negatively affected the divertees' abilities to comply with diversion orders? The sub-questions below were used on a semi-structured interview schedule to, with in-depth face to face interviews, elicit the perspectives of former divertees in understanding the phenomenon researched:

1. What is the understanding of divertees regarding diversion and diversion orders?
1. What is the understanding of the divertees regarding the consequences of failing to comply with diversion orders?
2. What factors do divertees believe contributed to their failure to comply with the diversion orders?
3. What suggestions the divertees would like to propose, if any, which could promote compliance with diversion orders?

1.7. ETHICAL CONSIDERATIONS

Ethics is defined as conforming to the standards of conduct of a given profession or group (Babbie, 2017:62). It is the responsibility of the researcher, doing social science research, to be aware of the general agreement shared by researchers on what is permitted in conducting scientific research (Babbie, 2017). This study conformed to the ethical norms and standards of research ethics on human subjects in social sciences. The University of Cape Town's ethical clearance was attained

through the Department of Social Development's ethics committee where the student is registered. Additional ethical clearance was obtained from the Western Cape Government, Department of Social Development's research ethics committee, as the study sample was drawn from its client base. The ethics considered for this study are discussed below.

Deception of respondents

Deception of respondents refers to a process whereby participants are deliberately not fully informed about the purpose and nature of the study where the researcher believes that the truthful disclosure could make them refuse to participate in the study (Strydom, 2011). When the prospective participants were met, they were informed that they were identified from the caseloads of the POs for the purpose to obtain their consent to participate in the study. They were assured that the visits had no connection to their previous offences, but that it was for academic purposes. Moreover, they were informed about the aim of the study to collect information from them to gain an understanding of factors that contributed to their non-compliance with diversion orders. The participants were told that the information was not for sharing with the courts and the POs who worked with them. They were also told that their involvement in the study seeks to help prevent future divertees to be non-compliant with diversion orders. Denscombe (2007) states that it is expected of researchers to tell the truth about the nature of their studies and the role of the participant in it.

Voluntary participation

Voluntary participation refers to the decision and awareness of participants that their inputs in the study are voluntarily and without coercion with the freedom to withdraw at any given time without unfavourable consequences (Bhattacharjee, 2012; Wolbransky, Goldstein, Giallela & Heilbrun, 2013). To get wilful participation, the researcher explained that involvement in the study was voluntary and that the participants could withdraw at any given time without any consequences to them. They were told that they have access to the researcher's supervisor on questions they might have about the study. Strydom (2011) asserts that persons should participate voluntarily in research with no force used to get them involved.

Confidentiality

Confidentiality refers to the researcher's assurance to the respondents that the information collected in the study will be used responsibly to protect them from accidental or intentional disclosure or misuse of that (Strydom, 2011). The researcher explained to the participants how the information collected will be used, who will have access to it and how the findings will be written up in the research report (Strydom, 2011). This was done before the participants signed their consent letters. The researcher assured the participants that whatever they shared in the study would not be disclosed to court officials. The importance of confidentiality is that it warrants the safety of the respondents who could be harmed if the information shared is exposed (Baez, 2002).

Informed consent

Informed consent refers to acknowledgement by the participants that they understand the aim of the study, have enough information on the processes which will be followed, understand the risks and benefits they will be exposed to and that they trust the researcher (Strydom, 2011). Three consent letters, one for the guardians of participants under the age of 18 years (see Appendix 3); one for the those younger than 18 years (see Appendix 4); and one for the participants above 18 years of age (see Appendix 5) were developed, explained and provided to be signed (Strydom, 2011). Provision is made in Section 10 of the Children's Act No. 38 of 2005 for minors to participate and to express their views in matters concerning them where the parents' permission relates to the choice of the minor to participate. Where a minor forms part of the research the parent's permission must be sought before the minor is approached, and those who participate should be of such an age of maturity (e.g. over the age of 12 years) and stage of development to express their views in matters concerning them (Human Science Research Council (HSRC) (South Africa), 2010). Though the parents' permission were requested and approved the decision to participate in the study were with the minors. The consent letters are in English and Afrikaans as the divertees, taken from the POs caseloads, are conversant in either of the two languages.

To start the process of obtaining consent, the researcher again informed the participants of what the research was about in a way that they understood. Secondly, they were assured that the study had no connection to their previous criminal offences but to help other children who experience challenges to complete or attend diversion programmes. Furthermore, they were told that individual interviews will be conducted for about 60 to 90 minutes thereafter, it was established whether they were willing to participate in the study. Strydom (2011) states that informed consent

requires of the researcher to ensure that the participants understand what it means to be involved in the study for them to make a knowledgeable decision on whether they want to participate.

Anonymity

Anonymity refers to the researcher's "agreement" not to disclose the identity of participants in the records, in notetaking, conversation or eventual publication (Klaassen, 1983:19). Alias names for the respondents were used in the study to guarantee their anonymity. The findings of the study were written up carefully in the research report given specific attention not to reveal the identity of the participants (Strydom, 2011). They were told that their names would not be mentioned in the study report (Strydom, 2011). Protecting respondents' identity from unintended disclosure to others can be done with coded records such as with the use of aliases (Whelan, 2007).

Avoidance of harm

Avoidance of harm refers to the ethical obligation of the researcher to, within reasonable limits; protect participants from physical and emotional harm such as any physical discomfort that may emerge from the study (Strydom, 2011). The study had the potential to trigger feelings of discomfort in divertees' for not complying with the diversion order. To deal with such feelings, the researcher discussed these feelings of discomfort the participants might have as recognition of the possible impact the study could have on them (Strydom, 2011). The researcher was attentive during the interviews to identify any such feelings and debriefed them after the interviews. Where additional counselling was necessary the participants were referred to relevant stakeholders for counselling. Strydom (2011) states that harm can be minimized if participants are debriefed at the end of the research sessions.

Privacy

Privacy refers to the participants' right to decide when, where, to whom and to what extent their attitudes, beliefs and behaviour will be revealed (Strydom, 2011). Therefore, the researcher protected the participants' privacy and dignity, by conducting the interviews on a date and time that was suitable to them in their homes or other desired venues. The data collected during the study were locked in a filing cabinet for security reasons. It is the researcher's responsibility to protect the participants' privacy and those of the research locations (Christians, 2005).

1.8. CONCLUSION

This chapter presented a comprehensive orientation and background of the study. It outlined a brief statement of the research problem, the rationale and significance as well as the overall aim and specific objectives of the study. It further presented the main research questions and a description of the ethical considerations considered in the research.

The literature review of the study is presented and discussed in the next chapter.

CHAPTER TWO

LITERATURE REVIEW

2.1. INTRODUCTION

This chapter presents the theoretical frameworks that underpinned the study and briefly discuss policy and legislation relevant to the research focus area. Factors that contributed to non-compliance with diversion orders and the disadvantages of non-compliance with diversion orders will be discussed. The chapter will conclude with a discussion of factors helpful in preventing non-compliance with diversion orders.

2.2. THEORETICAL FRAMEWORKS

Theories which are primarily supportive in the development and practice of diversion services include the labelling and differential association theories (Wilson & Hoge, 2012). These theories are discussed below in relation to non-compliance with diversion orders as the focus area of the study.

2.2.1. Labelling theory

The labelling theory claims that once a child is formally adjudicated in a criminal court, it contributes to an increase in future deviance because children often face additional problems as a result of the stigma attached to having a criminal record (Restivo & Lanier, 2014). A criminal record gradually “mortgages” children’s future and later life prospects for proper education and employment (Lieberman, Kirk & Kim, 2014:347). One of the concerning outcomes of non-compliance to diversion is that the case can be referred to court for possible prosecution. Two major theoretical perspectives on how the labeling theory works are, first, been labelled with a conviction as a result of non-compliance with diversion orders, might increase children’s association with delinquent peers, as is discussed in Chapter Four of this study (Downs, Robertson & Harrison, 1997). Secondly, Downs, Robertson and Harrison (1997) state that children could be pushed into a criminal lifestyle as a result of the potential stigma attached to having a criminal record. This study explored, with the help of former divertees to identify factors causing non-compliance with diversion orders and elicited proposed solution from them to positively invests in the life prospects of future divertees, to prevent prosecution.

2.2.2. Differential association theory

Differential association theory claims that unlawful behaviour involves criminal attitudes, motivation and skills learned when a person is exposed to criminal norms rather than prosocial norms (Wilson & Hoge, 2012). The differential association theory further states that if youth are in close and regular contact with people with criminal characteristics such as those likely to be found in the criminal justice system, they might adopt these antisocial ways (Wilson & Hoge, 2012). Non-compliance with diversion orders puts divertees at risk of encountering negative associations within the criminal justice system. Factors such as those discussed in Chapter Four may interfere with successful completion of diversion and with the rehabilitation and reintegration of child offenders (Wong, Bouchard, Gravel, Bouchard & Morselli, 2016). Dembo, Walters, Wareham, Burgos, Schmeidler, Hoge and Underwood (2008) affirmed that deviant peer relations increase the risk of delinquent behaviour and most likely non-compliance with diversion orders. The researcher realized that it is important for practitioners working with child offenders to be knowledgeable about the influence of peer pressure in children's daily life routines to be able to detect and address it early to prevent non-compliance with diversion orders. Peers become important during adolescence and can play both a prosocial and antisocial role in children's functioning (Catalano, 1990). Catalano (1990) asserts that association with antisocial peers may offer access to an antisocial path for children.

2.3. POLICY AND LEGISLATION

2.3.1. International instruments relevant to the aim of the study

There is a wide range of international instruments from the United Nations and other bodies on children's rights, both generally and with specific reference to children in conflict with the law (Kilkelly, 2008). The United Nations Standards Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985) elaborates the provisions of the United Nations Convention on the Right of the Child (CRC, 1989) which is the central children's right instrument and most inclusive legally binding document when dealing with children. The specific importance of these two instruments to the study is discussed below.

*United Nations Standards Minimum Rules for the Administration of Juvenile Justice (1985)
(Beijing Rules)*

The United Nations Standards Minimum Rules for the Administration of Juvenile Justice 1985 (Beijing Rules) adopted by General Assembly resolution 40/30 in November 1985 is acknowledged as the first all-inclusive document for its foundation on effective work in national juvenile justice systems, but also its response to juvenile delinquency and protection of children in these situations (Todorović, 2017). The policy framework of the South African youth justice system was influenced and transformed by international standard-setting instruments (Sloth-Nielsen, 2001). The Beijing Rules (1985) requires State partners to prioritize diverting children as early as possible out of the criminal justice system into sustainable diversion programmes to minimize the need of interference by courts and to lessen the harm that may be caused by such interferences. The aim of the study supports the objective of the Beijing Rules (1985), in inspiring the welfare of child offenders to the greatest possible extent with an emphasis on the importance to address factors that could contribute to children been non-compliant with diversion orders.

United Nations Convention on the Rights of the Child (1989)

The Convention on the Rights of the Child (1989) (CRC) as international treaty promotes the protection of children worldwide creating an environment wherein all children can be helped to their full potential (Davidson, 2014). Chapter 2 of the CRC requires State parties to respect and put measures in place to ensure that the rights of all children within their jurisdiction are upheld with no discrimination of any kind. Diversion services should be done in an environment with no tolerance to the violation of respect and dignity or any form of discrimination against children attended. Hence failure to do so could create grounds for children to abandon diversion programmes and community services sites. Children in diversion should enjoy the right to dignified treatment without discrimination (Art 1), their best interest is paramount during diversion (Art 2) and them having the right to ask (Art 12) to change programmes or community service sites instead of them dropping out if the diversion attended become unbearable (Kilkelly, 2008; Hamilton, 2011).

2.3.2. National legislation and policies relevant to the aim of the study

The Minimum Norms and Standards for Diversion (DSD, 2015) aligns the Constitution of the Republic of South Africa (1996) (hereafter referred to as the Constitution) to diversion services to protect the rights of children on the entrance. The NMSD (2015) guarantees diversion services

that monitor and evaluate children's progress, equal access and executed by trained staff responding to the unique needs of children to support them to be compliant to diversion orders. The South African legislative keystone regarding the rights of children is rooted in section 28 (1) (d) to (g) of the Constitution, protecting children been ill-treated by those they encountered with during diversion or been compromised to take opportunities of employment during the diversion. Similarly, the Child Justice Act (2008) protects child offenders rights in ensuring them not been prosecuted for cases that could be diverted. This legislation and policies are discussed in detail below in relation to the factors contributing to children been non-compliance with diversion orders.

Minimum Norms and Standards for Diversion (2015)

The Minimum Norms and Standards for Diversion (2015) (MNSD) by the National Department of Social Development requires provincial oversight to increase the operational efficiency and effectiveness of accredited diversion services. The MNSD (2015) further requires that all children in diversion receive the same quality of service wherein their rights and interest are protected. Diversion programmes and community services are facilitated in the towns where the children live. However, the Central Karoo is known for the vast distances between the towns where children are diverted and the towns where the diversion service providers are located which could contribute to ineffective and inefficient monitoring of diversion services by probation officers (POs). Deficiency in diversion services infringes divertees' rights to adequate monitoring by POs and assistant probation officers (APOs) as enforced by the CJA. This could contribute to non-compliance with diversion orders. The CJA in Section 55(2) (f) requires that diversion services be structured in such a way that its effectiveness could be measured.

Constitution of the Republic of South Africa, (1996) – Chapter 2: Bill of Rights

The Bill of Rights protects the equality of everyone before the law with the right to equal protection and benefit to the law. Diversion services in the rural towns of the Central Karoo are facilitated predominantly in Afrikaans to cater for the population who are mostly Afrikaans speaking. The role of language barriers in non-compliance with diversion orders will be discussed in Chapter Four. The Bill of Rights binds all legislation and organs of the state to protect everyone, directly or indirectly, against discrimination based on grounds of sexual orientation, race, gender, culture and language.

Basic Conditions of Employment Act No 75 of 1997

The Basic Conditions of Employment Act (1997) guides the labour rights of employees and the duties and responsibilities of employers in South Africa. The South African labour law forbids minors below the age 15 years to work and those older but younger than 18 years are allowed to work only if the job does not risk their safety, schooling or pose a danger to their physical and mental health (Department of Labour, 1997). In Chapter Four, the role that child labour played in non-compliance with diversion orders will be discussed in relation to this legislation.

The Child Justice Act No 75 of 2008

The Child Justice Act (No. 75 of 2008) was established as a criminal justice system to attend to the cases of children arrested for a crime and underpins the values of the South African Constitution (1996) and the international obligations of the country. The regulations under the CJA make provision to divert suitable cases from the formal criminal justice system to appropriate diversion programmes. Section 57 (2) of the CJA states if a divertee fails to comply with the diversion order, the PO or person identified in term of subsection (1) must in writing inform the court about this with a prescribed form 9 (see appendix 2). The CJA deals with non-compliance to diversion orders in two manners:

(i) *Section 57 failure to monitor the divertees' compliance with the diversion order*

If it comes to the attention of the court that the PO or person identified has failed to monitor the divertees' compliance or to inform the court of the divertees' non-compliance with the diversion order, the court must in terms of subsection (3) inquire into the reasons for these failures. If any failure was due to the PO of the person identified employed by the State, the court must notify the appropriate authority to take the necessary disciplinary action. If the person is not employed by the State, the matter must be notified to the Director-General: Social Development.

(ii) *Section 58 failure to comply with the diversion order*

When the court is notified in terms of subsection (1) of the divertee's failure to comply with the diversion order, the court may issue a warrant for the arrest of the divertee or issue a summons in terms of section 19 for the divertee to appear before the court. On the divertee's appearance, the court must in terms of subsection (2) inquire into the reasons for non-compliance to decide whether the failure was due to the divertee's fault. If the court found that the failure was due to the

divertee's fault, it may in terms of subsection (4) proceed with the prosecution, in which case section 49(2) applies and the matter referred to the child justice court. If the case does not go to trial the court may issue an order for another diversion option which can be heavier than the original one. Also, the CJA makes provision to ensure that the rights of child offenders are upheld in the execution of diversion programmes (Mujuzi, 2015). This is specified in the objectives of diversion which will be discussed next.

The objectives of diversion

The essence of diversion is to give child offenders a second chance to prevent them from having a criminal record and to include them in suitable rehabilitation programmes to address the root causes of their criminal behaviour (Mujuzi, 2015). The objectives of diversion are outlined in Chapter 8, Section 51 in the CJA, and requires that suitable cases of diversion;

- (a) should be dealt with outside the formal criminal justice system;
- (b) should encourage the child to take responsibility for the harm caused by his or her offence;
- (c) should meet the unique needs of each child;
- (d) should promote the reintegration of the child into his or her family and community;
- (e) should provide the victims in the offence the opportunity to express their views on the impact the crime had on them;
- (f) should encourage the child offender to make amends to the victim which can be a symbolic benefit or any form of compensation;
- (g) should promote restoring the relationship between the child, the victim and the community;
- (h) should prevent stigmatizing children and protect them against the adverse criminal justice environment;
- (i) should reduce the potential for recidivism;
- (j) prevent the child from having a criminal record, and
- (k) should promote the dignity and well-being of children and develop their self-worth and ability to be good citizens.

To give effect to the objectives of diversion as prescribed, various challenging factors should be addressed such as resources needed and appropriately trained staff to do the work (Department of Social Development, 2018). Hence, travelling long distances remain a challenge for POs which compromise regular visits to monitor and support diversion services as required in section 57 of the CJA, leaving children in diversion on their own (Department of Social Development, 2018).

2.4. FACTORS THAT CONTRIBUTE TO NON-COMPLIANCE WITH DIVERSION ORDERS

The following discussion presents factors found to contribute to non-compliance with diversion orders.

2.4.1. Poverty in household circumstances

Steyn (2010) asserts that South African children, and most likely those diverted, find themselves in environments defined by poverty and unemployed parents. Unemployment is a reality amongst many families in the Central Karoo (Western Cape). The Western Cape Province's Socio-Economic Report of 2018 describes the categories of people vulnerable to poverty as African females; children younger than 17 years of age; people from rural areas and those with no education (Western Cape Government, 2018). The report further states the inequality within the Central Karoo District as lower than the Western Cape as a whole (Western Cape Government, 2018). These factors corroborate with the South African context which is faced with enormous poverty in the various communities where children live (Dawes & van der Merwe, 2004) and are discussed comprehensively in Chapter Four. De Beus and Rodriguez (2007) confirmed that poverty at the community level plays a major role in programme non-completion.

2.4.2. Low-income in families

Dawes and van der Merwe (2004) also found that low household income contributes substantially to non-compliance with diversion orders. Low-income families are not able to afford clothing and basic hygiene and personal grooming products which most people take for granted and this could hinder the attendance of diversion programmes. Keogan (2013) found that clothing influences how individuals perceived themselves and how they are perceived by others, with individuals often making judgements concerning people's social worth or status based on what they wear as conferred in Chapter Four as a reason for not attending diversion programmes.

2.4.3. No provision of food to diversion attendees

Poverty is a reality that many people from disadvantaged economic backgrounds battle with daily (Rodriguez, 2013). De Beus and Rodriguez (2007) note children from marginalized communities are less likely to complete programmes. Deliberations in Chapter Four highlight the relevance of hunger in diversion non-compliance. Unemployment is a common reality amongst many families in the Central Karoo (Western Cape) and it is a reality that children 17 years and younger are

among those most vulnerable to poverty (Western Cape Government, 2018).

2.5. DISADVANTAGES OF NON-COMPLIANCE WITH DIVERSION ORDERS

This section will look at what has been found as a disadvantage if children do not complete diversion programmes according to literature.

2.5.1. Non-completion with diversion programmes and reoffending behaviour

Non-completion of diversion programmes has been recognized as a significant contributor to reoffending behaviour as children who completed diversion, one year after completion, had fewer arrest as those who didn't (Dembo, Walters, Wareham, Burgos, Schmeidler, Hoge & Underwood, 2008). Wilson and Hoge (2012) assessed the effectiveness of the Ottawa community youth diversion programme by matching children diverted with a group of youth sentenced to a period of probation. Wilson and Hoge (2012) found that those youth who did not complete diversion showed a higher risk to re-offend than those youth on probation. In South Africa, most diversion cases are pre-trial referrals and consequently no conviction which makes it difficult to trace reoffending through official records (Muntingh, 2001).

2.5.2. Been referred to a Child and Youth Care Centre

Rodriquez (2013) and Hansungule (2018) state CYCCs as one of the most severe decisions for child offenders, though it is viewed by courts as last option to rehabilitation and most appropriate sanction for non-compliance with diversion orders. The reality seems far from it. A quality assurance investigation by Hansungule (2018) found a few CYCC's therapeutic, recreational, developmental and spiritual programmes as not structured and implemented by staff who act with no interest to work with children. The author further views staff not fit to work with children due to the lack of training while working in CYCCs requires specialized skills (Hansungule, 2018). The outcomes of CYCCs for children are equally to what prison has on adults with huge difficulty to reintegrate them back into the family and the community after detention (Rodriquez, 2013).

2.5.3. Sentenced to imprisonment

Cases wherein minors are alleged to be serious offenders or for those to whom treatment in the juvenile justice system has been unsuccessful, at times are sentenced to youth prisons (Bechtold & Cauffman, 2013). However, Bechtold and Cauffman (2013) noted imprisonment has no deterrent value but rather may increase criminal behaviour. Offending youth can successfully be

helped in community-based services to address the root causes of criminal behaviour with opportunities for them to turn their lives around rather than been send to prison (NICRO, 2017). Continuous lobbying for policy and practice changes for reintegration as alternatives to incarceration as a sanction for non-compliance with diversion orders is needed (NICRO, 2017).

2.6. FACTORS HELPFUL IN PREVENTING NON-COMPLIANCE WITH DIVERSION ORDERS

An integrated and all-inclusive approach to effective diversion management could be helpful to prevent non-compliance with diversion orders. The role of courts, probation officers and family in helping children to complete diversion programmes is vital and could be achieved in the following manner:

2.6.1. Structured diversion management by the court

The supervision of the diversion order issued in terms of Section 57(2) of the CJA is the joint responsibility of the parent or guardian, the PO and the accredited diversion service provider (Abdullah & Goliath, 2015). Courts should support a well-managed and regulated handover between departments with regards to children in conflict with the law (Department of Justice and Constitutional Development, 2010). Consequences with regards to the failure of courts to manage diversion effective are comprehensively discussed in Chapter Four. The diversion order (see Appendix 1) issued in a preliminary inquiry and form 9 (see Appendix 2) are good practices of an efficient handover of cases diverted between the courts and the POs.

2.6.2. Structured diversion management by probation officers

Children are often anxious at the first assessment when recommendations to divert them are made and may give limited information which can lead to misdirecting them to diversion options not suitable to their needs (Department of Social Development, 2016). Dawes and van der Merwe (2004) suggest that every child referred to diversion must be comprehensively assessed before a referral is made. Mismanagement of child offenders could have grave consequences for them as that could result in them been non-compliant with diversion orders (Department of Social Development, 2016). POs should promote innovative and sustainable youth entrepreneurship programmes in diversion by using social development theory and practice, harmonising social development with economic development to promote the social inclusion of young offenders (Gxubane, 2019a).

2.6.3. Structured diversion management by parents

Parents of children in diversion need to admit the level of children's struggle to progress in therapy and be patient and helpful in the management of difficult behaviour (Dreyer, 2011). To increase motivation in attendance and to promote compliance with diversion orders by children, facilitators should invest in creative methods such as play therapy in diversion facilitation (Thompson, Bender, Cardoso & Flynn, 2010). Play therapy facilitates experiential activities consistent with the family's communication style, helping them to develop new interaction patterns to use outside the therapeutic session that could support diversion compliance (Thompson et al., 2010).

2.6.4. Facilitation of different methods to address various interests of youth in diversion attendance

To engage with multi-problem adolescents and their families and to retain them in therapy such as diversion is not easy (Thompson et al., 2010). Integration of youth empowerment programmes and public engagement opportunities in diversion give youth access to participate and give input in issues of public interest, develop skills and growing a sense of societal ownership (Bulanda & Johnson, 2010). Gxubane (2019a) asserts the need to promote entrepreneurship programmes for the economic empowerment for South African youth, integrated into the diversion, and could be a drawing factor to programme completion as it gives long-term benefits to fully compliant youth. Such programmes require social and economic support from the government, the community and the private sector (Gxubane, 2019a). Physical activities drawn from different techniques or interventions can also be integrated into diversion programmes to provide a variety of activities, helping youth who in general struggle to maintain focussed attention for long periods not to get bored during the sessions of the diversion programmes (Gxubane, 2019b).

2.7. CONCLUSION

This chapter presented the theoretical frameworks that underpinned the study and discussed the policies and legislation relevant to the research focus area. It also presented the factors that contributed to non-compliance with diversion orders as well as the disadvantages of non-compliance with diversion orders. The chapter concluded with a discussion of factors that could be helpful in the prevention of non-compliance to diversion orders.

Chapter three will present and discuss the methodology and research design of the study.

CHAPTER THREE

METHODOLOGY AND RESEARCH DESIGN OF THE STUDY

3.1. INTRODUCTION

This chapter presents the research design and the methodology of the study. It also discusses the sampling, population of the study, sampling selection criteria and methods of gaining consent. Thereafter, different aspects of data collection approaches are discussed, followed by presenting the data analysis and data verification. The chapter is concluded with a discussion of the limitations of the study and reflexivity.

3.2 RESEARCH DESIGN

Research design is defined as a plan on how the researcher will methodically collect and analyse the data required to answer the research question (Bertram & Christiansen, 2014). Social research can be done within the quantitative approach where statistical analysis and formulas help the researcher to make observations simpler to concise data easier (Babbie, 2017). It can also be done within a qualitative method whereby the researcher and the participants jointly generate the findings within the context which shapes the study (Sale, Lohfeld & Brazil, 2002). This study adopted the qualitative approach as it provided the researcher with the opportunity to explore several areas of the participants' behaviour that could not be quantified (Queirós, Faria & Almeida, 2017).

Babbie (2017) notes the purpose of social research can be descriptive (empirical data replaces speculation and impression), explanatory (the researcher answers questions of what, where, when and how, providing trustworthy reasons for the phenomena) or exploratory (mapping out the topic that may warrant further study later and conclusions that are suggestive rather than definite). An exploratory study was adopted by the researcher which is defined by Kumar (2011) as an investigation in an area where little is known. Factors contributing to non-compliance with diversion orders in the Central Karoo seems not to be researched. Therefore, this study used an exploratory approach to find out from former divertees themselves what the issues were that contributed to them been non-compliance with diversion orders. The value of an exploratory study in social science research is that it is essential when something new is investigated and it always brings new insight into the topic researched (Babbie, 2017).

3.3. SAMPLING

Sampling is defined as taking a representative portion of the population and using the data collected as research information where each sampled unit represents characteristics of a known number in the population (Latham, 2007). Two kinds of sampling are available in research: probability sampling based on randomization given each person in the population the same chance to be selected in the sample; and non-probability sampling where the chances of selecting a particular individual are not identifiable as the population size is unknown (Strydom, 2011). A non-probability sampling includes accidental or purposive sampling methods (Strydom, 2011). The researcher used the purposive sampling method to select 15 participants from the 62 who were non-compliant with diversion orders. It offered the researcher the best option to achieve the study objectives (Marshall, 1996).

3.3.1. POPULATION OF THE STUDY

A population is defined as a group of participants in which all the elements of importance to the study are represented (Strydom, 2011). The population targeted for this study was former divertees in the Central Karoo who were non-compliant with diversion orders. Out of 158 children referred to diversion between 2015/2016 to 2017/2018, 62 were non-compliant to diversion orders (Department of Social Development, 2018). These 62 children constituted the population of the study and were taken from assessment and diversion referral registers on the caseloads of POs. Kumar (2011) asserts that the population needs to be narrowed as specific as possible, for the reader to be clear about it and should remain flexible to ensure the freedom necessary to obtain varied and rich data as a situation emerged.

3.3.2. SAMPLING SELECTION CRITERIA

Criterion sampling involves the selection of participants who had the potential and possible extensive knowledge about the focus area of the study (Kumar, 2011). The criteria for selection were participants older than 14 years of age but less than 18 years at the time of referral to diversion. This was to ensure that those selected for the study presumably had criminal at the time of referral. The CJA states a child older than 10 years but below the ages of 14 years presumed to lack criminal capacity unless the state proves otherwise. Fifteen male participants from the Coloured and Xhosa race groups who were non-compliant with diversion orders were selected for the study. These ethnic and gender groups were the most referred to diversion programmes in the study site. The researcher intended to interview twenty participants who were deemed sufficient

for a minor dissertation and achieving the purpose of the study. However, some of the participants dropped out of the study during data collection, and some were sentenced to prison. Despite these difficulties of getting participants to meet the selection criteria, the researcher was able to select two former non-compliant divertees who were 13 years old at the time of referral to diversion. The researcher secured fifteen out of the twenty targeted youths who resided in the geographical area to participate in the study. The sample selected represented the population from which it was drawn (Strydom, 2011).

3.4. METHODS OF GAINING CONSENT

The respondents targeted for this study were not on the existing caseloads of the POs. Permission for access to the official records of the participants was negotiated with the Western Cape Government's Department of Social Development (DSD) (see Appendix 9) since they are the gatekeepers to the records from where the identifying details of the participants were drawn. The researcher is an employee within the DSD and her years of working in the field of probation services positively assisted the outcome of her request. The researcher complied with the prescribed requirements of the Provincial DSD Research Ethics Committee (REC) by submitting a research application as well as a request in terms of Section 18(1) on the Promotion of Access to Information Act (2000). Furthermore, logistical arrangements for the research were approved through the Office of the Regional Directorate: Eden Karoo, subject to operational requirements and service delivery priorities of the specified local offices in the region. Lastly, POs consent was obtained to select participants suitable for the study.

3.5. DATA COLLECTION

Data collection is defined as a process to collect information from relevant resources to answer a research question, test theories and evaluate the outcomes (Dudovskiy, 2018). Two common methods used to collect data in qualitative research are interviews and focus groups (Greeff, 2011). When interviews are used, the researcher explores the views and experiences of the individual participant whereas a focus group is a carefully planned engagement to get the views of a group of participants on a topic selected by the researcher (Greeff, 2011). In this study, in-depth individual face-to-face interviews were used as a data collection method as the researcher had an interest in understanding the experiences participants' linked to them been non-compliant with their diversion orders and the meaning they attached to that experiences (McClure, 2002).

The interviews were conducted at the Thusong Centers in offices arranged by the researcher prior to the date of interviews. The venues were quiet and provided privacy for the interviews to be completed without disruptions. An English interview schedule was used for the one Xhosa speaking participant and Afrikaans schedules with those who speak Afrikaans. The schedules in the two languages assisted with an informal conversation between the participants and the researcher. Open-ended questions were asked, one question at a time. This allowed the participants to explain reasons on why they did not complete their diversion. The participants were informed that the interviews could take about 60 to 90 minutes. They were assured that information shared, will be locked in a safe place.

3.5.1. DATA COLLECTION INSTRUMENT

A data collection instrument is defined as a tool used by researchers to collect empirical research information (Tashakkori & Teddlie, 2003). Examples of these tools are questionnaires, interviews, focus groups and observation (Tashakkori & Teddlie, 2003). The semi-structured interview schedule is defined as a research tool of predetermined questions for data collection and was employed in this study (Kumar, 2011). The tool helped the researcher to get a full representation of the participants' views about, and their perceptions of the factors that contributed to them been non-compliant with their diversion orders (Greeff, 2011).

3.5.2. PRE-TESTING OF THE INTERVIEW SCHEDULE

Pre-testing the interview schedule with two former divertees, not part of the study, helped the researcher to assess if the questions asked in the interviews would collect the relevant data to answer the research questions and if it was compiled in a manner for the participants to understand (Strydom, 2011). Thereafter, discussions with the researcher's supervisor took place and the schedule was reviewed to ensure that it could be used to gather information in line with the aims and objectives of the study. Pre-testing the interview schedule assisted the researcher to detect and correct questions that could have been problematic for participants to understand or interpret (Kumar, 2011).

3.5.3. DATA RECORDING

Data recording is defined as a taped dialogue of research data collected (Bloor & Wood, 2006). The benefit of a recorded interview is that the researcher can listen to it several times before interpreting and interaction to conclude it (Kumar, 2011). Consent to record interviews was

negotiated with participants in advance (Greeff, 2011). A recorder was allowed, and the researcher also took detailed notes of the interviews. The recorded interviews produced a fuller account of discussions and allowed the researcher to concentrate on conversations and manage the interviews (Greeff, 2011). The disadvantage with recording is that participants can be uneasy with the recorder and act differently, which could influence the true reflection of the situation under study (Kumar, 2011). Therefore, the recorder was placed out of sight of the respondents. Greeff (2011) asserts that a recorder can cause a bit of uneasiness for the participants.

3.6. DATA ANALYSIS

Qualitative data analysis is defined as a process of bringing order, structure and meaning to the massive amount of data collected (Schurink, Fouché & De Vos, 2011). The steps proposed by Tesch (1990) cited in Babbie and Mouton (2001) was followed to analyse the data from the study. The researcher listened to and transcribed all the recorded fifteen interviews. Thereafter, one transcription was taken and read attentively to gain an understanding of the answers concerning the research objectives. Whilst the researcher was reading, explanation notes were written next to the script that described or explained the objectives or raised questions related to the topic. A colour coding system was used to label and link similar notes. This process was followed with each of the 15 transcriptions separately whilst re-evaluating the labels as the process continued. Thereafter, similar notes were grouped into themes, categories and sub-categories keeping the specific objectives of the study in mind. The schema created (with themes, categories and sub-categories) were used to build a framework for analysis. The findings of the interviews were written up in relation to the framework. In the chapter which discussed research data in the final research report, actual quotes were used to link the themes and to link the data with the findings from the literature. Hsieh and Shannon (2005) assert that the goal of data analysis is to offer knowledge and understanding of the phenomenon studied.

3.6.1. DATA VERIFICATION

Qualitative research is often criticized as biased, small scale, subjective, and/or lacking accuracy; however, when it is carried out properly it is impartial, in-depth, valid, reliable, credible and rigorous (Anderson, 2010). The constructs below of Lincoln and Guba (1985) as cited in De Vos (2005) constitutes the trustworthiness of this study.

Credibility refers to the degree to which a study's findings indicate the ideas of, and accounts faithful and truthful to the descriptions of the primary participants (Lietz & Zayas, 2010). The researcher ensured that the data was an accurate representation of what the respondents said and as it was meant by them. It was not a representation of the characteristics and preferences of the researcher.

Dependability refers to whether the research process was coherent, well documented and reviewed and whether findings of the study will be consistent if it was replicated with the same sample population and in a similar context (Schurink, Fouché & De Vos, 2011). The researcher kept well-documented notes as proof of the research design, how the information was gathered and analysed to enable future researchers to repeat the study. Additionally, regular consultations with the research supervisor were held where discussions on decisions and procedures took place and important feedback was provided that enhance the quality of the study (Lietz & Zayas, 2010).

Transferability refers to the extent to which the findings of the study can be generalised from a specific setting or case to another (Schurink, Fouché & De Vos, 2011). Transferability of the study findings to other settings will be a challenge due to the small sample size. However, the purpose of the study was not to generalize but to gain in-depth insight into the research topic.

Conformability refers to the degree of objectivity and whether the findings of the research could be confirmed by another based on authentic evidence (Schurink, Fouché & De Vos, 2011). The researcher kept account of the recorded interviews, written-up notes, transcripts, inquiry proposal and pre-test interviews so if a third party wished to confirm the findings these records will be readily available.

3.7. LIMITATIONS OF THE STUDY

Moura (2017) defines a limitation as any aspect that might impede a study and its findings. The qualitative research approach has limitations as it relies greatly on the subjective recounted explanations of participants on the nature of their social realities, the meanings they attached to that and how they make sense of their experiences (Morgan & Drury, 2003). However, the subjective perceptions of the participants in this study offered a rich understanding of factors that had contributed to their non-compliance with diversion orders.

The second limitation of the study was the small sample size. Due to the small sample size, the findings of the study cannot be generalized to the broader population. However, the aim of the study was not to generalize its finding but rather to provide a rich contextualized understanding of the participants' social experiences through a rigorous study of the phenomenon (Polit & Beck, 2010).

3.8. REFLEXIVITY

Goldblatt and Band-Winterstein (2016) define reflexivity as the qualitative researchers' attentiveness and mindfulness of the inter-subjective relationship between themselves and the study participants. The researcher constantly reflected upon and was mindful about the extent to which her prior experience of working with child offenders shaped the questions asked as a researcher and her ability to draw valid understandings from the information. The researcher was also mindful of her values and beliefs and was not judgemental towards the participants or the information collected. Roller (2012) views one of the biggest threats to qualitative research is the ever-present biases intuitively contributed by the researcher.

3.9. CONCLUSION

This chapter presented the research design and the methodology of the study. It also discussed the sampling and population of the research as well as the method used to gain consent to do the study with the participants. Different aspects of data collection approaches and data analysis were presented, as well as the data verification method used in the research. The chapter concluded with a discussion of the limitations of the study and reflexivity.

In chapter four the analysis of the research data will be presented and discussed.

CHAPTER FOUR

PRESENTATION AND ANALYSIS OF RESEARCH DATA

4.1. INTRODUCTION

The overall aim of the study was to explore factors that have contributed to non-compliance with diversion orders as perceived by the youth who failed to comply with the diversion orders. Their understanding of diversion and diversion orders was explored as well as consequences for non-compliance with diversion orders. Furthermore, their suggestions were solicited regarding what they believed could be helpful for divertees to complete the diversion programmes and comply with diversion orders.

This chapter presents the analysis and discussion of the research data. The profile of the participants will be presented followed by the framework for discussion of the research data. Thereafter, the discussion of the research data will be presented according to themes, sub-themes and categories that emerged from the data analysis according to the objectives of the study.

4.2. PROFILE OF THE PARTICIPANTS

The profile of the participants is presented to give the reader a comprehensive overview of the youth who participated in the study. It needs to be noted that all participants in the study were male. The profile is presented in two tables. The first one lays out the participants' ages at the time of non-compliance with diversion, their offence(s) for which they were non-compliant with diversion order(s), their caregivers during their first diversion and their ages during the period of the study.

4.2.1 Discussion on the profile of the participants

Table 1: The participants' ages at the time of non-compliance with diversion, offence(s) for which they were non-compliant with diversion order(s), caregivers during their first diversion and their ages during the period of the study.

Participants (P)	Ages at the time of non-compliance with diversion	Offence(s) for which they were non-compliant with diversion order(s)	Caregivers during their first diversion	Ages during the period of the study
1	17	Housebreaking	Aunt	20
2	15	Possession of stolen property (P/SP)	Mother and father	17
3	16	P/SP; Theft out of a motor vehicle(T/MT)	Mother and father	18
4	16	Theft; T/MT	Aunt	18
5	13	Sexual assault	Single mother	15
6	14	Sexual assault	Mother and stepfather	16
7	15	Housebreaking	Foster parent	16
8	17	Breaking conditions of a protection order	Single mother	21
9	16	Common assault	Mother and stepfather	18
10	13	Housebreaking	Aunt	15
11	17	Shoplifting	Single mother	21
12	16	Shoplifting	Foster parent	17
13	16	Malicious damage to property; Possession of a dangerous weapon	Single mother	18
14	16	Shoplifting	Foster parent	20
15	14	Assault to cause grievous bodily harm; Malicious damage to property	Mother and father	15

Table 1 reflects the following regarding the participants:

Ages at the time of non-compliance with diversion

The researcher wanted to have an idea of the average age of the participants at the time that they were non-compliant with diversion. Their profile shows that:

- Most participants, nine out of the fifteen were between the ages of 16 years and 17 years at the time that they were non-compliant with diversion; and,
- Only a few were between the ages of 13 years and 15 years old.

The ages of the participants at the time when they were non-compliant with diversion show that most of them were a little older, so they probably understood the serious consequences of non-compliance based on their first encounter with diversion. This finding is re-visited when the reasons for the participants' non-compliance with diversion are explored in the discussion of the research data below.

Offence(s) diverted for which they were non-compliant with diversion order(s)

The researcher was interested to get a sense of the categories of offences committed by participants for which they were non-compliant with their diversion:

- Most, eleven out of the fifteen participants had committed property crimes such as housebreaking, theft and possession of stolen property; and,
- Only a few, four out of the fifteen participants had committed crimes against persons such as sexual assault, common assault and breaking the conditions of a protection order.
- The least offence, one out of fifteen was a victimless crime, possession of a dangerous weapon.

It seems like most offences for which the participants were diverted for was property crimes. This finding will further be explored in the discussion of the research data which discusses various factors that have contributed to participants' non-compliance with diversion.

Caregivers during their first diversion

It was important for the researcher to know who was responsible for the care of the participants during the time of their first diversion because parents and guardians are not only required to consent for the diversion of their children but to play a supportive role in ensuring that their children attend the sessions to help them complete their diversion programmes. The profile shows

that:

- Most, nine out of the fifteen participants were in the care of their parent/s; and,
- Only a few, six out of the fifteen participants were taken care of by someone other than their parent/s.

Their profile shows that most participants were taken care of by their parents during the time of their first diversion. Of the nine participants who were in the care of their parents, five had both parents whilst the other four were in single-parent care. The study further shows that out of the six participants who were not in the care of their parent/s, three were taken care of by an aunt and the other three by foster parents. The role of the caregivers is re-visited later in the discussion of research data regarding the factors the participants believed contributed to their non-compliance with diversion orders.

Ages during the period of the study

The ages of the participants at the time of the research were significant to the study as the researcher was interested to assess whether their perceptions regarding non-compliance would have changed since they were first diverted in comparison to the age when they had grown a little older. The profile shows that:

- Just over half, eight out of fifteen participants were over the age of 18 years; and,
- Just below half, seven out of fifteen participants were younger than 18 years at the time of the study.

The ages of the participants during the period of the study show a one to two-year gap since they were first diverted. The ages when they were first diverted shows that most participants were between the ages of 16 and 17 years and during the study, they were between 17 and 18 years of age. Most participants had matured since they were in their final year to be considered as children according to the Child Justice Act No. 75 of 2008 (CJA). Therefore, it is hoped that the participants would provide insightful responses regarding various factors that have contributed to their non-compliance with diversion.

The next table of the profile presents the criminal histories of the participants regarding offences prior to their first diversion order(s) and the outcomes for those offences.

Table 2: Participants' offences prior to first diversion order(s) and the outcomes of them.

Participants (P)	Offences prior to first diversion order(s)	Outcomes of prior offences
1	Housebreaking	The case was withdrawn
	Theft (twice)	The cases were withdrawn
	Housebreaking	The case was withdrawn
	Housebreaking	The case was withdrawn
2	None	N/A
3	Rape	The case was withdrawn
	Theft out of a motor vehicle.	The case was withdrawn
4	None	N/A
5	None	N/A
6	None	N/A
7	None	N/A
8	Possession of dagga	Referred to addiction treatment
	Possession of a dangerous weapon	Unknown ¹
9	Malicious damage to property	Did not comply with the diversion
	Housebreaking and theft	The case was withdrawn
	Housebreaking	The case was withdrawn
	Assault GBH	The case was withdrawn
	Housebreaking	The case was withdrawn
	Robbery	The case was withdrawn
10	None	N/A
11	Common Assault	The case was withdrawn
12	None	N/A
13	Trespassing	Did not comply with the diversion
14	None	N/A

¹ The outcome of the possession of dangerous weapon case in Table 2 was not recorded in case records.

15	None	N/A
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Offences prior to first diversion order(s)

The profile regarding the participants shows that:

- Most, nine out of fifteen participants did not have any offences prior to their first diversion; and,
- Nearly a half, six out of fifteen participants had prior offences.

The research data shows that most participants had no offences prior to their first diversion order. It further indicates that six of the participants had offences prior to their first diversion. It will be explored in the discussion of the research data whether having prior offences played any role in the participants' non-compliance with court diversion orders.

Outcomes for offences prior to first diversion order(s)

- Half, three out of the six of the participants who had offences prior to their first diversion orders, had their cases withdrawn by the court; and,
- Half, three out of the six of the participants who had prior offences, the court did make a ruling on those offences.

The outcomes of the participants' previous offences show that three of the participants' offences were withdrawn by the court and in the other three participants' prior offences, the court made a ruling. The offence of one participant was converted into children's court enquiry and he was referred for addiction treatment and the outcome of his second offence is unknown. The other two participants' offences were diverted but they did not complete their diversion programmes. The implications of case withdrawals will be explored in the discussion of the research data when assessing whether there is any role the withdrawal of previous cases plays in the non-compliance with diversion orders.

4.3. Presentation and discussion of the research data

The next table presents the framework for the discussion of the research data according to the themes, sub-themes and categories which emerged from the analysis of research data.

Table 3: Framework for data analysis

Themes	Sub-themes	Categories
4.3.1. Understanding of diversion	4.3.1.1. Doing what the magistrate instructed the participants to do	<ul style="list-style-type: none"> • Attending diversion programmes • Doing community service
4.3.2. Consequences of not completing diversion	4.3.2.1. Called back to court	<ul style="list-style-type: none"> • Referred to a child and youth care centre • Sentenced to imprisonment
4.3.3. Factors that hindered the completion of diversion	4.3.3.1. Difficulties in household circumstances	<ul style="list-style-type: none"> • Food shortages at home due to poverty • No clean clothes to wear when going to attend the programme
	4.3.3.2. Spending leisure time with wrong friends involved in bad behaviour	<ul style="list-style-type: none"> • Smoking dagga with older friends • Negative peer association influenced not to attend diversion
	4.3.3.3. Lack of support from probation officers to participants in diversion	<ul style="list-style-type: none"> • Experienced labelling at the site of diversion • Humiliation at the agency where community service was rendered • Lack of contact with the PO to ask for permission if necessary
	4.3.3.4. Failure of courts to act on non-compliance with diversion orders	<ul style="list-style-type: none"> • Never experienced any consequences for not finishing previous diversion orders
	4.3.3.5. Parents not supportive to ensure participants comply with diversion orders	<ul style="list-style-type: none"> • Parents do not accompany participants to diversion programmes

		<ul style="list-style-type: none"> • Parents do not monitor their children's attendance at diversion
4.3.4. Proposed solutions in overcoming identified challenges with non-compliance with diversion orders	4.3.4.1. Regular monitoring of divertees by probation officers	<ul style="list-style-type: none"> • Unannounced, visits to diversion programmes and sites to monitor that the divertees' rights are not violated in relation to three aspects of discrimination based on (i) language; (ii) sexual orientation; and (iii) human respect and dignity
	4.3.4.2. Youth divertees' hunger needs to be addressed	<ul style="list-style-type: none"> • Food is necessary to help the divertees to concentrate fully
	4.3.4.3. Diversion programmes need to integrate vocational skills training	<ul style="list-style-type: none"> • To equip youth offenders with marketable job skills to be self-employed
	4.3.4.4. Diversion programmes need to integrate sports	<ul style="list-style-type: none"> • Soccer could be used as part of physical activities in the diversion

4.3.1. Understanding of diversion

The first objective of the study was to explore the participants' understanding of diversion. The research data shows that all the participants had a common understanding of diversion as *doing what the magistrate instructed participants to do* and for them, this implied *attending diversion programmes* or *doing community service*.

Attending diversion programmes

The attendance of diversion programmes positively responds to the objectives of diversion which require child offenders to be exposed to rehabilitation programmes. Attendance of a programme where the youth offenders could learn about the negative consequences of crime is the diversion option mostly recommended by POs linked to courts' preferences of diverting only less serious offences. It thus relates to most of the participants' understanding that diversion is *to attend a*

diversion programme as stated in the following:

“The magistrate told me that I should attend programmes for about a month” (P9).

“The magistrate told me that I have to attend the programme to clean my name” (P14).

“The magistrate said it was a warning by the court (referring to case provisionally withdrawn) that I have to attend the programme” (P15).

Doing community service

The research data shows that community service as a diversion option is well-known to most of the participants based on their understanding of diversion. Those who understood diversion as *doing community service* had the following to say:

“I had to do community service at the library, the magistrate told me that the case was withdrawn against me and that he doesn’t want to see me again in his court” (P1).

“I was explained in court that I should work (meaning doing community service) at the police station ... to get the case from my name” (meaning not having a criminal record) (P3).

“The magistrate ... proposed to me community service ... for me to complete the community service at the old age home, not to get sentenced, Mam” (P11).

The research data shows that the participants had a basic understanding of what diversion is. They understood it as an opportunity to do community service as an alternative to avoid being sentenced to prison. Furthermore, they showed an understanding that successful completion of diversion could clear their name of any criminal record as the court would withdraw cases against them. It would, therefore, seem that the participants’ understanding of diversion is in line with the aim of diversion, which is to give child offenders a second chance and prevent them from having a criminal record. However, further information could be helpful for them to have a more comprehensive understanding of the objectives of diversion among other, to make amends to the victim they offended to restore the relationship harmed by the offence. The CJA states that if children successfully complied with the diversion order, no prosecution on the same facts may be instituted against such a child (Mujuzi, 2015).

4.3.2. Consequences for not completing diversion

The second research objective was to explore the participants' understanding of the possible consequences for failing to completely attend the diversion programme. The data shows that almost all the participants were aware of the consequences of failing to complete attending their diversion programmes. It seems they understood that their cases were provisionally suspended until they had successfully completed their diversion programme and that they could be *called back to court* if they were non-compliant with the diversion court orders.

4.3.2.1. Called back to court

The research data suggests that those participants who reported that they had been aware they could be called back to court for non-compliance with diversion, indicated that they expected that their diversion would be revoked and they would be *referred to a child and youth care centre (CYCC)* or *sentenced to imprisonment* since they had already pleaded guilty for the offences they were charged with by police:

Referred to a Child and Youth Care Centre

Most participants understood been send away as that they would be referred to the CYCC by the court if they failed to comply with diversion orders compared to those who were specific that they would be sent to prison. They had this to say:

“The magistrate said that if I do not go to the programmes, he is going to refer me to a reformatory school (meaning a CYCC)” (P4).

“The magistrate said if I do not attend the programme I will re-appear in court and be sent away (meaning to a CYCC)” (P5).

“The magistrate told me if I don't attend the programme then he will send me away” (similarly to the above meaning)” (P15).

Most participants' responses indicate that referral to a CYCC is a definite consequence for non-compliance with diversion orders. Rodriguez (2013) and Hansungule (2018) state CYCCs as one of the most severe decisions for child offenders, though it is viewed by the courts as last option to rehabilitation and most appropriate sanction for non-compliance with diversion orders. The reality seems far from it, as was found in a quality assurance investigation by Hansungule (2018),

showing that in a few CYCC's therapeutic, recreational, developmental and spiritual programmes were not structured and implemented by staff who act with no interest to work with children. The author views some of those staff not fit to work with children whereas working in CYCCs requires specialized skills (Hansungule, 2018). The outcomes of CYCCs for children is the same as what prison has on adults with major difficulties to reintegrate them back into the family and the community after detention (Rodriguez, 2013).

Sentenced to imprisonment

The participants seem to understand the extreme consequence of failing to comply with the diversion court orders. The research data shows that some of the participants understood the consequences for non-compliance with instructions for diversion were very serious and this meant they could be sentenced to direct imprisonment since they had already pleaded guilty for the offences they were charged with as a requirement for diversion:

“If I do not attend the sessions, then I will be in court again and then they will send me to prison” (P9).

“I have to do my community service because if I don't do it, I will be sent to jail” (P11).

“I have to attend the community services because if I don't, they will see it as court contempt and then I will be arrested and sent to jail” (P13).

The statements of the participants reflected above seem to indicate that they had genuine fears of being sent to prison for non-compliance with diversion orders. The study found that these fears seemed to decrease and later disappeared when they realised that there was limited monitoring by POs and parents and as if the court lost interest in the case. The research data suggests that participants knew that they could expect to be sentenced to prison or referred to a CYCC for failing to complete their diversion programmes. However, the CJA makes provision in Section 58 on how the court should manage non-compliance if it was due to the failure of the divertee. The court can help them to comply by giving them a second chance to diversion where applicable, but their failure can also be recorded on the diversion register. The consequences of failure to adhere to diversion orders are thus not limited to the participants' understanding. Despite the participants' knowledge of the consequences for non-compliance, they still did not complete their diversion programmes. The research data seems to support Hargovan (2013)'s findings that despite children having been reasonably aware and warned in court about the consequences of non-compliance to

diversion, in some cases they still lack full commitment. Divertees not reporting for community service or diversion programmes should be visited after two or three days of absence before they are deemed non-compliant with diversion orders (Department of Social Development, 2018).

4.3.3. Factors that hindered the completion of diversion

The research data reflects mixed reasons participants gave for not completing the diversion programmes. These included *difficulties in household circumstances; spending leisure time with wrong friends involved in bad behaviour; lack of support from probation officers to participants in diversion; failure of courts to act on non-compliance with diversion orders; and, parents not supportive to ensure participants comply with diversion orders.*

4.3.3.1. Difficulties in household circumstances

The research data seems to suggest that some participants had difficulties in household circumstances which hindered them from attending the diversion programme and these included *food shortages at home due to poverty and no clean clothes to wear when going to attend the programme.*

Food shortages at home due to poverty.

The researcher observed that poverty is a major social issue that is often not well-thought-out when matters of diversion are considered. Poverty is a reality that many people from disadvantaged economic backgrounds battle with daily (Rodriquez, 2013). Some participants reported that they experienced food shortages at home which seems to emanate from poverty, and this contributed to them not attending the diversion programme. They reported that:

“I told the aunt (meaning the caregiver he lives with, responsible for him) that I cannot attend the programme, that I have to work Mam, for me to help my mother...my stepfather is not working, that’s why I have to help my mother for them to eat” (P1).

Sometimes when you have been long (meaning for some time) in the programme, then you get hungry ... never eaten in the morning, then you think very deep (showing attention distracted from the diversion session)” (P9).

“Because of we (referring to his family), at our home, we don’t have food, we (family) don’t have things (referring to basic household items such as a table, chairs, a radio etc.)” (P15).

The research data indicates that some participants were not able to attend the diversion programme because they were hungry and had no food to eat in the morning of the days, they were supposed to attend the diversion programme. From the statements above it seems as if some participants attended the diversion programmes on hungry stomachs and if no food is provided to programme attendees before the commencement of the sessions.

The hunger that prevented some participants to attend all the sessions of the diversion programmes seems to emanate from abject poverty as a result of unemployment, a common reality amongst many families in the Central Karoo (Western Cape). It is a reality that children 17 years and younger are among those most vulnerable to poverty (Western Cape Government, 2018). The study showed that poverty experienced in households contributed to some participants had to choose between attending diversion and going to find work to help bring some food on the table for their families. The statement below is an example of that.

“I told the social worker that I got work and that uhhh ... I will again ... the Sunday, the next Sunday will go for that work. I am eating at the families for whom I do char work. That is the way we live in our home. (P8).

The research data concurs with de Beus and Rodriquez (2007) who assert the significant role poverty plays in programmes’ non-completion. De Beus and Rodriquez (2007) note children from marginalized communities are less likely to complete programmes. This has worrying implications for crime prevention interventions such as diversion.

No clean clothes to wear when going to attend the programme

The research data indicates that some participants did not receive the necessary support from their caregivers in ensuring they have clean clothes to wear when they go to attend the diversion programme. Some participants were concerned about *not having clean clothes to wear when going to attend the programme*.

“I did not attend (referring to the diversion programme), I had no clean clothes to wear” (P7).

“I didn’t want to attend the sessions (diversion) ... sometimes my clothes were dirty then I rather stay at home” (P9).

“My mother was doing the washing, I had no dry clothes to wear, then it became too late to go to the programme” (P10).

It seems the way the participants appeared physically to their peers was a major concern which contributed to some of them not attending all their diversion sessions. The participants genuinely could have experienced feelings of shame for untidy bodily appearance hence they decided to stay away from the programme. The reality is that low-income families are not able to afford everyday hygiene and personal grooming products most people take for granted. However, this reason given by some of the participants can also be contested considering their ages at the time of diversion. Table 1 shows that the participants were between 13 and 17 years of age at the time of the diversion, making them old enough to groom themselves rather than relying on their parents. Keogan (2013) further states that the clothing individuals wear could influence the opinion they have about themselves and how they are perceived by others. This seems to have contributed to some participants behaviour by not attending their diversion programmes, ashamed of been judged based on what and how they were dressed (Keogan, 2013).

4.3.3.2. Spending leisure time with wrong friends involved in bad behaviour

In exploring further concerning other factors which hindered their attendance of the diversion programme, it emerged that some participants' parents were not aware of the daily activities of their children. Hence, some participants continued spending leisure time with wrong friends involved in bad behaviour which eventually landed them in conflict with the law again. The participants who reported that they spent their leisure time with wrong friends involved in bad behaviour mentioned that they *smoked dagga with older friends* and been *negative peer association influenced not to attend diversion*.

Smoking dagga with older friends

In exploring the influence of peers as a hindering factor for not completing their diversion programmes it was found that some participants associated with older friends who use dagga. Research data shows that even in their peer association the use of dagga was a daily activity they were involved in. The participants who spent their leisure smoking dagga with friends were aware that it was bad behaviour:

“They (referring to his friends) will always come to me... say uhhh from about eight o'clock in the morning, then we smoke “boom” (meaning dagga) at my house” (P2).

“When I wake up in the morning, the first thing that I do is visit my friends to ask them how much “skarrel” (meaning money begged on the streets) they have, then we buy “ganja” (meaning dagga) ... we will sit and smoke the whole day” (P3).

“I had older and bigger friends... all of them, smoke “boom” (meaning dagga)” (P9).

The research data shows that whilst some participants had genuine reasons for not attending diversion programmes, some participants continued to associate with bad friends due to negative peer pressure which resulted in them spending most of their leisure time smoking dagga. It seems as if the primary factors that promote substance use are the general availability of dagga, friends who are users and lack of parental supervision. The researcher believes that these factors created a conducive environment for non-compliance with diversion. The findings of this study support those of Wilson and Hoge (2012) on the differential association theory approach which found that close and regular contact with people with criminal characteristics contributes to the adoption of such antisocial ways. The study data is further supported by the research of Dembo, Walters, Wareham, Burgos, Schmeidler, Hoge and Underwood (2008) who assert that negative peer association most likely results in non-completion of diversion.

Negative peer association influenced not to attend diversion

Unlike others who had genuine reasons for failing to attend the sessions of the diversion programmes, some participants seemed to be negatively influenced by negative peer associations not to attend so that they could enjoy leisure activities. Those participants who were negatively influenced by friends cited the following:

“My friends were happy when I didn’t do my community work, they asked me why I did it in the first place, to work for the government without getting paid” (P3).

“I play soccer there in the “Hop” (slang name for a suburb) with my friends, then I decided I am not going to the programme, I’m going to play soccer” (P5).

“I and my friends were swimming or playing soccer and then I decided not to attend the classes (diversion)” (P6).

The research data shows that some participants chose to engage in their hobbies with friends when they were supposed to attend sessions of their diversion programmes. It needs to be kept in mind that most of the participants were in their adolescent stage of human development when they failed

to complete their diversion sessions as shown in Table 1. At this developmental stage, pleasing peers becomes important to young people. Peer influence and association played a significant role in the participants' failure to comply with their diversion orders. The results of the study support the differential association theory as concurred by Catalano (1990) who asserts the twofold role peers play on each other's functioning during adolescence. In adolescence, the peer group can either play a prosocial role on each other's behaviour or a rebellious role towards one another (Catalano, 1990). The latter seems to be the influence friends had on the participants' decision not to attend their diversion programmes.

4.3.3.3. Lack of support from probation officers to participants in diversion

The study found that the POs were not available when divertees needed to report any troubling experiences or seek permission to leave when job opportunities came up. Some participants experienced different forms of victimisation during the attendance of their diversion programme because of lack of monitoring. Participants reported that during the sessions of the programmes, they *experienced labelling at the site of diversion and humiliation at the places where community services were rendered*. One participant was frustrated by the challenge of *not having the probation officer's contact number to ask for permission when necessary*.

Experienced labelling at the site of diversion.

One participant experienced humiliation and embarrassment because of his sexual identity during diversion sessions, a fundamental infringement on his basic human rights:

"I was teased like, "look at the "Moffie", and I told myself I am not coming back to the programme.... the social worker (referring to the assistant probation officer (APO) didn't notice that I was teased by the boys" (P14).

It seems discrimination against a participant based on his sexual identity contributed to his decision to drop out of the diversion programme. It would appear that the diversion facilitator did not notice this infringement. The South African child justice system is profoundly influenced by legislation and policy framework such as the CJA, the Constitution and the Minimum Norms and Standards for Diversion (2015). This is to ensure that the basic human rights of children in conflict with the law are protected and respected by all who work with them. These policies and legislation also guarantee an environment conducive for divertees not being forced to abandon their diversion programmes prematurely.

Humiliation at the agency where community service was rendered

Some of the factors that can contribute to non-compliance with diversion orders focussed around the divertees' lifestyles, peer influence and family backgrounds. The study found that humiliation significantly affected the participant's decision to continue attending the diversion programme. Some participants reported that they experienced humiliation at the hands of personnel at the placement agencies:

"I left because had I problems with my community services, with the policeman who shouts too much on me. I told her (referring to the APO). She then promised to move me (meaning let him do his community services at another site). I could not follow up with the social worker (PO) because I didn't know the times she was in town" (P3).

"He (the secretary at the diversion placement site) talked always to you as he pleases and told me not to enter his office thinking I will steal ... I left; it was only after the PO was looking for me that I could report" (P13).

Data suggests that attendance of diversion programmes was an unpleasant and unbearable experience for some participants who were exposed to labelling and humiliation. Many divertees felt abandoned at these diversion programmes and sites and stated that as their reasons for dropping out of community service programmes. Seemingly, there was no proper monitoring of the programme by the POs. Restivo and Lanier (2014)'s finding on labelling theory is that criminal offences often form the basis of children's experiences of additional problems because of the stigma attached to them.

Lack of contact with the probation officer to ask for permission if necessary

The study found that some participants failed to finish their diversion due to temporary employment opportunities such as seasonal work on farms which they could not turn down because of poverty as discussed above. Some of the participants reported that they did not have the contact numbers of the POs to ask for permission before taking the work. Hence, they took advantage of the job opportunity at the expense of attending a diversion programme without the approval of the PO:

"I couldn't get a hold on the social worker (PO), to tell her that I will go back to work. Then I went to work, and then I could not do my community service" (P1).

“I worked during the holiday and the person that gave me the job didn’t want me to be absent ... the social worker (PO) said the day that I was supposed to be there (meaning in diversion), she will come to our house, I waited and waited and waited...” (P15).

Data shows that the POs were not reachable when the participants needed to report about a change of circumstances in their daily lives like getting a job. As shown in the profile of the participants in Table 1, all the participants were under the age of 18 at the time of non-compliance with the diversion orders, with P15 only 14 years old. The South African labour law, the Basic Conditions of Employment Act, No. 75 of 1997, forbids children younger than 15 years to work and those older than 15 but younger than 18 are allowed to work only if the job does not risk the youth’s welfare, schooling, physical and mental health.

The opportunity to take temporary work interfered with the full attendance of the diversion programme. However, the researcher is aware that some POs are not based in the same towns where the diversion programmes are offered. The long distances where diversion in the Central Karoo is offered contributes to POs not being able to give effect to the Minimum Norms and Standards for Diversion (Department of Social Development, 2015) and Section 57 of the CJA, to effectively monitor and support divertees in preventing non-compliance with diversion.

4.3.3.4. Failure of courts to act on non-compliance with diversion orders

The study found that all the participants were aware that they would be called back to court if they failed to comply with their diversion orders as instructed by the magistrate when their diversion orders were issued. Data shows that the participants were never held accountable for this instruction by the magistrate. They reported that they were not called back to court and that most of them *never experienced any consequences for not finishing previous diversion orders.*

Never experienced any consequences for not finishing previous diversion orders

The data show that most of the participants did not experience any legal consequences for failing to comply with previous diversion court orders. Most of them had their last contact with the magistrate on the day they were diverted at court and were never called back to report on compliance or non-compliance with the diversion court orders. Lack of facing consequences for failing to comply with diversion orders plays a role in influencing divertees not to complete their diversion programmes, as reflected in their statements below:

“I didn’t attend the court Mam... they (court) were looking for me to find out why I was not in the programme... the court didn’t worry further about me, after they could not find me, Mam.” (P1).

“After the court sends me to the programme, nobody worried about me ... the case just ends without any notification to me... I was not informed about nothing (diversion)” (P2).

“No, the court did not call me back for not finishing my programme Mam.” (P6).

The author is of the view that failure to follow-through the legal processes in diversion management as prescribed by the CJA seems to be one of the biggest challenges in the field of diversion in the Central Karoo and was found as a contributively factor for children to be non-compliant with diversion orders. The researcher experienced that the initial phase of diversion is managed effectively by all legal entities, including the children and their parents, from the assessment of the child offender followed by the preliminary inquiry (PI) and the issuing of the diversion order. However, the implementation of all the orders issued by the court on the (Form 6) diversion order and the monitoring of diversion is inconsistent within the courts in the study site and was it evident as some of the reasons that children failed to complete their diversion orders.

The study showed that if there is no effort in monitoring children in diversion, they would not take the programme seriously and would not attend the community service and diversion programmes knowing that their attendance will not be monitored. As a result, diversion would not contribute to the prevention of crime. Similarly, Hargovan (2013) asserts that lack of compliance with diversion orders depends on how the justice system deals with non-compliance and with diversion, in general.

4.3.3.5. Parents not supportive to ensure participants comply with diversion orders

It is a requirement by the CJA for the parent/caregiver of a child to attend the PI when given written notice, been summoned or warned by the magistrate to attend. It is in the PI where the diversion order is likely to be made by the court and where the child and parent/caregiver consent to diversion. This indicates that the court involves the parent/caregiver in the process of diversion in support of the child.

The study found that some participants experienced an absence of parental support during their attendance of diversion programme and reported the following challenges around parents' lack of involvement; *parents do not accompany participants to diversion programmes* and *parents do not monitor their children's attendance of diversion*.

Parents do not accompany participants to diversion programmes

The research data show that most participants were supported only by the parent/caregiver who attended the PI with the offending child. Some participants reported that also those parents/caregivers did not accompany them to diversion programmes:

"My mother could have brought me here to the programme, because uhhh ... on my way to here (diversion programme) I decided, no I am going to the "Hop" (slang name for a suburb), then I'm going to the "Hop (similarly to the above)" (P5).

"My family could have come with me (referring to the diversion programme). My mother begged me to attend, afraid the court's going to send me away (to a CYCC). My father's not living with us, he didn't know that I was not attending the programme" (P6).

"My mother didn't want to attend with me the programme, they said she has to be present, but she didn't want to go with me and didn't tell me why not. My father works out of town, came home every fourth-night (meaning every second weekend of the month)" (P10).

The CJA states that the supervision of the diversion order is the joint obligation of the PO, the child and the parent/caregiver. Furthermore, the Minimum Norms and Standards for Diversion (2015) involves parents, appropriate adults or guardians in diversion programmes. The profile of participants in Table 1, shows that most of them lived with their parents when they were diverted, half of them in single-parent households and some with stepparent support. The research data shows that some of the participants' caregivers were not involved in their diversion and some were not aware that the participants were not attending. The study found that children stated this lack of parental monitoring and support during community service and diversion programmes resulted in them dropped out of diversion with parents not even aware of that. Abdulla and Goliath (2015) emphasised the important role of the family to guide and monitor children's adherence to social norms to ensure diversion programmes attendance. Therefore, POs should assist the parents to understand the difficulties in offender management and call upon them to be supportive and patient with the process (Dreyer, 2011).

Parents do not monitor their children's attendance at diversion

The study shows that parents' failure to fulfil the role of monitoring the activities of the participants contributed to them becoming vulnerable to alternative influences which, in turn, contribute to them not attending their diversion programmes. Some of them cited that their parents were under the impression that they attended diversion while it was not the case and reported the following:

"I lied to my mother telling her that I came from the programme until the day the social worker's (referring to the PO) car stops before the house and said that I was not there (at diversion)" (P5).

"My father was with me at the court when I was referred to the programme. He didn't know that I was not attending the programme. He is not living with us" (P6).

The research data show that some of the participants limit self-disclosure about their daily activities to their parents. It became clear to the researcher that there were parents who neglected their responsibility to monitor and support the participants whilst they were enrolled in the diversion programmes, which probably contributed to their non-compliance with their diversion orders. Parents of child offenders show some resistance to engage in therapeutic services to help in the management of their children's offending behaviour which can result in children not responding positively to their community service and diversion programmes (Thompson, Bender, Cardoso & Flynn, 2011). This resistance according to Thompson et al. (2011) can successfully be managed if POs integrate within diversion programmes, practical activities such as play therapy to instil a positive response in parents to support diversion services to their children.

4.3.4. Proposed solutions in overcoming identified challenges with non-compliance

The final objective of the study explored the participants' solutions to overcoming challenges which hindered their compliance with diversion court orders. The proposed solutions included: *regular monitoring by probation officers, participants' hunger during diversion needs to be addressed, diversion programmes need to integrate vocational skills training and diversion programmes need to integrate sports.*

4.3.4.1. Regular monitoring by probation officers.

Some participants proposed regular monitoring by POs to guarantee that diversion programmes promote the dignity and well-being of the youth divertees. They recommended that POs should conduct regular unannounced *visits to diversion programmes* and *sites to monitor that the divertees' rights are not violated in relation to three aspects of discrimination based on (i) language; (ii) sexual orientation; and (iii) human respect and dignity.*

Discrimination based on language

Diversion programmes in the Central Karoo area in general, are facilitated in the Afrikaans language as the first language of most of the children diverted in these rural courts. Although the area is predominantly Afrikaans speaking, other minority language speakers of English and Xhosa make up a significant number of residents in the Central Karoo. The study found that the English accredited diversion manuals are translated into Afrikaans by most facilitators to cater for the larger majority Afrikaans speaking attendees. This excludes divertees of the minority to be communicated within their home language. One participant felt excluded based on language because the diversion sessions were facilitated in Afrikaans. This put him at an unfair disadvantage to participate and fully benefit from the diversion programme:

“I didn’t fully understand the sessions, I cannot speak Afrikaans and understood just here and there as the sessions were in Afrikaans... I wanted to tell the social worker, but she never visits there ... because there in the court, I speak through and interpreter ... I also refer to attending programmes (meaning to have an interpreter)” (P4).

The CJA Section 54 (1) (b) makes provision in the Minimum Standards for Diversion for the selection of diversion options suitable to a child’s cultural and linguistic background. In this case, the language was not considered when the participant was placed in the diversion programme. This language discrimination is a serious infringement of divertee’s Constitutional rights and violation of the Minimum Standards for Diversion services which can contribute to non-compliance with diversion orders. Hence, legislation is there to ensure that the rights of children are respected by facilitators during the execution of diversion programmes. When participants feel excluded based on the language spoken during the session, they are likely to be discouraged to attend and eventually fail to comply with the attendance of the diversion programme.

Discrimination based on sexual orientation

The Bill of Rights (Chapter 2 of the Constitution of the Republic of South Africa) binds all legislation and organs of the state to protect all persons, directly or indirectly, against discrimination based on grounds of sexual orientation. Section 51 of the CJA requires diversion facilitators to take cognisance concerning the promotion of divertees' dignity and well-being. The research data shows that one participant experienced victimization during diversion based on his sexual orientation:

“Teased been a “Moffie” (gay) began before the session started and after the session, and when the worker (referring to the APO) left the room, the social worker (PO) should have visited (referring to the diversion programme) to see what’s going on here ... then, there came another person doing the sessions with us ... then I told her ... she (meaning the APO) told him that he can go to jail for it is discrimination” (P14).

Persistent harassment and discrimination based on sexual orientation by fellow attendees during the diversion programme cause harm to the emotional wellbeing of others. P14 experienced labelling during a diversion session and subsequently dropped out as discussed earlier in a section of this Chapter.

Section 9 of the Constitution of South Africa prohibits discrimination against others based on their sexual orientation. The Constitution and other international human rights treaties such as the Convention on the Rights of the Child (CRC) protect the equality and dignity of child offenders and should be applied when dealing with children in conflict with the law. Although there is still a lot to be done, facilitators of diversion programmes should monitor that divertees tolerate and treat each other with respect and dignity despite their differences in sexual orientation.

Violation of human respect and dignity

The research data shows that some participants experienced humiliation which degraded them hence they propose that POs follow-up and monitor community services sites regularly to pick-up and address any human rights violation experienced by youth divertees. The data further indicates that some participants need protection against ill-treatment by community service facilitators during community service:

“I would have loved the PO to come here (community service site) to tell the policemen that they should not shout and shunt me around, she promised but she never came back ... they (POs) should visit regularly” (P3).

Most participants believed that the POs should be more visible during the implementation of diversion programmes facilitated by others like the APOs and facilitators at community service sites. It can be inferred from the research data that if good supervision and monitoring of diversion are in place, it will prevent incidents such as language and sexual orientation discrimination and ill-treatment of participants in the diversion. This would assist divertees to benefit from and complete their diversion. The data supports Dawes and van der Merwe (2004)’s emphasis on the importance of supervision by social work supervisors of POs and APOs responsible for diversion. This will ensure children diverted are sufficiently monitored and assisted during their diversion.

4.3.4.2 Youth divertees’ hunger needs to be addressed

Most participants came from family backgrounds characterized by daily experiences of hunger in their households. Participants get discouraged when they think that they will go through the diversion session on empty stomachs. Many participants suggested that *food is necessary to help the divertees to concentrate fully.*

Food necessary to help the divertees to concentrate fully

The study found that participants attended diversion programmes hungry. Programmes do not make provision for something to eat for children. It has been pointed out before that most participants come from poor and unemployed households. Hence the participants suggest that there is a necessity for food to help the members to concentrate fully:

“Maybe give some food or something to drink. I think that will help ... some children (referring to the attendees) are hungry, I know them, they skarrel (begging on the streets)” (P5).

“Maybe give food parcels to the parents, maybe there was no food ... I don’t know, I can’t think of something else Mam... or give something to eat in the sessions (diversion)” (P7).

“It will help a lot if we get food in the sessions (diversion), Mam because then children will come, they will know, we will get something to eat there, and then they will do what is requested from them (to attend and participate in all sessions) because their stomachs are now full” (P9).

It can be inferred that provision of food during diversion programmes will encourage attendance as children will associate it with getting something to eat. Table 1 shows property crimes as the category most participants were diverted for and which they failed to comply with diversion orders. Participants' impoverished conditions hindered them from realising the long-term benefit of completion of the diversion programme. Their current need is to contribute towards their families' welfare, and they do this through committing a crime. The research shows that difficulties in households such as experiencing daily food shortages played a role in programme non-completion. This is supported by the findings of de Beus and Rodriguez (2007) on the significant correlation between property crimes and programme non-completion.

4.3.4.3. Diversion programmes need to integrate vocational skills training

The participants perceived the current methods in which diversion programmes are offered to them, as sessions where they just sit and talk with no sustainable prospects to change their lives for the better. Hence, some participants recommended vocational skills which could have prospects of long-term sustainable benefits for young offenders. They suggested that diversion programmes integrate vocational skills training to *equip youth offenders with marketable job skills to be self-employed*.

To equip youth offenders with marketable job skills to be self-employed

Participants linked their involvement in offending behaviour to them being unemployed. Hence, they recommend diversion options to have employment outcomes as a solution to decrease non-compliance with diversion court orders. They believe that this would provide youth with access to sustainable opportunities to gain skills that make them employable or self-employed:

"... a trade school, there is a lot of woodwork ... where you can get training and afterwards get a certificate then you can work for yourself, something, like that ... one-week programme (diversion) and the other week training (vocational) until diversion is done" (P2).

Another participant recommended that the court (diversion) should assist with work opportunities by saying:

"The court can provide work (vocational) for the child (offender); he (divertee) will do that just to stay out of jail. I believe that" (P11).

The research data showed that children need diversion programmes that can bring visible change in their future life with possibilities of employment or to be self-employed. POs should explore alternative options as motivation for children in an attempt to reduce non-compliance with diversion orders by not only responding to the dynamic criminogenic needs of offenders but also with options to inspire youth (Bulanda & Johnson, 2010). According to Bulanda and Johnson (2010) opportunities for young offenders to participate in community initiatives, skills development options and activities that could stimulate a sense of societal ownership should be integrated as diversion options. Economic empowerment as part of diversion programmes could offer an opportunity to that. As mentioned in Chapter two, Gxubane (2019a) asserts the need for the promotion of entrepreneurship programmes for South African youth. According to Gxubane (2019a), such programmes require social and economic support from the government, the community and the private sector.

4.3.4.4. Diversion programmes need to integrate sports

The participants proposed that, instead of attending and just talking in diversion programmes, some preferred to play sports with friends during diversion time. Some participants suggested *diversion programmes need to integrate sports* and recommended that soccer could be used as part of physical activities in the diversion.

Soccer could be used as part of physical activities in the diversion.

“If opportunities (meaning diversion) for children can be given to participating in soccer Yoh, Mam, immediately I will go, I won’t even ask questions” (P3).

“Can give (meaning diversion options) children ... maybe like a ... not to be bored ... learn to play, because in his own time he will only do funny things ... like playing soccer” (P13).

The research data shows that participants recommend that sports such as soccer should form part of diversion programmes. It would seem some participants preferred to do sports activities with their friends instead of attending ‘boring’ diversion programmes. Section 53, Subsection (c) of the CJA makes provision for POs to support families to enforce good behaviour from divertees by linking them to prosocial activities. Referring to the discussion Chapter Two, POs can use different techniques to offer a variety of activities to help youth divertees not to get bored in diversion sessions but also helping them to stay focussed and not loose concentration (Gxubane, 2019b).

4.4. CONCLUSION

This chapter presented the analysis and discussion of the research data starting with the profile of the participants. This was followed by the presentation of the framework for discussion of the research data presented according to themes, sub-themes and categories that emerged from the data analysis according to the objectives of the study. The study revealed that the participants had a good basic understanding of what diversion entails and the consequences of non-compliance with the diversion orders. It further showed a substantial relation between poverty and non-compliance with diversion orders as a prominent finding of the study. Furthermore, the study showed that weaknesses in the child justice system such as inconsistent diversion case management in courts and inadequate monitoring of divertees by probation officers and assistant probation officers, contribute significantly to non-compliance with diversion orders. The study showed that diversion programmes should offer a variety of activities to keep the divertees focussed and interested to complete diversion.

The next chapter discusses the conclusion and recommendations of the study.

CHAPTER FIVE

MAIN CONCLUSIONS AND RECOMMENDATIONS OF THE STUDY

5.1. INTRODUCTION

The overall aim of the study was to explore the factors that contributed to non-compliance with diversion orders from the perspectives of former divertees who failed to complete their diversion programmes in the Central Karoo, Western Cape Province. It is hoped that the findings of this research will help to identify factors that hinder divertees to complete their diversion programmes. Furthermore, it is hoped that the findings and recommendations of this study will help diversion service providers to be aware of these hindering factors and address them to maximise the chances of the youth divertees to comply with the diversion orders.

This chapter presents the main conclusions and recommendations of the research discussed according to the objectives of the study which included an exploration of the participants' understanding of diversion and their understanding of the consequences for failing to comply with diversion orders; their perceptions regarding factors that have contributed to their non-compliance with diversion orders as well as their suggestions on what could be helpful for divertees to comply with diversion orders. The overall conclusion of the study will be presented with recommendations for further research.

The recommendations of the study will be presented after the conclusion of each sub-theme in relation to a specific objective of the study.

5.2. PARTICIPANTS' UNDERSTANDING OF DIVERSION

The study found that all the divertees had a good understanding of diversion. They understood diversion mainly as doing what the magistrate instructed them to do which implied attending diversion programmes or doing community service.

Based on the above conclusions, it is recommended that:

- Although the divertees showed a good understanding of diversion, the researcher argues that it is limited. Therefore, probation officers (POs) could enhance the divertees' understanding of diversion by providing compulsory orientation sessions to divertees and caregivers before the start of the diversion programme. This will hopefully help them to acquire a deeper

understanding on the purpose of diversion to see it as a great opportunity that they should grab with both hands for if they don't the child will end up with a criminal record.

5.3. CONSEQUENCES OF NOT COMPLETING DIVERSION

The findings of the study revealed that all the participants were aware that there would be consequences for failing to fully attend their diversion programmes. The participants were aware that their cases were provisionally suspended until they completed their diversion programmes. The study also found that the participants knew that they would be referred to a child and youth care centre (CYCC) or/and sentenced to imprisonment if they failed to comply with diversion court orders since they had already pleaded guilty to their offences as a requirement for diversion.

Based on the above conclusions, it is recommended that:

- Diversion service providers monitor the attendance of diversion and respond to a child who is absent before the next session to reduce non-compliance with diversion orders.
- The facilitators need to inform the referring POs if the child has been absent twice for immediate investigation on the reasons for the absenteeism to prevent further non-compliance with diversion orders.
- Social work supervisors should get more involved in helping the facilitators to monitor children in diversion programmes so that non-compliance with diversion orders can be dealt with timeously.
- Diversion service providers from the non-governmental organization sector (NGOs) should submit copies of diversion attendance registers to the regional supervisors of the Crime Prevention and Support programme of the Provincial DSD to monitor non-compliance with diversion orders.

5.4. FACTORS THAT HINDERED THE COMPLETION OF DIVERSION

Difficulties in household circumstances

The study found that participants experienced difficulties in their household circumstances such as food shortages due to unemployment and poverty which contributed to them failing to complete attending their diversion programmes.

Based on the above conclusions, it is recommended that:

- Considering that there is a programme in Provincial DSD namely the Sustainable Livelihood Targeted Feeding Programme that assists households who experience poverty, POs should inform the families of divertees to access these services. In so doing, POs will promote compliance and minimize non-compliance with diversion orders by assisting those families experiencing poverty. Poverty has been discussed in detail in the study as one of the major contributing factors to non-compliance with diversion orders.

Spending leisure time with wrong friends involved in bad behaviour

The study also found that participants spent most of their leisure time with wrong friends who were older, got involved in smoking dagga and eventually were negatively influenced by their friends not to attend the programme. These divertees would instead of attending their diversion programmes, go and feed their substance use with older friends.

Based on the above conclusions, it is recommended that:

- When the POs do bi-weekly monitoring check-ups on those divertees who had been absent twice from the diversion programme and if it was due to drug abuse, refer them to another programme which could help with the drug abuse before they continue with the initial life skills specific diversion programme. This could help to decrease the numbers of non-compliance with diversion orders which would potentially lead the children acquiring criminal records if the matter is taken back to court and deemed non-compliant with the diversion order.

Lack of support from probation officers to participants in diversion

The study further found that POs were not available for support and monitoring to the participants for them to report challenges experienced during the diversion. This left the participants exposed to labelling and humiliation during their attendance of diversion programmes. This is an infringement on the basic human rights of young people as enshrined in the Constitution and the Minimum Standards for diversion as prescribed in the CJA. It was also found that the participants did not have frequent contact with POs during diversion programmes and did they not have access to POs should they need to ask for permission when temporary employment opportunities became available.

Based on the above conclusions, it is recommended that:

- Diversion service providers should consider having agreements with organizations where children do community service. These agreements should clarify that children doing diversion at the organization must be treated with dignity and respect by all staff members to avoid them abandoning diversion that could stem from labelling and humiliation experienced at diversion sites.
- POs should take non-compliance with diversion orders seriously. They should invest the same devotion to the monitoring of diversion programmes as they do with the assessment and preliminary inquiry when the child enters the child justice system.

Failure of courts to act on non-compliance with diversion orders

Failure of courts to act on non-compliance with diversion orders could result in children not taking diversion seriously which does not help their rehabilitation, neither does it assist in crime prevention which speaks to some of the main objectives of diversion and the CJA. Some courts act on non-compliance with diversion orders, but others do not as point out in Chapter One, as well as in the discussion of the research data in Chapter Four.

Based on the above conclusions, it is recommended that:

- Courts act on non-compliance with diversion orders by calling divertees back to court to conclude the diversion order. Failure by the courts to do so could make the youth offenders reluctant to complete diversion programmes and this could be seen as condoning the criminal behaviour of child offenders and defeating the aim of diversion and the CJA.
- The supervisors of POs should report cases where courts failed to act on non-compliance with diversion orders to Provincial DSD to be managed at the inter-sectoral cluster meeting where matters of child offenders in the child justice system are discussed every quarter. This could ratify the effective management of diversion services.

Parents not supportive in ensuring that the divertees complied with diversion orders

It was found that some parents of the participants were not supportive to ensure non-compliance with diversion orders. Most of the parents did not accompany their children when they went to attend diversion programmes and did not monitor their attendance at the diversion programmes.

Based on the above conclusions, it is recommended that:

- POs should sign agreements with parents on their commitment and responsibility to support and attend diversion programmes with their children. This could help the court to enquire from the parent why there was a failure from their side to support and monitor their child during the diversion. This can also help POs to assess and monitor the support from parents in helping with diversion compliance.

5.5. PARTICIPANTS' PROPOSED SOLUTIONS TO OVERCOME IDENTIFIED CHALLENGES WITH NON-COMPLIANCE

Regular monitoring by probation officers

The first broader solution which was proposed by participants was that divertees need POs to regularly monitor diversion sites to ensure that they are not discriminated against based on language and their sexual orientation or any other violation of human respect and dignity that could happen to them in diversion programmes.

Based on the above conclusions, it is recommended that:

- POs and APOs should do regular unannounced visits where diversion programmes are conducted and where community service is served to monitor that divertees are treated with respect and dignity and their rights are not violated based on language, and sexual orientation. This kind of support could prevent divertees from dropping out of the diversion programme due to an unpleasant environment and experiences which take place during the diversion sessions.

Youth divertees' hunger needs to be addressed

The study revealed that most of the participants did not have anything to eat in the morning before they attend their diversion programmes. They reported that they were sitting throughout the diversion session on empty stomachs. Therefore, they were not able to participate and concentrate fully.

Based on the above conclusions, it is recommended that:

- The provision of food in diversion programmes should be considered essential. Provision of food could also serve as a draw factor for the youth to attend the programme, and an opportunity for facilitators to teach them about the consequences of their criminal behaviour.
- National DSD should amend diversion programmes accreditation policy to make provision for the diversion service providers to apply for funding which would cover catering for youth divertees when they attend diversion programmes.

Diversion programmes need to integrate vocational skills training

Participants proposed that diversion programmes integrate vocational skills training to equip youth offenders with marketable job skills to be self-employed and employable.

Based on the above conclusions, it is recommended that:

- POs should invite local Further Education and Training colleges (FETs) to do exhibitions on available accredited training which could be offered to divertees with no matric qualifications so that they can be encouraged to attend diversion programmes and acquire skills. This could be part of the diversion court order and run concurrently with the diversion programme.
- POs could use social work practice skills to facilitate resourceful and feasible youth entrepreneurship programmes as diversion options. This could encourage full attendance of diversion as the divertees would get a tangible benefit, such as a certificate, for attending diversion programmes. These could further promote the social inclusion of young offenders by linking them to existing economic opportunities provided by the government.

Diversion programmes need to integrate sports

The fourth solution which was proposed by the participants was that diversion programmes should integrate sports such as soccer, to keep them interested in attending. The study found that the participants preferred to spend their leisure time with friends by either smoking dagga or doing sporting activities in the community instead of attending their diversion programmes.

Based on the above conclusions, it is recommended that:

- POs should start using prosocial activities as part of the diversion order to encourage compliance and reduce the leisure time divertees spend with antisocial peers. This could help POs and APOs to monitor and occupy divertees' free time with constructive activities during the diversion. Agreements with sports organisers from the Department of Sports, Arts and Culture and Safe Schools could help divertees do sport as part of the diversion orders and help reduce non-compliance with diversion orders.

5.6. OVERALL CONCLUSION

The study aimed to investigate the views of former divertees on the factors that contributed to their non-compliance with their diversion orders and their suggestions on what could be done to help them to comply. Most divertees had a fairly good understanding of what diversion entails. They understood that non-compliance with diversion orders had consequences. However, all of them did not complete their diversion programmes despite their understanding and knowing the consequences. The study revealed various factors contributed to their non-compliance with their diversion orders. Difficulties in their home circumstances due to poverty played a significant role. The study showed that children in diversion should be monitored and supported by probation and assistant probation officers and that diversion should have long-term value and tangible outcomes for those who complete it.

5.7. RECOMMENDATIONS FOR FURTHER RESEARCH

- Considering the small sample size of the study, there is a need for similar research to be conducted on a larger scale and this could include more children from the Western Cape Province who had been non-compliant with diversion orders. This would provide a broader and in-depth understanding of the perspectives of a wider group of former divertees about the factors that have contributed to their non-compliance with diversion orders.
- It is proposed that the parents or caregivers be included as participants in similar studies to get their understanding of these issues. This could also help to explore why parents and caregivers do not participate in diversion programmes and what they think could assist them and their children to comply with the diversion court orders.

Reference list

Abdulla, Z & Goliath, V. 2015. "Parents' experiences of monitoring their adolescents' compliance with diversion orders" *Social Work/Maatskaplike Werk* 2015:51(2). DOI: <http://dx.doi.org/51-1-443>.

Anderson, C. 2010. *Presenting and Evaluating Qualitative Research*. Available: <https://www.ajpe.org/content/ajpe/74/8/141.full.pdf> [Accessed on 06/12/2020].

Babbie E & Mouton J 2001. *The practise of social research*. Cape Town: Oxford University Press.

Babbie E. 2017. *The basics of social research. 7th Edition*, Boston, MA: Cengage Learning, Inc.

Baez, B. 2002. *Confidentiality in qualitative research: reflections on secrets, power and agency*. 2(1):35-58. Available: Google Scholar [Accessed on 29/04/2018].

Bechtold, J., & Cauffman, E. 2013. Tried as an adult, housed as a juvenile: A tale of youth from two courts incarcerated together. Available: EBSCOHost [17/11/2020].

Bertram, C & Christiansen, I. 2014. *Understanding research. An introduction to reading research*. Van Schaik Publishers, Hatfield, Pretoria.

Bhattacharjee, A. 2012. *Social Science Research: Principles, Methods, and Practices*, 2nd edition. Published under the Creative Commons Attribution-Non Commercial-Share Alike 3.0 Unported License Available: http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1002&context=oa_textbooks [Accessed on 07/07/2018].

Bloor, M. & Wood, F. 2006. *Keywords in Qualitative Methods: A Vocabulary of Research Concepts*. Available: [https://books.google.co.za/books?id=rHot2JmwoYMC&pg=PA16&lpg=PA16&dq=Definition+The+recording+of+sound+\(typically+speech\)+for+the+purposes+of+data+collection.&source=bl&ots=ndYVuT5FC1&sig=OJtcl7Ex1AMIJUIxxtE6AjT-15M&hl=en&sa=X&ved=0ahUKEwi_krjmzp_cAhWyyoUKHc_3BTsQ6AEIWD AJ#v=onepage&q=Definition%20The%20recording%20of%20sound%20\(typically%20speech\)%20for%20the%20purposes%20of%20data%20collection.&f=false](https://books.google.co.za/books?id=rHot2JmwoYMC&pg=PA16&lpg=PA16&dq=Definition+The+recording+of+sound+(typically+speech)+for+the+purposes+of+data+collection.&source=bl&ots=ndYVuT5FC1&sig=OJtcl7Ex1AMIJUIxxtE6AjT-15M&hl=en&sa=X&ved=0ahUKEwi_krjmzp_cAhWyyoUKHc_3BTsQ6AEIWD AJ#v=onepage&q=Definition%20The%20recording%20of%20sound%20(typically%20speech)%20for%20the%20purposes%20of%20data%20collection.&f=false) [Accessed on 15/07/2018].

- Bulanda, J. & Johnson, T., B. 2015. A Trauma-Informed Model for Empowerment Programs Targeting Vulnerable Youth. Available: EBSCOHost [17/11/2020].
- Catalano, R.F. 1996. The Social Development Model: A theory of antisocial behavior. *In Delinquency and Crime: Current Theories*. J.E. Hawkins, Eds. Cambridge University Press. Available: Google Scholar. [Accessed on 06/04/2018].
- Christians, C.G. 2005. 6 Ethics and politics in qualitative research. Available: <http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=9AD9FEB8ADA0048DB74250B07AA7B24C?doi=10.1.1.496.4634&rep=rep1&type=pdf>. [Accessed on 09/08/2018].
- Constitution of the Republic of South Africa, 1996 – *Chapter 2: Bill of Rights*. Available: <https://www.gov.za/documents/constitution/chapter-2-bill-rights>. [Accessed on 23/05/2020].
- Convention on the Rights of the Child. 1990. Available: <https://www.unhcr.org/protection/children/50f941fe9/united-nations-convention-rights-child-crc.html> [Accessed on 23/05/2020].
- Dawes, A. & van der Merwe, A. 2004. *The development of Minimum Norms and Standards for diversion programmes in the Child Justice system. Final Report for NICRO*. Available: Google Scholar [Accessed on 02/04/2018].
- Davidson, H. 2014. *DOES THE U.N. CONVENTION ON THE RIGHTS OF THE CHILD MAKE A DIFFERENCE?* Available: <https://www.google.com/search?q=DOES+THE+U.N.+CONVENTION+ON+THE+RIGHTS+OF+THE+CHILD+MAKE+A+DIFFERENCE%3F+Howard+Davidson1&oq=DOES+THE+U.N.+CONVENTION+ON+THE+RIGHTS+OF+THE+CHILD+MAKE+A+DIFFERENCE%3F+Howard+Davidson1&aqs=chrome..69i57.2352j0j7&sourceid=chrome&ie=UTF-8> [Accessed on 16/11/2020].
- De Beus, K. & Rodriguez, N. 2007. “Restorative justice practice: An examination of program completion and recidivism” *Journal of Criminal Justice* 35:337–347. DOI: 10.1016/j.jcrimjus.2007.03.009.
- Dembo, R., Walters, W., Wareham, J., Burgos, C., Schmeidler, J., Hoge, R. & Underwood, L. 2008. “Evaluation of an innovative post-arrest diversion program: 12-month recidivism analysis” *Journal of Offender Rehabilitation* 47(4):356-384. DOI: 10.1080/10509670801992418.

Denscombe, M. 2007. *The good research guide for small-scale social research projects*. 3rd edition. Open University Press. Available: [Accessed on 07/07/2018].

Department of Justice and Constitutional Development, 2010. *Publication of National Policy Framework on Child Justice, in terms of the Child Justice Act, 2008*. Available: http://www.justice.gov.za/legislation/notices/2010/20100813_GG33461_n801_child-justice.pdf [Accessed on 20/05/2018].

Department of Justice and Constitutional Development. 2019. *2018/19 Inter-departmental annual reports on the implementation of the Child Justice Act, 75 of 2008*. Available: https://www.gov.za/sites/default/files/gcis_document/201911/justice-annual-report-2018-19.pdf [Accessed on 13.11.2020].

Department of Social Development. 2015. *Reviewed Minimum Norms and Standards for Diversion*. Pretoria. Department of Social Development.

Department of Social Development. 2017. *Annual report 206/2017*. Available: https://www.westerncape.gov.za/assets/departments/social-development/dsd_annual_report_2016-17_english.pdf [Accessed on 05/05/2018].

Department of Social Development. 2018. *EDEN Karoo Regional Review of the 2017/2018 operational plan*. (Unpublished).

De Vos, A.S. 2005. Qualitative data analysis and interpretation. In *Research at Grass Roots: For the Social Sciences and Human Service Professions*. 4th ed. A. S. de Vos, Ed. Pretoria, SA: Van Schaik. 333-349.

Downs, W. R., Robertson, J.F. & Harrison, L.R. 1997. *Control Theory, Labeling Theory, and the delivery of services for drug abuse to adolescents*. Vo.32(125). Available: <https://search.proquest.com/openview/02b97bb9f096974daace56e87f55b748/1?pq-origsite=gscholar&cbl=41539> [Accessed: 01/12/2020]

Dreyer, A. S. 2011. Parental Adherence to Clinical Recommendations in an ADHD Evaluation Clinic. Available: EBSCOHost [17/11/2020].

Dudovskiy, J. 2018. Data Collection Methods. In: *The Ultimate Guide to Writing a Dissertation in Business Studies: A Step-by-Step Assistance*. Available: <https://research-methodology.net/research-methods/data-collection/> [Accessed on 22.07.2020].

General Labour Law. 1997. *Basic Conditions of Employment Act (1997)*. Available at: <https://www.passop.co.za/your-rights/general-labour-law> [Accessed on 12/04/2020].

Goldblatt, H. & Band-Winterstein, T. 2016. “From understanding to insight: using reflexivity to promote students’ learning of qualitative research” *International and Multidisciplinary Perspectives* 17(2). DOI: 10.1080/14623943.2015.1134471.

Greeff, M. 2011. Information collection: Interviewing. In: *Research at Grass Roots: For the Social Sciences and Human Service Professions*. 4th ed. A. S. de Vos, Ed. Pretoria, SA: Van Schaik. 341-375.

Gxubane, T. 2012. A developmental social work approach to crime prevention through restorative justice. In *Criminal Justice Social Work, A South African Practice Framework*. L. Holtzhausen, Ed. Claremont: Juta and Company Ltd. 99- 117.

Gxubane, T. 2014. “Restorative justice with youth sex offenders”. In: *The social work practitioner-researcher* 26(2). Available: Google Scholar. [Accessed on 02/04/2018].

Gxubane, T. 2019a. The Role of Probation Officers in Enhancing Innovative and Sustainable Entrepreneurship Programmes. In: *Youth Voice Journal ISSN* (Online) 2969 Available: [file:///C:/Users/51684365/Downloads/Roleofprobationofficers-ThulaneGxubane2%20\(3\).pdf](file:///C:/Users/51684365/Downloads/Roleofprobationofficers-ThulaneGxubane2%20(3).pdf) [Accessed on 17/05/2020].

Gxubane, T. 2019b. Facilitation of Residential Diversion Programmes for Youth Sex Offenders in South Africa. Available: [file:///C:/Users/51684365/Downloads/4448-ArticleText-31148-3-10-201908081%20\(1\).pdf](file:///C:/Users/51684365/Downloads/4448-ArticleText-31148-3-10-201908081%20(1).pdf) [Accessed on 30/04/2020].

Hamilton, C. 2011. *Guidance for legislative reform on juvenile justice*: Available: https://www.unicef.org/policyanalysis/files/Juvenile_justice_16052011_final.pdf [Accessed: 16/11/2020].

Hansungule, Z. 2018. *Questionable correction: Independent oversight of child and youth care centres in South Africa*. Available: <http://apcof.org/wp-content/uploads/apcof-policy-brief-child-and-youth-care-centres-.pdf> [Accessed: 21/11/2020].

Hargovan, H. 2013. *Child justice in practice: The diversion of young offenders*. Available: <https://www.ajol.info/index.php/sacq/article/viewFile/101386/90575> [Accessed on 26/02/2018].

Hsieh, H. & Shannon, S.E. 2005. "Three Approaches to Qualitative Content Analysis" *QUALITATIVE HEALTH RESEARCH* 15(9):1277-1288. DOI: 10.1177/1049732305276687.

Human Science Research Council (HSRC) (South Africa). 2010. *Informed Consent Guidelines re Minors (including orphans and vulnerable children (OVC)) and Parental Substitutes*. Pretoria, South Africa: HSRC. Available: <http://www.hsrc.ac.za/uploads/pageContent/182/Guidelines%20for%20research%20with%20minors%202012.pdf>. [Accessed on 07.07.2020].

Keogan, K. The Relationship Between Clothing Preference, Self-Concepts and Self Esteem. Available at: <https://pdfs.semanticscholar.org/94b6/2b332c8aea0ce97b05a51642cca68d9b23a5.pdf> [Accessed on 12/01/2020].

Kilkelly, U. (2008). *Youth Justice and Children's Rights: Measuring Compliance with International Standards*. Available: <https://www.ucc.ie/academic/law/docs/youth%20justice%20programme%20final.pdf> [Accessed 16/11/2020].

Klaassen, D. 1983. "The Provenance of Social Work Case Records: Implications for Archival Appraisal and Access" *Provenance, Journal of the Society of Georgia Archivists* 1(1). Available: <https://digitalcommons.kennesaw.edu/cgi/viewcontent.cgi?article=1339&context=provenance> [Accessed on 14/06/2018].

Kleinhans, L.A. 2013. The views of social workers on diversion programmes for male juvenile delinquents. Master's Degree. Thesis. The University of Stellenbosch.

Kumar, R. 2011. *Research Methodology a step-by-step guide for beginners*. Available: http://www.sociology.kpi.ua/wp-content/uploads/2014/06/Ranjit_Kumar-Research_Methodology_A_Step-by-Step_G.pdf SAGE Publications Ltd [Accessed on 05/07/2018].

Latham, B. 2007. *Sampling: What is it?* Available: [http://webpages.acs.ttu.edu/rlatham/Coursework/5377\(Quant\)\)/Sampling_Methodology_Paper.pdf](http://webpages.acs.ttu.edu/rlatham/Coursework/5377(Quant))/Sampling_Methodology_Paper.pdf). [Accessed on 10/01/2018].

Lieberman, A.M., David S. Kirk, D.S., & Kim, K. 2014. “Labelling effects of first juvenile arrests: secondary deviance and secondary sanctioning” *CRIMINOLOGY* 52(3):345–370 2014. DOI: 10.1111/1745-9125.12039.

Lietz, C. A. & Zayas, L. E. 2010. Evaluating Qualitative Research for Social Work Practitioners. *Advances in Social Work* (11)2: 188-202. Available: <https://journals.iupui.edu/index.php/advancesinsocialwork/article/view/589/1790> [Accessed on 08/12/2020].

Marshall, M.N. 1996. “Sampling for qualitative research” *Family Practice* 13(6):522-525. Available: https://47-269-203-spr2010.wiki.uml.edu/file/view/Research_I_20090916221539453.pdf/116402723/Research_I_20090916221539453.pdf [Accessed 10/07/2018].

McClure, R.D. 2002. *Common data collection strategies effective in qualitative studies using action research in technical/operational training programs*. Available: Google Scholar [Accessed on 21/05/2018].

Miles, D., A. 2019. Research methods and strategies: Problem development: How to write a problem statement in a dissertation: Available: [file:///C:/Users/51684365/Downloads/Miles2019ProblemStatement%20\(2\).pdf](file:///C:/Users/51684365/Downloads/Miles2019ProblemStatement%20(2).pdf) [Accessed/14.11.2020].

Morgan, A.K., & Drury, V.B. 2003. Legitimising the subjectivity of human reality through qualitative research method. *The Qualitative Report* 8(1): 70-80. Available: <http://ro.ecu.edu.au/cgi/viewcontent.cgi?article=4684&context=ecuworks> [Accessed on 28/08/2018].

Moura, F.T. 2017. *Sample size as limitation in research*. Available: <https://musicstats.org/why-addressing-the-limitations-of-your-research-is-so-important/> [Accessed on 05/07/2018].

Mujuzi, J.D. 2015. Diversion in the South African criminal justice system: *Emerging jurisprudence*. Available: <https://core.ac.uk/download/pdf/62636306.pdf> [Accessed on 10/03/2020].

Muntingh, L.M. 2001. *The effectiveness of diversion programmes - a longitudinal evaluation of cases*. Available: [https://www.unicef.org/tdad/nicroevaluation01\(1\).pdf](https://www.unicef.org/tdad/nicroevaluation01(1).pdf) [Accessed on 23/06/2018].

NICRO. 2017. *Annual report 2016/2017* on <http://press.nicro.org.za/images/PDF/NICRO%20AR2017%20-%20Electronic%20Copy.pdf> [Accessed on 14/11/2020].

Polit, D.F & Beck, C.T. 2010. *Generalization in quantitative and qualitative research: Myths and strategies*. DOI: 10.1016/j.ijnurstu.2010.06.004.

Queirós, A., Faria, D. & Almeida, F. 2017. Strengths and limitations of qualitative and quantitative research methods. *European Journal of Education Studies* 3(9). DOI:10.5281/zenodo.887089.

Restivo, E.C. & Lanier, M.M. 2014. "The impact of extra-legal factors on the labelling of juveniles as 'offenders'" *Acta Criminologica: Southern African Journal of Criminology* 27(1). Available: Google Scholar. [Accessed on 13/06/2018].

Rodriguez, N. 2013. Concentrated Disadvantage and the Incarceration of Youth: Examining How Context Affects Juvenile Justice. Available: EBSCOHost [17/11/2020].

Roller, M. 2012. *Reflections from the Field: Questions to stimulate reflexivity among qualitative researchers*. Available: <HTTPS://RESEARCHDESIGNREVIEW.COM/2014/03/30/REFLECTIONS-FROM-THE-FIELD-QUESTIONS-TO-STIMULATE-REFLEXIVITY-AMONG-QUALITATIVE-RESEARCHERS/> [Accessed on 05/07/2018].

Sale, J.E.M., Lohfeld, L.H. & Brazil, K. 2002. "Revisiting the Quantitative-Qualitative Debate: Implications for Mixed-Methods Research" *Quality & Quantity* 36:43–53. Available: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4623759/pdf/nihms4866.pdf> [Accessed on 20/05/2018].

Sloth-Nielsen, J.J. 2001. *The role of International law in juvenile justice reform in South Africa*. Available: <http://nrfnexus.nrf.ac.za/handle/20.500.11892/102324> [Accessed on 19/05/2018].

Steyn, F. 2010. Approaches to diversion of child offenders in South Africa: A comparative analysis of programme theories. PhD Thesis. The University of the Free State.

Strydom, H. 2005. Sampling and sampling methods. *In Research at Grass Roots for the social sciences and human services professions*. A.S. de Vos, H. Strydom, C.B. Fouché & C.S.L. Delpont, Eds: Pretoria: Van Schaik Publishers.192-204.

Strydom, H. 2011. Ethical aspects of research in the social sciences and human services professions. *In Research at Grass Roots for the social sciences and human services professions*. A.S. de Vos, H. Strydom, C.B. Fouché & C.S.L. Delpont, Eds: Pretoria: Van Schaik Publishers. 101-112.

Strydom, H. 2011. The pilot study in the quantitative paradigm. *In Research at Grass Roots for the social sciences and human services professions*. A.S. de Vos, H. Strydom, C.B. Fouché & C.S.L. Delpont, Eds: Pretoria: Van Schaik Publishers. 236-247.

Schurink, W., Fouché, C. B. & De Vos, A.S. 2011. Qualitative data analysis and interpretation. *In Research at Grass Roots for the social sciences and human services professions*. A.S. de Vos, H. Strydom, C.B. Fouché & C.S.L. Delpont, Eds: Pretoria: Van Schaik Publishers. 397-423.

Tashakkori, A. & Teddlie, C. 2003. *Handbook of mixed methods in social and behavioral research*. Available: https://books.google.co.za/books?hl=en&lr=&id=F8BFOM8DCKoC&oi=fnd&pg=PA297&dq=definition+of+data+collection+instrument&ots=gVdQswuvRk&sig=UKROYMD_U6SPRIwvs9fg_g3YIII&redir_esc=y#v=onepage&q=definition%20of%20data%20collection%20instrument&f=false [Accessed on 22/08/2018].

The Republic of South Africa. Child *Justice Act*, No. 75 of 2008 Pretoria: Government Printers Available: http://www.justice.gov.za/legislation/acts/2008-075_childjustice.pdf [Accessed 08/07/2018].

Thompson, S., J., Bender, K., Cardoso, J. G. & Flynn, P. M. 2011. *Experiential Activities in Family Therapy: Perceptions of Caregivers and Youth*.

Todorović, M. 2017. International instruments on juvenile delinquency, reactions to juvenile offences, and harmonisation with national legislations: the case studies of Serbia and Slovenia Available: <https://repository.gchumanrights.org/bitstream/handle/20.500.11825/595/Todorovic.pdf?sequence=1&isAllowed=y> [Accessed 17/11/2020].

United Nations Standards Minimum Rules for the Administration of Juvenile Justice (*Beijing Rules*, 1985) Available: <http://www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf> [Accessed 19/05/2018].

Western Cape Department of Social Development (2016). *An Evaluation of the Diversion Programme for Young Offenders aged 12 – 17 years old in the Western Cape (Phase 1)*. Internal Research Report compiled by Heidi Sauls. Available: https://www.westerncape.gov.za/assets/departments/social-development/final_diversion_report_phase_1_dec_2016.pdf [Accessed on 25/02/2018].

Western Cape Department of Social Development (2018). *An evaluation of the Diversion Programme for Young Offenders aged 12 – 17 years old in the Western Cape (Phase 1 and Phase 2)*. Internal Research Report compiled by Heidi Sauls. Available: https://www.westerncape.gov.za/assets/departments/social-development/summary_report_iro_an_evaluation_of_the_diversion_programme_for_child_offenders_2018.pdf [Accessed 12.11.2020].

Western Cape Province. 2018. *Socio-economic profile. Central Karoo District Municipality*. Available: <https://www.westerncape.gov.za/provincial-treasury/files/atoms/files/DC05%20Central%20Karoo%20District%202018%20Socio-economic%20Profile%20%28SEP-LG%29.pdf> [Accessed on 09/05/2020].

Whelan, T.J. 2007. Anonymity and Confidentiality: Do Survey Respondents Know the Difference? *30th annual meeting of the Society of Southeastern Social Psychologists, Durham, NC*. 29 October 2015. Available: Google Scholar [Accessed on 2018/06/13].

Wilson, H.A & Hoge, R.D. 2012. “Diverting our attention to What Works: Evaluating the effectiveness of a youth diversion program” *Youth Violence and Juvenile Justice* 11(4):313-331. DOI: 10.1177/1541204012473132.

Wolbransky, M., Goldstein, N.E.S., Giallella, C and Heilbrun, K. 2013. “Collecting Informed Consent with Juvenile Justice Populations: Issues and Implications for Research” *Behavioral Sciences and the Law* 31:457–476. DOI: 10.1002/bsl.2068.

Wong, J.S., Bouchard, J., Gravel, J., Bouchard, M. & Morselli, C. 2016. “Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion Programs” *Criminal Justice and Behavior* 43(10):1310–1329. DOI: 10.1177/0093854816640835.

List of Appendices

Appendix 1: Form 6

DIVERSION ORDER

SECTION 53(1) OF THE CHILD JUSTICE ACT, 2008 (ACT NO.75 OF 2008) REGULATIONS RELATING TO CHILD JUSTICE

[Regulation 29]

At the preliminary inquiry/

In the child justice court held at:

Case number (if applicable):

To

<p>Particulars of the child:</p> <p>Full names and Surname _____</p> <p>Age _____ Date of birth _____ Sex _____</p> <p>Physical address _____</p> <p>Alleged offence _____</p> <p>Copy to _____</p> <p>*(any other person/institution affected by the order)</p> <p>Name and Surname _____</p> <p>Physical address _____</p> <p>Contact details _____</p>

Particulars of the Order

Part A
Compulsory school attendance order in terms of section 53(1)(a) of the Act
(i) You are ordered to attend _____ school, in _____

(place) every school day, from the date of this order _____ unless excused the school principle/headmaster of educator appointed by the headmaster for purpose, for reasons acceptable to the school and the Department of Education.

(ii) In this order you are required to;

- remain at the school during school hours;
- report to the responsible educator;
- perform schoolwork, including homework, diligently;
- co-operate with the educators
- abide by the school rules; and
- participate in the following extra curriculum activities (specify)

(iii) Mr/Ms _____ in his/her capacity as _____

will monitor your compliance with this order and report back.

(iv) Your failure to comply with this order may result in you being issued with a warrant of arrest.

Signature: Presiding Officer

Date

Name of the Presiding officer _____

Part B

Family time order in terms of section 53(1)(b) of the Act

- (i) You are ordered to spend at least _____ per week/month with your family.
- (ii) Under this order you are required to;
- interact with members of your family;
 - help with, or perform household duties;
 - do your homework;
 - listen to and co-operate with other family members;

<ul style="list-style-type: none"> • behave in the following manner _____ <p>(iii) This order will apply from the date of this order until _____</p> <p>(v) Mr/Ms _____ in his/her capacity as _____ will monitor your compliance with this order and report back.</p> <p>(vi) Your failure to comply with this order may result in you being issued with a warrant of arrest.</p> <div style="display: flex; justify-content: space-between; width: 80%; margin-left: auto; margin-right: auto;"> <div style="border-top: 1px solid black; width: 45%;"></div> <div style="border-top: 1px solid black; width: 45%;"></div> </div> <p>Signature: Presiding Officer Date</p> <p>Name of the Presiding officer _____</p>
--

Part C
<p>Good Behaviour Order in terms of section 53(1)(c) of the Act</p> <p>(i) From the date of this order until _____ you are ordered to abide by the following standard of behaviour:</p> <ul style="list-style-type: none"> • Cooperation at times: • Adhering to discipline at home: • Stop the following behaviour: <ul style="list-style-type: none"> • Visiting places where alcohol is sold • Abstain from using substances • Display behaviour challenges (and offending) <p>(ii) In this order you are required to;</p> <ul style="list-style-type: none"> • interact with members of your family • help with, or perform household duties • listen to and cooperate with other family members • attend community activities approved by your parents, appropriate other or guardian • report to the local social worker weekly • attend the life skills programme

(iv) Mr/Ms _____ in his/her capacity as _____ will monitor your compliance with this order and report back.

(v) Your failure to comply with this order may result in you being issued with a warrant of arrest.

Signature: Presiding Officer

Date

(vi) Name of the Presiding officer

Appendix 2: Form 9

REPORT ON COMPLIANCE OR NON-COMPLIANCE WITH DIVERSION ORDER

SECTION 57 AND 58 OF THE CHILD JUSTICE ACT, 2008 (ACT NO 75 OF 2008)

REGULATIONS RELATING TO CHILD JUSTICE

[Regulations 33 and 34]

To: The Clerk of the Child Justice Court: Magistrate Office –

Case No _____

AND

To: Magistrate court – The Prosecutor

1. Particulars of Child

Full names and surname _____

Physical address _____

Contact number _____

2. Particulars of Order

Alleged offences _____

Diversion Order _____

An order issued by _____

Date (attach copy order if available) _____

3. Particulars of the Significant Person identified to monitor compliance

Full name and surname _____

Stationed at _____

Contact details _____

4. Notification of non-compliance in terms of Section 57 (2)

Provide full details on the nature and the extent of the failure to comply, including dates and times and the implications thereof.

Indicate if any corrective measures been taken, if yes, indicate the result thereof;

Recommendations:

(Provide facts and if an opinion is expressed, it must be motivated)

(Attach supporting documents, if any)

5. Report on successful compliance in terms of section 57(5)

Provide full details of compliance:

Indicate to what extent the objectives of diversion referred to in section 51 of the Act have been met:

Signature of Probation Officer (identified person to monitor compliance)

Signature of supervisor

OFFICIAL STAMP

Appendix 3: Request for minor children's participation & Consent form for parents/guardians of the participants under 18 years.

UNIVERSITY OF CAPE TOWN



FACULTY OF HUMANITIES

DEPARTMENT OF SOCIAL DEVELOPMENT

REQUEST FOR PARTICIPATION & CONSENT FORM

Name of the researcher: Sanna Weëls

Student number: WLSSAN003

This research forms part of the qualification of a Master of Social Science Degree in Probation & Correctional Practice in the Department of Social Development at the University of Cape Town.

Title of study: An Exploratory study on the perceptions of former divertees on the factors that contributed to their non-compliance with diversion orders.

Objectives of the study: Interviews with the participants will explore the following;

- Their understanding of diversion and diversion orders;
- Their understanding of the consequences of failing to comply with diversion orders;
- Their perceptions regarding factors that have contributed to their non-compliance with diversion orders; and
- Their suggestions, if any, regarding what could be helpful, in helping divertees to comply with diversion orders.

Please read the following and sign if you agree with your minor child to participate in this study.

.....

Research Procedures:

I understand that my minor child will be participating in an interview process to explore factors that might have contributed to his decision not to participate/complete the diversion programme to which he was referred to by the court. The interview will last approximately 60 to 90 minutes. During the interview, I understand that notes will be taken, and a voice recorder will be used. The notes, the information held on the recorder and the transcripts will be kept in a secure place. Once the research has been completed, this material will be only for the use of academic purposes and the actual transcripts will be destroyed at a later stage.

Participant’s Rights: I understand that my minor child is free to withdraw from participating in this study at any time, without giving any reason or being disadvantaged in any way.

Ethical commitments of the study

Informed consent: I give my consent for the participation of my minor child. The focus of the study was explained to me and I understand that.

Voluntary participation: Under no circumstances was there was any coercion or unduly influenced towards me to consent to my minor child’s participation in this study.

Confidentiality: I understand that the interview process will be kept strictly confidential and that information will be available to the researcher and the supervisor. The final report will be examined by an external examiner.

Anonymity: Extracts from the interviews will be included in the final research report without anyone being able to link my minor child’s quotes to his identity. Under no circumstances will my minor child’s name be revealed in the report or any other publications related to this research.

Avoidance of Harm: I was informed that there are no foreseen risks or harm in my minor child participating in this study. Although in the event of any emotional trauma there will be a debriefing session and if there is a need for further counselling my child will be referred to appropriate social work services by the researcher.

Deception of respondents: I understand that this research will not benefit me or my minor child directly and that I will not be paid for agreeing to give consent for my child to be interviewed. However, through my minor child's participation, this study will benefit future divertees, the student and the Department of Social Development. I was informed that the study has no intention to hold my minor child accountable for not complying with the diversion order issued against him. The information gathered will feed into recommendations to influence effective diversion management in probation service practice.

I understand that if at any time my minor child would like to withdraw from the study, he will be free to do so.

I was informed that the researchers' supervisor is Dr Thulane Gxubane, who can be contacted for any further queries:

Thulane.Gxubane@uct.ac.za

Tel. 27 21 650 4220

By signing this informed consent form, I confirm that I have read it. The researcher has also read it to me, and the study has been explained to me. I voluntarily consent to my minor child's participation in this study.

Signature of Parent/Guardian

Date (dd/mm/yyyy)

Signature of Researcher

Date (dd/mm/yyyy)

Appendix 4: Request for participation & Consent form for participants under 18 years of age.

UNIVERSITY OF CAPE TOWN



FACULTY OF HUMANITIES

DEPARTMENT OF SOCIAL DEVELOPMENT

REQUEST FOR PARTICIPATION & CONSENT FORM

Name of the researcher: Sanna Weëls

Student number: WLSSAN003

This research forms part of the qualification of a Master of Social Science Degree in Probation & Correctional Practice in the Department of Social Development at the University of Cape Town.

Title of study: An Exploratory study on the perceptions of former divertees on the factors that contributed to their non-compliance with diversion orders.

Objectives of the study: Interviews with the participants will explore the following;

- Their understanding of diversion and diversion orders;
- Their understanding of the consequences of failing to comply with diversion orders;
- Their perceptions regarding factors that have contributed to their non-compliance with diversion orders; and
- Their suggestions, if any, regarding what could be helpful, in helping divertees to comply with diversion orders.

Please read the following and sign if you agree to participate in this study.

.....

Research Procedures:

I understand that I will be participating in an interview process to explore factors that might have contributed to my decision not to participate/complete the diversion programme to which I was referred to by the court. The interview will last approximately 60 to 90 minutes. During the interview, I understand that notes will be taken, and a voice recorder will be used. The notes, the information held on the recorder and the transcripts will be kept in a secure place. Once the research has been completed, this material will be only for the use of academic purposes and the actual transcripts will be destroyed at a later stage.

Participant's Rights: I understand that I am free to withdraw from participating in this study at any time, without giving any reason or being disadvantaged in any way.

Ethical commitments of the study

Informed consent: I give my consent and my participation wilfully. The focus of the study was explained to me and I understand that.

Voluntary participation: Under no circumstances was I coerced or unduly influenced to participate in this study. My participation is voluntary.

Confidentiality: I understand that the interview process will be kept strictly confidential and that information will be available to the researcher and the supervisor. The final report will be examined by an external examiner.

Anonymity: Extracts from the interviews will be included in the final research report without anyone being able to link my quotes to my identity. Under no circumstances will my name be revealed in the report or any other publications related to this research.

Avoidance of Harm: I was informed that there are no foreseen risks or harm in participating in this study. Although in the event of any emotional trauma there will be a debriefing session and if there is a need for further counselling, I will be referred to appropriate services by the researcher.

Deception of respondents: I understand that this research will not benefit me directly and that I will not be paid for agreeing to do this interview. However, through my participation, this study will benefit future divertees, the student and the Department of Social Development. I was informed that the study has no intention to hold me accountable for not complying with the diversion order issued against me. The information gathered will feed into recommendations to influence effective diversion management in probation service practice.

I understand that if at any time I would like to withdraw from the study I will be free to do so.

I was informed about my researcher's supervisor Dr Thulane Gxubane, who can be contacted for any further queries:

Thulane.Gxubane@uct.ac.za

Tel. 27 21 650 4220

By signing this informed consent form, I confirm that I have read it. The researcher has also read it to me, and the study has been explained to me. I voluntarily participate in this study

Signature of Participant

Date (dd/mm/yyyy)

Signature of Researcher

Date (dd/mm/yyyy)

Appendix 5: Request for participation & Consent form for participants over 18 years of age.**UNIVERSITY OF CAPE TOWN****FACULTY OF HUMANITIES****DEPARTMENT OF SOCIAL DEVELOPMENT****REQUEST FOR PARTICIPATION & CONSENT FORM**

Name of the researcher: Sanna Weëls

Student number: WLSSAN003

This research forms part of the qualification of a Master of Social Science Degree in Probation & Correctional Practice in the Department of Social Development at the University of Cape Town

Title of study: An Exploratory study on the perceptions of former divertees on the factors that contributed to their non-compliance with diversion orders.

Objectives of the study: Interviews with the participants will explore the following;

- Their understanding of diversion and diversion orders;
- Their understanding of the consequences of failing to comply with diversion orders;
- Their perceptions regarding factors that have contributed to their non-compliance with diversion orders; and
- Their suggestions, if any, regarding what could be helpful, in helping divertees to comply with diversion orders.

Please read the following and sign if you agree to participate in this study.

.....

Research Procedures:

I understand that I will be participating in an interview process to explore factors that might have contributed to my decision not to participate/complete the diversion programme to which I was referred to by the court. The interview will last approximately 60 to 90 minutes. During the interview, I understand that notes will be taken, and a voice recorder will be used. The notes, the information held on the recorder and the transcripts will be kept in a secure place. Once the research has been completed, this material will be only for the use of academic purposes and the actual transcripts will be destroyed at a later stage.

Participant's Rights: I understand that I am free to withdraw from participating in this study at any time, without giving any reason or being disadvantaged in any way.

Ethical commitments of the study

Informed consent: I give my consent and my participation wilfully. The focus of the study was explained to me and I understand that.

Voluntary participation: Under no circumstances was I coerced or unduly influenced to participate in this study. My participation is voluntary.

Confidentiality: I understand that the interview process will be kept strictly confidential and that information will be available to the researcher and the supervisor. The final report will be examined by an external examiner.

Anonymity: Extracts from the interviews will be included in the final research report without anyone being able to link my quotes to my identity. Under no circumstances will my name be revealed in the report or any other publications related to this research.

Avoidance of Harm: I was informed that there are no foreseen risks or harm in participating in this study. Although in the event of any emotional trauma there will be a debriefing session and if there is a need for further counselling, I will be referred to appropriate services by the researcher.

Deception of respondents: I understand that this research will not benefit me directly and that I will not be paid for agreeing to do this interview. However, through my participation, this study will benefit future divertees, the student and the Department of Social Development. I was informed that the study has no intention to hold me accountable for not complying with the diversion order issued against me. The information gathered will feed into recommendations to influence effective diversion management in probation service practice.

I understand that if at any time I would like to withdraw from the study I will be free to do so.

I was informed about my researcher's supervisor Dr Thulane Gxubane who can be contacted for any further queries:

Thulane.Gxubane@uct.ac.za

Tel. 27 21 650 4220

By signing this informed consent form, I confirm that I have read it. The researcher has also read it to me, and the study has been explained to me. I voluntarily participate in this study

Signature of Participant

Date (dd/mm/yyyy)

Signature of Researcher

Date (dd/mm/yyyy)

Aanhangsel 6: Aansoek vir deelname van minderjarige en toestemming vorm vir ouers/voogde van navorsing deelnemers onder 18 jaar oud.

UNIVERSITEIT VAN KAAPSTAD



FAKULTIET GEESTESWETENSKAPPE

DEPARTMENT MAATSKAPLIKE ONTWIKKELING

VERSOEK OM DEELNAME EN TOESTEMMINGS VORM

Naam van die navorser: Sanna Weëls

Studente nommer: WLSSAN003

Hierdie navorsing maak deel uit van 'n kwalifikasie vir 'n Meestersgraad in die Sosiale Wetenskappe in Proef- en Korrektiewe Praktyk in die Department van Sosiale Ontwikkeling aan die Universiteit van Kaapstad.

Titel van studie: Die persepsies van voormalige kinders wie afgewentel was rakende die faktore was bygedra het tot die nie nakoming hul van afwentelingsbevelle.

Doelstellings van die studie: Onderhoude met die deelnemers sal die volgende ondersoek;

- Hul begrip van afwenteling- en afwentelingsbevele;
- Hul begrip van die gevolge vir die versuim om te voldoen aan afwentelingsbevele.
- Hulle persepsies aangaande faktore wat bygedra het tot hul nie-nakoming van afwentelingsbevelle;
- Hul voorstelle, indien enige, oor wat ondersteunend kan wees om jeugoortreders te help om afwentelingsbevelle na te kom.

Lees asseblief die volgende en teken as u saamstem dat u minderjarige kind mag deelneem aan hierdie studie.

.....

Navorsingsprosedures:

Ek verstaan dat my minderjarige kind gaan deelneem aan 'n onderhoudsproses om faktore te ondersoek wat moontlik bygedra het tot sy besluit om nie deel te neem aan die afwentelingsprogram waarna hy deur die hof verwys was nie. Die onderhoud sal ongeveer 60 tot 90-minute duur. Ek verstaan dat daar tydens die onderhoud notas geneem sal word en van 'n stemopnemer gebruik gemaak sal word. Die aantekeninge, die inligting wat op die instrument gehou word en die transkripsies sal op 'n veilige plek gestoor word. Sodra die navorsing voltooi is sal hierdie material slegs vir akademiese doeleindes gebruik word en die werklike transkripsies word later vernietig.

Deelnemer se regte: Ek verstaan dat my minderjarige kind vry is om te onttrek om aan hierdie studie deel te neem, enige tyd, sonder om enige rede te gee of op enige manier benadeel te word.

Etiese verpligtinge van die studie

Ingeligte toestemming: Ek gee toestemming en tot my minderjarige kind se deelname vrywillig. Die fokus van die studie is aan my verduidelik en ek verstaan dit.

Vrywillige deelname: Onder geen omstandighede is ek gedwing of onbehoorlik beïnvloed om my minderjarige kind aan hierdie studie te laat deel neem nie.

Vertroulikheid: Ek verstaan dat die onderhoud inligting streng vertroulik gehou sal word en dat dit net aan die navorser en die supervisor beskikbaar sal wees. Die finale verslag sal deur 'n eksterne eksaminator nagesien word.

Anonimiteit: Uittreksels uit die onderhoude sal in die finale navorsingsverslag ingesluit word, sonder dat iemand my minderjarige kind aanhalings kan koppel aan sy identiteit. Onder geen omstandighede sal sy naam in die verslag of enige ander publikasies wat verband hou met hierdie navorsing, openbaar gemaak word nie.

Vermyding van skade: Ek is ingelig dat daar is geen voorgenome risiko's of skade aan die deelneem in hierdie navorsingstudie vir my minderjarige kind is nie. Alhoewel in die geval van enige emosionele trauma sal daar ontlonting wees vir my minderjarige kind en as daar verdere berading benodig word sal hy na die toepaslike dienste deur die navorser verwys word.

Misleiding van die respondent: Ek verstaan dat hierdie navorsing nie myself of my minderjarige kind direk sal bevoordeel nie en dat ons nie betaal sal word vir die aanvaarding van hierdie onderhoud nie. Deur my minderjarige kind se deelname sal hierdie studie egter toekomstige afwenteling, die student en die Departement van Maatskaplike Ontwikkeling bevoordeel. Ek is ingelig dat die studie nie van plan is om my minderjarige kind aanspreeklik te hou vir die nie nakoming van die afwentelingsbevel wat teen hom uitgereik is nie. Die inligting wat ingesamel word, sal aanbevelings gee om effektiewe afwentelingsbestuur in proefdienstpraktik te beïnvloed.

Ek verstaan dat as my minderjarige kind enige tyd van die studie wil onttrek, hy dit vry kan doen.

Ek is ingelig dat die navorser se supervisor Dr Thulane Gxubane vir verdere navrae gekontak kan word:

Thulane.Gxubane@uct.ac.za

Tel. 27 21 650 4220

Deur hierdie toestemming vorm te onderteken, bevestig ek dat ek dit gelees het of dat die navorser dit vir my gelees het en dat die studie aan my verduidelik is. Ek neem gee vrywillig toestemming dat my minderjarige kind deel neem aan hierdie studie.

Handtekening van Ouer/Voog

Datum (dd/mm/yyyy)

Handtekening van navorser

Datum (dd/mm/yyyy)

Aanhangsel 7: Aansoek vir deelname en toestemming vorm vir navorsing deelnemers onder 18 jaar oud.

UNIVERSITEIT VAN KAAPSTAD



FAKULTIET GEESTESWETENSKAPPE

DEPARTMENT MAATSKAPLIKE ONTWIKKELING

VERSOEK OM DEELNAME EN TOESTEMMINGS VORM

Naam van die navorser: Sanna Weëls

Studente nommer: WLSSAN003

Hierdie navorsing maak deel uit van 'n kwalifisie vir 'n Meestersgraad in die Sosiale Wetenskappe in Proef- en Korrektiewe Praktyk in die Department van Sosiale Ontwikkeling aan die Universiteit van Kaapstad.

Titel van studie: Die persepsies van voormalige kinders wie afgewentel was rakende die faktore was bygedra het tot die nie nakoming hul van afwentelingsbevelle.

Doelstellings van die studie: Onderhoude met die deelnemers sal die volgende ondersoek;

- Hul begrip van afwenteling- en afwentelingsbevele;
- Hul begrip van die gevolge vir die versuim om te voldoen aan afwentelingsbevele.
- Hulle persepsies aangaande faktore wat bygedra het tot hul nie-nakoming van afwentelingsbevelle;
- Hul voorstelle, indien enige, oor wat ondersteunend kan wees om jeugoortreders te help om afwentelingsbevelle na te kom.

Lees asseblief die volgende en teken as jy saamstem om aan hierdie studie deel te neem.

.....

Navorsingsprosedures:

Ek verstaan dat ek deelneem aan 'n onderhoudsproses om faktore te ondersoek wat moontlik bygedra het tot my besluit om nie deel te neem aan die afwentelingsprogram waarna ek deur die hof verwys was nie. Die onderhoud sal ongeveer 60 tot 90-minute duur. Ek verstaan dat daar tydens die onderhoud notas geneem sal word en van 'n stemopnemer gebruik gemaak sal word. Die aantekeninge, die inligting wat op die instrument gehou word en die transkripsies sal op 'n veilige plek gestoor word. Sodra die navorsing voltooi is sal hierdie material slegs vir akademiese doeleindes gebruik word en die werklike transkripsies word later vernietig.

Deelnemer se regte: Ek verstaan dat ek vry is om te onttrek om aan hierdie studie deel te neem, enige tyd, sonder om enige rede te gee of op enige manier benadeel te word.

Etiese verpligtinge van die studie

Ingeligte toestemming: Ek gee my toestemming en my deelname vrywillig. Die fokus van die studie is aan my verduidelik en ek verstaan dit.

Vrywillige deelname: Onder geen omstandighede is ek gedwing of onbehoorlik beïnvloed om aan hierdie studie deel te neem nie. My deelname is vrywillig.

Vertroulikheid: Ek verstaan dat die onderhoud inligting streng vertroulik gehou sal word en dat dit net aan die navorser en die supervisor beskikbaar sal wees. Die finale verslag sal deur 'n eksterne eksaminator nagesien word.

Anonimiteit: Uittreksels uit die onderhoude sal in die finale navorsingsverslag ingesluit word, sonder dat iemand my aanhalings kan koppel aan my identiteit. Onder geen omstandighede sal my naam in die verslag of enige ander publikasies wat verband hou met hierdie navorsing, openbaar gemaak word nie.

Vermyding van skade: Ek is ingelig dat daar is geen voorgenome risiko's of skade aan die deelneem in hierdie navorsingstudie is nie. Alhoewel in die geval van enige emosionele trauma sal daar ontlonging wees en as daar verdere berading benodig word sal ek na die toepaslike dienste deur die navorser verwys word.

Misleiding van die respondent: Ek verstaan dat hierdie navorsing my nie direk sal bevoordeel nie en dat ek nie betaal sal word vir die aanvaarding van hierdie onderhoud nie. Deur my deelname sal hierdie studie egter toekomstige afwenteling, die student en die Departement van Maatskaplike Ontwikkeling bevoordeel. Ek is ingelig dat die studie nie van plan is om my aanspreeklik te hou vir die nie nakoming van die afwentelingsbevel wat teen my uitgereik is nie. Die inligting wat ingesamel word, sal aanbevelings gee om effektiewe afwentelingsbestuur in proefdienstpraktyk te beïnvloed.

Ek verstaan dat as ek enige tyd van die studie wil onttrek, ek dit vry kan doen.

Die navorser se supervisor is Dr Thulane Gxubane, wat ook vir verdere navrae gekontak kan word:

Thulane.Gxubane@uct.ac.za

Tel. 27 21 650 4220

Deur hierdie toestemming vorm te onderteken, bevestig ek dat ek dit gelees het of dat die navorser dit vir my gelees het en dat die studie aan my verduidelik is. Ek neem vrywillig deel aan hierdie studie.

Handtekening van deelnemer

Datum (dd/mm/yyyy)

Handtekening van navorser

Datum (dd/mm/yyyy)

Aanhangsel 8: Aansoek vir deelname en toestemming vorm vir navorsing deelnemers bo 18 jaar oud.

UNIVERSITEIT VAN KAAPSTAD



FAKULTIET GEESTESWETENSKAPPE

DEPARTMENT MAATSKAPLIKE ONTWIKKELING

VERSOEK OM DEELNAME EN TOESTEMMINGS VORM

Naam van die navorser: Sanna Weëls

Studente nommer: WLSSAN003

Hierdie navorsing maak deel uit van 'n kwalifisie vir 'n Meestersgraad in die Sosiale Wetenskappe in Proef- en Korrektiewe Praktyk in die Department van Sosiale Ontwikkeling aan die Universiteit van Kaapstad.

Titel van studie: Die persepsies van voormalige kinders wie afgewentel was rakende die faktore was bygedra het tot die nie nakoming hul van afwentelingsbevelle

Doelstellings van die studie: Onderhoude met die deelnemers sal die volgende ondersoek;

- Hul begrip van afwenteling- en afwentelingsbevele;
- Hul begrip van die gevolge vir die versuim om te voldoen aan afwentelingsbevele.
- Hulle persepsies aangaande faktore wat bygedra het tot hul nie-nakoming van afwentelingsbevele;
- Hul voorstelle, indien enige, oor wat ondersteunend kan wees om jeugoortreders te help om afwentelingsbevelle na te kom.

Lees asseblief die volgende en teken as jy saamstem om aan hierdie studie deel te neem.

.....

Navorsingsprosedures:

Ek verstaan dat ek deelneem aan 'n onderhoudsproses om faktore te ondersoek wat moontlik bygedra het tot my besluit om nie deel te neem aan die afwentelingsprogram waarna ek deur die hof verwys was nie. Die onderhoud sal ongeveer 60 tot 90-minute duur. Ek verstaan dat daar tydens die onderhoud notas geneem sal word en van 'n stemopnemer gebruik gemaak sal word. Die aantekeninge, die inligting wat op die instrument gehou word en die transkripsies sal op 'n veilige plek gestoor word. Sodra die navorsing voltooi is sal hierdie material slegs vir akademiese doeleindes gebruik word en die werklike transkripsies word later vernietig.

Deelnemer se regte: Ek verstaan dat ek vry is om te onttrek om aan hierdie studie deel te neem, enige tyd, sonder om enige rede te gee of op enige manier benadeel te word.

Etiese verpligtinge van die studie

Ingeligte toestemming: Ek gee my toestemming en my deelname vrywillig. Die fokus van die studie is aan my verduidelik en ek verstaan dit.

Vrywillige deelname: Onder geen omstandighede is ek gedwing of onbehoorlik beïnvloed om aan hierdie studie deel te neem nie. My deelname is vrywillig.

Vertroulikheid: Ek verstaan dat die onderhoud inligting streng vertroulik gehou sal word en dat dit net aan die navorser en die supervisor beskikbaar sal wees. Die finale verslag sal deur 'n eksterne eksaminator nagesien word.

Anonimiteit: Uittreksels uit die onderhoude sal in die finale navorsingsverslag ingesluit word, sonder dat iemand my aanhalings kan koppel aan my identiteit. Onder geen omstandighede sal my naam in die verslag of enige ander publikasies wat verband hou met hierdie navorsing, openbaar gemaak word nie.

Vermyding van skade: Ek is ingelig dat daar is geen voorgenome risiko's of skade aan die deelneem in hierdie navorsingstudie is nie. Alhoewel in die geval van enige emosionele trauma sal daar ontlonting wees en as daar verdere berading benodig word sal ek na die toepaslike dienste deur die navorser verwys word.

Misleiding van die respondent: Ek verstaan dat hierdie navorsing my nie direk sal bevoordeel nie en dat ek nie betaal sal word vir die aanvaarding van hierdie onderhoud nie. Deur my deelname sal hierdie studie egter toekomstige afwenteling, die student en die Departement van Maatskaplike Ontwikkeling bevoordeel. Ek is ingelig dat die studie nie van plan is om my aanspreeklik te hou vir die nie nakoming van die afwentelingsbevel wat teen my uitgereik is nie. Die inligting wat ingesamel word, sal aanbevelings gee om effektiewe afwentelingsbestuur in proefdienstpraktyk te beïnvloed.

Ek verstaan dat as ek enige tyd van die studie wil onttrek, ek dit vry kan doen.

Die navorser se supervisor is Dr Thulane Gxubane, wat ook vir verdere navrae gekontak kan word:

Thulane.Gxubane@uct.ac.za

Tel. 27 21 650 4220

Deur hierdie toestemming vorm te onderteken, bevestig ek dat ek dit gelees het of dat die navorser dit vir my gelees het en dat die studie aan my verduidelik is. Ek neem vrywillig deel aan hierdie studie.

Handtekening van deelnemer

Datum (dd/mm/yyyy)

Handtekening van navorser

Datum (dd/mm/yyyy)

Appendix 9: Letter to the Western Cape Government, Department of Social Development requesting permission to conduct research interviews with former divertees in the Central Karoo.



UNIVERSITY OF CAPE TOWN

Department of Social Development
Postal Address – University of Cape
Town – Private Bag – Rondebosch
7701
Telephone 27 (0) 21 650 3493 –
Fax No: 27 (0) 21 689 2739
Email:
halford@humanities.uct.ac.za

11 June 2018

Attention: Dr MacDonald: HoD (Western Cape Government, Department of Social Development)

RE: Request for conducting research interviews with former divertees in the Central Karoo

I am a student currently registered for a master's degree in Probation and Correctional Practice at the University of Cape Town. I hereby wish to formally negotiate permission for conducting interviews with 20 selective children in conflict with the law, formally diverted out of the criminal justice system from the EDEN Karoo Region (Beaufort West, Laingsburg and Prince Albert) Western Cape.

The title of my study is: “An Exploratory study on the perceptions of former divertees on the factors that contributed to their non-compliance with diversion orders in the Central Karoo (Western Cape).”

My supervisor is Dr Thulane Gxubane in the Department of Social Development: UCT

Information that will be gathered from this exercise will be dealt with most strictly and confidentially and used solely for research purposes. The researcher is a social work supervisor registered with the South African Council for Social Services Professions and is bound by the oath of confidentiality.

Further correspondence regarding the exact dates for collecting the data will be finalised with prospective respondents as soon as permission has been granted in writing.

The Department’s contribution towards caring, rehabilitation and development of young people at risk and in conflict with the law in South Africa is much valued. A final copy of the research report will be made available to the Department at the end of the research project.

I wish to thank you in advance for your cooperation.

Yours faithfully

Sanna Weëls (Mrs.)

Student: UCT (WLSSAN003)

Appendix 10: Letter of provisional approval from the Western Cape Government, Department of Social Development to conduct research interviews with former divertees in the Central Karoo.



Reference: 12/1/2/4

Enquiries: Clinton Daniels

Tel: 021 483 8658/483 4512

Ms S. Weels

PO Box 1046

Beaufort West

6970

Dear Ms Weels

RE: APPROVAL TO UNDERTAKE RESEARCH IN THE WESTERN CAPE DEPARTMENT OF SOCIAL DEVELOPMENT

1. Your request for ethical approval to undertake research in respect of 'Exploratory study on the perceptions of former divertees on the factors that contributed to their non-compliance with diversion orders in the Central Karoo (Western Cape)' refers.
2. It is a pleasure to inform you that your request has been approved by the Research Ethics Committee (REC) of the Department, subject to the following conditions:
 - That the Secretariat of the Research Ethics Committee be informed in writing of any changes made to your proposal after approval has been granted and be given the opportunity to respond to these changes.
 - That ethical standards and practices as contained in the Department's Research Ethics Policy be maintained throughout the research study, in particular that written informed consent be obtained from participants.
 - Compliance with the conditions of the approval obtained in respect of your PAIA application.
 - The confidentiality and anonymity of participants, who agree to participate in the research, should be maintained throughout the research process and should not be named in your research dissertation or any other publications that may emanate from your research.



- The Department should have the opportunity to respond to the findings of the research. In view of this, the final draft of your research dissertation should be sent to the Secretariat of the REC for comment before further dissemination.
- That the Department be informed of any publications and presentations (at conferences and otherwise) of the research findings. This should be done in writing to the Secretariat of the REC.
- Please note that the Department supports the undertaking of research in order to contribute to the development of the body of knowledge as well as the publication and dissemination of the results of research. However, the manner in which research is undertaken and the findings of research reported should not result in the stigmatisation, labelling and/or victimisation of beneficiaries of its services.
- The Department should receive a copy of the final research dissertation and any subsequent publications resulting from the research.
- The Department should be acknowledged in all research reports and products that result from the data collected in the Department.
- Please note that the Department cannot guarantee that the intended sample size as described in your proposal will be realised.
- Logistical arrangements for the research must be made through the Office of the Regional Director: Eden Karoo, Ms M. Hendricks, subject to the operational requirements and service delivery priorities of the Department.
- Failure to comply with these conditions can result in this approval being revoked.
- Please provide written acceptance of these conditions and recommendations within 5 working days of the receipt of this letter.

Yours sincerely

Ms M. Johnson

Chairperson: Research Ethics Committee

Date: 21/9/18

Appendix 11: Interview schedule



Interview schedule

Preamble

- Introduce self and thank the interviewee for willingness to participate in the interview.
- Explain the aim of the study and the interviewee's role.
- Discuss issues of voluntary participation, confidentiality, and anonymity.
- Explain the process and the structure of the interview.
- Explain the possible duration of the interview.
- Negotiate permission to use an audio-recording device.

1. Demographic profile of the youth respondents

- 1.1. Respondent:
- 1.2. How old are you?
- 1.3. Who are you living with?
- 1.4. Do your parents work?
- 1.5. What offense were you diverted for?
- 1.6. Was there any co-accused in that offense?

2. Youth respondents' scholastic background

- 2.1. Are you attending school?
- 2.2. If yes, which grade are you in?
- 2.3. If no, when did you leave school?
- 2.4. What were your reasons for leaving school?
- 2.5. Have you repeated any grade: If yes, which ones and why? If no, why?

3. Youth respondents' peer relationships

- 3.1. How many friends do you have?
- 3.2. Tell me about your friends.
- 3.3. At what time of the day are you going to visit your friends?
- 3.4. At what time of the day are you leaving your friends to go home?
- 3.5. Does your family know your friends? If yes, how? If no, why not?
- 3.6. Are your friends schooling? If yes, in what grades? If no, why not?
- 3.7. Have your friends ever been arrested for crime? Probe further.

4. Criminal histories of the youth respondents

- 4.1. What other offenses have you been arrested for in the past?
- 4.2. What were the outcomes of those offenses?
- 4.3. Which of those offenses you were diverted for?
- 4.4. For those, you were diverted for in the past, if any, did you complete the diversion programme? If yes, why? If no, why?
- 4.5. What was the outcome of those diversions?
- 4.6. What was the outcome of the offenses not diverted?

5. Youth respondents understanding of diversion and diversion orders

- 5.1. What did the probation officer tell you about your diversion programme when you were asked to attend? (Probe further).
- 5.2. What was your understanding of a diversion programme when it was explained to you by the magistrate for the first time? (Probe further).
- 5.3. What did the court say to you about the diversion order? (Probe further).
- 5.4. What was your understanding of what a diversion order is? (Probe further).

6. Youth respondents' understanding of the consequences for failing to comply with diversion orders.

- 6.1. Tell me what you were told will happen to you if you did not finish the diversion programme? (Probe further).
- 6.2. Who told you that?
- 6.3. What did the probation officer do when you did not attend the diversion programme? (Probe further).
- 6.4. What did the court do when you did not finish the diversion programme? (Probe further).
- 6.5. Do you feel bad about not finishing the diversion programme that you were referred to? (Probe further).

7. Youth respondents' perceptions regarding factors that have contributed to their non-compliance with diversion orders.

- 7.1. Why did you not finish attending the diversion programme until the last session? (Probe further)
- 7.2. What did your family do that made you not to finish the diversion programme? (Probe further)
- 7.3. Were your friends aware that you were supposed to be attending a diversion programme? If yes, why? If no, why? (Probe further)
- 7.4. Have your friends made you not to attend the diversion programme? If yes, why? If no, why? (Probe further).

8. Youth respondents' suggestions, if any, on what could be helpful in assisting divertees to comply with diversion orders.

- 8.1. What do you think could have helped you to finish attending the diversion programme? (Probe further).
- 8.2. Who do you think should have helped you to finish attending the diversion programme? (Probe further).
- 8.3. What could your family have done which could have helped you to finish attending the diversion programme? (Probe further).
- 8.4. What could the probation officer have done which could have helped you to finish attending the diversion programme? (Probe further)
- 8.5. What could your friends have done which could have helped you to finish attending the diversion programme? (Probe further)
- 8.6. What else could have been helpful to you to finish attending the diversion programme? (Probe further).
9. Do you have any other thing to tell me regarding diversion programmes which we have not discussed already?

We have come to the end of the interview, thank you for participation in the interview and for your willingness to be part of the research, it is appreciated. Have a good day.