



**TECHNIUM**  
SOCIAL SCIENCES JOURNAL

[www.techniumscience.com](http://www.techniumscience.com)



**Vol. 67/2025**  
**A New Decade for Social Changes**

**PLUS**  
**COMMUNICATION P**



**International**  
Communication & PR

## **The challenges experienced by probation officer in the facilitation of diversion programmes: Social work perspective**

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**Abstract.** This manuscript explores the challenges experienced by Probation officers (P.O) in the facilitation of diversion programmes. The study employed exploratory, contextual, descriptive, and phenomenological research designs, following the stages outlined by Creswell (2014) for data analysis. The data collected using a semi-structured interview guide was analyzed using Tesch's framework for thematic analysis. Ethical requirements such as informed consent, confidentiality, anonymity, voluntary participation, and the avoidance of harm were adhered to throughout the study. The study revealed numerous challenges that POs are confronted with when rendering diversion programme on a daily basis; namely low level of education, behaviour of the children during the programme, lack of resources, limited number of POs, accessibility of diversion programmes, training of POs, supervision of POs and as a result they are affecting the effectiveness of the programmes. The study recommended that the Department of Social development should avail themselves to mitigate the challenges in the facilitation of diversion programmes. It must provide resources for the probation officers in order for them to render effective services, the number of POs rendering diversion programmes must be increased, the programmes must be accessible to the children, training of POs and supervision must be improved.

**Keywords.** Challenges, Probation officer, Diversion programmes, Children in conflict with the law

### **Introduction**

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

### **Background, rationale and problem statement**

The South African government introduced diversion programmes in 1990; however, it was 2005 and 2008 respectively, where these programmes were recognised and signed into law, as sentencing options and preventive programmes. This happens after the introduction of

Children's Act 38 of 2005 and the Child Justice Act 75 of 2008. The reason behind this inclusion was after the recognition by many countries that children commit criminal offences because of certain circumstances such as a dysfunctional family, poverty, poor parenting and other social skills (Department of Social Development, 2015).

Section 1 of the Child Justice Act defines diversion as diverting a matter involving a child away from the formal court procedures in a criminal matter when there is sufficient evidence to prosecute the child. Diversion aims to reduce and prevent future involvement on crime (Seroczynski, Evants, Jobst, Harvath and Carozza, 2016). Diversion entails that children in conflict with the law are kept away from the formal criminal justice system and ensure that there are successfully reintegrated in to the society (Badenhorst, 2013). By diverting children in conflict with the law, they are protected from the negative effects of the criminal justice system and prevented from unnecessary stigmatisation and criminal record (Badenhorst, 2013). The CJA enacts diversion and ensures the fair treatment of children in conflict with the law. Diversion sets out to prevent crime and promote public safety through the use of alternative sentencing and restorative justice procedures (National Prosecuting Authority (NPA, 2011). Section 51 of the CJA no 75 of 2008 lists the following goals of diversion services: Deal with a child outside the formal criminal justice system in appropriate cases, Encourage the child to be accountable for the harm caused by him or her; meet particular needs of the individual child, Promote the re-integration of the child into his or her family and community, Provide the opportunity to those affected by the harm to express their views on its impact on them, Encourage the rendering to the victim of some symbolic benefit or the delivery of some object as compensation for the harm, Promote reconciliation between the child and the person or community affected by the harm caused by the child, Prevent stigmatising the child and prevent the adverse consequences flowing from being subject to the criminal justice system, reduce the potential of re-offending, prevent the child from having a criminal record and Promote the dignity and well-being of the child.

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

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

### **Consideration of diversion**

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

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

### **Diversion options in South Africa**

Various options for diversion are stipulated on Section 53 of the Child Justice Act 75 of 2008. The diversion options are set out into two levels. Level one applies to the offences

referred to in schedule 1 of CJA, while level two includes all other offences indicated in schedule 2 and 3.

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

Level two diversion options include those of level one with the addition that the child can be ordered to attend vocational, educational or therapeutic intervention. The child can also be referred for intensive therapy to treat or manage problems that have been identified as a cause of the child coming in to conflict with the law. In terms of the duration of level two diversion options, an order may not exceed 24 months if the child is under the age of 14 years. For children older than 14 years, the order may not exceed 48 months in duration. The child can be placed under the supervision of a probation officer on conditions which may include the restriction of the child's movement to the magisterial district in which the child usually resides unless prior written approval to move elsewhere is obtained from the probation officer (Child justice Act 75 Of 2008).

According to Maree (2016) a rationale aids as a statement that explains how the researcher was enticed to a particular study and why the study is worth pursuing. It shows how the researchers developed an interest in a research study and topic. In the study's rationale, the researcher justifies why the research topic should be investigated. He justifies by providing reasons for how the study would assist in solving problems experienced, how it will influence policy, and change the manner in which things are done (Du Plooy-Cilliers, Davis & Bezuidenhout, 2017). The role of POs in administering diversion programmes is vital to the rehabilitation and re-integration of children in conflict with law. They play an imperative role in managing these programmes ensuring that compliance and supporting children on their rehabilitation journey. Understanding the challenges experienced by POs when implementing diversion programmes is essential to enhance the effectiveness of the programmes. The existing literature propose that while diversion can be effective, there is a gap in understanding how daily experiences and obstacle encountered by POs impact the delivery and success of these programmes. By outlining these challenges, the study will provide valuable insights for policy makers, managers to develop strategies that enhance the work environment of POs and the outcome of the programme.

Akhtar (2014) echoed that a problem statement involves ascertaining the problem the researcher has encountered in a theoretical or practical context in which they seek a solution to the problem. Kumar (2018) designates that problem formulation of a research study is the fundamental step in a process. He makes a comparison of a research problem statement with the erection of the foundation of a house. The problem statements explain and describe the observed problem in the research study. It explains the problem and justifies the reasons and needs for engaging in the research Kush (2015). Despite the importance of diversion programmes in reducing recidivism and promoting rehabilitation, there is a lack of comprehensive understanding of the specific challenges POs encounter in rendering diversion programmes. The gap in knowledge hampers efforts to improve programme effectiveness and enhance outcome of the programmes. Without addressing these challenges the long term

success of diversion programmes and the well-being of the POs responsible for rendering of service remain at risk.

### **Theoretical perspective**

The researcher adopted General strain theory (GST). GST assisted the researcher to understand the stress they pass through while executing the day to day duties. The General Strain Theory (GST) is a part of the social structure theories of crime, which fits the positivist notion that contends that social forces push or influence people to commit crime (Brown, S. Esbensen, F and Geis, 2013: 66). The strain theory is distinguished from social control and social learning theory in its specification of the type of social relationship that leads to delinquency and the motivation for delinquency. Strain and stress are abundant in the lives of people because society places high standards on the success of people. Brown et al. (2013) discussed the notion that the structure of American society creates lower social echelons and consequently explains lower-class crimes. These goals are set too high and out of reach for a proportion of society since they are distorted aspirations, unrealistic desires for attainment, and crass materialism; this strain sets the stage for individual failure and the search for solutions to this deviancy (Brown et al., 2013: 268). This theory highlight that individuals under stress or strain may experience negative emotions that impact their ability to perform effectively. POs are confronted with numerous challenges which include but not limited to lack of resources, poor supervision, limited number of staff, behaviour of children during diversion programmes and so on which impact negatively their performance. This theory was significant because it explain why individuals cannot perform in their workplace if their challenges are not addressed.

### **Research methodology**

This manuscript stems from the researcher's postgraduate research which entitled is "**The perception of POs on factors contributing to recidivism among children in conflict with the law, post diversion**" (Tshivhase, 2024). The enquiry paid attention to address the following questions: (1) what are the challenges experienced by POs in the implementation of diversion programmes associate with the divertees? (2) What are the challenges experienced by POs in the implementation of diversion programmes associated with the Department of Social development? (3) What are the challenges experience by POs in the implementation of diversion programmes associated with the Department of Social development? (4) What are the challenges experience by POs in the implementation of diversion programmes associated with the legislation? The study utilized the qualitative descriptive approach to respond to these research questions. The study adopted exploratory research designs. The researcher adopted these designs to give a foundation and framework to the research study (Vaismoradi, Jones, Turunen and Snelgrove, 2016). The study utilized exploratory research design to explore the challenges experienced by POs in the implementation of diversion programmes. A total of fourteen participants were interviewed by means of semi-structured interview. The interviews were audio recorded and transcribed, after which the data analysis was used to identify themes. The research participants are kept anonymous throughout the manuscript. It is important to bear in mind that this research was qualitative and exploratory in nature (Creswell, 2014). It was undertaken from interpretivist paradigm to solicit a deep understanding about the challenges confronted in the facilitation of diversion programmes (Creswell, 2016).

### **Sampling procedure and participants**

The study utilized Non-probability sampling. The participants were purposely selected based on their knowledge and experiences in the facilitation of diversion programmes. Purposive sampling entails the selection of the research participants by looking at their personal knowledge and judgment, the nature of the duties they perform, their expertise, experience, and their roles (Gray, 2014). The researchers chose POs as the population because they are the implementing professionals for the diversion programmes with children in conflict with the law. They have an understanding of the challenges experienced during the implementation of diversion programmes. The authors are of the view that engaging POs on challenges experienced can assist with the solution. Ethical clearance was obtained from the college of human sciences research ethics review committee of the University of South Africa with reference number **20368534-CREC-CHS-2023** and the permission to conduct the study was granted by the Limpopo Department of social development (DSD). The study sought informed consent from the participants, and the researchers provided important information about the study, including confidentiality, anonymity, and the rights that participants have to withdraw their participation at any time without notice (Mathews & Ross, 2018). For the purpose of confidentiality, the names of the participants were not disclosed throughout the study. The researcher explained to the participants what the study is about and that participation is voluntary. The researcher informed the participants that there would be no remuneration for participating in the study. The researcher avoided deception and truthfully informed the participants that the research project would be conducted solely for academic purposes. Deception may lead to participants providing incorrect information. The researcher did not withhold any information and provide incorrect information to the participants in the study. Purposive sampling was used to recruit the participants into the study. A sample of 14 POs was used, guided by the principles of data saturation. Data collection was terminated by data saturation when interviewing participant number 14 (Saunders et al., 2018).

The study included the POs that are currently working with children in conflict with the law. They should be rendering diversion programmes to children. They needed to have at least five years of experience facilitating diversion programs. They should be employed by the Department of Social Development and registered with the South African Council for Social Service Professions. The participants were comfortable with English during the interviews. Interviews were administered by the first author with the POs working with children in conflict with the law (Fusch & Ness, 2015). A pilot study was conducted with two participants not involved in the main study to test the research design and questions. This was done before the main study to observe whether the participants would have an understanding of the questions and would not be confused. The study applied interviews as instruments for the data collection, with a semi-structured interview schedule and a set of questions in place. The open-ended and semi-structured interview questions were used to avoid creating discomfort among the participants. Participants were not coerced to take part in the study and were given the option to decline or withdraw their participation from the study. The average period for the interviews was 45min to 1 hour with all the participants in the study. Options were provided that when participants feel uneasy, they should feel free to withdraw and decline to answer any question. The researchers obtained permission to audio record the participants in the study. All participants allowed and consented on record to be audio recorded, and the data was transcribed. The interview guide that was developed was aimed at gathering data that aligned with the research questions and research inquiries. To protect confidentiality, pseudonyms were used in the study, and anonymity was ensured.

### Data analysis

The study employed Creswell's (2014) eight-step approach to thematic data analysis for qualitative data. In the initial phase, the data was organized and prepared for analysis, including transcription of audio recordings. The second step involved thoroughly reading and reviewing the collected data. Researchers repeatedly listened to the recordings and carefully read the transcripts, making notes of emerging ideas. Next, the data was coded, followed by generating descriptions by grouping similar, major, and unique topics. During theme development, researchers observed the organization of the data to identify emerging information or patterns in the codes.

### Empirical data on challenges experience by probation officer when facilitating diversion programmes

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

THEMES	SUB-THEMES
Challenges associated with divertees	<ul style="list-style-type: none"> <li>• Low level of education</li> <li>• Behaviour of the children during the programme</li> </ul>
Challenges associated with the Department of Social Development	<ul style="list-style-type: none"> <li>• Lack of resources</li> <li>• Limited number of POs</li> <li>• Accessibility of diversion programmes</li> <li>• Training of POs</li> <li>• Supervision of POs</li> </ul>
Challenges associated with legislation	

Figure 1.1.

#### Theme 1: Challenges associated with divertees

##### Sub-theme 1: Low level of education

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

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

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

The above findings were corroborated by Steyn (2012) who found that children who are underdeveloped struggle with the programmes because some of the programmes require them to write down their feelings, perceptions and emotions. Furthermore, Steyn also indicates

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

### **Sub-theme 2: Behaviour of the children during the programme**

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

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

The latter participant was supported by participant number 6:

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

Correspondingly, participant number 15 revealed that:

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

The findings corroborate the findings of the summary report of conducted by the Western Cape Department of Social Development (2016) which revealed that it is not uncommon for the children to be intoxicated when attending a diversion programme. The research found that children do not take diversion seriously and they despise the facilitator during the sessions. The notorious behaviour of children during diversion programmes can pose a serious challenge and impact the effectiveness of the programme. If some of the children are attending the programme while intoxicated, there is a high possibility that they may resist or refuse to comply with the requirements for the diversion. Non-compliance may hinder the programme to address underlying issues. Some of the programmes are conducted in a group form and displaying notorious behaviour during the programme can also affect the whole group.

## **Theme 2: Challenges associated with the Department of Social Development**

### **Sub theme 1: Lack of resources**

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

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

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

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

Correspondingly, participant number 8 has this to say:

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

The findings were confirmed by a study conducted by the Western Cape Government (2018) which indicated that proper venues for the facilitation of diversion programmes are needed, tool kits and programme manuals were absent. The reviewed minimum norms and standards for diversion (2015) require that diversion programmes must be planned and budgeted annually in order to ensure the availability of resources to implement the programme. Furthermore, it requires that diversion programmes must take place in an environment that is conducive for the physical and mental well-being of children. Additionally, Section 56(2)(a)(iii) of the CJA (75 of 2008) postulates that the cabinet member responsible for social development must make sure that sufficient funds are allocated for the purpose of implementing diversion

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

### **Sub theme 2: Limited number of POs**

The study discovered a shortage of human resources resulting in POs being overloaded with work. This is contrary to the Reviewed Minimum Norms and Standards for Diversion (2015) which states that there must be sufficient professional to support the delivery of diversion programmes. POs are one of the key stakeholders in the implementation of diversion programmes. Lack of these key resources jeopardizes the rendering of effective diversion programmes. POs render variety of services to children in conflict with the law. Their duties start from the initial assessment of the child within 48 hours apprehension, monitoring of diversion orders, attending PIs, investigation and compilation of presentence reports, serving as an expert witness in courts and render diversion programmes. Other POs are also burdened with supervision of generic social workers and cleaners. There is also shortage of assistance POs who might assist POs with some of the work such as after care services. The few offices that have assistance POs are utilizing them on other programmes. Participant number 4 expressed these challenges as follows:

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

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

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

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

In addition participant number 09 indicated that:

*“There must be POs who are specializing with pre-sentence reports, assessments of children in conflict with the law and also facilitation of diversion programme. I don’t even have an APO to assist me with other services.*

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

### **Sub theme 3: Accessibility of diversion programmes**

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

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

Similarly participant number 4 indicated the following:

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

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

*“There are children who are coming from very far to attend the diversion programmes. For example; here I’m having children who are from as far as Ha-Lambani which is close to 70 kilometres from this office. Accessibility is a serious challenge, especially to children who are attending school. I usually conduct these programmes on Friday when they don’t have studies however they still arrive here in my office around 16h30 when its already time to knock off. I always compromise and attend them for only 20 minutes because at 17hrs the last transport will be leaving. The longer the distance they have to pay more money. Some of the*

*parents are unemployed and they don't have money to transport them to my office. Whenever it's my turn to use the vehicle I make it a point that I collect them from their villages which is very rare."*(P10)

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

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

#### **Sub theme 4: Training of POs**

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

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

Participant number 10 indicated that:

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

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

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

### **Sub theme 5: 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 worker or workers professional and personal objectives which together promote the best outcome for service delivery. Supervisor has a role of providing guidance, motivation, installing confidence and building morale. All these challenges have a direct impact on the quality of services that are rendered to the children in conflict with the law. Following are some of the narratives by the participants:

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

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

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

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

### **Theme: 3 Challenges associated with legislation**

Diversion programmes are regulated by the Child justice Act no 75 of 2008. The act lacks statutory mandate to order parents to participate in the diversion programmes. This policy gap negatively affect the proper implementation of the programme. The policy remain mum on how parents should get involved in the programme. According to Abdulla (2019), parental participation is essential because parents provide support and instil morality and positive values in their children. Parental participation in diversion programmes is fundamental for monitoring purposes. The study discovered that parents of children who are attending diversion programmes are do not attend diversion programmes. Participant number 3 expressed the challenges as follows:

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

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

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

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

### **Discussions**

The study focused on the challenges experienced by probation officer in the facilitation of diversion programmes. The findings confirmed that there are challenges associated with divertees, challenges associated with the Department of Social development as well as

challenges associated with legislation (Child justice Act no 75 of 2008). The challenges associated with divertees include low level of education and behaviour of the children during the programme. Some of the diversion programmes requires certain cognitive ability and it is common cause that low level of education makes it difficult for the children to comprehend what the programme is all about. It was also discovered that some children comes to the session while intoxicated and they miss-behave and influence other negatively during the programme. Probation officers have difficulties in dealing children who are displaying behavioural problem.

The study findings highlight numerous challenges that are confronted by POs when rendering diversion programmes in Limpopo province. These challenges undermine the effectiveness of diversion programmes. POs are understaffed and as a result they often manage an overwhelming number of cases, which limits the time and attention they give to each participant in a diversion programme. High caseloads reduce the quality of supervision, leading to less effective monitoring, support and intervention (The policy for Social service practitioners (DSD 2017). Many POs lack specialised training in areas such as substance abuse and behaviour modification and as a result it leads to frustration when dealing with children who are misbehaving during the programme.

It is evident that the diversion programmes are not adequately resourced and as result children may fail to complete them successfully, leading to re-entry in to the criminal justice system and higher recidivism rates. They are experiencing burnout due to the mental and emotional strain they pass through when rendering diversion programmes (Western Cape Government, 2018).

The Republic of South Africa is currently lamenting about increased rate of crime. Probation officers play a crucial role in manging diversion programmes which aim to redirect children away from judicial proceedings and rehabilitation programmes. Diversion programmes are meant to reduce the potential of reoffending amongst the children in conflict with the law. So if these challenges that they are experiencing during the implementation of diversion programmes are not addressed, the country is still going to lament about the high rate of crime.

### **Recommendations/ Implications for practice**

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

POs should receive specialized training on diversion programmes from specialized trainers. The train-the-trainer approach is ineffective. The developed diversion programmes are antiquated and there is a need for reviewing them so that they can address the challenges confronted by children of nowadays. Supervision of probation officer is non-existence. Supervisors that have been assigned with the responsibilities of supervising POs are there to sign the reports and the application of leave. POs must be supervised by professionals who possess the experience in the field of probation services. This will help in the proper implementation of the programme and in the application of different legislation. Supervision of POs must be improved. The Department of Social Development must provide the POs with the

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

There is a need for the presiding officers and prosecutors to be trained about the Child Justice Act 75 of 2008. Cases of children who have been diverted from the criminal justice system must not be removed from the roll nor withdrawn until the child complete the diversion programmes. Presiding officers must provide the POs, child in conflict with the law and his or her immediate family members with the return dates where the POs will present the compliance or non-compliance report. The charges against a child must only be withdrawn after the presentation of the compliance report. If the child does not comply with the diversion orders, the matter must be transferred to the child justice court.

### **Conclusion**

POs are experiencing numerous challenges when rendering diversion programmes on a daily basis. Majority of the challenges they experience are departmental challenges and can only be addressed by the Department of Social development. Probation services is not well resourced when it comes to human capacity. There is no adequate number of POs. There is also no adequate number of APOs. Other POs are burdened with providing supervision to generic social workers as well as providing family preservation services. The few Assistance POs that are available in the offices are not performing their duties as articulated in the Probation services Act 116 of 1991. Venues for the facilitation of diversion programmes are not conducive and they do not meet the required standard as articulated in the Minimum norms and standard for diversion programmes. POs does not have the resources needed for the proper implementation of the programme. Some programmes require sound system, monitor and projectors as per the manual and they are non-existent. Addressing these challenges requires a comprehensive approach that includes better training and increased resources. By addressing these challenges, POs can provide more effective supervision and support to divertees, leading to better outcomes for both children in conflict with the law and justice system and the country as a whole.

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