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PARENTS' EXPERIENCES OF PARTICIPATING IN DIVERSION PROGRAMMES FOR CHILDREN IN CONFLICT WITH THE LAW

Kgashane Johannes Malesa¹ and Magala Erick Mashamba²

¹University of South Africa, Department of Social Work, Pretoria, South Africa

 <https://orcid.org/0000-0003-4157-9584>  maleskj@unisa.ac.za

²Department of Social Development, Probation Officer, Limpopo, South Africa

 <http://orcid.org/0000-0002-7177-7621>  magalamashamba@gmail.com

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ABSTRACT

A study of parental involvement in their children's diversion programmes has been a gap in both practice and research. This article focuses on the parents' experiences in the implementation of diversion programmes for children in conflict with the law. This was an exploratory, descriptive, contextual and phenomenological study with a qualitative approach. A risk-need responsivity model guided the study. Purposive sampling was used. Data collection was done through semi-structured, face-to-face interviews, and data were analysed through thematic content and verified using Lincoln and Guba's model. Ethical considerations were taken into account throughout this study. The study established that many challenges facing parents affected their involvement in their children's diversion programmes.

Keywords: children; diversion programme; implementation; parents; participation

INTRODUCTION

Diversion has roots in ancient systems of justice that viewed crime as an injury more to the victim than to the government. An ancient Sumerian code (c 2050 BC) and the code of Hammurabi (c 1700 BC) required restitution to the victim or family, even in the case of violent offences (Allen & Sawhney, 2010). According to Lawrence and Hesse (2010), the origin of probation services dates back to 1841, when John Augustus of Boston persuaded a judge to release an offender to him for supervision in the community rather than sentencing him to prison. Diversion is rooted in the traditional approach whereby two conflicting parties are brought together before a traditional leader with the sole aim of helping them to forgive each other. Allen and Sawhney (2010) point out that during a preliminary inquiry, child justice courts continue to use diversion procedures to avoid children being taken to a formal court. They further note that the child in conflict with the law remains in the community

under the care of their parents.

The purpose of this article is to explore parents' experiences of participating in their children's diversion programmes and the benefits of doing so for their children. The article focuses on the two-fold goals of this study: (i) to develop an in-depth understanding of parents' experiences of participating in their children's diversion programmes; and (ii) to proffer suggestions on how to engage parents' participation in diversion programmes. The process entailed a comprehensive literature search and face-to-face semi-structured interviews to gather relevant data and derive the themes from the collected data.

BACKGROUND

Different authors define the concept of diversion in different ways. For example, diversion is defined as channelling children away from the formal courts into re-integrative programmes that make them accountable for their actions (Nair, 2017). Joubert (2017) refers to diversion as the procedures and methods through which children in conflict with the law are not subjected to a criminal trial, temporarily or permanently. Even though there is no universal definition, Weru (2013) is in agreement with Joubert, (2017) that diversion is a process whereby children in conflict with the law are dealt with outside of the formal criminal justice system and specifically from the formal juridical processes. According to Byrne and Case (2016), diversion is a system management technique, along with a range of partnership activities and decision-making gateways designed to manage the system in line with the principles of minimal and appropriate child-friendly intervention. The researchers, therefore, view diversion as an intervention that plays an integral role in the lives of children in conflict with the law.

Diversion of children in conflict with the law from normal court processes is acknowledged as a global intervention remedy that seeks to stem criminality. In Sweden, as elsewhere, diversion as a crime prevention strategy has emerged and is gaining a wide appreciation among those working in the area, and in order for it to be successful, parental involvement and training are recommended (Hau, 2010). Similarly, according to Cushing (2014), in England and Wales diversion from formal criminal proceedings is also implemented, but only on condition that a child in conflict with the law admits to having committed the said offence. The parents are entitled to attend diversion programmes as they help to bring a greater degree of clarity regarding the actions of child (Dickens, Masson, Bader & Young, 2013). According to the United Nations (UN, 2016), various international legislative frameworks back the diversion of children in conflict with the law:

- The United Nations Standard Minimum Rules for the Administration of Juvenile Justice of 1985, also known as the Beijing Rules;
- Convention on the Rights of the Child of 1989;
- Geneva Declaration on the Rights of the Child of 1924;
- The Declaration on the Rights of the Child of 1959;
- International Covenant on Civil and Political Rights of 1966;
- United Nations Minimum Rules for Non-Custodial Measures of 1990, also known as the Tokyo Rules;

- International Legal Protection for Children in Conflict with the Law.

The diversion of children in conflict with the law is also receiving attention in Africa. The African Charter on the Rights and Welfare of the Child (1999) was established for member states to refer to as guidelines when enacting their national prescriptions in this regard. However, in Namibia, Nigeria, Kenya and Zambia, the extent to which diversion programmes are presently implemented is patchy, mainly as a result of the dearth of trained and qualified personnel to collect and collate the reports needed by the child justice courts, although these countries ratified the United Nations Charter on the Rights of the Child (Muyobela, 2016; Obidimma & Obidimma, 2012; Weru, 2013;). Ideally, the procedures and infrastructural facilities for the administration of the law are fundamentally the same for adults and children, despite the recognition that children deserve special care and treatment.

South Africa is no exception in terms of the implementation of the diversion of children in conflict with the law. In South Africa diversion is rendered on the basis of international obligations, constitutional and legal mandates as well as policies and programmes that inform the Department of Social Development's provision of services. It is worth noting that South Africa has a relatively comprehensive legal framework underpinning child justice. Dlamalala (2018) points out that diversion also protects children from abuse and victimisation by inmates in correctional facilities. In a bid to protect such children from abuse and victimisation, the children in conflict with the law are released into the care of their parents or caregivers. In accordance with section 51 of the Child Justice Act 75 of 2008 (Republic of South Africa [RSA], 2008), the objectives of diversion are designed to deal with children outside of the formal criminal justice system in appropriate cases, encourage them to be accountable for the harm caused, meet the individual needs of the child involved, promote the integration of children into their family and community, and provide an opportunity to those affected by the harm to express their views on its impact on them in order to:

- encourage the rendering of some symbolic benefit to the victim as compensation for the harm;
- promote reconciliation between the child and the person or community affected by the harm caused by the child;
- prevent stigmatisation of the child and avoid the adverse consequences flowing from being subject to the criminal justice system; and
- reduce the potential for re-offending, prevent children from having a criminal record, and promote their dignity and wellbeing, as well as the development of their sense of self-worth and ability to contribute to society.

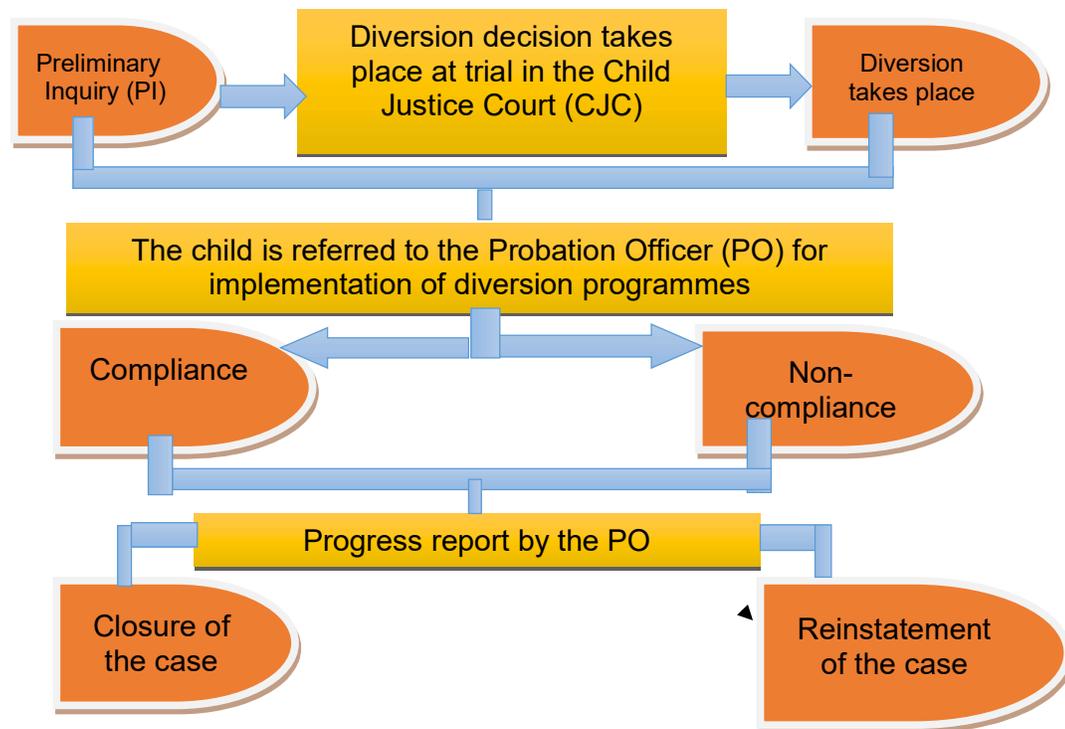


Figure 1: Schematic representation of diversion processes

The diagram above depicts how the decisions in a diversion programme in the South African context take place. At the Preliminary Inquiry (PI) the decision includes a diversion option, at trial also a diversion option, and during sentencing as a sentencing option.

Children's criminal behaviour is an acknowledged global phenomenon that places children at risk. Diversion of children in conflict with the law is an intervention strategy that is a good remedy, but it is complicated by a lack of parental involvement because of various challenges experienced by parents. A wide range of research studies conducted internationally and locally was unable to identify the underlying cause of this lack of parental involvement, despite the immense value of their engagement with their children's diversion programmes.

In mainstream education, parent-teacher collaboration has yielded good results. The engagements have often proved effective in tightening the links that bind the school and the family (Fan & Williams, 2009; Wei, 2016; Wilder, 2014). The benefits of parental involvement are noteworthy as providing opportunities for success among children; it helps children to grow up to be productive and responsible members of society, and promotes better behaviour and social adjustment (Sapungan & Sapungan, 2014). This approach could be incorporated into the child justice system. In the United States (especially Washington, DC, Virginia and Maryland, parents are obliged to participate in diversion programmes (Harvell, Rodas & Hendey, 2004). However, there are a number of policy and legislative gaps that affect how to involve parents effectively and what their roles are in the implementation of diversion programmes. Available research studies on diversion focus on their impact and effectiveness, as well as on the programme needs of diversion programmes,

when it comes to children in conflict with the law, but there are no studies that focus specifically on parents' participation in their children's diversion programmes.

The involvement of parents in diversion programmes is recommended in studies by Kleinhans (2013) and Abdulla and Goliath (2015) conducted in South Africa, which emphasise that a more positive impact could be achieved, while compliance is encouraged. Moreover, Abdulla and Goliath (2015) suggest that the programmes of the National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO) should include parents in more sessions, provide after-care services, and form partnerships with parents in monitoring the diverted children's progress during and after completion of programmes. Parent-child relationships are pivotal; parents should always support their children in whatever situation. As suggested by Dlamalala, (2018), many children who commit crimes grew up in broken homes and in families with relationship problems. It is evident that there can be a relationship gap between parents and their children, and accordingly parental involvement becomes a challenge when children in conflict with the law are expected to undergo diversion programmes. However, in most cases parents are not engaged in the process of their children's diversion anyway, as this task and undertaking are thrust into the hands of probation officers.

Diversion has been considered the best intervention remedy for dealing with children's criminality. Section 28 (2) of the Constitution of South Africa (RSA, 1996) states that a child's best interest is of paramount importance in every matter concerning the child. This constitutional section also binds the parents. Section 28 (1) (b) further indicates that every child has the right to family or parental care, or appropriate alternative care when such a child in conflict with the law is removed from the family environment. Section 18 of the Children's Act (RSA, 2005), obliges parents to take responsibility in terms of caring for and supporting their children. Children who grow in a warm and loving environment or a home where parents are concerned with or fully involved in the lives of their children's upbringing, are likely to have sound morals and values and are likely to succeed in life.

The Department of Social Development introduced various diversion programmes in an attempt to rehabilitate (therapeutic) and empower (life skills) children in conflict with the law (Steyn, 2010). A total of ten programmes were introduced, which were categorised based on age groups. Programmes designed for children aged 10 to 12 include "Playing Through the Forest: Self-development Programme," "Stop to Start: Anti-substance Abuse Programme," and "I am Me: Sexual Offender Programme." For children aged 13 to 18, the programmes include "Rhythm of Life: Self-development Programme," "Wake Up Call: Anti-substance Abuse Programme," "In the Mirror: Sexual Offender Programme," "Mind the Gap: Aftercare Programme," "Reverse Your Thinking: Restorative Justice Programme," "Home-based Supervision Monitoring Programme," and "Saystop: Sexual Offender Programme.". The diversion programmes have been adding value to the lives of children in conflict with the law since they were introduced in 2010. However, various barriers prevent the effective involvement of parents in their children's diversion programmes, even though this is quite critical. But it is essential for parents to understand the process even before they consider engaging in the process in support of their children.

Factors complicating parental involvement

Despite several diversion successes, there are still some implementation challenges. The worrying factor regarding the involvement of parents in the implementation of diversion programmes is the lack of a policy framework or prescripts that guide the way that parents should be involved. This policy gap negatively influences the proper implementation of diversion programmes. The discretionary power to divert is the prerogative of a public prosecutor; however, the challenge arises when the child does not acknowledge having committed the alleged offence. An order is usually issued for a diversion programme to be implemented to divert guilty children from conviction (Tshem, 2009). According to Tshem (2009: 48), these discretionary powers granted to public prosecutors are open to race, class and gender prejudices as well as lack of uniformity in the implementation of diversion programmes. A relevant critical challenge is that the roles of parents are not articulated in the prescripts (Abdulla, 2019). For Ntshangase (2016), despite being central to the administration of diversion in South Africa, prosecutors are also experiencing problems in facilitating the practice of diversion.

The findings of the study conducted in the Western Cape established that children attending the programme are intoxicated; there are no return dates specified after completion of the programmes; relocation of children and their parents/families is problematic; and there is a lack after-care services because of workload and transport challenges –all of which culminate in ineffective implementation of diversion programmes (Berg, 2012). Harvell *et al.* (2004) and Muyobela (2016) noticed the following challenges pertaining to the implementation of diversion programmes: lack of statutory authority to order parents to participate; lack of transportation for parents and children; lack of resources, lack of facilities as well as lack of funding for effective programmes; lack of data on parental involvement; and parental apathy about dealing with their children. Additionally, challenges include the socio-economic circumstances of children in conflict with the law, lack of parental support, recidivism, and challenges faced in facilitating group work sessions as group work cannot effectively address individual's problems, but is focused on the common problems of all in attendance (Ntshangase, 2016).

THEORETICAL FRAMEWORK OF THE STUDY

According to Andrews, Bonta and Wormith (2010), the risk-need-responsivity model (RNR) has been widely regarded as a premier model for guiding the assessment and treatment children in conflict with the law. The risk-need-responsivity (RNR) model is an evidence-based approach used in criminal justice and rehabilitation to guide interventions for offenders. It consists of three main principles:

1. The risk principle entails that the severity of an intervention should be proportionate to the amount of risk that the offender presents. It highlights that in order to successfully lower their chance of reoffending, higher-risk persons should get more intense treatments and monitoring. This guideline directed the researchers to concentrate on figuring out the participants' level of risk and adjusting treatments accordingly (Maurutto & Hannah-Moffat, 2007).

2. The need principle: According to the need principle, interventions should focus on criminogenic needs or elements that are directly associated with a person's likelihood of reoffending. These criminogenic factors might include, among other things, antisocial behaviour, substance misuse, weak problem-solving abilities, and a lack of pro-social social support. Treatments should accordingly focus on these requirements in order to reduce recidivism. Based on this theory, the authors were able to pinpoint the participants' criminogenic requirements and construct treatments to meet those needs specifically; they then suggested interventions for probation officers (Lockwood, Peterson-Badali & Schmidt, 2018).

3. The responsivity principle: This concept highlights the need for interventions to be carried out in a way that takes into account the person's learning preferences, skills and strengths. This idea emphasises the significance of adjusting treatments to the unique traits and requirements of the offenders in order to improve participation and treatment success. The authors suggested that probation officers conduct treatments during diversion in a way that is pertinent and efficient for each child, using this approach to take into account participants' individual characteristics (Purvis, Ward & Willis, 2011).

The three principles of the RNR model guided the study by providing a comprehensive framework for assessing the risk levels and criminogenic needs of the participants. They also helped in formulating suggestions for interventions that would be responsive to the unique characteristics, strengths and challenges of the individuals involved in the diversion programmes. By considering these principles, the study aimed to develop a more targeted and effective approach to reducing recidivism among child offenders. The authors' conclusions were influenced by the idea that intervening at the right level of risk and addressing specific criminogenic needs can significantly contribute to preventing future criminal behaviour.

METHODOLOGY

In order to achieve the goals of the study, the following research objectives were formulated:

- To explore and describe parents' immense value in participating in their children's diversion programmes;
- To draw conclusions about parents' participation in diversion programmes and make recommendations for probation practice offering suggestions on how to engage parents as participants in diversion programmes.

This research utilised a qualitative approach with the intention of allowing for the identification and elaboration of the breadth and depth of the participants' subjective experiences (Funk & Kobayashi, 2016). Exploratory, descriptive and contextual designs were applied. An exploratory design assisted in investigating social workers' perceptions of parents' immense value as participants in their children's diversion programmes, whereas the descriptive design was relevant for providing an accurate account of the consequences of parental non-involvement and the associated challenges and gaps identified by social workers while implementing diversion programmes for children in conflict with the law (Grove,

Burns & Gray, 2013). In order to give the researcher an insight into the experiences of social workers providing diversion programmes to children in conflict with the law without parental involvement, the researchers applied a descriptive phenomenological design. A purposive sampling technique was utilised to draw the sample. Participants were afforded an opportunity to choose the place in which they feel comfortable for the interviews to be conducted as per the contextual design.

A qualitative investigation emphasises the importance of formulating research questions from the outset rather than relying on hypotheses (Creswell and Poth, 2016). This research responds to one main research question: What are parents' experiences of participating in their children's diversion programmes?

In order for parents to participate in the study, they had to meet the following criteria for inclusion:

- The study considered parents of children in conflict with the law who were undergoing diversion programmes in Vhembe District;
- Parents of children in conflict with the law who had already completed diversion programmes were also included;
- Parents of children in conflict with the law who were recommended for diversion programmes but could not complete them were included in the study;
- The participants were expected to be able to converse in Tshivenda, Xitsonga or English.

With regard to exclusion criteria, parents who participated during pilot testing and parents who could not converse in English and/or Tshivenda were excluded, as were parents of children undergoing diversion programmes outside the Department of Social Development in Vhembe district Municipality. Vhembe district Municipality had significantly more instances of minors in conflict with the law than other districts in the province of Limpopo, hence it was chosen as the study location and setting. The target population came from the following local municipalities within the Vhembe district: Collins Chabane, Musina, Makhado and Thulamela.

Face-to-face, semi-structured interviews with parents were conducted using the interview guide as a data-gathering tool; data saturation was attained after 15 parents had been questioned. Each interview lasted between 30 and 45 minutes and was conducted in either Tshivenda, Xitsonga or English, depending on the participant's preference. The University of South Africa's Language Department transcribed the Tshivenda interviews, and the two researchers checked the translations. The translations were done to clarify the message, not necessarily to achieve exact equivalence. The researchers had to make use of their expertise and comprehension of these indigenous languages in order to provide a similar translation and interpretation.

The data were thematically analysed following Tesch's approach (Creswell, 2014). To ensure the credibility of the findings, triangulation was applied by consulting with various

knowledgeable sources on the studied phenomenon. Documenting ideas during data collection and analysis assisted in achieving confirmability. To ensure dependability, an independent coder of the data analysis validated the findings. In this study, the element of transferability was enhanced by providing thick descriptions of the findings with appropriate quotations. The study was ethically approved by the College of Human Sciences Research Ethics Committee of the University of South Africa (Ref: 2020-SWREC-36496081). The following ethical considerations were applied: obtaining written informed consent from participants, assuring their confidentiality, protecting them from harm by following COVID-19 guidelines for researchers, and confidential management of the research data. Participants were informed about the purpose, risks and benefits of participating in the study. The concept of confidentiality is linked to anonymity, as confidentiality is operationalised when anonymity is maintained when reporting the data (Mahlangu & Kgadima, 2021). In adherence to the principle of confidentiality, participants' identities were not revealed and pseudonyms were used. The participants were reminded of the service of a debriefer before and after the interview; however, no participants expressed a need for such service. Fifteen parents of children in conflict with the law who completed diversion programmes in the Vhembe District of Limpopo Province and who met the inclusion criteria participated in the study. The section below indicates the biographical details of the participants in terms of age, gender, marital status, highest qualifications and ethnic group. Women seem to be more engaged or showed a greater interest in participating in their children's diversion programmes than men, regardless of challenges experienced.

EMPIRICAL DATA ON PARENTS' EXPERIENCES OF PARTICIPATING IN THEIR CHILDREN'S DIVERSION PROGRAMMES

The empirical findings of the study are presented by deliberating each theme in the light of the literature and corroborated by extracts from participants' narratives as depicted below.

Participants' biographical information

Participants' ages ranged between 31 and 50 years. Of the total number of participants, 13 were Venda speaking whilst only two spoke Xitsonga. All participants were Christians. In terms of education, eight participants had qualifications below matric, five had post-matric and only two had matric qualifications. There were twelve females and just three males in this study. Nine participants were married, five were single, one was widowed and one was divorced. Having diversity among research participants' profiles enhanced the quality, and applicability of research, while promoting inclusivity and the advancement of knowledge.

Parents' self-blame for their children's behaviours

The participants blame themselves as they think they have failed in terms of bringing up their children properly. Some parents cannot cope with the fact that their children are in conflict with the law. For Carretta (2018), self-blame is a type of appraisal where one assumes personal responsibility for the cause of a negative event or situation. People who blame themselves for the behaviour of others may feel more helpless and more likely to experience heightened negative emotions and use maladaptive coping processes, thereby increasing their risk of psychotherapy (Carretta, 2018). One participant stated:

Outside the home environment it is as if the family is dysfunctional. People out there think the behaviour of the child is learned from home. It is just not good to have a child in conflict with the law. I was unable to cope.

The next participant confirmed the above assertion:

Eish! It is not good, it is difficult, but after the programme is better. You are like a parent who is unable to bring up your child. He could hardly listened to you before the programme.

According to Kruger and Adams (1998), it sometimes becomes evident that an individual child's problem has developed because of a dysfunctional family setting; therefore, the child's behaviour is a symptom of, or a reaction to, a wider problem of the family that needs professional intervention. For example, living with a parent who abuses alcohol may trigger the child to also engage in such activities.

Parents' feelings of responsibility

Parents manifested a whole range of feelings, including regarding themselves as failures for the behaviour of their children. The findings by Abdulla (2019) suggest that most parents could not deal with their children's behaviour and felt that they required professional assistance because when they were assisted professionally, they could manage the behaviour of their children. Understandably, parents may regard themselves as failures in response to their children's behaviour, because attributing responsibility to oneself implies that the behaviour of their children is controllable, which in turn implies that they have failed in executing their parental roles and responsibilities (Carretta, 2018). It is evident from the literature that symptoms manifested by parents might be cascaded down to the children, so an effective intervention strategy is needed as requested by participants in this study. Their comments presented below corroborate this.

Whenever I look at my age I feel I failed to look after the child. The burden is that people think the child learns bad behaviour from you.

Eish! It is not good, it is difficult, but after the programme is better. You are like a parent who is unable to bring up your child. He could hardly listen to you before the programme.

Parenthood is a skill that must be learned as human beings pass through different developmental life stages. Parents feel they are failures in terms of raising their children and consequently blame themselves for their children's behaviour. They also feel embarrassed, shy, shame, humiliated, in pain and hurt. They regard the community as alienating and disowning them, even though they have done nothing wrong that warrants the community's response.

Hope for a better future

Parents are still of the opinion that all is not lost in spite of the fact that their children have clashed with the law. Thus, they still strongly believe that their children's behaviour will change and eventually they will be worthwhile adults who conform to the moral obligations

of society. According to the findings of Paul and Paul (2020), nearly all parents desired their children to have a better future and wished them to remain in the family despite being in conflict with the law. Even in the current study participants consistently rallied behind their children in terms of wishing them well in their future endeavours in terms of every sphere of life as the comments below testify.

I want him to accomplish his dream, live good life and teach other good things, not live unpleasant life.

I asked social workers, they assured me that his fingerprints were not taken. I still want him to accomplish his vision. I have budgeted for his education. His success is my success.

All parents become frustrated and angry with their children and these are natural feelings that are accepted in daily life. According to De Witt (2009), having hope for the future of children is ideal for every parent. It is also indisputable that parents are usually acting from a very strong desire to do what they believe to be the best for the child (Hubbard, 1984). It is the wish of every parent that one day his or her child will change and lead a normal life as indicated by participants' comments in this study.

If I could offer him my heart I would offer him a heart to be a Priest. In actual fact, I need him to be a leader showing people how to lead a normal life.

I want him to accomplish his dream, live good life and teach other good things, not live unpleasant life.

Stigmatisation of the parents by the community

Parents revealed their discomfort with being labelled as condoning the behaviour of their children. Most parents find it very hard to have a child that is in conflict with the law. They indicated that it affects their day-to-day lives as they are expected to accompany their children to attend diversion programmes. The comments below attest to how hard this issue is for parents.

Eish! It is not easy, it is tough, [especially] when you were never apprehended in your childhood and youth. When you raise a child who is in conflict with the law, you have questions such as which direction is this child taking? It is not only bad outside, it might happen home, it might be that way in his adulthood, it affect you, it affect your work, you abandon your work as you are expected to attend court.

It is painful as parent you expect good things from your child, not to be in conflict with the law. It is painful as it disturbs my work schedule as I must accompany him. As a single parent I am forced to accompany him as his father is not readily available, we just phone him. If I can't go to work I must replace the day.

In support to the assertions by the two participants above, one participant had the following to say during the interview:

It is just not good. My child has tormented me. I don't want to lie to you. I feel very ashamed and shy when walking outside, more so when police coming to my house. You expect good things from your child; however, once he is in conflict with the law, I'm scared of fingerprints taken. I don't know how it is going to culminate into. It further destroys the essence of his future. As a child, you are expected to accompany him to court. Outside people think he is being influenced by you.

Barriers to parents' effective involvement in their children's diversion programme

Parents outlined barriers they encountered while children were involved in diversion programmes. Challenges are inevitable when children are involved in such programmes. In this study the time factors, transport costs, absence from work and having to force children to attend diversion programmes were noted as challenges pertaining to the implementation of diversion programmes.

Participants indicated that one of the barriers when their children were engaged in diversion programmes was the time which was spent accompanying their children to the diversion programmes. This is in line with the findings of Abdulla's (2014) study, which revealed that the parents found it burdensome to increase the amount of time and effort in fulfilling their monitoring role regarding diverted children. The time factor was also indicated as a challenge, as demonstrated by participants' descriptions below.

Adapting to change was quite challenging, other than that, time and communication was an issue.

My challenge was that I never had time to be with him due to work, I had no time to go up and down. I borrowed money to get to...

Another difficulty cited by participants was traveling costs for them and their children as there is no government provision for this. Harvell *et al.* (2004) and Muyobela (2016) attest to this challenge pertaining to the implementation of diversion programmes. This is also the case in the present study as corroborated by the participants' comments below.

My challenge was that I was expected to make transport provision for two people.

Going up and down, lending money for transport as I'm unemployed. In fact, I'm self-employed but due to Covid 19 I'm confined at home.

The above narratives indicate the strength of the barriers to participation encountered by parents when their children are in conflict with the law. It was clear from research findings that transport costs complicate the implementation of diversion programmes. Parents noted that they were confronted with a profound challenge if losing one's job was imminent. Nowadays parents are obliged to work as the income is generated externally, unlike in the olden days when sources of livelihood were within the family through subsistence farming, for example; therefore, they are compelled to leave their children in the care of others who provide nurture for a substantial part of the day for those who are able to return daily and for longer periods for those who could return only weekly, fortnightly and monthly (De Witt, 2009).

It should also be understood that it sometimes becomes impossible to come home on a monthly basis because of the distance between home and place of employment. Parents who do not outsource parenting are at risk of having their salaries reduced or even job loss, if they prioritise accompanying the child at the expense of their employment obligations. Evidence of this is evident in the comments below:

As a guardian you go up and down, abandoning your work and compromising your children at school.

I lost money, I borrowed money, and I lost employment opportunities, I was called for interview at the same time when I was also needed and I chose to assist him.

The above statements by participants are consistent with the findings of Abdulla (2014) that as most parents were employed, they had to take time off from work to take their children to the diversion programmes. Participants mentioned how their absence from work could put their employment in jeopardy; therefore, a solution to this challenge would mean that implementation of diversion programmes could be more effective and to the benefit of children.

Parents' support their involvement in diversion programmes

Parental involvement is crucial as it fosters relationships between children with parents. The learning model of parent-child interaction and a social information processing model emphasise the bi-directionality of interactions between caregivers and their children (Ward, van der Merwe & Dawes, 2016). The active involvement of parents whether as recipients, extenders or managers of services during their contact with the child justice system is widely assumed to be crucial (Burke, Mulvey, Schubert & Garbin, 2014). Abdulla's (2019) findings highlight the need for parents to be included as service advocates and policy developers. The comment below indicates that parents are eager to participate in diversion programmes.

It is very important to be party to the programme as you will be familiar with what the child is exposed to that will make him make amends and see how best the child's behaviour could be shaped. Parents should go to the programme as learning is inevitable, including I for one for children to see that we indeed care. Iron sharpens another iron.

The Act I have just mentioned is the one that the Social Worker indicated that it requires the child to be always be in the company of a parent throughout the entire process. Let me be involved until the end. Let me be with him, let me be with him.

Let the parents be party to diversion so that they could assist others.

Parents take things for granted, they should be involved when their children are rehabilitated.

Parental support as key to effective diversion

According to the study by Kleinhans (2013), the child's success in the real world is in large part the consequence of a job well done by parents, and these collaborative engagement

strategies should entail ongoing support, monitoring and development. Kleinhans further indicates that this requires active collaboration and should be proactive rather than reactive.

In Nigeria, for states to strengthen parental involvement, state parties may also consider requiring formal commitment from parents in a form of signing an affidavit which will be binding, especially when the child is below the age of sixteen years (Ogunniran,(2013). Many children who found themselves on the wrong side of the law are more likely to reoffend if they lack support from parents. For Ward, van der Merwe and Dawes (2016), positive child development takes when the child is socially embedded in the family and the systems that support and promote his/her development. This assertion aligns with the conclusions drawn from the research, indicating that a child fully realises their true self when accompanied by a parent.

The child should see that my mom supports me, dislike my behaviour. When I'm physically there, the child will notice that I'm hurting my mother, as a consequence, the child will refrain from this.

Children in conflict with the law need support from both parents and practitioners.

It is evident that parents are more than prepared to be a part of the diversion programme. But all stakeholders need to take responsibility and accept accountability for all services mandated (Department of Social Development, 2015). The following aspects of parents/guardian/family representative were outlined by the Department of Social Development: Parents are usually the first to notice that their child is not developing according to societal norms and standards (Gordon & Browne, 2009:118). Hubbard (1984) notes that parents are the first to detect the anti-social behaviour of their children and they should be encouraged to reject them. Parents should be exemplary models to their children. In the presence of unfamiliar individuals, children experience discomfort, but when their important figures, especially parents, are around, they exhibit a significant increase in self-confidence and freedom to be themselves. This is supported by the following assertions by the participants:

The more you are close to him, the more he will reveal hidden information. It is important for parents to be with their children during diversion programmes. You need to see it yourself, as sometimes the child might lie.

Children are good, however, they want to protect themselves. Parents provide hidden information. These programmes are for parents also. Parents are able to know what is expected of them at home.

Parents' roles and responsibilities in diversion programmes

The following roles of parents/guardian/family representatives were outlined by the Department of Social Development (2010):

- Visit the child during confinement in the Child and Youth Care Centre;
- Sign the working contract conditions for participation and cooperation;
- Participate in family sessions in the institution and diversion programmes;

- Monitor and supervise the child and measure the progress on reintegration and aftercare;
- Support the child and the initiative agreed upon and provided; and
- Ensure that the child adjusts smoothly to the family and community.

It is good for the parent to be involved in order to verify whether the programme is indeed going to be helpful and assist in changing the behaviour for him to be progressive in life.

I have the responsibility to take the child to the programme, I should also attend. Thus how I understand it.

Kruger and Adams (1998) define motivation as an internal process that arouses, guides and sustains behaviour. Rewarding good behaviour and reprimanding anti-social behaviour is a form of external motivation, sometimes referred to as extrinsic motivation. The findings of the current study are consistent with the findings of the literature cited above, as confirmed by one of the participants:

Ooh! Ok, basically, mine is to motivate the child, monitor him and check progress in terms of what he has done.

Parents have the responsibility to support their children, they must motivate them and ululate [praise] them when they have done something wonderful.

According to McConkey (1985), it is an established fact that children need the support of their parents as active participants for the success of any intervention programme. In the education fraternity, the success of the child is dependent on the support received from the parents. Children are provided with opportunities for fulfilling their basic needs, such as food, shelter and clothing; they are afforded safe and protective homes and neighbourhoods in which to grow up and provided with opportunities through education, support and nurturing in order to fulfil their potential (Department of Social Development, 2011).

Pantell *et al.* (1990) posit that the role of the parent is to be responsive to and supportive of a child's development, while at the same time monitoring their own development as parents and marital partners. Children's social development is dependent on others in their lives and parents are no exception.

The participants in this study concurred with the literature that:

Parents have the responsibility to support their children, they must motivate them and ululate [praise] them when they have done something wonderful. I will support him each time I need to assist him.

My role and responsibility is to cooperate because your child will not get assistance if you do not cooperate and the problem cannot be resolved.

Parents' suggestions for their participation in diversion programmes

In this theme, participants proffered various suggestions on how they should be engaged in diversion programmes. In a democratic education system parents are regarded as important stakeholders and partners in education, and their participation in educational management and governance is indispensable as they are responsible for, among other things, the payment of school fees and in turn, they are granted a voice in the management and governance of the school (Meier & Marais, 2007).

Harvell *et al.* (2004) assert that parental involvement is crucial, the relationship between the parent and the child has often contributed to the child's behaviour. Therefore, greater parental participation can improve the parent-child relationship, or highlight the conflicts so that the appropriate programmes can be provided for both; the custodial parent may be able to provide important information about the child's behaviour that can assist facilitators to implement the relevant programmes. Meetings with both parents can aid them in compromising and coming to an agreement on discipline and other child-rearing issues that could improve their joint parenting skills. Participants in this study suggested that they should be involved in diversion programmes for their children and that they should be appropriately capacitated to do so. It is on this basis that parents should be equipped with parenting skills to assist their children at home in times of crises such as those mentioned above, and this is in line with the findings of this study as indicated by the participants.

It is very important to be party to the programme as you will be familiar with what the child is exposed to that will make him make amends and see how best the child's behaviour could be shaped. Parents should go to the programme as learning is inevitable, including for children to see that we indeed care. Iron sharpens another iron; thus this should be a reciprocal type of relationship. Together we can.
(Participant B)

When he appears in court I'm expected to be present, meanwhile during the attendance of the diversion programme I'm not involved. I want to know what he is being trained or taught about is. Involve us. The Act I have just mentioned is the one that the Social Worker indicated that it requires the child to be always in the company of a parent throughout "the entire process. Let me be involved until the end. Let me be with him, let me be with him.

In terms of parental involvement and support, all participants alluded to the fact that it is very important for parents to play an active role in their children's lives by attending diversion programmes. Whilst acknowledging the need for increased parental involvement and supervision, parents felt that it was imperative for them to support their children; thus they indicated that parents should be part of the diversion process right from the start throughout the entire process so that greater impact is possible (Els, 2012; Kleinhans, 2013). The following statements by the participants indicate such support.

We need to get involved in order to assist the child. When the child is wrong, we need not to let him go astray, we need to assist him.

Parents take things for granted, they should be involved when their children are rehabilitated.

Parents suggested that there should be programmes that are specifically designed for parents. This is consistent with the findings by Mathibela (2017) which indicate that parents felt that more parental groups that focus solely on the participation of parents are needed. This attests to what parents perceive as crucial in terms of specific sessions for them.

I don't know I would have responded well, I suggest different sessions, thus specific programmes for parents. Some parents need training, designers of programmes should do that.

Parents' views on how they could be empowered

Participants were asked about how they could be empowered in order to cope while their children are engaged in diversion programmes. Most parents expressed the need to be trained and capacitated on how to deal with children who manifest behavioural problems. Therefore, three sub-themes emerged and are discussed below.

Parents suggested that there should be programmes that are specifically designed for parents. Whereas parents fully concurred that there is a serious need for them to be empowered through workshops, they also expressed the need for books, manuals, policies and legislation. For Ward *et al.* (2016), manuals for facilitators and programme leaders, and newsletters for organisations, families and community members may be helpful in terms of treatment commitment and encouraging multiple sectors to support and become actively involved in the programme. Once community leaders and parents are aware of the programme, they will support it by promoting the same goal and providing whatever structural support they can (Ward *et al.*, 2016). Parents need to be capacitated and trained by professionals in order to deal effectively with their children, particularly after the diversion sessions have been completed.

Ok, workshop us as parents then about what diversion is all about without children to have glimpse of it.

Parent workshops have been used in both Britain and the United States to help parents learn more about working with their children. The major purpose of this approach is to provide parents with a model that will help them identify their child's particular developmental needs and ways in which they can be taught in everyday situations (McConkey, 1985). The findings of the current study confirm that parents feel the need to be empowered through workshops facilitated by professionals.

A feature or news item in the local paper or a spot on local radio programme will help alert other interested parents (McConkey, 1985). Participants expressed the need to be empowered through the provision of printed material. Parenting is one of the toughest, most demanding and challenging responsibilities and it is very tricky for parents who enter the world of parenting with little or no guidance (Martinez-Escudero, Villarego, Garcia & Garcia, 2020). The findings of the present study confirm these authors' views.

I should be capacitated to deal with the child in conflict with the law. I mean when the child has done wrong, I should be taught to handle a child in an appropriate manner although he is on the wrong side of the law.

Patience is key as this is a complex programme, communication and transparency.

The findings by Abdulla (2019) reveal that parents experienced various challenges that required practical support from professionals. Interpersonal programmes aim to change the behaviour of those in the child's immediate environment, e.g. parents, siblings, relatives, and so forth; this strong partnership will facilitate more support for and sustainability of the diversion programmes (Ward *et al*, 2013).

THE IMPLICATION OF THE RESULTS FOR PROBATION OFFICERS

These findings can inform probation officers about the most successful intervention strategies for different types of offenders. This knowledge can help them design targeted rehabilitation programmes and support systems that are more likely to lead to positive outcomes.

As for resource allocation, the results can assist probation officers in identifying high-risk individuals who require more attention and resources. By prioritising cases based on risk assessments, officers can allocate their time and effort effectively.

CONCLUSION

According to Steyn (2010), the diversion of a child in conflict with the law is a complex matter and could be investigated from different angles, which include policy-making, the conceptualisation of diversion programmes, legal and referral practices, and implementation and monitoring of diversion services. The Department of Social Development (2010) contends that diversion services and programmes provided to children at risk and in conflict with the law should be holistic, inter-sectoral, and delivered by an appropriate multidisciplinary team of professionals and other interested parties such as parents and community structures wherever possible. Dreyer (2012:88) recommends that parents need to be engaged in the lives of their children, and know who their friends are and the type of activities they are engaged in. As an intervention strategy, Kleinhans (2013) and Abdulla and Goliath (2015) suggest that NICRO and Khulisa programmes should include parents in more sessions as these organisations are at present involved only during the first and the last sessions, provide after-care services and form partnerships with parents in monitoring diverted children's progress during and after completion of diversion programmes.

As highlighted in the findings of Abdulla's (2019) study, for diversion to improve, parents need to be included as participants and partners in legislation and policy development. Abdulla (2019) further indicate that programmes should include parents to enable universal economic support and their empowerment while education is critical, as parents indicated their lack of knowledge about diversion programmes. Based on the highlighted information, it appears that there is a requirement for a comprehensive strategy to implement diversion programs at a specific level.

Strong parental support is one of the most crucial factors contributing to the successful rehabilitation of children in conflict with the law (Sibisi, 2015). Abdulla and Goliath (2015) suggest that transport should be provided for parents and children to attend diversion programme sessions, with funding for the transport subsidised by either the Department of Justice and Constitutional Development or the Department of Social Development and Special Programmes. Lastly, the development of practice guidelines for probation practice, particularly on how parents could be engaged in order to improve and sustain the implementation of diversion programmes is also significant.

Evidence from the findings and the literature confirms the fact that parental involvement in the implementation of diversion programmes plays an integral role. However, it has been noted that there are challenges that prevent parents from effectively involving themselves fully in the completion of their children's diversion programmes. Therefore, it is imperative for probation practice to design services and programmes that include parents during the diversion of their children.

The findings of this study present a succinct evaluation of the status quo on parental participation in the implementation of diversion programmes. Based on these findings and the fact that there are no clear models and measurements, programme planners, researchers, policy developers, government and institutions of higher learning are advised to advance the development of programmes that offer direct parental participation, which should be mandatory.

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AUTHOR BIOGRAPHY

Magala Erick Mashamba was a Master of Social Work student at the University of South Africa and is currently a Doctoral student. He is employed as a Probation Officer at the department of Social Development, Limpopo province. His field of specialisation is probation office work and children's rights. The article resulted from his Masters, conducted from January 2020 to December 2021, and he wrote the initial draft of the article.

Kgashane Johannes Malesa is an Associate Professor at the University of South Africa. His fields of specialisation include child protection services, probation office work, sexual and reproductive health care, qualitative research methodology, and social work education. He supervised the study from January 2020 to December 2021, and assisted with the writing of the draft article and final editing.