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Factors affecting the effectiveness of diversion programmes for children in conflict with the law

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ABSTRACT

The main objective of this qualitative study was to investigate the factors that affect the effectiveness of diversion programmes for children in conflict with the law. Data were generated from in-depth semi-structured interviews that were conducted with probation officers. Data were analysed using Tesch's framework for thematic analysis. Exploratory, contextual and phenomenological research designs were employed to analyse the data collected. The study complied with standard ethical principles such as informed consent, confidentiality, anonymity, voluntary participation and avoidance of harm. The findings revealed that peer pressure and substance abuse, lack of family support, poor parenting, lack of after-care services, poverty and school dropout were the factors that had an impact on the effectiveness of diversion programmes. The study recommends that parents and caregivers must actively participate in the facilitation of diversion programmes in order for them to have a positive impact on diversion services. After-care and social reintegration have to be arranged for all the children who completed diversion programmes. The study further recommends that parents must attend parenting skills programmes where necessary. The supervision of probation officers must be improved.

Keywords: child; conflict; diversion; probation officer; recidivism

INTRODUCTION

The Constitution of the Republic of South Africa, Act 108 of 1996 and the Child Justice Act 75 of 2008 introduced a transformed legal process in the management of children in conflict with the law (Hargovan, 2013). The principal objective of the Child Justice Act is to divert eligible children to diversion programmes. Nevertheless, the recidivism rate of children who have completed diversion programmes is increasing at an alarming rate. Both the Constitution and the Child Justice Act define a child as any person who is under the age of 18 years. In addressing the issue of children in conflict with the law, the Child Justice Act mandates the Department of Social Development to provide accredited diversion programmes for these children. Diversion is based on the principles of restorative justice, which requires that children who have committed crimes make amends for their misdeeds, initiating a healing process for themselves, their families, the victims and the community (Department of Social Development [DSD], 2015). In essence, the aim of diversion is to give a child offender a second chance, thereby avoiding the child from having a criminal record and at the same time addressing the root cause of the criminal behaviour through an appropriate diversion programme or intervention. Through diversion, not only does a child avoid having a criminal record, but learns skills that will help him or her avoid repeat offences (Bezuidenhout, 2024). Diversion requires the informed consent of the child and efforts should be made to ensure that potential diversion approaches and programmes are in the best interests of the child. Although diversion is initiated after the child has committed an offence, the approach differs from the application of the principles of informal justice (DSD, 2015).

BACKGROUND OF THE STUDY

Section 1 of the Child Justice Act defines diversion as diverting a matter involving a child away from formal court procedures in a criminal matter when there is sufficient evidence to prosecute the child. Diversion aims to reduce and prevent future involvement in crime (Seroczynski et al., 2016). Diversion entails that children in conflict with the law are kept away from the formal criminal justice system and ensuring that they are successfully reintegrated into society (Terblanche, 2012). By diverting a child in conflict with the law they are protected from the negative effects of the criminal justice system and prevented from unnecessary stigmatisation and having a criminal record (Badenhorst, 2013). The Child Justice Act enacts diversion and ensures the fair treatment of children in conflict with the law. Diversion sets out to prevent crime and promote public safety through the use of alternative sentencing and restorative justice procedures (Department of Justice and Constitutional Development, 2011). Diversion has been considered the best intervention for dealing with children in conflict with the law. Section 28(2) of the Constitution of South Africa (Republic of South Africa [RSA], 1996) states that the best interests of the child are of paramount importance in every matter relating to the child (RSA, 1996).

The purpose of diversion is to ensure that children who are in conflict with the law are not dealt with like adults who have committed offences. Section 1 of the Act gives the following as the objectives of diversion: Deal with a child outside the formal criminal justice system in appropriate cases, encourage the child to be accountable for the harm caused by him or her;

meet the particular needs of the individual child; promote the reintegration of the child into his or her family and community, provide an opportunity to those affected by the harm to express their views on its impact on them, encourage the rendering to the victim of some symbolic benefit or the delivery of some object as compensation for the harm, promote reconciliation between the child and the person or community affected by the harm caused by the child, prevent stigmatising the child and prevent the adverse consequences flowing from being subject to the criminal justice system, reduce the potential of re-offending, prevent the child from having a criminal record, and promote the dignity and well-being of the child. Diversion programmes such as Rhythm of Life, Restorative Justice, Wake Up Call, In the Mirror and Mind the Gap have been introduced to change the behaviours of young offenders for better.

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

Restorative justice is an approach that aim to involve the parties to a dispute and others affected by the harm (victims, offenders, families, community members) in collectively identifying harms, needs and obligations through accepting responsibilities, making restitution and taking measures to prevent a recurrence of the incident and promoting reconciliation. Restorative justice sees crime as an act against the victim and shifts the focus to repairing the harm that has been committed against the victim and the community. It believes that the child in conflict with the law also needs assistance and seeks to identify what needs to change to prevent future re-offending. Restorative justice includes a family group conference (FGC) and victim offender mediation (VOM). Section 61 of the Child Justice Act defines a family group conference as an informal procedure which brings together the child in conflict with the law, the victim, their families and other relevant persons affected by the commission of the crime in order to develop a plan on how the child will redress the effects of the offence. FGC has its roots in restorative justice. It entails creating a platform for a child in conflict with the law and those affected by the criminal act to discuss the events surrounding the crime and its impact in order to develop a mutually beneficial strategy to remedy it (RSA, 2008 s 61(1)(a)). The aim of VOM is to provide an opportunity for the victim and the offender to discuss the proceedings related to the offence (Steyn, 2012).

The Wake up Call programme equips children with the knowledge and skills to face the challenges arising from substance use, abuse and dependence in South Africa. The diversion programme focuses on cognitive behavioural therapy in the development of maladaptive

behavioural patterns such as substance abuse and correcting learned behaviour (Social development, 2019).

The most important goal of the In the Mirror programme is to assist the sexual offender from refraining from committing sexual offences in the future. The diversion programme's emphasis is on the cognitive methods to assist the sexual offender to address the challenges they are facing (Social Development, 2019).

After-care services are supportive services provided to a child and his or her family after they have been reintegrated into the community. The purpose of after-care services is to assess, monitor and evaluate progress with regard to the child's adjustment to reintegration. These services may include secondary and tertiary prevention services, as well as the family preservation services to prevent the recurrence of problems that led to the initial removal of the child or to prevent re-offending. The duration of after-care services is determined by the level of support and services that the child and family require, but it is not less than 12 months (Social Development, 2019).

Diversion programmes are judged as effective based on the extent to which they reduce recidivism. Yet the re-offending of children after completing diversion programmes is a serious challenge in South Africa. A study conducted by Steyn (2012) revealed that two out of four children (50%) re-offend after participating in diversion programmes. He further indicated that 28% of children who attended diversion programmes were reconvicted within 18 months. In addition, Gammage (2020) also attested that children re-offend within a year after completing diversion programmes, which questions the effectiveness of the diversion programmes

The question therefore remains whether diversion programmes are effective in decreasing reoffending in children in conflict with the law. The practice of diversion was to ensure that children who have already found themselves in the wrong side of the law must not involve themselves in criminal activities (Motshedi, 2020). The study conducted by Hoge and Wilson (2013) provided mixed results regarding the effectiveness of diversion programmes, highlighting both their potential benefits and limitations of diversion programmes. Their findings suggest that while diversion programmes can be effective in reducing recidivism and promoting positive behavioural change, their success is not universal and depends on several critical factors such as good parenting skills and family support.

Various factors affect the effectiveness of diversion programmes. Some diversion options require participants to have certain cognitive abilities. Some of the activities of life skills training involve reading and writing. It might therefore be unrealistic to expect children to express their emotions and thoughts in writing, since they may not yet have mastered the ability to think in an abstract way. Children also struggle to listen attentively to lengthy and classroom-based activities (Steyn, 2012). Parents play an important role in achieving effective diversion outcomes. Some parents are contributors to the criminal behaviour of their children and if interventions do not include them, the child's problem will not be solved. Some parents defend their children despite the diversion order, which negatively influences the attitude of their children towards diversion programmes (Steyn, 2012). Abdulla (2019) maintains that parent

must attend diversion programmes as well, because their presence can instil positive values and morals in their children. The involvement of parents was also seen to be imperative, as it would help for monitoring attendance and ensuring support (Ntshangase, 2016). The same point was made by Steyn (2012), that the involvement of parents in diversion programmes is crucial as they assist with monitoring their children's compliance with diversion order. He further postulates that children can easily recidivate as a result of lack of parental insight into what an intervention expects of participants. As some parents are often contributors to the criminal behaviour of their children, so when they do not participate in the programmes the interventions have little meaning.

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

RATIONALE OF THE STUDY

In research, the rationale serves as a statement that explains why the researcher has undertaken to examine a particular topic as worth studying (Maree, 2016). The first factor that stimulated the researcher's interest in undertaking the study was that there was a knowledge gap about the factors affecting the effectiveness of diversion programmes for children in conflict with the law. Numerous research studies on diversion programmes were conducted in South Africa and abroad; however, they did not focus on the factors that influenced the effectiveness of diversion programmes. The second factor that stimulated the researcher's interest is the diverse findings of previous studies on the effectiveness of diversion programmes; some report their effectiveness in reducing recidivism, while others found no impact. Studies that reported diversion programmes to be effective in fighting recidivism of children include assessing the impact of diversion programmes on young offenders in the Eastern Cape Province (Mangwiro et al., 2024), an evaluation of the effectiveness of diversion programmes in the rehabilitation of youths and promotion of juvenile in South Africa (Gwatimba & Raselekoane, 2018), and the effect of youth diversion programmes on recidivism: a meta-analytical review (Hoge & Wilson, 2013). Studies that reported no impact include the impact of diversion programmes on behaviour modification of divertees in uMhathuze (Nkosi, 2012), and recidivism amongst children in conflict with the law who have undergone an anger management diversion programme (Mogano et al., 2022). This inconsistency highlights the need to go beyond assessing the effectiveness and instead investigate the factors that influence the effectiveness of these diversion programmes. Understanding these factors is crucial for policymakers, probation officers and NGOs that render diversion programmes such as the Centre for Positive Care, which operates in Sibasa, and the National Institute for Crime Prevention and Reintegration of Offenders (NICRO).

PROBLEM STATEMENT

A problem statement specifies the problem the researcher has encountered in a theoretical or practical context and for which they seek a solution (Akhtar, 2014). Various studies have examined the impact of diversion programmes on reducing recidivism among children in conflict with the law (Motshedi, 2020). Children who have previously been enrolled in diversion programmes to receive professional intervention continue to experience difficulties with the law and are often re-arrested and re-incarcerated after their reintegration into the community (Gammage, 2020). The prevalence of recidivism has raised the question of what factors affect the effectiveness of the diversion programmes provided (Motshedi, 2020). The effectiveness of diversion programmes among children in conflict with the law was highlighted when the redrafted Child Justice Bill (RSA, 2002) was brought before Parliament. The Child Justice Bill suggested that the effectiveness of diversion programmes is compromised by a range of underlying factors that are not yet understood. Most existing studies have focused primarily on assessing the overall effectiveness of diversion programmes. The study conducted by Lipsey et al. (2010) on the effectiveness of diversion programmes found that it was difficult to determine their impact. These authors suggested that researchers should conduct studies addressing the factors affecting the effectiveness of diversion programmes, because there is a significant gap in understanding the specific factors that affect the success of diversion programmes. Investigating these underlying factors is imperative for improving implementation and outcomes.

THEORETICAL PERSPECTIVE

This article adopts the premise of 'labelling theory', which argues that labelling children as criminals can perpetuate criminal behaviour (Becker, 1963). Diversion programmes were introduced to reduce stigmatisation by providing non-judicial solutions, mitigating the impact of the criminal label (RSA, 2008). Individuals labelled as criminals or delinquents tend to be set aside as fundamentally different from others and to be associated with stereotypes embodying common traits or characteristics (Goffman, 1963). Labelling theory is concerned with problems that emerge once the social environment has typified the individual as deviant in some way by imposing the label on the individual.

Juvenile delinquency is not considered particularly deviant by those who witness such behaviour and often does not lead to special reactions from the social environment. Such reactions occur only when there is a social audience that labels the behaviour as particularly deviant or criminal in the case of criminal labelling (Becker, 1963). The findings of this study have shown that diversion programmes reduce the negative effects of being labelled as a criminal. Children who have been through a diversion programme do not encounter the stigma of being a criminal. Diversion programmes disrupt the labelling process. Directing children away from formal court processing, diversion programmes prevent the attachment of stigmatising labels such as offender or criminal. Diversion programmes yield positive results; however, their effectiveness is compromised by a number of challenges such as a lack of after-care services, lack of human capacity to render diversion programmes and lack of financial resources to implement the diversion programmes effectively.

RESEARCH METHODOLOGY

The study examined factors affecting the effectiveness of diversion programmes for children in conflict with the law in Limpopo province, South Africa. The objectives of the study were to explore the factors affecting the effectiveness of diversion programmes for children in conflict with the law, to explore the challenges faced during the facilitation of diversion programmes, and to investigate the impact of diversion programmes in fighting recidivism. The study applied a qualitative descriptive approach. It incorporated the methods outlined by Lapan et al. (2015). The study adopted exploratory, descriptive, contextual and phenomenological research designs to give the research a foundation and framework (Vaismoradi et al., 2016). The study used an exploratory research design to examine factors influencing the effectiveness of diversion programmes for children in conflict with the law; a descriptive research design was used to gain more insight into the factors contributing to recidivism, while the contextual research design was critical to establishing the mechanisms to be used to address recidivism (Du Plooy-Cilliers et al., 2017).

A qualitative approach enabled the researcher to obtain data from the probation officers through open-ended conversations about their own experiences, diversion programmes and factors that contribute to recidivism of children in conflict with the law after completion of the diversion programmes. Since probation officers are the facilitators of diversion programmes for children in conflict with the law, they were purposely selected for the interviews to give their insights into the factors that contribute to this recidivism. Employing this approach allowed the researcher to build a detailed picture of the phenomenon and encouraged participants to elaborate further on their responses.

Using purposive sampling, 14 probation officers were selected as participants (seven males and seven females). The probation officers who participated in the study were employed by the Limpopo Department of Social Development. They were interviewed individually using semi-structured interviews in their natural settings. The participants worked with and provided services to reduce recidivism among children. This group of participants was selected based on their knowledge and experiences of the phenomenon being investigated (Patton, 2015).

Prior to data collection, the researcher applied for permission to conduct the study from the Limpopo Department of Social Development. The researcher attached a research proposal and ethics approval from the University of South Africa as part of the requirements. Permission was granted on 21 July 2023 (Ethical clearance number: 20368534_CRECHS_2023).

The criteria for inclusion of participants were as follows: probation officers employed by the Limpopo Department of Social Development had to be in possession of a BSW degree and have at least five years of experience in the facilitation of diversion programmes. The interviews with the participants were conducted in English, and each interview lasted 40 to 55 minutes. The sample size anticipated for the study was between 10 to 15 participants. The sample size in a qualitative study is usually 20 to 30 participants; however, a sample size of as little as 8 is acceptable, if a variety of opinions are presented and the sample size reaches saturation (Vasileiou et al., 2018). Saturation is a common concept in qualitative research for estimating sample size (Guest et al., 2020). In this study, saturation guided the selection of

participants by ensuring that recruitment continued until sufficient depth and breadth of information regarding the effectiveness of diversion programmes was obtained. Participants were selected purposively based on their direct involvement in diversion services, as they were best positioned to provide relevant insights.

The data were thematically analysed following Tesch's approach (Creswell, 2014). To ensure the trustworthiness of the data, the researcher applied the four standard criteria: credibility, dependability, transferability and confirmability. The researcher sent all the participants an informed consent form to sign, along with a letter explaining the phenomenon studied. An explanation of the process, data collection, analysis and why their participation is essential was included. The participants were required to sign the informed consent form at the beginning of the process and were informed that they could withdraw at any time if they wished to do so. The anonymity and privacy of participants were assured.

EMPIRICAL DATA ON FACTORS AFFECTING THE EFFECTIVENESS OF DIVERSION PROGRAMMES FOR CHILDREN IN CONFLICT WITH THE LAW

Participants' biographical information

The participants of the study were probation officers who were facilitating diversion programmes and employed by the Limpopo Department of Social Development. Participants' years of experience ranged between 5 and 20 years. The data analysis produced three themes. Table 1.1 gives an outline of the themes, subthemes and categories.

Table 1: Themes, subthemes and categories

THEMES	SUBTHEMES	CATEGORY
Theme 1: Factors affecting the effectiveness of diversion programmes	<ul style="list-style-type: none"> • Peer pressure and substance abuse • Lack of family support • Poor parenting • Lack of after-care services • Poverty • School dropout 	
Theme 2: Challenges encountered during the facilitation of diversion programmes	Challenges associated with divertees	<ul style="list-style-type: none"> • Low level of education • Behaviour of the children during the programmes
	Challenges associated with the Department of Social Development	<ul style="list-style-type: none"> • Lack of resources • Limited number of POs • Training of POs • Supervision of POs
Theme 3: The effectiveness of diversion programmes in curbing recidivism		

The researcher sought to understand key factors that affect the effectiveness of diversion programmes.

Theme 1: Factors affecting the effectiveness of diversion programmes

Subtheme 1: Peer pressure and substance abuse

Hilton et al. (2018, p. 510) define substance abuse as “taking alcohol, prescription medicine and other legal substances too much or in the wrong way”. The study revealed that there is a clear relationship between peer pressure and substance abuse with crime. The study revealed that children who associate with undesirable people after diversion are influenced to adopt unacceptable behaviours such as abusing substances and later re-offending. This finding was attested by the study conducted by Gwatimba and Raselekoane (2018). They found that despite the fact that younger offenders had gone through diversion programmes, they were pushed to re-offend in order to belong to the very same group that made them commit crimes in the first place. Participants revealed that most of the cases of recidivism were children who were committed under the influence of drug substances. The findings of their study confirmed those of Clarke (2017), who found that peer influence and substance abuse are strong predictors of recidivism among children.

Children still go back to their peers' posts after the programmes that influence them negatively, and they end up abusing substances and then recidivate. Moreover, substances are easily accessible in our communities. (Participant 1)

The majority of the children who are reoffending involved themselves in substance abuse in order to fit in with their peers, who influenced them to commit a crime. (Participant 2)

As I've indicated earlier, some of the children are engaging in substance abuse as a result of peer pressure, meaning that substance abuse is contributing to recidivism as well as peer pressure. (Participant 3)

All participants mentioned peer influence and substance abuse as among the contributory factors affecting the effectiveness of diversion programmes detrimentally. From the above findings, it is evident that peer pressure and substance abuse are two of the main reasons behind children's re-offending behaviour, even though they have been subjected to rehabilitation in the diversion programmes. The findings of this study corroborate the qualitative data gathered by Kandala (2018), which showed that peer pressure is a major cause of recidivism. These findings were also reported in a study conducted by (Stahler et al., 2013), who established that individuals who use substances are likely to have a higher recidivism rate than individuals who do not have a history of substance use.

Subtheme 2: Lack of family support

Saimons and Robert (2017) claim that family support is the most valuable asset that parents and caregivers can give to their children. They argued that parental support is the most critical factor predicting social competence in areas such as self-esteem, social behaviour and educational performance. The support entails a broad range of assistance, including meeting children's basic needs as well as providing non-material support (Liu et al., 2021). Saimons

and Robert (2017) assert that providing children with emotional support is important for their readjustment when they are facing adversity.

The study established a lack of family support as another contributory factor to recidivism among children who have attended diversion programmes. The participants indicated that the parents or guardians of the children who have completed diversion programmes do not always provide them with the necessary support and they end up seeking support from their peers, the very people who made them commit the crime in the first place. Participants highlighted that a lack of family support has a great impact on the recidivism of children. They added that instead of supporting these children after being reintegrated with their families, the families stigmatised them.

It's painful that some of the circumstances are beyond these children's control. The majority of the families where these children come from do not provide basic needs for them, and they end up resorting to committing theft and shoplifting in order to feed themselves. (Participant 2)

Lack of family or parental support is another contributory factor. I remember a child who re-offended for the fifth time. This child was committing theft offences, whereby he stole food at the shop. Imagine if this child were provided with basic needs. I don't think he would have committed some of his offences. (Participant 3)

The above findings also emerged in the work of Tegeng and Abadi (2018), who indicated that lack of emotional attachment, as well as the absence of love and affection from family are good predictors of re-offending behaviour in children. Saimons and Robert (2017) maintained that inadequate support from their families is an important element that contributes to the criminal behaviour of children. The findings of this study correspond with the findings of Steyn (2012), who identified a lack of parental support as a significant challenge in the implementation of diversion programmes. Where parents or caregivers fail to provide consistent guidance, supervision and reinforcement of programme objectives, children are less likely to internalise the lessons of diversion. This lack of support undermines behavioural change and increases the likelihood of re-offending. Moreover, the findings of this study also align with the findings of Gwatimba and Raselekoane (2018), who found that the parents lacked interest in their children. The failure by parents to attend the diversion programmes impacts negatively on the effectiveness of the programmes for the young offenders. The involvement of parents in the programmes is vital for the purpose of monitoring attendance and ensuring that the child receives the support needed in the diversion programme to be effective. The Child Justice Act states that parents have to consent to the diversion (RSA, 2008). Their responsibility does not end with consenting to the diversion, however, it extends to their involvement in the programmes. Lack of emotional and psychological support from family members leads children to feel isolated and abandoned (RSA, 2008). The absence of financial resources also leads to economic instability, making it challenging for the children to meet their basic needs and resist the temptation to engage in criminal activities for their survival.

Subtheme 3: Poor parenting

The study identified poor parenting as a major problem in the lives of the children. Participants of this study contend that poor parenting leads children to make criminal associations and learn criminal attitudes. They indicated that parents have the responsibility to care for their children, which includes the obligation to provide control and protection. In addition, participants claim that children who grow up without positive parenting are more at risk of developing their own relationship troubles, as well as depression and aggression, among other negative outcomes. The majority of parents failed to build a good sense of belonging and independent decision-making in their children, which affected their self-esteem and assertiveness (Gammage, 2020).

The majority of the children in my area of jurisdiction are exposed to poor parenting. (Participant 4)

The majority of children who are re-offending were exposed to poor parenting where their parents fight, consume alcohol and commit all sorts of deviant behaviour before them. This is very dangerous, because children learn behaviour from their parents through imitation and modelling. (Participant 5)

Children, especially from my area, are subjected to bad parenting, whereby there is no one in the family who encourages them to do well in life. Some are rejected, while others are neglected. These children possess low self-esteem, and they normally apply aggression as a counter-defence mechanism. (Participant 6)

The above findings also emerged in the work by Saimons and Robert (2017), who submit that parental rejection increased the probability of children's involvement in committing crimes. These scholars' findings were supported by Kandala (2018), who posits that poor parenting is a strong factor that contributes to the re-offending behaviours of children. Section 144 (1)(b) of the Children's Act (RSA, 2006) talks about developing appropriate parenting skills and the capacity of parents and care givers to safeguard the wellbeing and the best interests of the children, including the promotion of positive and non-violent forms of discipline (RSA, 2006). There is a need for the parents of all children who are in diversion programmes to attend parenting skills programmes, so that they can gain insight into the support and education that can address the key issues and make parenting easier. Parental influence plays a crucial role in shaping a child's behaviour, values and decision-making. Parents are often the primary role models for their children.

Subtheme 4: Lack of after-care services

The Department of Social Development has developed an after-care programme called Mind the Gap, which aims to reinforce the teachings of the programmes that they have attended and reiterate the information to such an extent that it is safe for them to take leave of the group and to function independently as a member of society. The study identified the lack of after-care services by probation officers as a contributing factor to post-diversion recidivism among children in conflict with the law. In various areas, the majority of probation officers confirmed that they don't provide after-care services, while a few probation officers indicated that they render it telephonically, which accounts for the ineffectiveness of the programmes. Barriers

such as transport and the workload of probation officers were cited as the major reasons for the lack of after-care services.

One of the diversion programmes is after-care, which is supposed to be rendered for 24 months after the child has completed diversion programmes, and as probation officers, we are not rendering it. (Participant 3)

Within the Department, there is an after-care service that is mandatory, and probation officers are expected to provide it after the children complete diversion programmes. To be honest, I am not rendering it, since there is no transport. (Participant 5)

These findings corroborate Gwatimba and Raselekoane's (2018) view that there is a lack of follow-up services to track the children in order to prevent re-offending. In addition, the findings also corroborate the findings of the study that was conducted by the Department of Social Development (2018) in the Western Cape, which indicated that after-care services were non-existent in various regions. The Department of Social Development developed the Child Justice Act 75 of 2008 to provide diversion programmes for the purpose of preventing re-offending. After-care services are one of the programmes that were developed by the Department. Probation officers are expected to present this programme for at least 12 months. After-care services are crucial for preventing relapse into criminal behaviour. After-care services can play a significant role in the fight against recidivism.

Subtheme 5: Poverty

The findings of the study identified poverty as another strong predictor of recidivism among children in conflict with the law after attending the diversion programme. The majority of children who re-offend come from poor families, while many come from families where there is no source of income. The high rate of unemployment is the cause of poverty among many families. Even the cases of re-offending discussed in this study indicate that crimes were committed for financial reasons.

Children coming from poor backgrounds re-offend more than children who come from families with financial stability. In most cases, you find that children who come from child-headed or youth-headed families have no one to provide food for them. They are left on their own, and they have to feed themselves. They are compelled to go out and steal so that they may have something to eat. (Participant 2)

Some families do not have any source of income except child support grants, and it is very difficult for them to meet basic needs. So the children used illegal means in order to feed themselves. And at the same time, there are parents who encourage their kids to commit theft and shoplifting so that they can have something to augment their little groceries. (Participant 3)

Some of the children are re-offending as a result of poverty. (Participant 6)

The above findings are also evident in Kandala (2018), who postulates that family income and financial challenges are among the socio-economic factors influencing children's recidivism. The lack of money drives the need to continue in criminal behaviour for financial purposes. In

addition, he indicated that the majority of children who recidivate come from families that rely on government grants because of the absence or death of parents, dependency on grandparents, or unemployment of parents with no other source of income other than child support grants. Kandala (2018) findings were supported by Tegeng and Abadi (2018), who posit that economic or material deprivation is one of the factors that contribute to re-offending behaviour. The role of the family is to support the children emotionally, psychologically and financially. The majority of the offences that are committed by children include theft, shoplifting and robbery. These offences are committed for financial gain in that they will sell the stolen item for money. Children in poverty resort to criminal activities as a means of survival.

Subtheme 6: School dropout

This factor emerged as the most often mentioned theme during the interviews with the participants. They described dropping out of school as a foolish decision despite the rationale behind doing so. Esch et al. (2014) postulate that students who utilise drugs and alcohol are more likely to drop out of school than those who do not themselves partake of the substances. Constant exposure to alcohol and drugs can divert children from pursuing their dreams and lead them into criminal activities.

The majority of children who re-offend after being subjected to diversion programmes drop out of school as a result of abusing drugs and other substances. (Participant 1)

Some of the children re-offend as a result of dropping out of school. You see, when a child is no longer going to school, he/she has a lot of spare time, which consequently leads him or her to commit crimes. There is a popular proverb which says “An idle mind is the devil’s workshop”, which means that evil thoughts enter the mind easily when we are lazy and idle. (Participant 5)

Do you remember the two cases I’ve shared with you in previous discussions? All the cases were committed by children who are no longer going to school. (Participant 6)

Bezuidenhout (2024) found that dropping out of school reduces the chances of those children in conflict with the law from developing social skills such as meeting deadlines, following instructions and relating constructively with peers. School is an important institution which teaches children morals and values. There is a strong relationship between dropping out of school and criminal behaviour. School provides a structured environment with positive role models such as teachers and peers. Dropping out of school deprives children of these influences, making them vulnerable to the negative influences of peers in their communities. Dropping out of school also has a negative impact on self-esteem and self-confidence.

Theme 2: Challenges encountered during the facilitation of diversion programmes

The data analysis produced two themes and seven subthemes. The literature substantiated the results; the direct responses of the participants are quoted verbatim.

Subtheme 1: Challenges associated with divertees

Category 1: Low level of education

The findings of the study revealed that a low level of education is a huge challenge which compromises the effectiveness of diversion programmes. The study found that several children in conflict with the law were school dropouts, and others demonstrated limited literacy skills, which underscores low levels of education as a critical challenge in the delivery and success of diversion programmes. Participants revealed that some programmes, such as Life Skills, require children to express themselves in writing.

Our programmes require writing and reading skills, so for the child who is not able to write and read, it becomes a challenge because the child will not be able to participate fully in the programmes. (Participant 2)

There is what we call pre-assessment and post-assessment, and one of the reasons behind pre-assessment is to assess the child, or rather conduct a holistic assessment, and part of this holistic assessment is to look at the level of education of the child. There are children who are not able to read or write, and this creates a serious problem in the group with the effectiveness of the programmes. (Participant 3)

The findings of the present study are consistent with those of Steyn (2012), who reported that underdeveloped children often experience difficulties participating in programmes that require written expression of their feelings, perceptions and emotions. Steyn (2012) also noted that some of the diversion strategies require a certain level of literacy for the child to participate meaningfully in the programme's activities. He posits that life skills programmes require children who are able to read and write, as they have to submit written tasks for some of the sessions. Low levels of education hinder the effectiveness of the diversion programmes, because children with lower educational attainment may have difficulty in understanding the purpose and requirements of diversion programmes. Lower educational levels are correlated with a high risk of recidivism.

Category 2: Behaviour of the children during the programmes

The behaviour of the children during the programmes was a notable concern for the participants. The findings revealed that some of the children arrived at the venue where the programmes are being presented under the influence of alcohol, which makes it difficult for them to concentrate (Gammage, 2020). Other children do not show any sense of remorse, while some children do show limited remorse and participate in diversion programmes primarily as a means to avoid prosecution, which undermines the rehabilitative intent of such programmes. Rehabilitation starts from within and if a child is not remorseful for the offence he committed, that makes it difficult to assist the child. Participants noted the following aspects of the behaviour of the children attending the programmes.

The child does not understand why they are placed in a diversion programme. They think they are in the programmes just to mingle with other children. They influence other children negatively. They show no interest in the programmes. (Participant 1)

Some of the children are playful during the programmes. They don't take the programmes seriously, especially because the justice system has a tendency to withdraw the matter against them once they completed the programme. (Participant 4)

As I've indicated to you earlier, substance abuse is now a pandemic which is affecting all groups of people, and children are no exception. Some children comes to attend the diversion programmes with a noticeable odour of alcohol while other comes to the programme drunk. They come to the programmes under the influence of alcohol and what they do is entertain others, displaying [disrespectful] attitudes towards me as a facilitator. (Participant 6)

The findings corroborate the findings of the summary report conducted by the Western Cape Department of Social Development (2018), which revealed that it is not uncommon for children to be intoxicated when attending diversion programmes. The research found that children do not take the diversion programmes seriously and they are impertinent to the facilitator during the sessions. The bad behaviour of children during diversion programmes can pose a serious challenge for the participants and impact detrimentally on the effectiveness of the programmes.

Subtheme 2: Challenges associated with the Department of Social Development

Category 1: Lack of resources

The shortage of resources is a provincial challenge that compromises diversion programmes. The study found that probation officers face numerous challenges with regard to resources, for example, there is a lack of transport, office space, stationery and other equipment that is needed for the effective implementation of the programmes. These are fundamental tools of the trade that are needed for the effective implementation of the diversion programmes.

We have a huge challenge when it comes to the resources that are needed to render effective diversion programmes. There is no transport to conduct monitoring for those children who have completed diversion programmes. I rely on another office, which has 12 officials who share one vehicle. Lack of transport is compromising the service delivery. (Participant 3)

The main challenge is the shortage of transport in the Department. We are sharing the vehicle with other professionals from other programmes. I get a car once per week, and I also have other responsibilities, such as investigating the accused's personal circumstances. When it's my day to use a vehicle, I prioritise pre-sentence investigation in order to meet the court's date. Shortage of vehicles deprived me of conducting after-care services to children who have completed diversion programmes as required. (Participant 5)

Lack of resources is a major challenge. Effective diversion programmes need materials like first aid kits, videos, projectors and pamphlets to assist POs to render effective services. (Participant 6)

The findings of this study corroborate the findings of the study conducted by the Department of Social Development (2018), which indicated that proper venues for the facilitation of diversion programmes are needed; there were no tool kits or programme manuals. The Reviewed Minimum Norms and Standards for Diversion (DSD, 2015) require that diversion

programmes must be planned and budgeted for annually to ensure the availability of resources to implement the programmes. Furthermore, the requirement is that diversion programmes must take place in an environment that is conducive to the physical and mental wellbeing of children. Section 56(2) (a) (iii) of the Child Justice Act (RSA, 2008) places a statutory obligation on the Minister of Social Development to ensure the availability of resources necessary for the implementation of diversion programmes. However, empirical evidence from this study indicates that this legislative requirement is not fully realised in practice, as probation officers reported persistent shortages of essential resources required to effectively implement diversion programmes. The lack of resources prevents probation officers from rendering diversion programmes to the best of their abilities. Lack of resources leads to a sense of frustration and dissatisfaction among probation officers and contributes to a decline in morale and overall job satisfaction.

Category 2: Limited number of probation officers

The study identified a shortage of human resources, resulting in probation officers being overloaded with work. This is contrary to the Reviewed Minimum Norms and Standards for Diversion (DSD, 2015), which states that there must be a sufficient number of professionals to support the delivery of diversion programmes. Probation officers render a variety of services to children in conflict with the law. Their duties start from the initial assessment of the child within 48 hours of apprehension, monitoring of diversion orders, attending preliminary enquiries, investigation and compilation of pre-sentence reports, serving as expert witnesses in courts, and rendering diversion programmes. Other probation officers also have to see to the supervision of generic social workers and cleaners.

We are understaffed as probation officers. If you check as a probation officer, we are doing what we call generic probation services. There must be probation officers focusing on outreach programmes and others on facilitating diversion programmes. We should have focused on one aspect in order to provide effective services. (Participant 3)

One person rendering everything cannot produce quality. They say a Jack of all trades is a master of none. Our department is obsessed with quantity rather than quality. Look where I am, I am working alone without any assistance. Probation officers and I cover a lot of villages. When I go to leave, I close the office. (Participant 4)

In my view, the probation officers are understaffed. (Participant 6)

The study findings concur with the findings of the study conducted by the Western Cape DSD (2018), namely that probation offices rendering diversion programmes are understaffed. A limited number of probation officers means that each officer has to manage a higher caseload. Probation officers facing heavy workloads may experience burnout, leading to decreased job satisfaction and potentially high turnover. Such turnover can further exacerbate the challenges associated with limited resources, as new officers need time to become familiar with probation services. Participants have numerous responsibilities, which include conducting assessments of children in conflict with the law, rendering diversion programmes, conducting crime awareness campaigns in schools and communities, conducting pre-sentence investigations, and

giving evidence as expert witnesses. Other responsibilities are given priority over diversion programmes.

Category 3: Training of POs

Training entails a set of formal lessons given to probation officers to enhance their abilities and knowledge. Effective training equips them with knowledge and skills to perform specific tasks as required (HR Helpdesk, 2022). Noe and Kodwani (2018) indicated that training is usually provided on the job to allow employees to navigate their day-to-day tasks successfully. The findings of this study revealed that the training of probation officers is a major challenge across the province. The Department applies the train-the-trainer approach when training the probation officers, but the findings of this study indicate that the train-the-trainer approach appears to be ineffective.

Like I said, the issue of training is so important. I can tell you that I have not been provided with the diversion programmes training since joining the probation services. I just Google and see what each [of the] programmes entails and facilitate the programmes. (Participant 2)

To be honest, the issue of training is hindering the effectiveness of diversion programmes. I have received different trainings from colleagues who have been trained to train other officials. This approach is ineffective and the Department must get rid of it. From all the trainings that I've received, I have not been provided with the programme manual that will assist as a reference. (Participant 4)

Since I was trained in 2009, there have been no refresher courses to update and refresh my knowledge and skills. The training that I received was theoretical instead of being practical, which makes it difficult for me to put it into practice. (Participant 5)

Probation officers need to be trained by specialised trainers, because they are dealing with serious issues that include assessment of children in conflict with the law, prevention of crime through awareness campaigns and facilitation of diversion programmes. During the study, the researcher identified the training of the participants as a major concern. It was also established that there are no refresher courses for the participants. The training that participants received was more theoretical than practical. Participants do not have the programme manuals that could assist them in preparing to deliver the programmes effectively. These findings are in line with the findings of the study that was conducted by the Department of Social Development in the Western Cape (DSD, 2018).

Category 4: Supervision of POs

The policy for social service practitioners (DSD, 2017) defines supervision as a process by which an experienced worker is given the responsibility by the organisation to coach and mentor another less experienced workers regarding their professional and personal objectives, which together promote the best outcome for service delivery. The supervisor has the role of providing guidance, motivation, instilling confidence and building morale, but participants also noted the challenges.

Supervision is a serious challenge in our probation services. Supervisors are not sufficiently knowledgeable about the field of probation services, hence they focus on administration and spelling rather than engaging in the content. (Participant 1)

Another challenge to the effectiveness of diversion programmes is that I'm working without anyone to guide me. I am being supervised by someone who has never worked in the field of probation services. (Participant 2)

The findings are in line with the findings of the study conducted by Gxubane (2023), who asserted that the biggest challenge with probation services is currently the lack of experience and knowledge among probation services supervisors. Probation officers are supervised by generic social work supervisors, who do not possess knowledge of probation services. The findings suggest that supervision of probation officers is not a priority for the supervisor, but rather an add-on task to their major responsibilities. In addition, the study findings support the findings of the study conducted by the Western Cape Department of Social Development (2018). It emerged that probation officers are not supervised by professionals with extensive experience in the field of probation services.

Category 5. Inaccessibility of diversion programmes

Section 55(2) (d) of the Child Justice Act No 75 of 2008 indicated that the diversion programmes must be presented in a location reasonably accessible to the child. Majority of probation officers are stationed in magistrate's courts which are far from the villages. The study discovered that the diversion programmes are not easily accessible by the children who are in conflict with the law. Children have to travel several miles in order to access the diversion programmes. The majority of the children who are in conflict with the law come from a poverty-stricken background and their parents cannot afford to transport them to the probation officer's venue and this has a negative impact on the effectiveness of the programmes. Participants' comments were as follows:

For me the diversion programmes are not easily accessible to the children because there are children who came from different villages which are very far from here. Some of the children when they arrived here they are already tired as a result of trekking long distance and the concentration is very poor. Some complain about hunger and our Department don't provide food for them. Sometimes I've [got] to buy them something using my money. (Participant 1)

Services of diversion programmes are centralised; we expect children to visit us in our offices in order to run these programmes and we know the level of unemployment and poverty in our area. Most families are dependent on child support grant and it's more difficult for parents to transport these children. The distance is a major barrier to majority of children. (Participant 4)

Most of the participants in this study acknowledged that the diversion programmes are not accessible to all children because of the distance that the children need to travel in order to arrive at the place where the diversion programmes are being rendered. This is contrary to the Reviewed Minimum Norms and Standards for Diversion (DSD, 2015), which states that the

diversion programmes must be accessible to all the children in conflict with the law. However, probation officers express their willingness to transport them to and from the diversion programme. The challenge of transport in the Department was raised as the stumbling block to respond to the challenge of the accessibility of the programme. The distances that children need to travel to access diversion programmes have a negative impact on the effectiveness of diversion programmes. Children might struggle to concentrate during the programme as they arrive at the venue tired because of the distances that they travelled. Long-distance travel affects participant's ability to fully engage in and complete the programme. This could impact on the overall effectiveness of the diversion programmes in achieving its goal.

Theme 3: The effectiveness of diversion programmes in curbing recidivism

The participants were asked about their understanding of the effectiveness of diversion programmes in preventing recidivism. The question was aimed at determining whether the diversion programmes have a positive impact on the behaviour of the children in conflict with the law. Probation officers stated that the diversion programmes are experiencing a lot of challenges. Because of the resource limitations, such as transport being unavailable and inadequate human and financial resources, the diversion programmes cannot be implemented fully, and therefore it is difficult to evaluate their effectiveness in general and more specifically in preventing recidivism among children in conflict with the law, or children who had been through the diversion programmes.

Diversion programmes are effective as evident by the success stories of children who have participated in diversion programmes. (Participant 1)

In my view, the programmes could be effective; I think you need to underline that it could be effective, and I'm talking in the area where I work. There are a lot of things that need to be done in order for the diversion programmes to be effective. I have not received training on diversion programmes, and it's difficult to render these programmes when you are not fully equipped with them. You end up having ineffective programmes. (Participant 2)

The above statements suggest that diversion programmes might be more effective if the challenges encountered during the facilitation of the programme are addressed. The question remains whether diversion programmes are effective in decreasing re-offending in children in conflict with the law. The findings of the study conducted by Vongai et al. (2024) found that diversion programmes were effective mechanism to reduce crime and change the behaviours of youth in South Africa. These findings is contrary to the findings of the study conducted by Motshedi (2020), which revealed mixed results about the effectiveness of diversion programmes. The implementation of diversion was intended to ensure that children who had already found themselves on the wrong side of the law must not become involved in further criminal activities (Motshedi, 2020). Singh (2016) notes that in South Africa there is inadequate information when it comes to the rates of recidivism and the role that diversion programmes could play in reducing the high rate of recidivism. She also indicated that there is a high turnover of children in conflict with the law entering and leaving correctional institutions.

Diversion programmes are effective in reducing recidivism, but it is just that we, as probation officers, don't provide after-care services due to transport challenges. That's why most of them re-offended within 12 months, and this is the period when we were supposed to be providing after-care. (Participant 4)

I have success stories of diversion programmes. The majority of children who have successfully completed diversion are doing well in their academic life, which gives me an indication that the programmes are effective, even though there are a few who re-offended within one month post-diversion programme, and the fact that some of the children re-offended cannot be attributed to the ineffectiveness of diversion programmes. Some re-offend because we fail to render after-care services as required. (Participant 5)

The above comments corroborate the findings of the summary results of the meta-analysis conducted by Hoge and Wilson (2013), which showed that diversion programmes were effective in reducing recidivism. A meta-analysis of 73 diversion programmes conducted by Hoge and Wilson in 2013 shows that recidivism rates were lower for diversion programmes compared to conventional judicial processing. The above comments were further supported by the study conducted by Gwatimba and Raselekoane (2018), which found that the diversion programmes are effective if implemented correctly.

DISCUSSION

This study aimed to investigate the factors affecting the effectiveness of diversion programmes for children in conflict with the law. The Department of Social Development utilises different diversion programmes to rehabilitate children in conflict with the law; these include Playing Through the Forest, Stop to Start, I am Me, Rhythm of Life, Wake up Call, In the Mirror, Reverse your Thinking, and Say Stop as well as including home-based supervision. Despite the availability of diversion programmes across the province, a significant proportion of young offenders who have participated in these programmes continue to be involved in criminal activities. The study highlighted different factors that affect the effectiveness of diversion programmes. It highlights various barriers that constrain the effective implementation of the diversion programmes to reduce recidivism.

The Department of Social Development is failing to create an environment conducive to the effective rehabilitation of children in conflict with the law. The study found that the challenges experienced during the facilitation of diversion programmes included a lack of resources, limited number of probation officers, inadequate training of probation officers and weak supervision of probation officers as well as the inaccessibility of diversion programmes, which compromised their effectiveness of diversion programmes. The Minimum Norms and Standards for Diversion (DSD, 2015) state that diversion programmes must be accessible to the children ordered for diversion. The study revealed that diversion programmes are not easily accessible to the children who have been diverted from the criminal justice system. In certain areas, some children have to travel for approximately 40 to 70 kilometres in order to access the programmes. The inaccessibility of diversion programmes affects their effectiveness, because children arrive at the venue tired and hungry, which affects their level of concentration.

The socio-economic conditions of the families of children in conflict with the law also compromised the effectiveness of diversion programmes, because the children go back to commit crimes in order to meet their basic needs. Paying special attention to these conditions and challenges will increase the effectiveness of diversion programmes. Diversion programmes are meant to rehabilitate children in conflict with the law. One of the objectives of diversion programmes is to prevent children from re-offending (RSA, 2008). Despite the intention to rehabilitate, diversion programmes are falling short in preventing recidivism. The reasons for this vary, but often include the failure to address several key factors such as pervasive poverty, detrimental peer influence or disruptive family issues that contribute to criminal behaviour in the first place. For the programmes to be effective, they must take into account the broader context of the child's life (DSD, 2018). Addressing underlying psychological, social and environmental factors can make a significant difference.

RECOMMENDATIONS AND IMPLICATIONS FOR PRACTICE

The Department of Social Development should employ more probation officers and assistant probation officers in order to successfully facilitate diversion programmes. Most of the offices in Limpopo have one or two probation officers who are responsible for the assessment of children in conflict with the law, attending preliminary enquiries, conducting awareness campaigns, facilitating diversion programmes, conducting pre-sentence investigations and appearing in court as expert witnesses in addition to their other duties as outlined in the Child Justice Act 75 of 2008. The fact that these offices are understaffed compromises the successful facilitation of diversion programmes. Employing assistant probation officers can help in providing monitoring and after-care services to children who have completed the diversion programmes as well as those who are placed in home-based care supervision.

Probation officers should receive specialised training on diversion programmes from specialised trainers. The train-the-trainer approach is ineffective. The current diversion programmes are antiquated and there is a need to review them so that they can address the challenges confronted by children nowadays. Supervision of children by a probation officer is non-existent. Supervisors who have been assigned the responsibilities of supervising probation officers are there to sign the reports and applications for leave. Probation officers must be supervised by professionals who possess experience in the field of probation services. This will help in ensuring the effectiveness of the programme as well as the application of the various legislative requirements.

The Department of Social Development must provide the probation officers with the relevant resources for the rendering of diversion programmes. Transport for providing after-care services is a huge challenge; many children re-offend within the 12-month period when probation officers are expected to be rendering those services. Diversion programmes rely on appropriate resources such as a sound system, screens and projectors because these tools significantly enhance communication, learning and engagement. Audio-visual equipment makes it easier to present information clearly, especially to children and youths who may have different learning styles or limited literacy levels. Visual aids help simplify complex concepts, stimulate interest and keep participants focused, while a sound system ensures that everyone can hear and participate equally. These resources are non-existent and this compels the

probation officers to run this programme without meeting the specifications of the Minimum Norms and Standards for Diversion.

The programmes need to be accessible to all the children who have been recommended or ordered to attend. This will improve the effectiveness of the programmes for children in conflict with the law. Children should not have to travel long distances, which has huge financial implications for them, to attend the diversion programmes. Financial difficulties make it impossible for children and their parents to travel to attend diversion programmes when they are supposed to pay for transportation themselves.

Probation officers need to receive training on how to render effective diversion programmes to children in conflict with the law. Some probation officers have not been trained on how to offer diversion programmes, and this makes it impossible to present effective programmes. Upon appointment to probation services, probation officers need to undergo intensive training that enhances their skills, knowledge and expertise in the administration of the diversion programmes. The Department of Social Development needs to have satellite offices in each community and village they are serving, so that they are readily accessible and children and their families do not have to spend lots of money travelling to attend the programmes. Despite the availability of the diversion programmes offered, recidivism remain a problem. This is because of the lack of capacity, lack of education and awareness, and the inaccessibility of the relevant services.

CONCLUSION

The study demonstrates that the effectiveness of diversion programmes is less influenced by their design and more by the contextual and systemic conditions under which they are implemented. While diversion has strong theoretical promise as a technique to stop discrimination and stigmatising of children, as well as support their reintegration, its success depends on a coherent interplay among family involvement, professional capacity, programme accessibility and sustained after-care. The findings highlight that specialised training, implementation capacity, supportive supervision, material resources and manageable caseloads act as mediators between policy intentions and real-world outcomes. Without these conditions, diversion risks becoming a legal and procedural requirement instead of an inclusive and transformative intervention. The study contributes conceptually by framing aftercare as a crucial technique that enhances behaviour change in the community, demonstrating that recidivism primarily reflects broader socio-economic realities rather than programme failure. The success of the diversion programme depends on the child's surroundings being strengthened, integrated and responsive. A systems-level approach is therefore crucial, aligning diversion with child-centred service delivery, cross-sector partnership and a commitment to children's best interests.

AUTHOR BIOGRAPHIES

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