CHILD, YOUTH & FAMILY DEVELOPMENT
HUMAN SCIENCES RESEARCH COUNCIL

THE DEVELOPMENT OF MINIMUM STANDARDS FOR DIVERSION PROGRAMMES IN THE CHILD JUSTICE SYSTEM: FINAL REPORT FOR NICRO

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ACRONYMS

FGC	Family Group Conference
NICRO	National Institute for Crime Prevention and the Reintegration of Offenders
VOM	Victim-Offender Mediation

DEFINITIONS

The term 'young offender' is used to refer to persons under the age of 18 years who have committed an offence.

The term 'youth offending' is used to refer to the commission of illegal acts by persons under the age of 18 years.

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EXECUTIVE SUMMARY

OBJECTIVES

The purpose of these minimum standards is to pro-actively protect the rights of the children referred to diversion through ensuring that interventions comply with certain standards that outline acceptable rigour in the design, delivery and monitoring of diversion initiatives.

The primary objective of the present research was to develop minimum standards for optimal diversion outcomes for children in conflict with the law. The standards are designed to ensure good diversion practice in all respects.

SCOPE OF THE REPORT

This report consists of two deliverables of the research contract between the Human Sciences Research Council (HSRC) and NICRO.

In the first chapter (the first deliverable), we present an extensive review of 1) the literature on the development of antisocial and criminal behaviour, and 2) evaluation research focusing on the implementation and effectiveness of rehabilitative and diversion initiatives for young offenders.

The review resulted in the identification of characteristics that distinguish effective from less effective diversion interventions. A generic model for the design and delivery of effective diversion programmes was developed and was used to inform the construction of minimum standards for field testing in the second phase of the study.

In the second and subsequent chapters, (which cover the second deliverable), we describe the development of minimum standards for diversion programmes, and report on fieldwork conducted to capture key informants' responses to the minimum standards. Results report the key informants' responses and comments on the appropriateness (desirability) and feasibility (practicality) of the minimum standards for diversion programmes in the South African context.

METHOD

In order to assess the extent to which the minimum standards are appropriate, feasible and supported by those working in the field of diversion, key informants were selected to comment on the minimum standards we developed.

An interview schedule containing 44 minimum standards for diversion processes and programmes was constructed based on the recommendations emerging from the literature review (chapter 1). The interview schedule was divided into two main sections, with section 1 focusing on pre-referral assessment, and section 2 focusing on the design, delivery and outcomes of diversion programmes. Section 2 was further subdivided into minimum standards pertaining to all diversion programmes (irrespective of type or mode of service delivery), and minimum standards specifically relevant to restorative justice initiatives and sex offender programmes. Key informants responded to one or more sections of the interview schedule depending on their area(s) of expertise.

Key informants included probation officers, prosecutors, diversion programme staff (managers and facilitators), and academic specialists. Twenty five participants were drawn from the Gauteng, Western Cape, Kwazulu-Natal, Northern Cape, and North West provinces. To accommodate the geographic distribution of key informants, interviews were conducted telephonically.

RESULTS

Key informants responded to the standards in the interview schedule by indicating on a 10-point scale how appropriate and feasible they thought it was for the South African context.

The information was then analysed to indicate the degree of convergence and conflict between key informants' ratings on the two scales. The findings are reported in 4 sections, including 1) pre-referral assessment standards, 2) programme design, delivery and outcome standards, 3) restorative justice initiative standards, and 4) sex offender programme standards.

Results indicated that overall, forty two of the forty four minimum standards were perceived as both appropriate and feasible in the South African context (to varying degrees).

Two standards were considered appropriate, but unfeasible to implement at present:

- Outcome evaluations include pre-intervention and post-intervention assessment measures and incorporate some form of control or comparison group (programme design, delivery and outcome standard 2.17).
- Multi-disciplinary teams of professionals (including psychologists and/or psychiatrists) meet at the end of the diversion programme to develop long-term care

plans for particularly complex, high- risk cases (sex offender programme standard 2.33).

After further consideration of participants' commentary, and in the interests of presenting a more concise list of recommended standards, a revised list of minimum standards for diversion was developed. It is the revised minimum standards outlined below that should be used in the future piloting activities:

RECOMMENDED MINIMUM STANDARDS FOR DIVERSION

Pre-referral assessment domain

1. Theme: Post-arrest assessment timing and capacity

Standard statement: Every child is assessed within 48 hours of arrest by a probation officer[1] before the prosecutor makes the decision to (or not to) divert.

Relevant legislation and regulations: Probation Services Amendment Act (35 of 2002)

Indicator:

- Pre-referral assessment compliance.

Measure:

- The proportion of arrested children who have been assessed in the prerequisite period.

Implications for practice:

- Sufficient skilled personnel should be available to conduct pre-referral assessments within the prerequisite period.

2. Theme: Post-arrest assessment process

Standard statement: Probation officers use a comprehensive, standardised national assessment procedure, which is appropriate to the child's age, is conducted in a language the child understands, and which focuses on the needs and circumstances of the child.

Relevant legislation and regulations: N/A

Indicator:

- A standard national assessment procedure is constructed and in use.

Measures:

[1] The term 'probation officer' refers to all persons charged with the responsibility of conducting post-arrest assessments of young offenders.

- The proportion of children assessed using the standardized national assessment procedure;
- The proportion of children assessed in a language they understand.

Implications for practice:

The standardized national assessment procedure needs to be constructed, piloted and distributed to all jurisdictions, and its use made mandatory. The assessment should include the following information about the child's needs, circumstances and opportunities:

- Basic descriptive information on the child, including the child's name, age and gender; contact details for the child's caregiver/ guardian where available; the child's school attendance and the school the child attends; and the child's place of residence;
- An assessment of the child's functioning in the education system, including the last grade s/he passed at school;
- A description of the circumstances surrounding the offence;
- An assessment of the child's motivation for committing the offence;
- An assessment of the child's acknowledgement of responsibility and his/her understanding of the meaning of responsibility;
- The probation officers' recommendation(s), which includes reference to the available diversion options in the area.

3. Theme: Training and capacity building of assessment personnel

Standard statement: Probation officers have been trained in conducting the assessment procedure.

Relevant legislation and regulations: N/A

Indicator:

- Staff have received standardised and recognised training in child-centred, age-appropriate assessment.

Measure:

- The proportion of staff who have received this training.

Implications for practice:

- Programme staff should have recognised qualifications in child assessment.

4. Theme: Children's rights

Standard statement: The child's rights to privacy and informed participation during the probation officer's assessment are protected.

Relevant legislation and regulations: Child Justice Bill (49 of 2002).

Indicators:

- The child is assessed in a manner that protects his/her privacy and that includes only the child and others specifically permitted in accordance with the Child Justice Bill (49 of 2002)
- The child receives a Diversion Process Information Form, which outlines the purposes and procedures surrounding the post-arrest assessment and diversion, and which is signed by the probation officer and the child in the presence of an adult witness.

Measure:

- The proportion of completed forms in relation to the number of children assessed.

Implications for practice:

- Staff should provide children with age-appropriate explanations of the purposes of, and procedures associated with the post-arrest assessment, and should be knowledgeable about children's rights.
- The Diversion Process Information Form, which describes the purposes and procedures associated with the post-arrest assessment and diversion, needs to be constructed and distributed to all jurisdictions, and its use made mandatory.
- Arrangements need to be made to ensure that post-arrest assessments are conducted in a suitable venue that protects the child's privacy.

5. Theme: Decision-making and referral

Standard statement: Prosecutors use the post-arrest assessment to inform diversion recommendations.

Relevant legislation and regulations: N/A

Indicator:

- The prosecutor's decision reflects consideration of the probation officer's recommendations.

Measure:

- The proportion of cases within which the record of the prosecutor's decision notes that the probation officer's recommendation(s) have been taken into account.

Implications for practice:

- The prosecutor's report should make reference to the probation officer's recommendations in motivating his/her decision.

6. Theme: Training and awareness of prosecutors

Standard statement: Prosecutors are knowledgeable about available diversion options in their jurisdiction.

Relevant legislation and regulations: N/A

Indicator:

- The prosecutor has received training in the nature and content of available diversion options in his/her jurisdiction.

Measure:

- The proportion of prosecutors who have received this training.

Implications for practice:

- Diversion service providers should provide training in the nature and content of available diversion options in each jurisdiction.

Diversion programme design, delivery and outcome domain (all programme types)

This standard domain applies to all diversion programmes, including life skills, mentoring, wilderness/ adventure therapy, individual or therapeutic, vocational/skills training, sex offender, and combined or multi-modal programmes. A 'programme' is defined as a set of structured activities that are completed in a pre-designated period of time.

7. Theme: Pre-intervention assessment process

Standard statement: Every child referred to a diversion programme is comprehensively assessed by the service provider before participation in the programme.

Relevant legislation and regulations: Child Care Act (1983).

Indicator:

- Pre-intervention assessment compliance.

Measure:

- The proportion of children who are assessed before participation in diversion programmes.

Implications for practice:

The mandatory use of a comprehensive pre-intervention assessment tool, which should include the following elements (unless captured in the probation officer's report):

- Detailed information on factors associated with offending ('risk' factors) present in the child's life, including:
    - Social relationships, including family and peer relationships;
    - Education, including school grade, attendance and performance;
    - History of antisocial behaviour and offending;
    - Previous institutionalization and participation in diversion services;
    - Medical and psychiatric history;
    - Whether the child has been found in need of care (in terms of the Child Care Act).
- An assessment of the child's skills in the area that the intervention is designed to address;
- A summary of the probation officer's recommendations and the prosecutor's decision.

8. Theme: Access to appropriate diversion

Standard statement: Each child has access to an appropriate diversion programme/process.

Relevant legislation and regulations: Child Justice Bill (49 of 2002).

Indicator:

- The match between diversion options and children's needs.

Measure:

- The proportion of jurisdictions that have diversion options that match the needs of the child in at least 50% of cases.

Implications for practice:

- Diversion services need to be decentralized and distributed according to need;
- Diversion services should vary the structure and content of programmes according to the assessment profiles of referred children.

9. Theme: Programme quality 1: Design

Standard statement: The design of the diversion programme is informed by research evidence of 'what works' in reducing youth offending, and accords with good programme design practice.

Relevant legislation and regulations: N/A

Indicator:

- Programme activities address the factors directly associated with offending.

Measure:

- An external reviewer is satisfied that programme activities address the factors directly associated with offending.

Indicator:

- Diversion programmes have clearly stated objectives that are linked to programme activities.

Measure:

- An external reviewer is satisfied that the programme has clearly stated objectives that are explicitly linked to the programme's activities.

Indicator:

- The frequency and duration of programme activities is proportionate to the needs, circumstances and capacities of the children attending the programme;

Measure:

- An external reviewer is satisfied that the intensity of programme activities matches the needs, circumstances and capacities of referred children.

Indicator:

- The programme includes post-programme follow-up sessions or activities.

Measures:

- The proportion of programmes that provide follow-up sessions within 6 months of programme completion.

Implications for practice:

- Those designing diversion programmes should be knowledgeable about the principles of effective programming, and should be familiar with the characteristics of programmes that effectively reduce youth offending. Appropriate training needs to be provided where necessary.

10. Theme: Programme quality 2: Programme monitoring and process evaluation

Standard statement: Diversion programmes monitor programme delivery.

Relevant legislation and regulations: N/A

Indicator:

- Diversion programmes has system(s) in place for monitoring the quality of programme delivery.

Measure:

- An external reviewer is satisfied that the programme has system(s) in place for monitoring the quality of programme delivery.

Implications for practice:

- Programme staff need to have the necessary skills to conduct appropriate monitoring activities. Appropriate training should be provided where needed.

11. Theme: Programme quality 3: Child outcomes and outcome evaluation

Standard statement: Diversion programmes monitor the child's progress and evaluate child outcomes.

Relevant legislation and regulations: N/A

Indicator:

- Diversion programmes have system(s) for monitoring the child's progress.

Measure:

- An external reviewer is satisfied that the programme has system(s) in place for monitoring the child's progress.

Indicator:

- Diversion programmes are subject to outcome evaluations which demonstrate an acceptable level of methodological rigour.

Measure:

- The proportion of programmes conducting outcome evaluations that include pre-intervention and post-intervention measures, and where feasible, incorporate some form of control or comparison group.

Indicator:

- Diversion programmes conduct follow-up assessments of participating children within 6 months of programme completion to determine the child's functioning and circumstances, including re-offending.

Measure:

- The proportion of programmes that conduct post-programme follow-up assessments of participating children within 6 months of programme completion.

Implications for practice:

- Staff need to have the necessary skills to monitor children's progress;
- Sufficient resources need to be available to conduct methodologically rigorous outcome evaluations.

12. *Theme: Programme quality 4: Approach to delivery*

Standard statement: The manner in which the programme is delivered encourages the active participation of the young offender.

Relevant legislation and regulations: N/A

Indicator:

- Staff use active, participatory methods when doing group work with young offenders.

Measure:

- An external reviewer is satisfied that the programme uses active, participatory methods as opposed to instructive or unstructured, experiential methods during group activities.

Implications for practice:

- Staff should be trained in the use of participatory methods of programme delivery.

13. *Theme: Support, training and capacity building of diversion personnel*

Standard statement: Diversion programme staff are trained to deliver diversion services and are regularly supervised.

Relevant legislation and regulations: N/A

Indicator:

- Staff have received recognised training in the services they deliver.

Measure:

- The proportion of staff that are qualified to deliver the programme.

Indicator:

- Programme staff receive regular supervision.

Measure:

- The proportion of programme staff attending supervision sessions at least once a month.

Implications for practice:

- Programme staff should have recognised qualifications in the delivery of rehabilitative programmes for young offenders.
- Sufficient personnel should be available to offer supervision.

Restorative justice initiatives domain

This standard domain applies to *non-programmatic initiatives or processes*, including victim-offender mediation, family group conferencing, and circle processes. The focus of these initiatives is on facilitating restorative interactions between the offender and other parties.

14. Theme: Preparation for the restorative process

Standard statement: All participants are prepared for the restorative process prior to their participation.

Relevant legislation and regulations: N/A

Indicator:

- The mediator/facilitator provides all participants with information on the risks and benefits associated with the process, and addresses participants' expectations of the process.

Measure:

- The proportion of participants who have been prepared for the restorative process before their participation.

Implications for practice:

- There should be sufficient capacity (time and skills) for mediators/facilitators to prepare all participants for the restorative process.

15. Theme: The restorative process

Standard statement: Restorative justice initiatives are supportive environments that do not infringe on the child's dignity and which facilitate child engagement, acknowledgement of responsibility for the offence, and compliance with assigned tasks.

Relevant legislation and regulations: Child Justice Bill (49 of 2002).

Indicator:

- The child receives a written contract that outlines tasks to be completed, monitoring mechanisms, and clear consequences for non-compliance.

Measure:

- The proportion of children who sign a written contract that outlines tasks to be completed, monitoring mechanisms, and clear consequences for non-compliance.

Indicator:

- Children participate in restorative justice initiatives fully, actively and equally.

Measure:

- The proportion of children indicating that they felt supported, able to participate actively, and were treated respectfully during the restorative process.

Indicator:

- Children acknowledge responsibility for committing the offence.

Measure:

- The proportion of children acknowledging responsibility for committing the offence.

Implications for practice:

- Written contracts for young offenders, and measures that assess young offenders' experiences of the restorative process should be constructed and used by restorative justice initiative staff.

16. Theme: Perceived fairness of the restorative process

Standard statement: Mediators/facilitators are neutral in their facilitation and the restorative process is fair to all participants.

Relevant legislation and regulations: N/A

Indicator:

- The offender(s), victim(s) and their supporters experience the restorative process as fair.

Measure:

- The proportion of participants indicating high satisfaction with the fairness of the restorative process on participant satisfaction measures.

Indicator:

- The mediator/facilitator does not have an interest in promoting the welfare of any particular party.

Measure:

- An external reviewer is satisfied that the mediator/facilitator is neutral in his/her facilitation of the restorative process.

Implications for practice:

- Measures that assess participant perceptions of the fairness of the restorative process should be constructed and used by restorative justice initiative staff.

17. Training and capacity building of mediators

Standard statement: Mediators/ facilitators are trained in the theory and practice of restorative justice.

Relevant legislation and regulations: N/A

Indicator:

- Restorative justice initiative staff have received recognized training in restorative justice theory and practice.

Measure:

- The proportion of staff who have received recognised training in restorative justice theory and practice.

Implications for practice:

- Mediators/facilitators of restorative processes should receive recognized training in restorative justice theory and practice.

Sex offender programmes domain

This standard domain applies to *sex offender programmes only*. Sex offender programmes should adhere to *the standards in this domain in addition to the standards outlined in the standard domain applying to all diversion programme types*.

18. Theme: Pre-intervention assessment

Standard statement: Young sex offenders are comprehensively assessed before participation in diversion programmes.

Relevant legislation and regulations: N/A

Indicator:

- Sex offender assessment compliance.

Measure:

- The proportion of sex offenders assessed using a specialised (sex offender) assessment procedure.

Implications for practice:

The mandatory use of a comprehensive sex offender assessment tool, which should include information on the following:

- The degree of violence and coercion involved in the offence(s);
- The offender's relationship to the victim, particularly the age difference and the offender's ability to demonstrate victim empathy;
- The offender's ability to regulate his/ her emotions and behaviour, particularly impulse control;
- The offender's sexual history, including sex education, exposure to pornography, sexual abuse, sexual fantasies and previous or current sexual relationships and experience.

19.Theme: Training and capacity building of sex offender programme staff

Standard statement: Sex offender programme staff are trained in the delivery of specialised (sex offender) programmes.

Relevant legislation and regulations: N/A

Indicator:

- Sex offender programme staff have received recognised training in delivering specialised (sex offender) interventions.

Measure:

- The proportion of staff who have received this training.

Implications for practice:

- Sex offender programme staff should have recognised qualifications in delivering sex offender programmes.

20. Theme: Duration of sex offender programmes

Standard statement: The duration of sex offender diversion programmes is appropriate for a specialist intervention, and long-term care plans are developed for particularly complex, high-risk cases.

Relevant legislation and regulations: N/A

Indicator:

- The frequency and duration of programme activities is proportionate to the assessment profile of the young sex offender.

Measure:

- An external reviewer is satisfied that the intensity of programme activities matches the assessment profiles of the young sex offenders.

Indicator:

- Long-term care plans are developed for children whose assessments indicate complex and acute or persistent needs.

Measure:

- The proportion of high-risk cases for which sex offender specialists are consulted to develop long-term care plans.

Implications for practice:

- Sex offender programmes should be no less than 24 (non-continuous) hours in duration for perpetrators of minor sex offences.
- Sex offender programme staff should develop working relationships with professionals specialising in the rehabilitation of sex offenders.

21. Theme: Sex offender programme delivery

Standard statement: Sex offender programmes are informed by research evidence of 'what works' in reducing sexual offending.

Relevant legislation and regulations: N/A

Indicator:

- The programme is tailored to the specific risks, needs and capacities of young sex offenders.

Measure:

- An external reviewer is satisfied that the sex offender programme is able to demonstrate that the design, content and delivery of the programme is based on contemporary research evidence of 'what works' for the rehabilitation of young sex offenders.

Implications for practice:

The programme should include and address the following:

- Sex education;
- Emotional and behavioural regulation, particularly impulse control;

- The development of victim empathy; and
- Direct caregiver/ guardian involvement in programme activities.

CHAPTER 1: CHILDREN AND ADOLESCENTS IN TROUBLE WITH THE LAW: RISK FACTORS AND EFFECTIVE INTERVENTIONS

1.1 AIMS

The aims of this chapter are twofold: to present an overview of 1) the literature on the development of antisocial and criminal behaviour, and 2) evaluation research focusing on the implementation and effectiveness of rehabilitative and diversion initiatives for young offenders. Within these broader aims, specific objectives include:

- Reviewing risk factors and developmental pathways towards delinquency.
- Providing commentary on the quality of diversion research, and recommendations for conducting methodologically rigorous and meaningful outcome evaluations.
- Presenting information on programme factors associated with good diversion outcomes.
- Presenting findings from selected primary outcome evaluations and meta-analyses to develop indicators of 'what works' for reducing youth offending, and inform a generic model for good practice.

The review commences with an outline of the methods used for the review, and then provides an outline of the South African policy context with respect to diversion. The development of antisocial behaviour is discussed next, and this section is followed by a consideration of the literature on 'what works' and 'what does not work' in diversion programmes. Thereafter, key considerations for good programme design are discussed. In the final section, we present the implications of the review for the development of minimum standards in the South African context.

1.2 METHOD

1.2.1 Search strategies

The review is based on English-medium literature, primarily peer-reviewed research. The following electronic databases were searched:

- PsycINFO: a specialist electronic database from the American Psychological Association, focusing specifically on psychological literature.

- EbscoHost: a very comprehensive electronic database which covers a diverse range of topics including (among other subjects) criminological and psychological literature.
- MEDLINE: a specialist electronic database providing authoritative information on medicine, nursing, dentistry, and health care systems.
- Online criminological journals (e.g. British Journal of Criminology; Crime and Delinquency; Journal of Research in Crime and Delinquency) were searched for evaluations of diversion initiatives.

In addition, the reference lists/bibliographies of retrieved studies were themselves examined for related research.

Search terms used for extracting relevant abstracts and full text articles included broad-spectrum (risk factors for youth offending/delinquency/antisocial behaviour in general) and specific (youth justice/diversion and evaluation; youth justice/diversion and child/adolescent outcomes; youth justice/diversion and 'what works'/best practice) search terms.

Further searches were carried out using a combination of search terms relating to specific types of diversion programmes/processes and populations of special interest. All the search terms entered into academic databases are outlined in Appendix I.

As far as possible, the search was representative of major international research organisations and government departments involved in justice services and diversion evaluations. The names and web addresses of all organisations accessed are presented in Appendix 1.

The literature reviewed was English-medium research, published post-1970, and included a) theoretical and empirical research on risk factors for the development of antisocial or delinquent tendencies; b) theoretical evaluation literature, and process and outcome evaluations of interventions targeting delinquent or antisocial youths; and c) meta-analyses of outcome evaluations of interventions targeting young offenders. Inclusion criteria for category (b), particularly outcome evaluations, were generated in order to assure some degree of methodological rigor without being so restrictive that the majority of literature would be excluded. The inclusion criteria for outcome evaluations are as follows:

- the presence of a control or comparison group (randomised or non-randomised assignment to the sample)

- pre- and post-diversion initiative measures
- a minimum of one child/adolescent outcome measure (e.g. antisocial behaviour, reoffending, school attendance etc.)

Randomisation of participants to different treatment conditions was not included as a criterion because conducting true experiments may be either inappropriate or impossible for ethical and practical reasons in particular real-life settings (Lösel, 1993; Lipsey, 1995).

1.3 THE DEVELOPMENT AND FORMALISATION OF DIVERSION INITIATIVES IN SOUTH AFRICA

For the purposes of providing a context to the discussion that follows, a brief description of local diversion initiatives will be presented. Despite the provision of diversion since the early 1990's and substantial increases in the number of children and young people referred to such initiatives, to date, there is no regulating legislative framework in place in South Africa to ensure their coherent and standardised implementation (Wood, 2003). An audit of diversion initiatives between 1999 and 2000 suggests that they are currently being implemented in a somewhat haphazard and disjointed manner (Mukwevho, 2001 in Wood, 2003). Consequently, the drafting of the Child Justice Bill has been the most significant child justice preoccupation in South Africa since our first democratic elections in 1994 (Wood, 2003).

The overarching purpose of diversion, outlined in Section 48 of the most recent version of the Bill, is to manage children who have offended in a manner that limits their exposure to the criminal justice system (thus preventing a criminal record), and to provide youths with an opportunity to participate in structured educational, rehabilitative activities. Further purposes of diversion include encouraging the child to be accountable for the harm caused; meeting the needs of the individual child; promoting the reintegration of the child into the family and community; providing those affected by the harm to express their views on its impact; encouraging the rending of compensation or some form of symbolic benefit to the victim; promoting reconciliation between the child and those affected by the harm; preventing the stigmatisation of the child likely to follow involvement in the criminal justice system; and preventing the child from having a criminal record (Wood, 2003). In addition, the minimum standards for diversion programmes outlined by the Bill emphasise the importance of 1) promoting dignity and well-being; 2) involving age-

appropriate interventions/activities; 3) developing skills; 4) including all eligible children; and 5) ensuring that diversion activities do not interfere with schooling (Wood, 2003).

The Bill categorises diversion initiatives into two levels, which differ in the intensity and duration of the intervention, primarily to increase the ease with which probation officers and prosecutors can make appropriate referrals (Wood, 2003).

There are currently seven broad types of diversion, which include developmental life skills and life centre models, peer/youth mentorship, wilderness/adventure therapy, skills training and entrepreneurship programmes, restorative justice programmes, counseling and therapeutic programmes and combined programmes (Mbambo, 2000).

It is clear that diversion options not only include programmes or interventions (e.g. cognitive behavioural therapy or counseling), but also processes (e.g. family group conference or victim-offender mediation) and enforced prosocial activities (e.g. good behaviour orders and oral or written apologies).

Although accurate and comprehensive South African diversion statistics are lacking, existing data suggests that the number of youths referred to diversion programmes increased dramatically (by an average rate of 24.5%) each year from 1996 – 2002 (Muntingh, 2003). Considering the centrality of diversion in the development of the Child Justice Bill, this trend is likely to continue (ibid, 2003). According to arrest figures for 1999 - 2002, the majority of arrested youths resided in the Western Cape, Gauteng and Kwa-Zulu Natal, and most cases referred to diversion initiatives were charged with property offences (ibid, 2003).

In the next section, we shall outline some of the key findings regarding the development of anti-social behaviour in children and adolescents. As we shall argue, diversion practices should, as far as possible, be evidence-based. That is, they should be informed by what we know about the causes of antisocial behaviour, as well as evidence regarding what works and what does not work in changing child antisocial and offending behaviour.

1.4 THE DEVELOPMENT OF ANTISOCIAL BEHAVIOUR

'Antisocial behaviour' is a broad term used in psychological literature, defined as attitudes and behaviours that contribute to, but do not necessarily include, criminal behaviour. Antisocial behaviour is understood as a set of attitudes and behaviours that predict and accompany criminal behaviour. In this section, the term 'delinquency' will be used

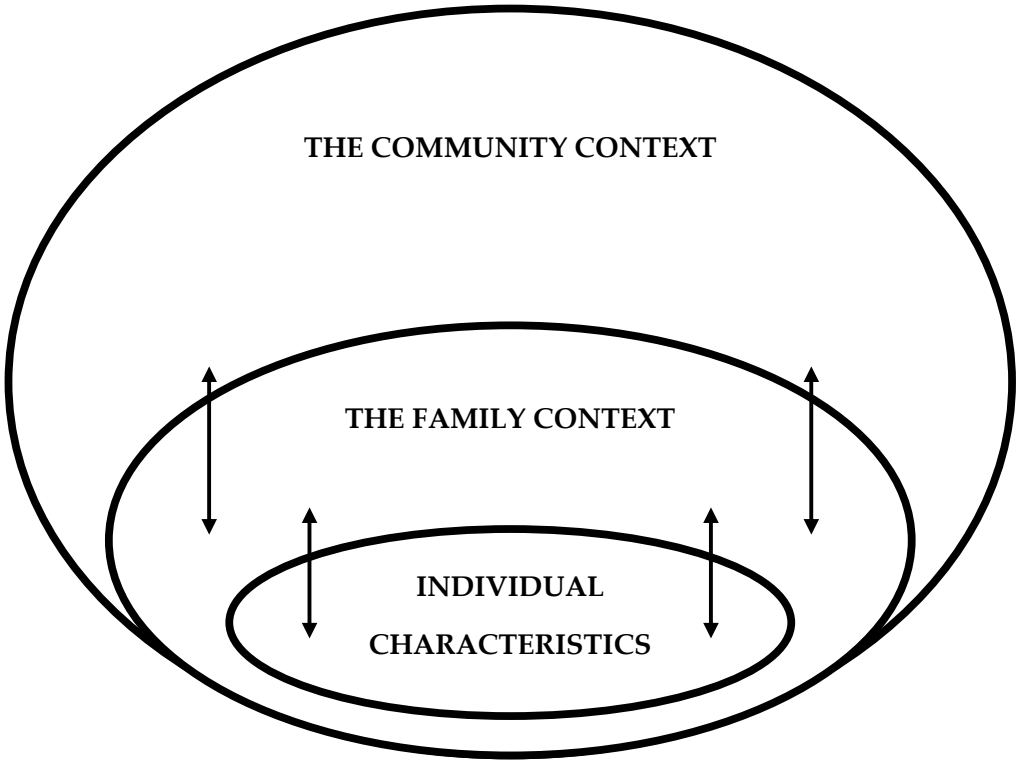
interchangeably with antisocial behaviour, and indicates a broad set of behavioural tendencies that are associated with criminal behaviour.

1.4.1 Risk factors and developmental pathways

The development of effective interventions to address social problems such as antisocial behavior is dependent on a sound understanding of the nature of the problem (Louw, 2000). In the case of antisocial behaviour among children and young people, research has revealed several risk factors and developmental pathways. These research findings provide programme staff with information on specific predisposing factors, the timing of the onset of the problem, its manifestations at different points in development.

International research shows that causal and contributory factors for antisocial outcomes, and the relationships between them, are complex (Rutter, Giller & Hagell, 1998). Most accounts of antisocial behaviour or delinquency focus on the interaction between risk factors occurring at three levels: the individual, the familial, and community (e.g. Loeber & Dishion, 1983; Rutter et al., 1998; Patterson, DeBaryshe & Ramsey, 1997; Moffitt, 1993). In what follows, we will explore these levels using an ecological framework, as represented in Figure 1. The concentric circles suggest that individual characteristics are nested within family and community contexts. The community level includes the socio-economic dynamics as well as such factors as peer influences in the neighbourhood.

Figure 1: A Multi-level Model Of Risk Factors For Antisocial Behaviour



1.4.1.1 Community factors and poverty

Given the extent and depth of poverty in many South African communities, a very significant number of children and youth are placed at risk (Cassiem, Perry, Sadan & Streak, 2000). In addition, a recent survey of South African youth aged between 16 and 35 has shown that this age band comprises 70% of the unemployed, and that in the African community in particular, the majority have never been employed (Emmett et al., 2004). While there are no accurate figures, South Africa is likely to face increasing numbers of children on the streets, many of whom are likely to be affected by the loss of caregivers due to HIV/AIDS, and who have to fend for themselves – sometimes by engaging in illegal activities.

The nature of the surrounding community is a crucial factor in creating or reducing the child's opportunity to engage in antisocial conduct. Neighbourhood levels of organization, structure, characteristics and processes affect children both directly (through the material and social resources they provide children) and indirectly (through the resources they provide caregivers and families). Social disorganisation theory, originally proposed by Shaw & McKay (1969 as cited in Sampson & Morenoff, 1997), is particularly useful for understanding the impact of community characteristics and processes on children growing up in poor community contexts. Indicators of social disorganisation include low household income, sparse social networks, family disruption, residential mobility, numerous unsupervised adolescent peer groups and low organisational participation by community members, conditions which are accompanied by high levels of delinquency and crime (Sampson & Groves, 1989; Sampson & Morenoff, 1997). Factors associated with the presence of deviant or delinquent peer groups, such as loitering and gang activity, have been identified as additional indicators of social disorganisation (Brooks-Gunn, Duncan, Leventhal & Aber, 1997). A key contributor to antisocial behaviour is involvement in deviant peer groups, particularly during in adolescence (as opposed to early or middle childhood) (Rutter et al., 1998). Lack of (pro)social ties, and commitment to deviant peer groups has repeatedly been associated with school failure, which increases the likelihood

of future unemployment and continued involvement in antisocial activities (Loeber, Farrington & Waschbusch, 1999; Rutter et al., 1998).

Chronic exposure to adverse social conditions also affects children both directly and indirectly. Continuous exposure to unfavourable social conditions not only increases the number and intensity of family stressors and ineffective parenting practices, but also directly impacts on the child by restricting access to prosocial, mainstream (as opposed to subcultural/deviant) opportunity and achievement structures. In addition, limited access to mainstream opportunity structures is often accompanied by an increase in the number and availability of antisocial role models, which normalizes and reinforces child deviant or delinquent behaviour. The co-occurrence of adverse social conditions such as poverty and community violence has been well-documented in the international literature (e.g. Garbarino, 1992; Garret, Ng'andu & Ferron, 1994; Pollitt, 1994), and recent South African research suggests that chronic exposure to these conditions produces antisocial tendencies in children and adolescents, including significant increases in oppositional, defiant and aggressive behaviours (van der Merwe & Dawes, 1999; van der Merwe & Dawes, in preparation).

1.4.1.2 Family influences

Turning to family influences, Patterson et al. (1997) argue that coercive and hostile parenting styles, punitive, inconsistent parental discipline and poor monitoring and supervision of child activities produces child conduct problems in early childhood, which results in youths' rejection by normal peers and academic failure during middle childhood, which in turn, leads to deviant peer group membership and delinquency in adolescence. These parenting practices have been identified as one of the most critical determinants of antisocial behaviour (Loeber & Dishion, 1983; Patterson et al., 1997; Rutter et al., 1998).

Additional contextual and family factors contributing to the development of antisocial behaviour at all developmental stages include the presence of antisocial parents and grandparents, family discord and violence, and family demographics representing socio-economic disadvantage (Patterson et al., 1997).

Family socio-economic status, the presence of antisocial parents, and substance use (primarily tabacco and alcohol) have been identified as particularly strong predictors of future antisocial behaviour in six to eleven-year-olds (Loeber, Farrington & Waschbusch, 1999). Although large family size, having an adolescent parent, broken homes, and abuse

and neglect additionally represent risk for the development of antisocial behaviour, the effects of these variables appear to arise from their association with family discord and violence (Rutter et al., 1998). Similarly, research from developed countries indicate that the effects of poverty and social disadvantage are mediated by status-related socialising experiences (lack of maternal warmth, maternal aggressive values, maternal social isolation, exposure to aggressive adult models, peer group instability, lack of cognitive stimulation, family stressors), family conflict, parental depression, and ineffective family management practices (Dodge, Pettit & Bates, 1994; Patterson et al., 1997; Rutter et al., 1998).

1.4.1.3 Individual factors

One of the most significant recent conclusions to be reached in the international literature on antisocial behaviour is the heterogeneity of delinquency, or the existence of different 'types' of antisocial youths. This finding has clear implications for successful intervention (Rutter et al., 1998). At the individual level, key differentiators between types of antisocial behaviour include the presence of hyperactivity and early-onset antisocial behaviour (Rutter et al., 1998). Moffitt's (1993) influential theoretical work proposes two qualitatively different categories of antisocial behaviour on the basis of the timing and duration of antisocial behaviour. These categories are life-course-persistent antisocial behaviour (the distinct minority), and adolescent-limited antisocial behaviour (the vast majority of antisocial adolescents).

Life-course-persistent antisocial behaviour is a maladaptive, inflexible behavioural pattern that is evident across a range of contexts (such as the home as well as the school) (Moffitt, 1993). This pattern is particularly associated with individual characteristics, and biological factors are thought to play an important role (Rutter et al., 1998). For example, hyperactivity appears to be genetically determined, but is linked with antisocial behaviour through its association with impaired social functioning (Rutter et al., 1998). Cognitive and neurological impairments, impulsivity, sensation seeking, lack of control and aggression, as well as a distorted style of information processing (erroneously perceiving hostile or aggression intentions in others) are features typically found in individuals displaying more persistent forms of antisocial behaviour (Rutter et al., 1998).

Neuropsychological and cognitive deficits affect child behavioural outcomes both directly and indirectly. The direct consequences of these deficits include impairments in receptive

listening, reading, problem solving, planning, expressive speech, writing and memory (Moffitt, 1993). These problems and deficits are compounded by their association with child temperamental difficulties, which in turn make child-rearing very challenging. One of the indirect consequences of these deficits therefore, is the likelihood of problematic or dysfunctional parent-child interactions (Moffitt, 1993). Interestingly, children with these kinds of deficits or impairments are seldom born into supportive environments - the frequent co-occurrence of child neural maldevelopment and family disadvantage and deviance is at least partly because parents and children resemble each other in temperament and cognitive ability (as a result of genetic factors and social learning/modeling) (Moffitt, 1993). A vicious cycle ensues under such circumstances in which parent-child interactions become increasingly problematic and the child may begin to act out or behave in an antisocial manner.

Life-course-persistent antisocial behaviour is maintained not only by its association with other psychiatric disorders, but also by these individuals' restricted behavioural repertoires, which cumulatively diminish their opportunities for successful engagement in conventional, prosocial activities, and limit the likelihood of having non-deviant acquaintances and life partners (Moffitt, 1993). Empirical evidence for the existence of the life-course persistent type is the well-established relationship between offence history and future offending. A prior history of antisocial behaviour/offending has been identified as one of the strongest predictors of continued or future engagement in antisocial and/or offending behaviour (Loeber, Farrington & Washbusch, 1999; Kurtz, 2002).

By contrast, the vast majority of antisocial behaviour in adolescence is unrelated to temperamental and neurological deficits. Adolescence-limited antisocial behaviour tends to be triggered by particular situations (e.g. peer pressure), and is considered an adaptive response to secular changes in health and work which have lengthened the duration of adolescence (Moffitt, 1993). Adolescence-limited delinquents mimic those peers who exhibit enduring antisocial behaviour as a means of disassociating from childhood, and proving that they can act independently to master new challenges. This behaviour is reinforced by specific negative consequences representing successful dissasociation/separation, including damaging the quality of communication with parents, provoking responses from adults in positions of authority, finding ways to appear older, and tempting fate (Moffitt, 1993).

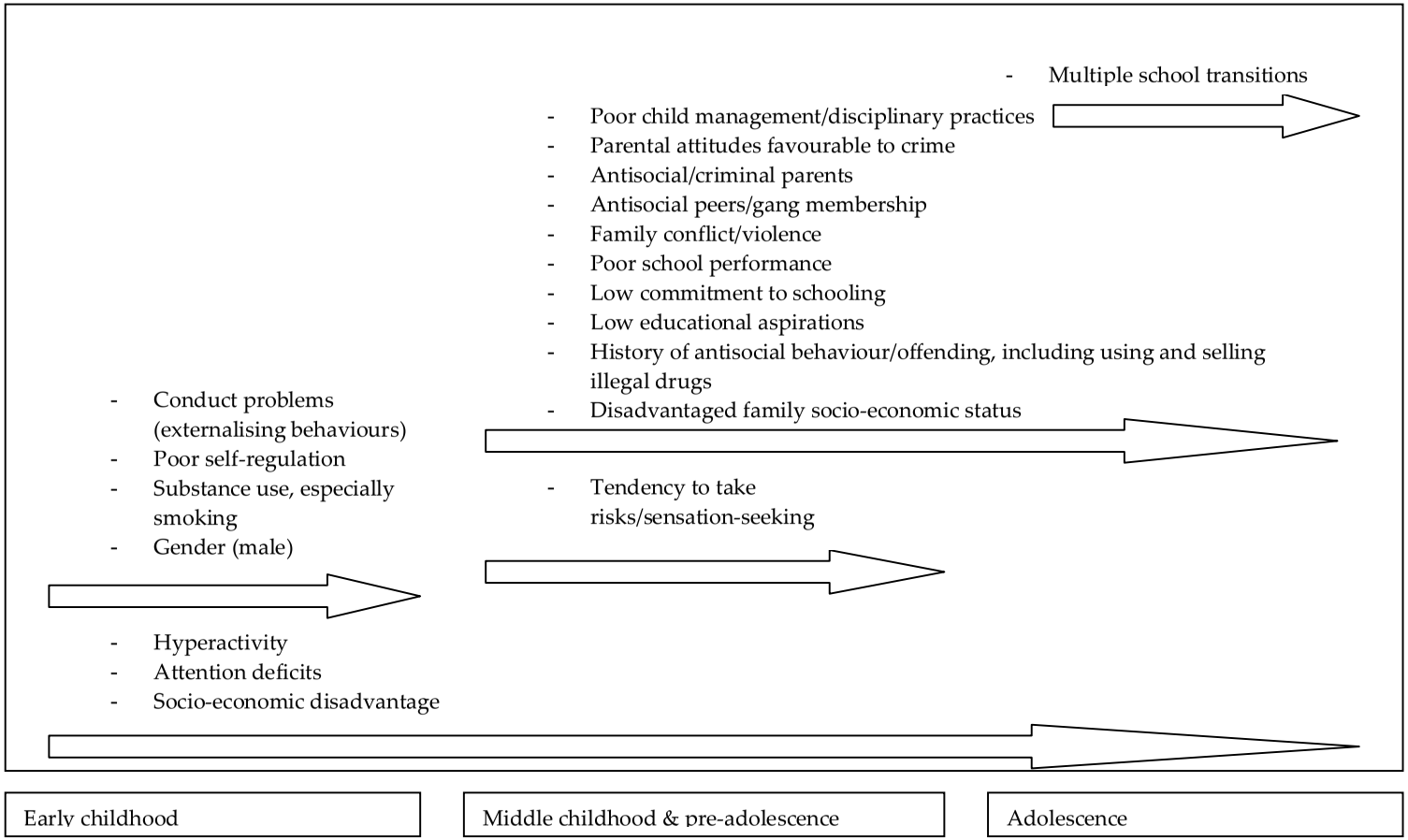
Adolescence-limited delinquents gradually desist from antisocial behaviour as they increase in age and gain legitimate access to adult roles. Their waning motivation for engaging in antisocial behaviour as the consequences of illegal behaviour shift from rewarding to punishing (e.g. a criminal record will restrict job opportunities; drug abuse will prevent occupational achievement and parenting) suggests an adaptive behavioural flexibility (Moffitt, 1993). In addition, it is argued that the prevalence of this type of antisocial behaviour is so great that it should be considered normative rather than abnormal, while life-course-persistent antisocial behaviour constitutes a relatively rare and stable form of psychopathology that resists modification.

In sum, the existence of different types of antisocial behaviour, and variations in their determinants suggests the existence of different causes and developmental pathways that lead to disruptive antisocial behaviour from childhood through to adolescence (Loeber, Wung, Keenan, Giroux, Stouthamer-Louber, van Kammen & Maughan, 1993). Please refer to Figure 2 below for a diagrammatic presentation of established risk factors for the development of antisocial behaviour.

In the South African case, poverty is a major contextual driver for antisocial behaviour in its various manifestations, particularly for offences associated with survival, such as theft. As we noted above, the vast majority of child arrests are for property offences that are likely to be associated with poverty.

Having sketched causal pathways to antisocial behaviour and offending in children and adolescents, we turn now to the consideration of treatment studies – what do we know about effective and ineffective approaches to assisting young people who have embarked on an antisocial pathway and have come into contact with the justice system?

Figure 2: Age graded predictors of delinquency and offending*



* Based on the meta-analytic studies and theoretical work of Loeber & Dishion (1983); Lipsey & Derzon (1999); Hawkins, Herrenkohl, Farrington, Brewer, Catalano & Harachi (1999).

1.5 FINDINGS FROM OUTCOME EVALUATIONS AND META-ANALYSES OF DIVERSION PROGRAMMES AND INTERVENTIONS TARGETING ANTISOCIAL YOUTHS

This section of the review provides an overview of findings from outcome studies and meta-analyses of a broad range of intervention programmes for young offenders. Meta-analysis is a statistical tool that was developed to facilitate large-scale reviews of studies. It involves the aggregation and side-by-side analysis of experimental and quasi-experimental studies, which may vary considerably in choice of methodology (MacGuire & Priestley, 1995). One of the key advantages of meta-analysis is that it can incorporate adjustments for methodological differences between studies and the individual characteristics of the offender. In addition, meta-analyses are based on large sample sizes because they pull together a series of studies, increasing statistical power, and therefore, analytic sophistication (Lösel, 1993; Lipsey, 1995; MacGuire & Priestley, 1995; Rutter et al., 1998). Meta-analysis is thus able to reveal broad patterns of findings in a body of research with much more clarity and consistency than traditional research review techniques (Lipsey, 1995).

The research reported in this section largely covers evaluations of programmes developed and implemented in the U.S., U.K., Australia, New Zealand and Europe. The reasons for relatively fewer references to South African research throughout this review is due to the difficulty in locating outcome or impact evaluations that meet accepted criteria for methodological rigour. Although some promising South African evaluations have begun to emerge, for example Eliasov (2004) and Muntingh (2001), there are very few examples of good evaluation practice in this country. Evaluation in this field is complex. However, if South African diversion initiatives are to demonstrate their effectiveness and efficacy, it is essential that their methodological rigour be improved, particularly through the use of some form of appropriate control group design (e.g. own group control; wait list control etc.).

We commence this discussion by presenting the broad conclusions that arise from meta-analytic studies. We then proceed to examine findings from studies of specific types of intervention.

Despite the challenges inherent in reducing antisocial behaviour, particularly once multiple risk factors have cumulatively led to offending, rigorous evaluations have shown that sophisticated interventions targeting young offenders have succeeded in significantly reducing deviant behaviour. These interventions are based on comprehensive individualised assessments of the number and intensity of offender risk factors.

1.5.1 What we know about what 'works': Key findings from meta-analyses

Large-scale meta-analytic studies (of over 400 outcome evaluations) have demonstrated that regardless of intervention type, interventions targeting antisocial and offending behaviour *produce, on average, a 10% reduction in recidivism* (Lipsey, 1992a; Lipsey, 1995). Although not spectacular, this effect is not negligible,

and suggests that these types of treatment generally do 'work', if modestly. It should be noted that because meta-analytic studies do not take variability in programme effectiveness across programmes into account, this result masks important distinctions between effective and ineffective interventions (a point to which we return), and should be treated as conservative. Specific intervention characteristics have been identified as distinguishing more effective programmes from less effective programmes, and will be discussed below (Lipsey & Wilson, 1999; Wilson & Lipsey, 2000; Gendreau & Andrews, 1990; Andrews et al., 1990; Lipsey, 1992b).

What are the characteristics of the most effective interventions?

- Programmes that are theoretically grounded and which rely on existing evidence have been found, on average, to be five times more effective in reducing reoffending than those without a theoretical basis (Izzo & Ross, 1990).
- Other effective youth justice programme types are: provision of employment (38% reduction in target/antisocial behaviours); multi-modal and behavioural therapies (35% reduction in target behaviours); and skills-oriented approaches that target the skill deficits that caused or contributed to offending behaviour (20% reduction in target behaviours).
- Structured, cognitive-behavioural, multi-modal interventions, particularly those that include inter-personal/social skills training, have consistently been found to be more effective in reducing antisocial and offending behaviour than educational, vocational and undirected therapeutic approaches (producing a reduction in recidivism of up to 40%) (Lipsey & Wilson, 1999; Wilson & Lipsey, 2000; Kurtz, 2002).

What are the least effective interventions?

- Deterrence (25% increase in target behaviours), vocational counseling (18% increase in target behaviours), family counseling (2% reduction in target behaviours), group counseling (7% reduction in target behaviours), and individual counseling (9% reduction in target behaviours) have shown negligible, negative and/or inconsistent effects on antisocial and offending behaviours (Lipsey, 1995).
- U.S. reviews show that when subjected to rigorous analysis, wilderness/adventure therapy programmes and vocational interventions for non-institutionalised young offenders (when implemented as single-component interventions) have repeatedly been found to have weak or negative outcomes (Lipsey & Wilson, 1999; Wilson & Lipsey, 2000).

1.5.2 Some limitations of current knowledge

A significant problem with the contemporary state of knowledge in this field is that very few studies take offender characteristics into account to answer the crucial 'what works for whom' question. Despite

evidence of the importance of offender age, gender, previous offence history, motivation and involvement/engagement (in the intervention) on youth outcomes, few meta-analytic studies comprehensively address this issue (Lösel, 1993). Reasons for these gaps in knowledge are the heterogeneity of diverted youth, and that most interventions are relatively small in scale, which limits researchers' ability to study the specific effects of interventions on particular subgroups (the numbers are normally too small to allow for generalisation). Although Lipsey (1990) and Andrews et al. (1990) make basic distinctions between lower risk and higher risk cases, definitions of what constitutes lower and higher risk cases are unclear, and suggestions for matching offender and programme types are restricted to recommended levels or degrees of intervention intensity and duration.

A notable exception is a recent review focusing on intervention effectiveness for serious and violent young offenders (Tate, Reppucci & Mulvey, 1995). These authors recommend the use of comprehensive, individualized, community-based, family-oriented interventions with a cognitive component for serious, chronic and violent young offenders. In addition, intervention for these types of youths should ideally be conceptualized as an ongoing (long-term) care model (Tate, Reppucci & Mulvey, 1995).

It is important to bear in mind that differentiating between programme types, or proclaiming the merits of one programme over another can be problematic, as single programmes commonly include multiple ingredients or components. Consequently, and on the basis of the studies reviewed in this section, a number of principles (as opposed to programme types) have been identified as underpinning the design and delivery of effective intervention programmes. In this context, 'effective' interventions are defined as those programmes that achieve a reduction in target (antisocial/offending) behaviours of at least 10%, with a best scenario outcome of reductions of up to 40%.

1.5.3 Generic principles and findings for effective and ineffective interventions

The principles outlined in Box 1 below were developed to provide researchers and programme staff with generic guidelines for effective programming (regardless of their type):

Box 1: What works? Generic Principles for Effective Diversion Programmes

1) *Risk principle:* Match offender risk levels with the *intensity* of the intervention; offenders representing a higher risk of recidivism and/or committing serious/violent offences need more intensive services; lower-risk individuals should receive less intervention (Andrews et al., 1990; MacGuire & Priestley, 1995; Rutter et al., 1998).

2) *Need principle:* Focus on factors that *cause, support or contribute to offending behaviour* and not on factors that are distantly or unrelated to this behaviour (MacGuire & Priestley, 1995; Lösel, 1993). See Appendix II for more and less promising targets for intervention.

3) *Responsivity principle*: Staff should use a warm, flexible and enthusiastic interpersonal style and a *firm but fair approach* (Andrews et al., 1990). Staff and offender *learning styles should be matched.* Active participatory methods rather than either didactic or unstructured experiential methods should be used (Gendreau & Andrews, 1990; Andrews et al., 1990; MacGuire & Priestley, 1995; Rutter et al., 1998). K*ey elements of effective programmes* include: anti-criminal modeling; reinforcement of desired outcome behaviours; concrete problem solving; prosocial skills training; verbal guidance and clear explanations (Andrews et al., 1990).

4) *Community base principle:* Programmes that have close links with the child's community are most effective. Proximity to participants' homes promotes real-life learning and generalisation of positive skills (Lösel, 1993; Mulvey, Arthur & Reppucci, 1993; MacGuire & Priestley, 1995; Rutter et al., 1998).

5) *Multi-modal intervention principle:* The most effective programmes are *multi-modal and social skills oriented.* Highly structured, cognitive – behavioural treatments directed at development of concrete skills have been shown to be at least twice as effective as other interventions, and to have more lasting effects (Gendreau & Andrews, 1990; Izzo & Ross, 1990; Lösel, 1993; Lipsey, 1995; Mulvey, Arthur & Reppucci, 1993; Lipsey, 1992a; Lipsey, 1995; MacGuire & Priestley, 1995; Tate, Reppucci & Mulvey, 1995; Rutter et al., 1998).

6) *Intervention integrity principle*: Indicators of integrity: the intervention should be research-based throughout; have sufficient resources to achieve objectives; objectives should be linked to intervention components and desired outcomes; and the intervention should be systematically monitored and evaluated (MacGuire & Priestley, 1995)

In the next text box, key pointers to interventions that have been shown, through meta-analytic study, to have limited or negative effects on young offenders are presented:

Having presented the main generic findings from the most rigorous systems of programme evaluation currently available, we turn now to a consideration of the evidence from the specific genres of intervention described in Mbambo (2000) and the terms of reference for this research project.

Box 2: What Does Not Work? Key Points on Threats to Diversion Programme Effectiveness

1. Interventions in which participants are mismatched according to the risk, need and responsivity principles noted in the previous box;
2. Non-directive, relationship-dependent and/or unstructured psychodynamic therapeutic approaches;
3. Milieu and group approaches that emphasise in-group communication (the risk is that antisocial bonding occurs), without a clear plan for participants to gain control over target offending and or antisocial behaviours;
4. Poorly targeted academic and vocational approaches (these could include 'life skills' approaches that do not have clear and proximal links to the causes of the target behaviour);
5. Single-component wilderness/adventure therapy interventions - outward-bound type programmes that are not multi-modal, and that do not have problem-focused components as noted in Box 1;
6. Punitive approaches such as 'boot camps' (Andrews et al., 1990; MacGuire & Priestley, 1995; Lipsey & Wilson, 1999);
7. Residential interventions - residential settings diminish the positive effects of otherwise appropriate interventions and enhance the weak or negative effects of inappropriate

1.6 RESTORATIVE JUSTICE INITIATIVES

Restorative justice practices include victim-offender mediation, family group conferencing, circle processes and citizen panels (Kurki, 2003). The present review will focus on the former two processes because firstly, they are more commonly used for diversionary purposes, and secondly, because studies on the latter two practices are largely descriptive and provide only anecdotal evidence of effectiveness (Kurki, 2003).

Restorative justice represents a distinct movement away from traditional criminal justice procedures in both principle and practice. Because restorative justice emerged as a critique of traditional forms of justice it is often defined in terms of what it is not rather than what it is, however, one established definition of restorative justice is 'a process whereby the parties with a stake in a particular offence come together to resolve collectively how to deal the with the aftermath of the offence and its implications for the future' (Marshall in Crawford & Newburn, 2003, p. 22). This definition includes three key elements in restorative justice, including ensuring stakeholder inclusion (not only the offender/s), the importance of participatory and deliberative processes, and the emphasis on restorative outcomes (Crawford & Newburn, 2003).

Restorative justice initiatives used for diversion purposes are frequently criticized for 'widening the net' of social control to include children and adolescents that would normally have been excluded from intervention, and released with a caution (Fischer & Jeune, 1987; Levrant, Cullen, Fulton & Wozniak, 1999;

Umbreit, Coates & Vos, 2001). Consequently, a key issue in academic debates focusing on restorative justice initiatives is the basis of (offender) case selection for participation in restorative programmes or processes. A critical shortcoming of the majority of these programmes and processes is their exclusion of higher-risk cases, for example, psychiatrically impaired, serious, chronic, violent and/or sex offenders (Fishcer & Jeune, 1987; Umbreit & Zehr, 1996; Corrado, Cohen & Odger, 2003). Important reasons for excluding offenders who have perpetrated serious and violent crimes are public safety, and the danger of secondary traumatisation of the victim, through manipulation, intimidation and/or reminders of the event (Mirsky, 2001; Corrado, Cohen & Odger, 2003). Although understandable, these criteria result in the exclusion of a large proportion of offenders from participation in restorative justice initiatives, and thus, reduces the accessibility of restorative justice initiatives.

Most evaluations of restorative justice initiatives emerging in the international literature (New Zealand, Australia, U.S., U.K. and Europe) have studied variables such as participant satisfaction with the process, procedural justice, restorativeness (restorative quality) of the process or programme. Fewer evaluations of restorative justice initiatives have focused on the effects of these interventions on longer-term behavioural outcomes such as recidivism by young offenders (Bonta et al, 2002), which is a likely result of the *relative emphasis placed on restorative justice processes* as opposed to restorative outcomes in both theory and practice (Crawford & Newburn, 2003). Methodologically rigorous studies on the effects of restorative justice programmes or processes on recidivism, including matched control groups or random assignment, and studies that control for levels of offender risk, are lacking, and existing studies have produced mixed results. First, the findings from process evaluations, and the findings from existing outcome studies will be presented.

A great number of restorative justice programme evaluations, including victim-offender mediation programmes and family group conferences, assess procedural outcomes such as participant satisfaction, and/or the perceived fairness and restorativeness of the process (Fischer & Jeune, 1987; Umbreit, Coates & Vos, 2001; Umbreit & Fercello, 1997; Fercello & Umbreit, 1998). These types of evaluations generally indicate high offender and victim satisfaction with the process and outcomes; however, participant satisfaction is usually dependent on voluntary and equal participation (Kurki, 2003). In contrast, a vast number of evaluations of restorative justice programmes tend to focus on measuring the number of sessions required to reach consensus, and number of agreements achieved (Bonta, Wallace-Capretta, Rooney & McAnoy, 2002). Fairly comprehensive reviews of victim-offender mediation initiatives have demonstrated that restitution (either symbolic or material) is a central part of most agreements between the victim and offender, that an agreement is reached in practically all cases, and that agreements are completed between 75 and 100% of the time (Fischer & Jeune, 1987; Umbreit et al, 2001; Kurki, 2003). In

addition, mediation has been shown to significantly reduce victims' anger, anxiety, fear of re-victimisation by the same offender, and crime in general (Kurki, 2003). Many restorative justice evaluations focus on other process variables such as the number of sessions required to reach consensus, and number of agreements achieved (Bonta, Wallace-Capretta, Rooney & McAnoy, 2002).

Although these studies provide the reader with information about the *restorative justice process*, they *do not tell us anything about the success of these processes in reducing re-offending or other offence-related outcomes*. Outcome evaluations, as opposed to process evaluations, are appropriate for examining the effects of restorative justice interventions. Existing reviews of diversion outcomes suggests that victim-offender mediations are *at least as effective as traditional youth justice options in reducing recidivism* (Umbreit & Zehr, 1996; Umbreit et al., 2001). While this is a positive outcome, it is not a strong claim for the superiority of the approach.

A preliminary experimental evaluation of the ongoing Canberra Reintegrative Shaming Experiments (RISE) in Australia (a diversionary conferencing approach) has demonstrated both positive and negative findings. Although participation in RISE produced a statistically significant decrease in offending rates by violent offenders (up to age 30 years), this intervention did not produce significant reductions in repeat offending for young property offenders and shoplifters, in comparison to court-assigned controls (Sherman, Strang & Woods, 2000). These findings, particularly the lack of effects on young property offenders and shoplifting obviously have implications for diversionary conferencing in South Africa, where the majority of young offenders are apprehended for this type of offence.

In contrast, the more positive results of Nugent & Paddock's (1995) experimental evaluation indicated a reduction in victim-offender mediation participants' likelihood to offend, as well as a reduction in the seriousness of repeat offence. The results of Bonta et al's (2002) quasi-experimental evaluation similarly indicated significantly lower recidivism rates in youths participating in individualised restorative justice initiatives compared to a matched control group of youths receiving standard probation services. Dolling & Hartmann (2003) also found a moderate reduction in reoffending among youths participating in victim-offender mediation as opposed to those constituting the matched control group (standard criminal procedure).

Other findings present a less optimistic picture (Mulvey, Arthur & Reppucci, 1993; Kurki, 2003). For example, reporting the findings of a rigorous meta-analytic study, Bonta et al. (2002) demonstrated an average reduction in recidivism across 30 restorative justice programmes of no more than 3%. In addition, recent research focusing on adult community panels and family group conferences for youths demonstrated that at six years follow-up, three fifths of the youthful sample had been reconvicted (Maxwell & Morris, 2002).

What were the differences between those that recidivated and those that did not? In this study, the re-offenders were more likely to report having no/few people that they admired, who cared about them, and that they were close to in their lives; low levels of parental monitoring, ineffective parental discipline and unrewarding parent-child relationships; an early history of antisocial behaviour and offending; poor scholastic achievement; lack of involvement in the community (sports, clubs), failure to achieve occupational success (training and employment); and inadequate support after the conference (prosocial acquaintances, partner). In contrast, those participants with better outcomes participated more actively in the conference, were in agreement with conference decisions, completed assigned tasks, showed remorse and a commitment to changing their behaviour. In addition, these participants felt that an effective apology had been made to the victim, and that the damage caused by the offence had been repaired. Finally, another important indicator of intervention effectiveness was not being shamed and made to feel a 'bad' person during the conference (Maxwell & Morris, 2002). Despite these findings, the successful provision of apologies by the offender to the victim has not been consistently linked to reductions in recidivism (Bonta et al., 2002).

It is important to bear in mind, that the studies reviewed above are exceptions. The vast majority of outcome evaluations of restorative justice practices have a range of methodological problems, including the absence of comparison/control groups, attrition, and limited use of standardised measures, which suggests that results should be interpreted with caution (Umbreit et al., 2001; Bonta et al., 2002).

Despite its wide advocacy, restorative justice has its critics. Several factors have been highlighted in recent literature that may result in the limitation of children's rights, including the reduction of procedural safeguards for children. These issues are discussed in detail by Levrant, Cullen, Fulton & Wozniak (1999) and Naude, Prinsloo & Ladikos (2003a).

In sum, there are few rigorous outcome studies of restorative justice initiatives, and to date, the methodologically rigorous existing research has produced somewhat mixed findings. As such, in Box 3 below, we (tentatively) present the key ingredients of successful restorative processes that have emerged from this body of research. We also include good practice criteria that apply to

mediators involved in restorative justice processes (following Naude, Prinsloo & Ladikos (2003b)

Box 3: Key Indicators for Positive Restorative Justice Processes for Children

1. The child should participate actively and as an equal, in a non-punitive supportive environment that does not 'shame' or make him or her feel a 'bad person';
2. The child should agree with conference decisions and complete assigned tasks;
3. The child should show remorse;
4. The child should show a commitment to changing behaviour;
5. Participant satisfaction, and perceived fairness of the process are important;
6. Voluntary participation by the offender and victim increases the likelihood of participant satisfaction and offender commitment to changing behaviour.

Good Practices for Mediators/Facilitators

1. Mediators should have appropriate training in the theory and practice of restorative justice and mediation.
2. Children should be carefully screened for participation in restorative justice processes and their safety ensured.
3. Victims' physical and emotional well-being should be ensured.
4. All participants should be thoroughly prepared for the restorative justice process (during offender and victim pre-mediation preparation sessions), and should be informed of the risks and benefits associated with the process. Preparation for mediation should include reality testing so as not create unreasonable expectations of the process for either the offender or the victim.
5. The mediator should be impartial and neutral during the process. Individuals who have an interest in the outcome of the process (who are likely to be biased either against or in favour of the offender or the victim) should not play a mediating role.
6. The mediator should promote the confidentiality of the process.
7. The consent of parents or guardians of the young offender should be obtained prior to embarking on in the restorative process. Informed assent should be obtained from the young offender before his/her participation in the restorative process.
8. Informed consent of the victim should be obtained prior to their participation in the restorative process.

1.7 MENTORING PROGRAMMES

Mentoring interventions have recently increased in popularity. A flagship example is the Big Brother Big Sister (BBBS) initiative which has recently been rigorously evaluated in the U.S. One small-scale outcome study has been conducted in South Africa.

The results of two recent North American experimental outcome evaluations indicate the effectiveness of this form on intervention. However, before proceeding, it is very important to point out that these studies are based on at risk youth and *not* those who are already in trouble with the law. Mentoring the latter category of multiple risk children and adolescents poses particular and significant challenges. These children and adolescents would typically require multi-modal interventions, and not just mentoring.

The results of controlled U.S. studies show that at risk Little Brothers and Little Sisters are less likely than controls to have started using drugs or alcohol, less likely to hit another person, felt more competent in

their school work, improved school attendance and performance, and improved family and peer relationships at the conclusion of the 18-month study period (Grossman & Tierney, 1998; Tierney, Grossman & Resch, 1995). The intensity (high level of contact) and infrastructure of the programme (thorough volunteer screening; matching procedures that take into account the preferences of the youth, his/her family and the volunteer; close supervision and support of each match by a case manager) were identified as the key ingredients of effective mentoring (Grossman & Tierney, 1998).

Preliminary findings from a recent evaluation of BBBS South Africa indicated a decrease in involvement in property damage, an increase in intimacy with peers, an increase in mastery and coping (self-concept), and an increase in time spent engaging in social and cultural activities across three groups receiving different levels of the intervention (one group received no intervention and functioned as the control group) (Louw, 2003). The group who received the highest level of mentoring received more emotional support from their peers and experienced less conflict with their peers, while the wait list control group displayed the lowest level of attachment to school (Louw, 2003).

The results of the South African study should be interpreted with caution due to the preliminary nature of the findings, and the small sample sizes which were the basis of analysis. In addition, children in trouble with the law did not constitute a significant group in this evaluation.

1.8 WILDERNESS/ADVENTURE THERAPY PROGRAMMES

The majority of wilderness/adventure therapy evaluation studies are unpublished, and although many include interesting anecdotal information, it must be stressed that more rigorous, scientifically acceptable outcome evaluations need to be conducted to establish intervention effectiveness. There are no local evaluations that would fulfill such criteria at present.

Only 30 studies including comparison/control groups and reasonable sample sizes could be identified for entering into a recent North American meta-analytic study, which demonstrated a fairly modest 8% overall reduction in reoffending among wilderness/adventure therapy participants (Wilson & Lipsey, 2000). Key predictors of intervention effectiveness (those producing a reduction in offending behaviour) included the intensity and duration of the programme, and most importantly, the inclusion of a therapeutic component (Wilson & Lipsey, 2000). Specifically, short-term programmes involving relatively intense physical activities and including therapeutic elements such as individual counseling, family therapy, and therapeutic group work were the most effective (Wilson & Lipsey, 2000). This study suggests that although none of the above interventions have been found to be particularly effective when implemented in isolation, when combined, these approaches have greater impact on antisocial and criminal behaviour.

While there is a fair amount of support for this type of programme in South Africa, more and better evidence of their success is needed before a judgement can be made on the efficacy of wilderness/adventure therapy programmes. At the very least, the evidence suggests that wilderness/adventure programmes should be one element of a multi-modal intervention. Stand-alone physical activity adventure type programmes without a clear therapeutic element are unlikely to have good outcomes when the outcome criterion used is re-offending rates of participants.

1.9 MULTI-MODAL PROGRAMMES (INCLUDING LIFE SKILLS & SEX OFFENDER PROGRAMMES)

It is important stress at this point that the literature on diversion programme outcomes does not fit neatly into the seven categories of intervention outlined in Mbambo (2000). It is quite clear that most effective programmes include multiple components (for example, a mix of life skills, restorative processes and cognitive-behavioural elements). Even those interventions that have been described separately above (restorative justice, mentoring) are unlikely to be 'pure' or based on a single component. In addition, the label a programme is given (e.g. life skills) does not tell us much about the ingredients of the programme, or the activities delivered - one 'life skills' programme is likely to be very different to another. It would be more accurate to say that there are life skills programmes with different ingredients designed for different purposes.

Sex offender programmes are necessarily multi-modal, primarily because they target children and adolescents whose risk status is multiply determined. While they target a very specific type offender, and focus on the reduction of specific (sexual) behaviours, these programmes resemble other interventions broadly categorised as 'life skills' programmes. Additional components specific to the offence/offender type include attention to gender equality, as demonstrated in co-facilitation of sessions by male and female programme staff; and awareness-raising sessions focusing on sexuality and socialization (Baptista & Wood, 2002; Eliasov, 2004). Promising findings from existing outcome evaluations of a South African young sex offender programme (SAYStOP) need to be replicated using research designs that incorporate control groups to establish intervention effectiveness.

Experimental and quasi-experimental outcome evaluations of diverse multi-faceted programmes that are frequently categorised as specific single component interventions (usually 'life skills' or 'psychosocial' programmes), have shown that interventions including combinations of behavioural modification components, planned group activities, classes aimed at developing a sense of community responsibility, vocational counseling, training and job placement, academic education, individual counseling and group therapeutic work produce significant reductions in recidivism (defined as rearrest, reoffence and court violations) (Quay & Love, 1977; Brier, 1994; King, Holmes, Henderson & Latessa, 2001). Results of a quasi-

experimental outcome evaluation of an intervention labelled as 'intensive supervision', which included (in addition to supervision) family group conferencing, counseling, therapeutic group work, life skills training and referrals to other agencies, indicated that this combination of components constitutes a promising intervention for reducing the frequency and seriousness of offences (Wiebush, 1993).

The most consistently effective individualised, multi-modal programme for reducing youth offending, and particularly *chronic and violent offending*, is what is known as multisystemic therapy (MST) (Bordiun et al., 1994; Tate, Reppucci & Mulvey, 1995; Kurtz, 2002). The success of MST (as evidenced in experimental studies) has been attributed to its appreciation of the multiple causes of delinquency, and its consequent emphasis on multiple-level interventions (Kurtz, 2002). Refer to Appendix III for a brief description of MST. However, individualized multi-modal interventions are likely to be costly. Nonetheless, it is clear from the literature surveyed that particularly in the case of higher risk young offenders, who come from multi-problem families and communities, simple unitary interventions that are not carefully targeted to address the specific needs of the child or adolescent are unlikely to be successful. It is therefore important in the South African context not to underestimate what the literature suggests it may take to produce strong and effective diversion programmes and processes.

At root, key ingredients for programme success are their design, integrity and evaluation. In the final section of the paper we address these crucial issues. They should be considered central to any attempt to improve diversion outcomes, and should be an essential component of the requirements for the accreditation of diversion initiatives. If this does not happen, then what we deliver in the name of diversion is likely to be undermined from the start.

1.10 IMPROVING DIVERSION PROGRAMME QUALITY THROUGH EVIDENCE-BASED DESIGN, SOUND IMPLEMENTATION AND REGULAR EVALUATION

Many programme staff are wary of the 'e word' – evaluation, partially because of its punitive assessment connotations. Programme staff tend to view evaluation as a judgemental rather than a constructive, informative process. In addition, many programme staff are not familiar with research techniques and shy away from their utilization.

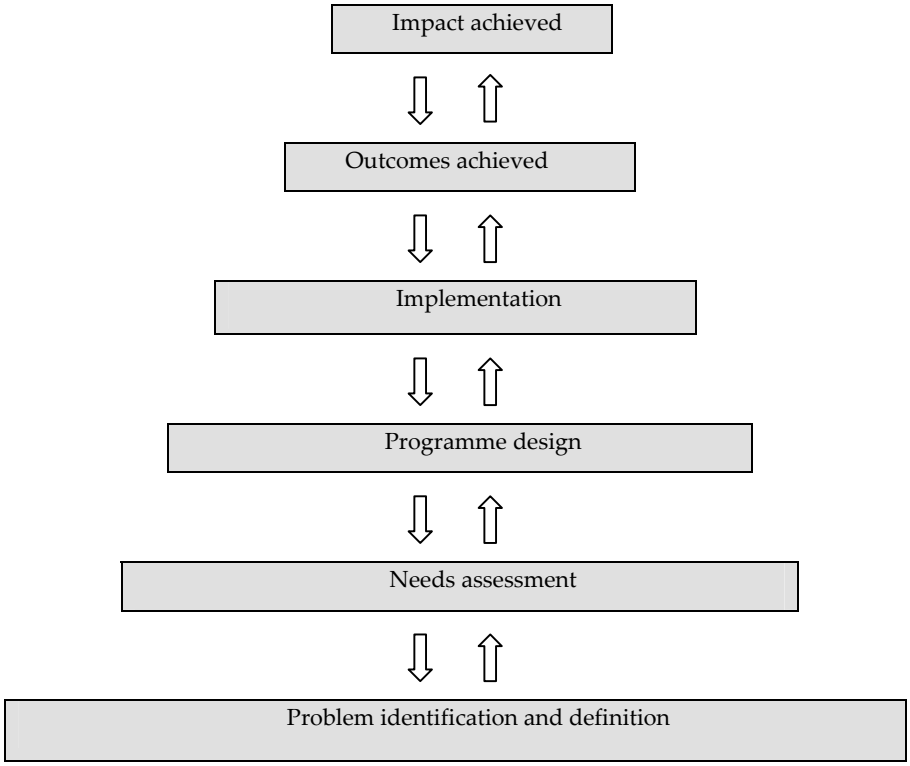
This is an understandable although unfortunate situation. If we are to mainstream programme evaluation in diversion (and we would suggest that this would be good practice) we have to make an effort to address this problem. Evaluation should be seen very differently – as a fundamental resource and a helpful tool to programmes staff, rather than a punitive device. This section of the paper seeks to show why this is the case.

Recently, several authors have argued that sound programme evaluation practices should be viewed as tools to improve practices and strengthening programmes as they mature (e.g. Lipsey, 2000; Louw, 2000).

In fact, Lipsey (2000) and Louw (2000) have argued that programme evaluation should not be considered the final stage or signify the 'end' of a programme, but rather an integral part of the intervention. For this reason, Lipsey (2000) and Louw (2000) suggest that evaluators should be involved from the initial stages of programme development.

Interventions and programme evaluations can be improved through recognition of the existence of a logical hierarchy of programme components, which are interdependent and characterised by continuous feedback between levels (Louw, 2000) (see Figure 3 below). The hierarchy maps all the key components that should be considered when developing and monitoring a programme – regardless of how simple or complex.

Figure 3: A Logical Hierarchy of Programme Components (from Louw, 2000).



Louw (2000, p. 61) suggests that:

- 'the more clearly and accurately the focal social problem is defined,
- the more clearly and precisely the needs of the target group can be assessed,
- the more appropriately the programme is designed to address the needs,
- the more effectively the programme is delivered and implemented,
- the more the short and medium-term outcomes are achieved,

- the greater the long-term impact is likely to be.'

The ingredients of each level in relation to the literature on developmental pathways into antisocial behaviour and diversion practice will be briefly clarified below.

1.10.1 Level 1: Problem identification and definition

A number of observations emerging from the evaluation literature are directly relevant to the effective design, implementation and evaluation of diversion initiatives. Knowledge and understanding of the nature and possible causes of the social problem (youth offending) and the mechanisms through which change will be affected are crucial to the design of a successful intervention, and should inform stakeholder discussions from the outset.

Problems that have plagued this stage of programme development have included the heterogeneity of young offenders and definitional problems. Typically, youths in diversion programmes do not constitute a homogenous group, and the risk factors for different 'types' of offenders vary accordingly. Consequently, interventions should avoid targeting broad categories of potentially diverse offenders, and focus on developing programmes that are sensitive to the specific and discrete risk factors associated different types of antisocial and offending behaviour in children and adolescents. If we know who the participants are, then we are better able to design appropriate evidence-based interventions and outcome measures (Mulvey, Arthur & Reppucci, 1993; Tate, Reppucci & Mulvey, 1995).

1.10.2 Level 2: Needs assessment

The needs assessment stage of programme implementation similarly relies on knowledge of the risk factors that pertain to the population for whom the intervention is to be designed. As previously noted, a number of risk factors are fairly well established in the literature on antisocial behaviour. Diversion initiatives should include thorough and sensitive needs assessments of participants *prior to their assignment to the intervention*.

1.10.3 Level 3: Programme design

This is one of the most crucial aspects of programme development and delivery. Essentially, strong programme designs are based on understanding and expressing how the intervention is supposed to bring about the desired change(s) in the client group (Louw, 2000). In other words, there should be a clear evidence-based rationale that identifies and describes the mechanisms through which change is likely to occur. The lack of an empirically grounded programme theory is one of the most serious flaws in existing diversion programmes. All diversion programmes should be able to outline the way(s) in which the purpose and content of the intervention address child risk factors and needs, and relate to the desired child outcomes.

In sum, good programme design is based on clear, articulated programme objectives, appropriate activities linked to objectives, and clear indicators and performance standards (English, Pullen & Jones in Eliasov, 2004).

1.10.4 Level 4: Implementation and monitoring

Discrepancies between the programme-as-designed and the programme-as-delivered, as well as variations in programme delivery across different intervention sites frequently (and inevitably) occur in practice. For this reason, it is important to monitor how the programme is implemented (process evaluation). The task of process evaluations is to monitor whether the programme was uniformly delivered to the target population at the right time, and to establish whether the intervention was undermined or degraded in some way (treatment integrity) (Louw, 2000).

Future diversion process evaluations should pay more attention to particular aspects of effective programme delivery that play a crucial role in determining outcomes, including programme intensity (e.g. how many sessions of what type and for how long), and staff training and supervision (Greenwood, 1994; Umbreit, Mark, Zehr & Howard, 1996; Rutter et al, 1998).

1.10.5 Level 5: Outcomes and impacts achieved

The programme logic diagram depicted in Figure 3 illustrates the important distinction between the more immediate and long-term effects of an intervention. Thus, 'outcomes' refers to effects that are observed or measured in the target population relatively soon after programme delivery, whereas 'impacts' are the longer-term effects that are accomplished once a number of short- or intermediate effects (outcomes) have been achieved (Louw, 2000). For example, Gavanazzi, Wasserman, Partridge & Sheridan (2000) have recently developed a diversion programme (Growing Up FAST: Families and Adolescents Surviving and Thriving Diversion Program) that is based on a programme logic model which includes initial outcomes (awareness of goals associated with successful adulthood and identification of the resources that will help achieve these goals), *intermediate outcomes* (reductions in risk-taking behavior and enhanced family functioning) and *longer-term impacts* (reduced recidivism). This formulation is particularly helpful as it alerts the programme staff to a set of reasonable and clear goals and indicators linked to each stage of the intervention.

It is essential that diversion programmes set realistic, precise and measurable short-term outcome goals, and if possible, longer-term impact goals. This recommendation is presented with an awareness that it may be very challenging to monitor the latter, particularly when attempting to ensure that a considerable amount of time has elapsed since participants' completion of the programme. In addition, when it comes to young offenders, we have to be aware that one key outcome indicator commonly used to measure

programme effectiveness is re-offending within a particular time period, e.g. 6 months. While this is a desirable index, it is important to recognise that a clean record within such a period does not necessarily mean that the child has not re-offended. It is very probable that many children and adolescents who have participated in diversion programmes do re-offend, but are simply not caught. It is therefore important to consider other measurable outcomes in addition to re-offending.

In sum, the purpose of this section of the paper has been to emphasise the interdependence of effective programme development, delivery, sound programme evaluation and good child outcomes. Accordingly, *involving programme evaluators* from the conceptualisation of social programmes should be considered one of the *key minimum standards* of effective programming.

Given that South Africa is embarking on a process to increase the rigour with which diversion programmes are developed and delivered, we have a significant opportunity to strengthen practice at this juncture.

1.11 CONCLUSIONS AND RECOMMENDATIONS FOR GOOD DIVERSION PRACTICE: TOWARDS A GENERIC MODEL

The central aims of this review were to present an overview of the literature on the development of antisocial behaviour in children and adolescents, and to examine the evidence for the effectiveness or otherwise of various diversion programmes and processes. The review has shown that the international evaluation literature on diversion programmes is characterised by contrasting findings.

A significant number of individual outcome evaluations of diversion programmes report modest or null effects on antisocial behaviour and youth offending. However, other outcome evaluations of interventions targeting specific risk factors have indicated that youth offending can be significantly reduced (Bordiun, Mann, Conne & Hengeller, 1995; Borduin, Heiblum, Jones & Grabe, 2000; Woolfenden, Williams & Peat, 2003). Large-scale meta-analytic studies and reviews have repeatedly indicated that, in general, theoretically well founded, structured, cognitive-behavioural and multi-modal programme types are effective in reducing antisocial and offending behaviour across offender types, particularly when programme intensity and duration is varied according to individual risk status (defined as risk of reoffending and seriousness of offending behaviour) (Lipsey, 1992a; Lösel, 1995; Lipsey, 1995; Lipsey & Wilson, 1999).

Existing research provides, at best, general information on key programme characteristics and indicators associated with programme effectiveness. What works for what type of offender remains unclear, although an interest in conducting research that takes individual characteristics, offence type and severity into account when assessing programme effectiveness, is beginning to emerge. In the South African context, where there is likely to be an over-representation of particular types of offenders (e.g. young

property offenders), the recognition of the existence of different types of offenders, who have specific motivations and characteristics, and the development of offender-specific diversion initiatives may be particularly important.

It would be helpful if we could produce a way of matching offender characteristics to specific interventions such as those suggested by Mbambo (2000). Unfortunately, the current evidence does not permit this, except perhaps in the case of young sex offenders. Indeed, as noted by Lipsey, Cordray & Berger (1981), no intervention programme can work for all offenders all of the time, but some (specific) interventions can work (more than modestly) for some (specific) types of offenders. To ensure the future development of recommendations specific to programme and/or offender type(s), the question, 'what works for whom' needs to be comprehensively addressed. This is dependent not only on the rigorous assessment of individual offenders, but on the increased use of programme logic models for improving practice (e.g. the model programmes developed by Gavanazzi et al. (2000) and the life skills programmes developed by the Center for the Study and Prevention of Violence at Colorado University); and sophisticated analytic techniques that assess individual-level change.

We close with a set of overall principles for effective intervention design and outcome assessment. They will guide our field work and our ultimate formulation of draft minimum standards for South African diversion process and programme outcomes.

1.11.1 Good practices with respect to diversion intervention design and outcome evaluation

The reviewed evidence, although largely based on U.S. and U.K. studies, provides substantial information on which to base recommendations for future diversion programme design, monitoring and delivery in South African contexts. It also provides information that can inform minimum standards for the assessment of diversion programme quality and outcomes.

Intervention programmes should be able to address all the steps outlined for the logical programme hierarchy presented in Figure 3 above. Although most interventions will not be able to achieve adherence to all these recommendations, this is a standard toward which they should work.

Initial points emerging from this review are listed below (following Louw, 2000 and Andrews et al., 1995). To ensure that there is progress towards this standard, programme staff (managers) should be able to answer the following basic questions:

- Does my programme have clearly, articulated objectives, appropriate activities linked to these objectives, and clear indicators for the assessment of progress and outcome?
- Is my intervention design and delivery informed by the relevant research evidence regarding the group of offenders with whom I work, and for whom my intervention is designed? Is it based on contemporary understandings of the causes of criminal conduct in children and adolescents?

- Are my participants assessed individually prior to the intervention?
- Have I assessed the needs of my participants and have I taken into account the risk factors that pertain to each child? How have I done this?
- Have I assessed the child's motivation for participation? Does my intervention take this into account?
- Are my assessments reliable and can they be used at the end of the intervention to measure whether the desired outcomes have been achieved?
- Can I show (concretely) how my intervention addresses the needs of the participants and the desired programme outcomes?
- Does my intervention target those characteristics of participants and their circumstances that, when changed, will lead to a reduction in their criminal conduct?
- Are my staff trained to do the job they do?
- Do my staff receive support and ongoing mentoring as part of their diversion work?
- Do the interpersonal styles of my staff match participants' learning style?
- Do I have a system for monitoring programme delivery and for recording each activity completed by the participant?
- How do I measure programme outcomes? Are my outcome goals realistic?
- When I evaluate my programme, have I *incorporated some form of control* such as waiting list control groups where no-treatment control groups cannot be recruited for ethical and/or practical reasons?
- How do I measure impact (this may not be necessary)?
- Is there an opportunity for the participants to be followed-up after the termination of my intervention? How does follow-up occur and who does it?

We noted that programme staff should be able to say whether or not their evaluations have some form of control/comparison group in the evaluation design. This cannot be stressed enough. Controls assist programme staff to ascertain whether or not their outcomes are a function of factors unrelated to the intervention. As a general trend, methodologically poorer outcome evaluations tend to produce negative results for diversion outcomes. For this reason alone, if one wants to advocate for diversion, good research design is essential. MacGuire & Priestley (1995, p. 4) have argued that the widespread belief that 'little or nothing of any kind will be found to work', which has explicitly or implicitly dominated thinking in criminology, penology, psychology and social work during the past three decades, is often based on invalid conclusions drawn from methodologically flawed research studies. Methodological problems frequently encountered include the lack of comparison/control groups, unstandardised instruments of offender risk to re-offend; single measurement points instead of pre-intervention, post-intervention

measures; and none/few reliable measures of child behavioural outcomes (Lipsey, Cordray & Berger, 1981; MacGuire & Priestley, 1995; Lipsey & Cordray, 2000; Bonta, Wallace-Capretta, Rooney & McAnoy, 2002; Kurtz, 2002). To date, cost-benefit analyses of interventions for young offenders remain lacking (Dembo & Wansley, 2003).

At a more sophisticated level, outcome evaluations can be bolstered by using multiple measures, multiple research designs, multiple statistical analyses, and supplementary data collection (for an example, see Lipsey, Cordray & Berger, 1981). Furthermore, the results can be made more interpretable by including the measurement of variables such as programme implementation, participants' exposure to other services, and unique participant characteristics and responses that may mediate or moderate treatment effects (Lipsey & Cordray, 2000). This requires the identification and operationalisation of additional relevant variables and the use of more sophisticated statistical models of growth and decay that reflect individual-level change (Lipsey & Cordray, 2000).

Clearly many of these requirements are beyond the capacity of the vast majority of South African interventions. For this reason, the South African diversion initiative would be wise to dedicate efforts towards conducting a limited set of carefully designed diversion evaluation studies in order to inform good practice. Once such evidence is available, individual programmes can proceed to use the benefits of such studies to design their own interventions with more confidence. While programme monitoring remains essential to ensure their integrity is maintained, future interventions, if based on reliable local information on what 'works', can then be delivered without conducting additional expensive and complex evaluations.

In the chapters that follow, we present the second component of the study, the development of minimum standards for South African diversion initiatives in terms of the Child Justice Bill.

CHAPTER 2: DEVELOPING MINIMUM STANDARDS FOR DIVERSION INTERVENTIONS FOR CHILDREN

In this chapter, we describe the procedure whereby minimum standards for diversion programmes were developed. We commence with the methodology and then proceed to the results of a series of interviews with key informants. These were designed to obtain comment on the appropriateness and feasibility of a set of minimum standards for diversion programmes.

The standards developed for testing among the key informants were based on the evidence reported in chapter 1, and summarized in the questions relating to good practices listed at the end of that chapter.

As will be elaborated below, minimum standards were developed in 4 areas:

1. Pre-referral assessment standards;
2. Standards for diversion programme design, delivery and outcome (all types);
3. Standards for restorative justice initiatives, and
4. Standards for sex offender programmmes.

As noted in chapter 1, it is essential to stratify different elements of diversion activities into programmatic and process elements. For this reason, minimum standards for programme design, delivery and outcome (for diversion programmes of all types), have been separated from diversion processes that are not strictly programmatic (in this case, restorative justice initiatives). Additional standards were developed to apply specifically to restorative justice initiatives.

While one of the standards groupings (Standards for diversion programme design, delivery and outcome [all types]) covers a wide range of possible programmatic intervention types, additional minimum standards were developed for specialized interventions targeting sex offenders. Given the nature of the offence and the risk profiles of sex offenders, it was deemed necessary to have additional and specific minimum standards for programmes that seek to assist this particular group of youths.

The sample, the development of the research instrument, and the methodological procedures are described below.

2.1 METHODOLOGY

2.1.1 Sample and sampling strategy

It is important to stress that the present study was not a survey study, and was not intended to produce results that are representative of all diversion service providers. Instead, a key informant and purposive approach to sampling and data collection was used. The goal of this study was to ascertain the views of experienced persons in the field of diversion who could comment informatively on the standards.

The sample included twenty five (N=25) participants drawn from the following groups: probation officers (N=4), prosecutors (N=2), diversion programme staff (programme managers and facilitators) (N=16), and academic experts in the field of diversion (N=3). The key informants were drawn from the Gauteng, Western Cape, Kwazulu-Natal, Northern Cape, and North West provinces, and included representatives from large-scale and small-scale diversion initiatives.

The key informant group contained representatives from all the main programme types in South Africa at present, including life skills, wilderness, mentoring, therapeutic/counseling, and sex offender programmes, as well as restorative justice initiatives. In many instances, interviewees had experience in several modes or types of intervention.

The original strategy for recruiting key informants involved attempts to stratify the possible universe of participants according to specific criteria. As outlined below, there were several challenges to obtaining an appropriate range of key informants.

2.1.1.1 Sampling strategies and challenges: probation officers and prosecutors

An attempt was made to stratify probation officers and prosecutors according to the availability of human resources in South African courts. The motivation for stratifying the sample was to facilitate an examination of differences in participants' responses to the minimum standards as a function of caseload. In order to ensure this type of stratification, attempts were made to source staff working in well-resourced courts (defined as courts with a high probation officer: child ratio) as well as those working in under-resourced courts (defined as courts with a low probation officer: child ratio).

Unfortunately, this sampling strategy was not possible due to a lack of descriptive data on probation officer: child ratios per court or magisterial district, and consequently, snowball sampling was used instead. Diversion providers from a number of regions (urban and rural jurisdictions) were asked for the contact details of probation officers and prosecutors with whom they worked, and once they had agreed to be interviewed, other contacts were sourced from them.

A total of 10 probation officer co-ordinators, 10 probation officers, 9 prosecutors, and 2 senior prosecutors/supervisors were contacted and requested to participate. Possibly due to their caseloads and court duties, it was very difficult to secure their cooperation, and ultimately, only 6 probation officers and prosecutors were interviewed.

2.1.1.2 Sampling strategy: diversion service providers

Attempts were made to include interviewees from regions that differ in terms of programme density (as reflected by the number and scale of diversion programmes in relation to a magisterial district). This strategy was intended to obtain comment from informants from districts with varying levels of service provision. Unfortunately, this approach was not feasible because complete and comparable services data

of this nature was not available. Once again, snowball sampling was employed to recruit programme staff from a range of diversion initiatives.

2.1.2 Ethics

The study was granted ethics approval by the HSRC Research Ethics Committee. Participants were informed of the nature and purposes of the research, and what their participation would entail. Written or verbal consent (where the former was not obtained) was received from all participants.

2.1.3 Instruments

The development of the interview schedule was based on the recommendations for good diversion practice and effective programme implementation that emerged from the literature reviewed in chapter 1. The full interview schedule is contained in Appendix IV and is divided two main parts as follows:

Part 1: Questions relating to minimum standards for pre-referral assessment (11 standards).

Part 2: Questions relating to minimum standards for the design, delivery and outcomes of diversion programmes. This part of the schedule is divided into 3 subsections:

- A) Standards for programme design, delivery and outcome (regardless of programme type) (19 standards);
- B) Standards for restorative justice initiatives (7 standards);
- C) Standards for sex offender programmes (7 standards).

Key informants responded to interview schedule sections according to their particular area(s) of expertise, as indicated in Table 1.

Table 1

Key informant type	Completed sections of the interview schedule
Probation officers	Part 1: Pre-referral assessment
Prosecutors	Part 1: Pre-referral assessment
Diversion programme staff (all programme types)	Part 1: Pre-referral assessment Part 2, Section A: Standards for diversion programme design, delivery and outcome (all types)
Restorative justice initiative staff	Part 1: Pre-referral assessment Part 2, Section A: Standards for diversion programme design, delivery and outcome (all types) Part 2, Section B: Restorative justice initiative standards
Sex offender programme staff	Part 1: Pre-referral assessment Part 2, Section A: Standards for diversion programme design, delivery and outcome (all types) Part 2, Section C: Sex offender programme standards
Academic experts	All sections or selected sections reflecting interviewees area(s) of expertise

Table 2 contains the number of key informants by completed interview schedule sections.

Table 2: Number of key informants by completed sections of the interview schedule

Part 1: Pre-referral assessment standards	Part 2, Section A: Standards for diversion programme design, delivery and outcome (all types)	Part 2, Section B: Restorative justice initiative standards	Part 2, Section C: Sex offender programme standards
21	22	12	7

2.1.4 Procedure

All interviewees were sent a copy of the interview schedule prior to conducting the interview and were requested to prepare for the conversation. Interviews were conducted telephonically and recorded. The duration of the interviews was between 30 and 90 minutes (depending on the number of sections the key informant answered).

2.1.4.1 Extracting key informant opinions on the minimum standards

As will be evident from the interview schedule, key informants were asked to respond to each minimum standard by rating its **appropriateness and feasibility** on a 10 point Likert scale {ranging from (**1**) inappropriate/unfeasible, to (**10**) highly appropriate/feasible}. Each participant was asked to discuss and motivate his/her rating to provide qualitative data that could assist in supporting a recommendation to either retain or modify the standard.

Once all the participants had completed and motivated their ratings, the ratings were aggregated to establish the response of the sample as a whole regarding the appropriateness and feasibility of implementing each standard in the South African context.

CHAPTER 3: RESULTS

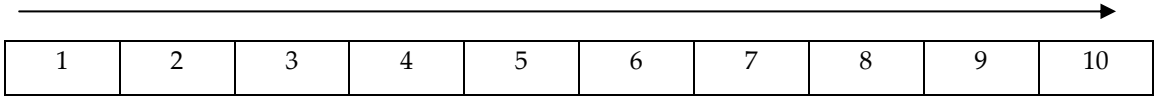
3.1 REPORTING THE RESULTS

The results are reported separately for the four subdivisions of the interview schedule.

For the purposes of the quantitative analysis, the 10 point appropriateness and feasibility scales were converted from scales ranging from 1 to 10 to scales ranging from -5 to +5, as shown below:

Original scale:

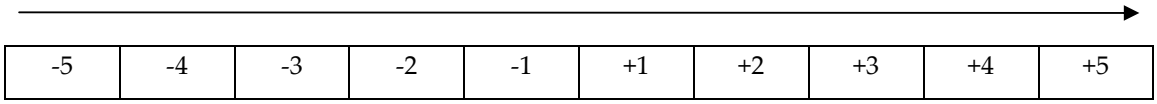
Inappropriate/Unfeasible Highly appropriate/feasible



1	2	3	4	5	6	7	8	9	10

Transformed scale:

Inappropriate/Unfeasible Highly appropriate/feasible



-5	-4	-3	-2	-1	+1	+2	+3	+4	+5

All results are reported using the transformed data.

The findings for each group of standards are presented in a figure, followed by a table. A brief summary discussion follows each table. The tables include key informant motivations and commentaries selected from the discussions of each standard. Unless otherwise indicated, only commentary that reflects a consensus of participants' views is included.

The figures that precede each table are designed to provide a visual representation of the findings for a particular group of standards as to their appropriateness and feasibility. This permits the reader to gain an idea of the convergence or conflict that may be evident between appropriateness and feasibility. For example, a standard may be regarded as entirely appropriate (a high rating), but very difficult to implement (a low feasibility rating).

To derive the figures that follow each section, the average participant ratings for each set of standards was plotted against two axes:

X (vertical) Axis: Appropriate – Not Appropriate.

Y (horizontal) Axis: Feasible – Not Feasible.

Each standard is plotted as a point in space according to the mean rating on each of the two dimensions along which participants rated the standards (the standards to which the points refer are outlined below each figure).

As will be evident, each figure contains four quadrants that permit the reader to ascertain the extent to which participants saw the standard as fitting into one of the following categories:

- Appropriate and feasible
- Appropriate but not feasible
- Not appropriate but feasible, and
- Not appropriate and not feasible

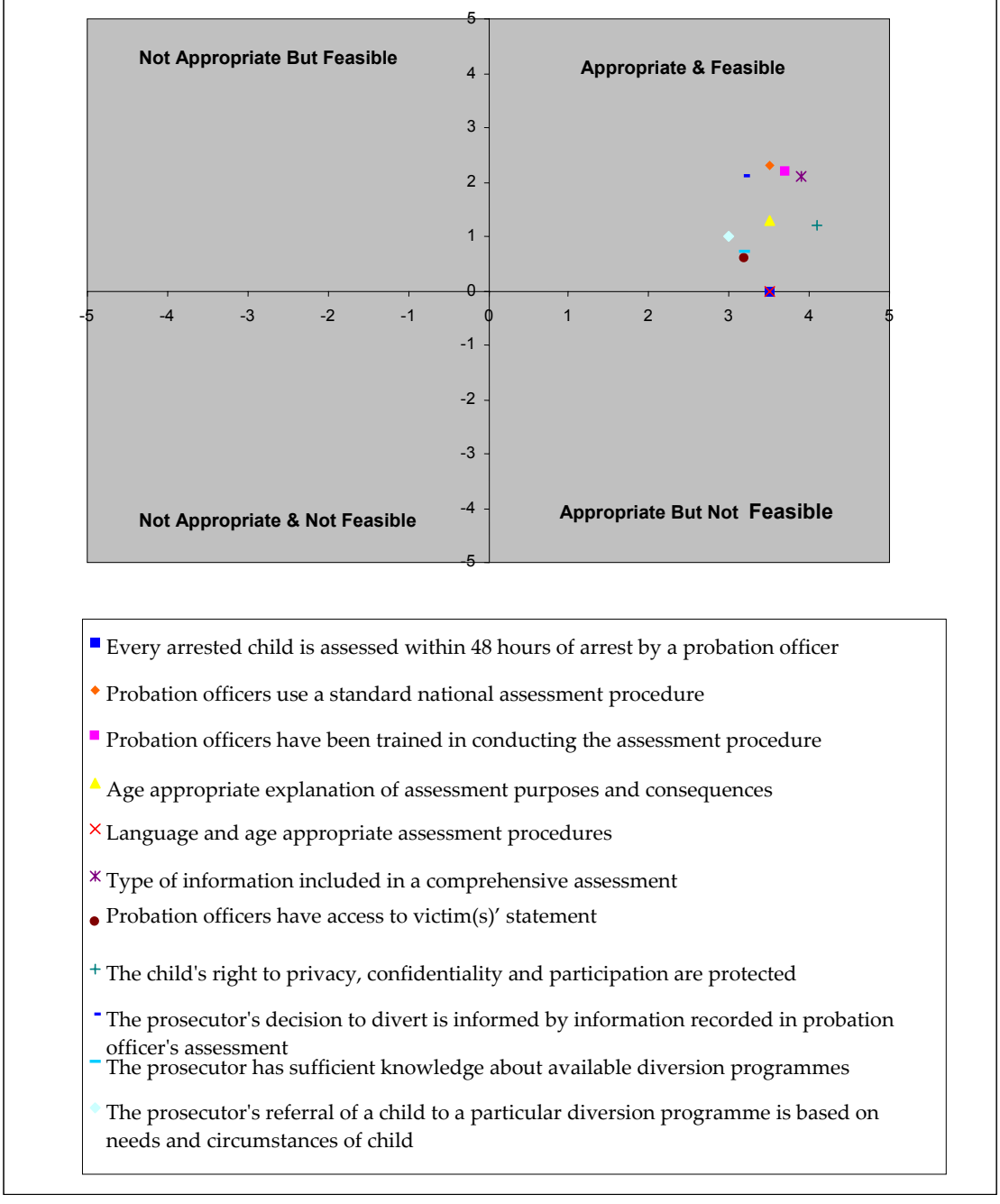
Minimum standards that fall into the first quadrant are those around which there is informant consensus regarding their appropriateness and feasibility. While all the minimum standards were considered appropriate, it is very important to note that in almost all cases, there were qualifications concerning feasibility2.

The discussion of the results commences with the minimum standards for Pre-referral Assessment. Findings are presented in Figure 4 below.

[2] Note that following the recommendations of key informants, minimum standards numbers 2.4, 2.7, 2.9 and 2.26 were reworded to clarify the meaning of the statement. The edited (reworded) standards are used throughout the discussion of the results.

3.2 KEY INFORMANTS' OPINIONS ON PRE-REFERRAL ASSESSMENT STANDARDS

Figure 4: Key Informants Views: Pre-Referral Assessment Standards



As is evident in the above figure, all the standards cluster in the appropriate and feasible quadrant. All standards in this section were judged to be highly appropriate (mean appropriateness scores ranged between 3.0 and 4.1).

While all the standards in this group were regarded as feasible to implement, the feasibility ratings are fairly low, ranging from the mid-point of the scale (0) to 2.3. The most feasible standard was: Probation officers should use a standard national assessment procedure (1.2). The least implementable standard was: The assessment is appropriate to the child's age and conducted in a language the child understands (1.5). One of the reasons this standard received a low feasibility rating was participants' perception that many court staff are not conversant in some of the languages they are likely to encounter when conducting assessments. Although interpreters are reportedly used in these situations, participants were reluctant to use their services because of the danger of losing information in three-way conversations, and also because of the risk of violating the child's right to confidentiality. Another reason this standard was perceived as less feasible than others is that participants felt that the individuals conducting assessments were not trained or skilled to assess children in an age-appropriate manner.

Interviewees identified a number of other factors that present challenges for the implementation of the pre-referral assessment standards. They include:

- High probation officer caseloads associated with a serious shortage of these officers – far fewer than are needed to conduct time-consuming, but necessary assessments;
- The need to provide probation officers with training in conducting comprehensive, age-appropriate assessment;
- The need to increase prosecutors' knowledge of the availability and content of diversion programmes in their area, and;
- The need to increase and improve communication between prosecutors and probation officers.

A summary of participant commentary is included alongside each standard in Table 3 below.

Table 3 Minimum Standards for Pre-referral Assessment: Participant Commentary	
Standard Statement and Means	**Participant Commentary**
1.1 Every arrested child is assessed within 48 hours of arrest by a probation officer before the prosecutor makes the decision to (or not) to divert. Participant Means for the Standard: Feasibility = 0 Appropriateness = 3.5	Interviewees generally considered this standard highly desirable, and felt it was an important aspect of streamlining the diversionary processing. However, many interviewees expressed concern about the lack of probation officers, particularly in rural areas, to conduct assessments. Another concern voiced by many interviewees was high probation officer caseloads. In addition, it was pointed out that assessing children is only one of many components of a probation officer's job. One interviewee felt that streamlining assessment procedures would not occur until the 'over-reliance' on probation officers is addressed. The suggested means of tackling the staffing problem was to train volunteers in conducting assessments. In addition, an increase in inter-sectoral collaboration, particularly between government departments and police departments, was proposed as a means of addressing slow diversionary processing (e.g. children being held for long periods because the legal system is 'clogged up').
1.2 Probation officers use a standard national assessment procedure. Participant Means for the Standard: Feasibility = 2.3 Appropriateness = 3.5	Interviewees generally agreed that although standard national assessments are not yet in place, implementing a national assessment procedure is important for ensuring the systematic collection of information. Interviewees felt it would be feasible if implemented by a government department, and if training in conducting the assessment was provided. One interviewee felt that the assessment procedure should consist of a set of guidelines rather than a prescriptive set of questions, which would allow the assessor to tailor assessments to specific circumstances or unique child needs.
1.3 Probation officers have been trained in conducting the assessment procedure. Participant Means for the Standard: Feasibility = 2.2 Appropriateness = 3.7	Interviewees felt that probation officers lack training in conducting assessments of children and adolescents. There was consensus that probation officers need to be appropriately trained, and that resources should be dedicated to their ongoing training. One interviewee reported that volunteers often conduct the assessments, and that probation officers, whether trained or not trained, do not always conduct the assessments themselves. In these cases, probation officers were described as 'postmen', who take assessments conducted by volunteers, to prosecutors.
1.4 The purposes of the probation officer's assessment, and the procedures immediately following the assessment are explained to the child in a manner appropriate to the child's age. Participant Means for the Standard: Feasibility = 1.3 Appropriateness = 3.5	Interviewees generally felt that because probation officers receive training in child development, it is feasible to expect them to conduct age-appropriate assessments. However, some interviewees remarked that conducting child-centred assessments requires considerable skill, as does conducting assessments that are appropriate to the child's developmental level when the child is cognitively impaired. Communication problems, including language barriers, were mentioned as key obstacles to conducting developmentally appropriate assessments.
1.5 The assessment is appropriate to the child's age and conducted in a language the child understands. Participant Means for the Standard: Feasibility = 0 Appropriateness = 3.5	Most interviewees felt that this is an essential standard, but questioned its feasibility in the South African context due to a lack in probation officers, and multiple official languages. Language was repeatedly mentioned as creating complex problems for probation officers assessing children and adolescents. Interviewees felt that although expecting probation officers to be multi-lingual was unrealistic, the use of interpreters (when necessary and available) created other, equally important challenges, including the danger of the assessor obtaining partial or biased information. One interviewee also pointed out that multi-lingualism is accompanied by cultural diversity – the nature and extent of the child's participation in the assessment, and information provided, is also determined by his/her culture, which may differ from that of the assessor. Another interviewee suggested that training in African languages should form a compulsory component of probation officers' basic training.

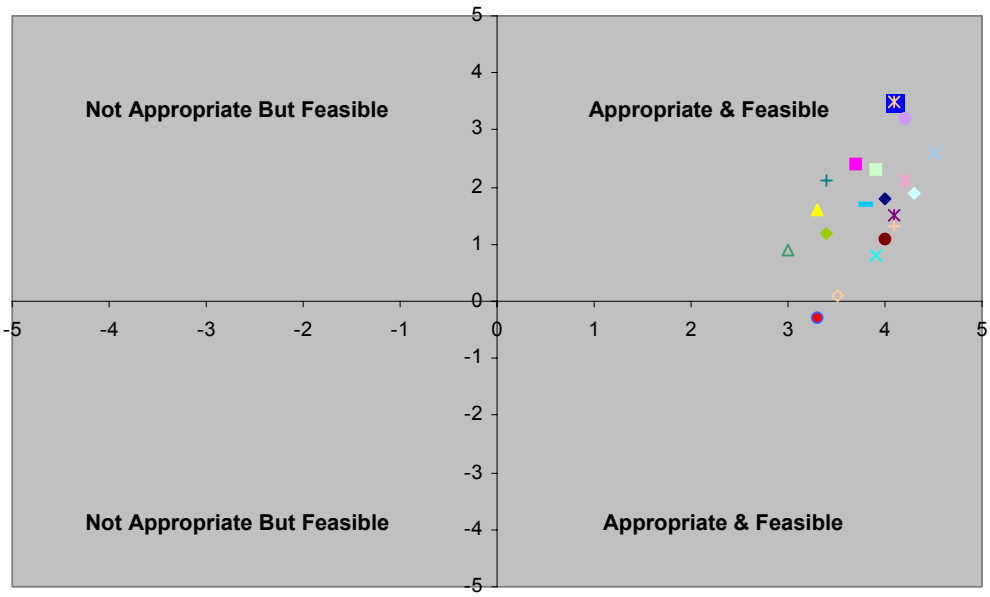
Table 3 Minimum Standards for Pre-referral Assessment: Participant Commentary	
1.6 The probation officer's assessment includes: ◎ Basic child descriptive information, including : - The child's name, age and gender - Contact details for the child's parent/guardian - The school the child attends - The child's place of residence ◎ Description of the context and type of offence ◎ Assessment of the child's motivation for committing the offence, and the immediate circumstances surrounding the offence ◎ Assessment of the child's acknowledgement of responsibility ◎ Assessment of the child's understanding of the meaning of acknowledging responsibility. <u>Participant Means for the Standard</u>: Feasibility = 2.1 Appropriateness = 3.9	Most interviewees felt that comprehensive assessments were desirable and preferable to most existing assessments, and considered the implementation of the standard feasible. However, one interviewee was concerned about the amount of time it would take to conduct assessments of this kind, and felt that it would only be feasible if the process did not exceed 45 minutes due to high probation officer caseloads. Another interviewee pointed out that the feasibility of this standard would depend not only on the probation officer's caseload, but also on the time taken to travel long distances when assessments need to be conducted in remote areas. Training in conducting comprehensive assessments was considered necessary before this standard could be implemented. Interviewees suggested that the following aspects should additionally be covered by the assessment: the child's school attendance and performance; how the child spends his/her free time; the child's social relationships; the child's willingness/motivation to participate in the programme; the child's cognitive functioning/ability (screening for intellectual disabilities); the child's health and physical welfare; caregiver availability and commitment to the child's participation in the programme; and information on family circumstances, including child birth order.
1.7 The probation officer has access to the victim(s) statement during the assessment, particularly in for high-risk offenders, e.g. sex offenders. <u>Participant Means for the Standard</u>: Feasibility = 0.6 Appropriateness = 3.2	The majority of the interviewees expressed concern about the feasibility of this standard. Probation officers were perceived to have limited or no access to police dockets containing victim statements, and some interviewees doubted whether detailed victim statements are recorded. However, most interviewees felt that this standard was desirable because it would assist the probation officer in obtaining a 'fuller picture' of the offence.

Table 3 Minimum Standards for Pre-referral Assessment: Participant Commentary	
1.8 The child's rights to privacy, confidentiality and participation during the probation officer's assessment are protected. Participant Means for the Standard: Feasibility = 1.2 Appropriateness = 4.1	Interviewees varied in the extent to which they considered this standard desirable or feasible. Some interviewees strongly emphasized the importance of promoting and protecting a children's rights culture, while others highlighted the child's legal status as a minor. Those emphasizing the latter position pointed out that as a minor, the participation of a parent/guardian is required, and hence the child's rights to privacy, confidentiality and participation are unlikely to be protected. In addition, the more serious the offence is, the more legal and other representatives are likely to be present during the child's assessment. Those stressing the promotion of child rights considered the location of the assessment to be the most important factor in determining whether the child's rights to confidentiality and privacy would be protected. For example, small, one-roomed rural police stations were mentioned as an example of a setting that is unlikely to ensure the child's privacy and the confidentiality of his/her responses. Privacy and confidentiality were understood to depend on the resources available in the area (particularly in terms of the availability of appropriate locations for conducting assessments), probation officer training and caseloads, and probation officers' attitudes (child-centred or otherwise).
1.9 The prosecutor's decision to (or not to) divert is informed by the information recorded in the probation officer's assessment. Participant Means for the Standard: Feasibility = 2.1 Appropriateness = 3.2	Many interviewees commented on the impracticality of this standard by drawing attention to prosecutors' right to override probation officers' recommendations, and prosecutors' limited use of the information recorded in probation officers' assessments. Other interviewees suggested that prosecutors should base their decisions not only on probation officers' assessments, but rather on the recommendations of a wide range of individuals, including, for example, the child's parents and teachers. One interviewee reported that sharing of information between probation officers and prosecutors only occurred when there was a good (often pre-existing) relationship between them, and recommendations could be made verbally rather than on paper. Interviewees also reported that the lack of probation officers results in assessments not being conducted, and thus, no reports being available. In addition, the poor quality of many reports was described as a key problem experienced by prosecutors, which lead to prosecutors lacking confidence in probation officers' recommendations. This reportedly resulted in probation officers' perception that many prosecutors lack respect for their professional skills.
1.10 The prosecutor has sufficient knowledge about the nature of available diversion programmes to make an informed referral. Participant Means for the Standard: Feasibility = 0.7 Appropriateness = 3.2	The vast majority of interviewees felt that prosecutors lacked knowledge about available diversion programmes, and attributed their lack of knowledge to the high turnover of prosecutors. Interviewees generally indicated that training was not only needed, but also feasible. One interviewee suggested that diversion providers distribute information about their programmes while prosecutors' are obtaining their basic legal training (e.g. during university lectures).
1.11 The prosecutor's referral of the child to a particular diversion programme is based on the needs and circumstances of the child. Participant Means for the Standard: Feasibility = 1.0 Appropriateness = 3.0	Interviewees felt that prosecutors lack knowledge about the child's needs and circumstances, largely because prosecutors are not reliant on probation officers' assessment to make decisions regarding the child. A few interviewees pointed out that assessments are frequently conducted after the prosecutor has made the referral.

3.3 KEY INFORMANTS' OPINIONS ON STANDARDS FOR PROGRAMME DESIGN, DELIVERY AND OUTCOME (REGARDLESS OF PROGRAMME TYPE)

In Figure 5 below, participant opinions of the appropriateness and feasibility of a range of standards to ensure good programme design, delivery and outcomes are presented. As is evident in chapter 1, it is a challenging task to ensure that diversion has the desired effects, and key starting points include good design, sound delivery and reliable measures of programme outcome.

Figure 5: Key Informant Views: Programme Design, Delivery and Outcome Standards



- Every child referred to diversion programme is comprehensively assessed before participation
- Programmes include post-intervention assessments that measure changes in skills areas the programme aims to address
- Diversion programmes assesses the child's motivation for participation
- Diversion programmes are reasonably accessible to child
- Diversion programmes appropriate to the child's age and cognitive abilities
- Child's participation is tailored to his/her specific needs as identified in pre-intervention assessment
- The programmes is based on research evidence of what works in reducing criminal behaviour in children
- Diversion programmes have clearly articulated programme objectives
- Programme activities address the factors directly associated with offending, thus reducing re-offending
- Diversion programmes have a system for monitoring the quality of programme delivery
- Diversion programmes have a system for monitoring the child's progress
- The intensity of diversion varies according to the risk status of the offender
- Diversion programme staff are trained to deliver the services they are required to deliver
- Diversion programme staff are regularly supervised by a senior staff member
- The manner in which the programme is delivered encourage the active participation of the young offender
- Diversion programmes are subject to regular outcome evaluations
- Outcome evaluations include pre- and post intervention assessments and incorporate some from of control group
- Diversion programmes offer participants post programme follow-up sessions/activities
- Staff track children within 1 year of programme completion to establish whether the child has re-offended

In the figure it is evident that all but one of the minimum standards for programme design, delivery and outcome were rated as both appropriate and feasible. The standard that was rated as unfeasible (although appropriate) is: Outcome evaluations include pre-intervention and post-intervention assessment measures and incorporate some form of comparison or control group (2.17).

The implementation of the standards in this group was generally seen as something of a challenge, with those relating to the evaluation of programme quality being rated as least feasible to implement.

The mean appropriateness scores for all the standards in this group ranged between 3.0 and 4.5 – all in the moderate to highly appropriate range.

It is interesting to observe that, on average, key informants rated having trained diversion programme staff as both the most appropriate and most feasible standard in this group of standards.

Key issues identified by informants as affecting the feasibility of these standards included the following:

- The shortage of diversion programme staff;
- The availability of diversion services does not match the need. This also affects the accessibility of these programmes, particularly for children living in rural areas;
- There is a limited range of diversion programme types, and insufficient specialized interventions, resulting in a lack of services tailored to the needs of individual children and their circumstances;
- Limitations in organizational resources (both funds and staff) reduces the feasibility of external/independent outcome evaluations, post-programme follow-up services, tracking of children, and staff supervision and debriefing;
- The need for ongoing staff training, including training in programme monitoring;
- Programmes generally lack a coherent and evidence-based approach to programme design and delivery.

More detailed interviewee commentary on each standard is presented in Table 4 below.

Table 4 Minimum Standards for Programme Design, Delivery and Outcome (Regardless of Programme Type)	
Standard Statement and Means	**Participant Commentary**
2.1 Every child referred to a particular diversion programme is assessed before participation in the programme, and the assessment includes the following: a) Detailed information on factors associated with offending ('risk' factors) present in the child's life: ◎ Social relationships, including family and peer relationships. ◎ Education, including school grade, attendance and performance ◎ History of antisocial behaviour ◎ Substance abuse ◎ Medical/psychiatric history ◎ Whether the child has been found in need of care (in terms of the Child Care Act) b) The child's skills in the area that the programme is designed to address. Participant Means for the Standard: Feasibility = 1.8 Appropriateness = 4.0	Most interviewees felt that this set of standards constituted a comprehensive pre-intervention assessment. Although the majority of interviewees felt that the standard was highly desirable and should be considered a priority, concerns were raised about the length of time it would take to complete an assessment of this nature; a concern that was made particularly potent by the chronic lack of programme staff reported by many interviewees. One interviewee reported that access to certain information, e.g. medical or psychiatric records, would be difficult to ensure in all cases, given that some children have never had access to these types of services. Another interviewee also pointed out that assessing the child's skill levels in the area the programme addresses (b) requires highly skilled assessors. Suggested additional standards included: an assessment of protective factors in the child's life; an assessment of the child's emotional and psychological functioning, and cultural aspects of the child's life (e.g. language and belief systems).
2.2 Diversion programmes include post-intervention assessments that measure changes in factors assessed in Section (b) of the pre-intervention assessment. Participant Means for the Standard: Feasibility = 2.4 Appropriateness = 3.7	Interviewees identified a number of problems likely to affect the feasibility of this standard, including the need for more staff and time to conduct comprehensive, high quality post-intervention assessments. One interviewee felt that the feasibility of the standard depends on whether the intervention is based in the community in which the child lives (to facilitate locating the child for post-intervention assessments). One interviewee commented that the timing of the post-intervention assessment is crucial if the data captured is to be used as an indicator of programme-related change. To ensure the collection of accurate information, it was suggested that the post-intervention assessment should take place after a substantial amount of time has elapsed since programme completion.
2.3 Diversion programme staff assess the child's motivation for participation, and the programme takes this into account. Participant Means for the Standard: Feasibility = 1.6 Appropriateness = 3.3	Most interviewees felt that the assessment of the child's motivation would be easier to ensure than expecting the programme to address motivation levels. Some interviewees pointed out that children's motivation levels are likely to be low given that their participation is never truly voluntary; they are ordered to attend a diversion programme, and have the threat of having more punitive action taken if they do not comply. Another interviewee felt that the high numbers of children entering diversion programmes precludes attention to individual motivation levels. Many interviewees described children attending diversion programmes as having a 'bad attitude', and as being impossible to reach. However, the vast majority of interviewees felt that skilled facilitators would be able to engage most children participating in diversion programmes.

Table 4 Minimum Standards for Programme Design, Delivery and Outcome (Regardless of Programme Type)	
2.4 The diversion programme is reasonably geographically accessible to the child. Participant Means for the Standard: Feasibility = 0.8 Appropriateness = 3.9	The majority of interviewees reported a strong urban bias in diversion provision, which some felt was justified to some extent by the higher volume of young offenders in urban areas. Even so, interviewees expressed concern about insufficient diversion services, even in urban areas. Most interviewees expressed concern about a lack of diversion programmes in rural areas, and a lack of funding directed at increasing the number of programmes in these areas. One interviewee commented that increased government involvement and commitment is necessary to enhance the availability and accessibility of diversion programmes. A few interviewees felt that accessibility depends on long-term, strategic planning, particularly focusing on developing partnerships between urban diversion providers and community based organisations operating in under-served areas.
2.5 The programme is appropriate to the child's age and cognitive ability. Participant Means for the Standard: Feasibility = 1.5 Appropriateness = 4.1	Most interviewees felt that there were too few diversion programmes to cater for children of all ages and developmental stages, particularly in rural areas. One interviewee felt that due to the high number of children entering a limited number of diversion programmes, children of different ages and levels of functioning are 'lumped together'. In addition, another interviewee felt that for large-scale diversion providers, this standard would be entirely unfeasible because these service providers do not have the freedom to choose who attends their programmes. One interviewee described diversion programmes as offence-focused rather than child-focused. In addition, one interviewee felt that even if a range of programmes catering for different developmental capacities did exist, programme staff would not necessarily have the knowledge or skills (about child development) to facilitate developmentally appropriate interventions. A number of interviewees reported an acute lack of diversion programmes for younger children and children with intellectual disabilities.
2.6 The child's participation in a particular diversion programme is tailored to his/her specific needs as identified in Section (a) of the pre-intervention assessment. Participant Means for the Standard: Feasibility = 1.1 Appropriateness = 4.0	Interviewees generally agreed that there are not enough diversion providers to ensure a broad range of programmes that cater for specific or specialist child needs. Almost all interviewees felt that the range and diversity of diversion programmes is currently too limited to meet each child's unique needs. One interviewee felt that this standard was only feasible in so far as diversion programmes are offence-specific, e.g. sex offender programmes. Another interviewee expressed concern that diversion programmes are tailored to the offence, rather than the individual needs of the child. Interviewees also pointed out the lack of programmes designed for children with 'special' needs. Diversionary processing was described as a 'sausage machine' designed to 'get children through the system' in a prescribed (and limited) amount of time.
2.7 The development of diversion programmes is based on research evidence of what works in reducing criminal behaviour in children and adolescents. Participant Means for the Standard: Feasibility = 2.1 Appropriateness = 3.4	Few interviewees explicitly linked diversion programmes to empirical evidence of what 'works' in reducing youth offending. Interviewees reported a lack of theoretical grounding to current diversion programmes, and felt that programmes should be based on specific psychological theories more often than they are at present. One interviewee felt that programme staff would need to be motivated to work in an evidence-based manner (e.g. encouraged by funders), and will need guidance in doing so. Another pointed out that more local research is needed on which to base diversion programmes.

Table 4 Minimum Standards for Programme Design, Delivery and Outcome (Regardless of Programme Type)	
2.8 Diversion programmes have clearly articulated programme objectives. Participant Means for the Standard: Feasibility = 3.5 Appropriateness = 4.1	Most interviewees felt that this standard is both appropriate and feasible. However, although interviewees reported that diversion programmes usually have objectives, they did not consistently indicate that objectives were explicitly articulated, and that they were linked to any coherent theory. In addition, another interviewee pointed out that it is important that objectives are realistic. Interviewees generally felt that objectives were important because they structured programme activities, and gave staff guidelines against which to measure their performance.
2.9 Diversion programme activities can be shown to address the factors associated with offending, and are therefore likely to reduce the problem of re-offending. Participant Means for the Standard: Feasibility = 1.7 Appropriateness = 3.8	Interviewees expressed mixed feelings about this standard. Many felt that it is counter-productive (not in the best interests of the child) for diversion programmes to focus directly on offending, and that in order to have a rehabilitative effect, programmes should avoid explicit consideration of, or reference to, the child's offence. One interviewee stressed the importance on perceiving the child as a 'whole person', rather than an 'offender'. A number of interviewees felt that designing a programme aimed at reducing re-offending is based on the assumption that programme evaluation is an integral part of the programme, which was considered unrealistic given current resource levels. Other interviewees felt that the reduction of re-offending was mostly dependent on the skill of facilitators. One interviewee felt that current diversion programmes are not directly linked to risk factors for offending, but instead, are aimed at increasing general or basic skills in children (which may, or may not be linked to offending). Another interviewee felt that 'just about anyone' can develop and implement diversion programmes, and that programmes' capacity to reduce offending is dependent on highly skilled programme developers.
2.10 Diversion programmes have a system for monitoring the quality of programme delivery. Participant Means for the Standard: Feasibility = 1.9 Appropriateness = 4.3	Interviewees identified resources, staff training and motivation as factors affecting the feasibility of this standard. Interviewees felt that monitoring depends on the availability of organisational resources; although it was generally considered important, it was also described as a time-consuming and costly activity. One interviewee pointed out that programmes cannot expect to be funded without documenting programme outcomes (effectiveness). Another interviewee felt that programme evaluators should be hired at the programme development stage, to ensure that monitoring is ongoing, and that researchers ask the 'right' questions.
2.11 Diversion programmes have a system for monitoring the child's progress, including his/her compliance with the conditions of his/her diversion order, and a record of reasons for non-compliance, if applicable. Participant Means for the Standard: Feasibility = 2.3 Appropriateness = 3.9	A number of interviewees felt that the implementation of this standard poses substantial challenges for diversion providers in South Africa. Its implementation was considered desirable, particularly because it would allow programme staff to make sound recommendations to prosecutors after programme-completion, however, it was understood as dependent on organisational resources. One interviewee suggested that monitoring be planned and budgeted for during the initial programme design and development phase to make it more feasible.

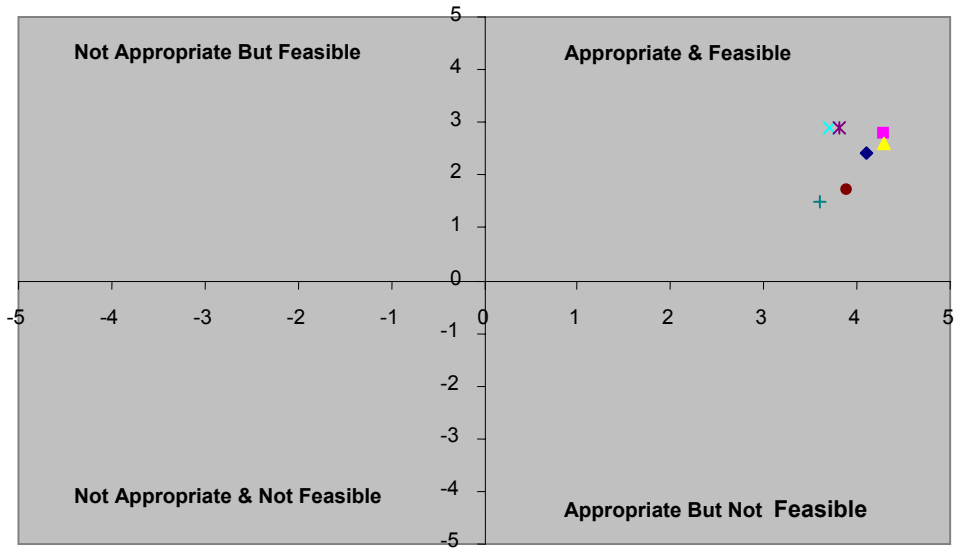
Table 4 Minimum Standards for Programme Design, Delivery and Outcome (Regardless of Programme Type)	
2.12 The intensity of diversion services (frequency and duration of programme activities) varies according to the level of risk recorded in Section (a) of the pre-intervention assessment of participants (i.e. the most intensive services are delivered to higher risk cases; and less intensive services are delivered to lower risk cases). Participant Means for the Standard: Feasibility = 0.9 Appropriateness = 3.0	A number of interviewees did not agree with, or support this standard. Interviewees' concerns about this standard included definitional problems (what is meant by high/low 'risk'?; does seriousness of offence or chronicity indicate 'high; risk?), and ethical issues (would this standard justify limiting the duration of programmes already considered too short?). Most interviewees felt that the longer the diversion programme is in duration, the better the child outcome, and that current services should be intensified (lengthened). Another concern expressed by one interviewee is that children initially presenting as low risk often reoffend and engage in increasingly serious offences. In cases such as these, the interviewee felt that 'low risk' offenders should receive high intensity services.
2.13 Diversion programme staff are trained to deliver the services they are required to deliver. Participant Means for the Standard: Feasibility = 2.6 Appropriateness = 4.5	All interviewees felt that training of programme staff is important because it relates directly to child outcomes. A number of interviewees reported that in-service training is relatively common, although rarely ongoing (usually 'once-off'). One interviewee suggested that ongoing training should become part of staff members' performance agreements, so that training not only occurs, but is monitored. Another interviewee pointed out that staff should be motivated to receive training.
2.14 Diversion programme staff are regularly supervised by a senior staff member. Participant Means for the Standard: Feasibility = 2.1 Appropriateness = 4.2	Most interviewees felt that although this standard is desirable, its implementation would depend on the size and type of organisation, and the availability of human resources, particularly, the shortage in senior staff members. Key problems identified by interviewees were lack of staff and workloads. One interviewee felt that for small community based organisations consisting of a handful of staff members, this standard would not be feasible. Interviewees' responses indicated that in general, supervision occurred on an 'ad-hoc' basis; if and when senior staff members had the time. Two interviewees expressed a need for debriefing.
2.15 The manner in which the programme is delivered encourages the active participation of the young offender. Participant Means for the Standard: Feasibility = 3.2 Appropriateness = 4.2	Most interviewees felt that it is important to engage children in programme activities because it increases their involvement and investment in the process. Encouraging the child's participation was seen as something that could not be forced, and was largely dependent on facilitators' training and skills. However, one interviewee pointed out that lack of motivation caused by factors such as substance abuse and depression could not be addressed by facilitators, irrespective of their level of skill.
2.16 Diversion programmes are subject to regular outcome evaluations. Participant Means for the Standard: Feasibility = 1.3 Appropriateness = 4.1	Many interviewees drew distinctions between conducting internal and external or independent evaluations. A number of interviewees felt that internal evaluations were more feasible than independent evaluations, which were considered costly. One interviewee suggested that evaluations should be incorporated into programme design and development phase to ensure that resources are allocated accordingly. Another interviewee felt that the feasibility of this standard depends on the regularity of evaluations.

Table 4 Minimum Standards for Programme Design, Delivery and Outcome (Regardless of Programme Type)	
2.17 Outcome evaluations include pre-intervention and post-intervention assessment measures and incorporate some form of control or comparison group. Participant Means for the Standard: Feasibility = -0.3 Appropriateness = 3.3	Most interviewees agreed with the inclusion of pre- and post-intervention measures, but opposed the incorporation of a control group in evaluation research designs. Key problems with the implementation of this standard identified by interviewees included the ethics of recruiting control group participants, and specialist research skills required to develop sophisticated research designs. Most interviewees felt that evaluations including a control group would have to be conducted externally, by researchers, and would therefore be costly.
2.18 Diversion programmes offer participants post-programme follow-up sessions/activities. Participant Means for the Standard: Feasibility = 0.1 Appropriateness = 3.5	Most interviewees felt that the provision of follow-up sessions is dependent on having the necessary resources, which in current contexts, are often lacking. Another challenge isolated by interviewees was children's motivation to participate in follow-up sessions. One interviewee pointed out that once children have completed the diversion programme, and charges have been dropped, few are motivated to attend further sessions. Furthermore, providing incentives for children to attend follow-up sessions was considered dependent on the availability of financial and human resources. The type of organisation (community based or other) was also thought to influence the likelihood of follow-up services. A few interviewees felt that follow-up sessions are not necessary in all cases – in specific cases (e.g. complex, high-risk cases, drop-outs) follow-ups may be desirable, but follow-ups should not be considered unconditionally desirable.
2.19 Diversion programme staff track participating children within 1 year of programme completion to establish whether or not the child has re-offended. Participant Means for the Standard: Feasibility = 1.2 Appropriateness = 3.4	Although interviewees generally considered this standard desirable, many questioned its feasibility. Most interviewees felt that a lack of human and financial resources reduced the likelihood that this standard could be adhered to. In addition, a number of interviewees commented on the difficulty of locating children once they have left diversion programmes, particularly when long periods of time have elapsed. An organisation based in the community in which a participating child lives was perceived to be in a better position to track participants than any other type of organisation. A few interviewees pointed out that the timing of tracking is crucial, and a number felt that one year was inappropriate; that evaluators should track children after a longer period of time, once the 'honeymoon' phase was over (between 3 and 6 years after programme completion). One interviewee suggested that the timing of tracking bears a relationship to the offender's risk status and the intensity of the services s/he received, e.g. more resources should be dedicated to tracking high risk offenders, and after a longer period of time has elapsed.

3.4 KEY INFORMANTS' OPINIONS ON STANDARDS FOR RESTORATIVE JUSTICE INITIATIVES

Informant opinions are displayed in Figure 6 below.

Figure 6: Key Informant Views: Restorative Justice Standards



◆ Details of attendees, procedures involved, and possible consequences of the restorative justice initiative are discussed before participation

■ Participation in the restorative justice initiative is truly voluntary for both offender and victim (i.e. totally non-coercive

▲ Children participate in restorative justice initiatives actively and equally, in a non-punitive, supportive environment that does not shame or make children feel 'bad'

× A key objective of the restorative justice initiative is increasing children's investment in, and agreement with the decisions made

✳ Children comply with, and complete tasks assigned to them during the restorative justice process

● Restorative justice initiatives facilitate children showing remorse for committing an offence

\+ A key objective of restorative justice initiatives is enhancing the perceived fairness of the process

The participants saw all the restorative justice standards as both appropriate and feasible (see Figure 5).

There was a great deal of consensus in interviewees' opinions about the appropriateness and feasibility of the minimum standards for restorative justice initiatives. In particular, participants emphasized the importance of truly voluntary participation (2.21). In addition, interviewees highlighted the desirability of children participating in restorative justice initiatives actively and equally, in a non-punitive, supportive environment (2.22).

While all the standards were seen as moderately feasible, enhancing the perceived fairness of the restorative justice process (2.26) was, on average, perceived by informants as the most inappropriate and least feasible standard. Increasing children's investment in, and agreement with the decisions made; and compliance with, and completion of assigned tasks (2.23 and 2.24) were rated as the most feasible standards in this group.

Significant comments made by key informants included the following:

- Voluntary participation, although difficult to ensure, as well as mediator skill, were considered essential for increasing participants' motivation, engagement and compliance with the restorative process.

Certain additional restorative justice standards were suggested by some informants:

- The restorative justice programme/process restores or heals damage done to the individual as well as to the community.
- The restorative justice programme/process enhances victim satisfaction.

The additional standards recommended by interviewees seem appropriate, and consideration should be given to their actualization, and to developing ways of monitoring their implementation.

Detailed commentary on each standard is presented in Table 5 below.

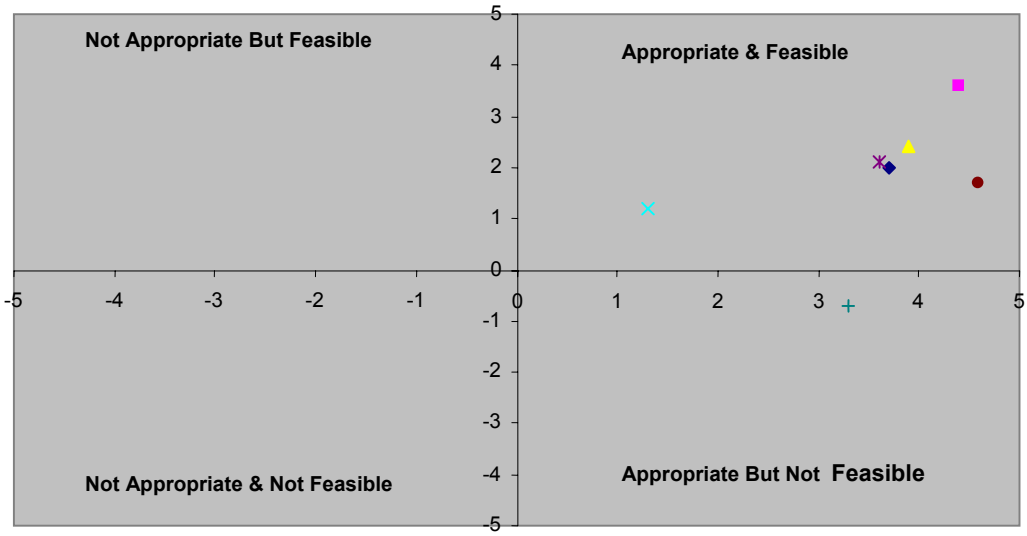
Table 5 Minimum Standards for Restorative Justice Initiatives	
Standard Statement and Means	**Participant Commentary**
2.20 The details of the attendees, the procedures involved in the restorative justice initiative, and the possible consequences of the process are discussed (either telephonically or in person) with all parties involved in the process before their participation. Participant Means for the Standard: Feasibility = 2.4 Appropriateness = 4.1	Most interviewees felt that the preparation of participants is important, but some doubted the feasibility of this standard because of a lack of staff. The ability of staff members to access participants (depending on whether they have telephones; live nearby etc.) was considered important in determining the feasibility of the standard.
2.21 Participation in restorative justice initiatives is truly voluntary for both the offender and the victim (i.e. totally non-coercive). Participant Means for the Standard: Feasibility = 2.8 Appropriateness = 4.3	Most interviewees agreed that in theory, voluntary participation is desirable, but a few interviewees pointed out that truly voluntary participation is unlikely to occur in (diversion) practice. The extent to which participation is voluntary was also considered to vary from one type of restorative process to another. A number of interviewees felt that children only participated in FGC's and VOM's because they viewed it as a means of escaping more punitive action being taken against them, for example, a prison sentence.
2.22 Children participate in restorative justice initiatives actively and equally, in a non-punitive, supportive environment that does not shame or make children feel 'bad'. Participant Means for the Standard: Feasibility = 2.6 Appropriateness = 4.3	Ensuring a supportive and non-punitive environment was understood as largely dependent on the mediator/facilitator's training and skills. One interviewee felt that shaming is not necessarily destructive; if handled skilfully, restorative justice initiatives could constructively 'shame' a child by facilitating his/her realisation of the consequences of his/her offence.
2.23 A key objective of restorative justice initiatives is increasing children's investment in, and agreement with the decisions made. Participant Means for the Standard: Feasibility = 2.9 Appropriateness = 3.7	One interviewee commented that FGC's are more likely than VOM's to facilitate children's investment in decisions made, because the former tends to be more offender-focused, and the latter more victim-focused. One interviewee felt that the feasibility of this standard depends on the creation of an atmosphere that is conducive to emotional engagement. Another interviewee felt that the feasibility of this standard was dependent on the voluntary participation of the child.
2.24 Children comply with, and complete tasks assigned to them during restorative justice processes. Participant Means for the Standard: Feasibility = 2.9 Appropriateness = 3.8	A number of interviewees stressed that the restorative process, including negotiation with the child, should be considered at least as important as the outcome (task completion). Once again, voluntary participation was considered essential for successful restorative outcomes.

Table 5 Minimum Standards for Restorative Justice Initiatives	
2.25 Restorative justice initiatives facilitate children showing remorse for committing an offence. Participant Means for the Standard: Feasibility = 1.7 Appropriateness = 3.9	A few interviewees expressed concern that remorse should not be forced, but occur naturally. Another interviewee felt that remorse is only a reasonable expectation if participation is truly voluntary.
2.26 A key objective of restorative justice initiatives is enhancing the perceived fairness of the process. Participant Means for the Standard: Feasibility = 1.5 Appropriateness = 3.6	A number of threats to the feasibility of this standard were pointed out. One interviewee felt that paying symbolic or material compensation can create situations that are perceived as unfair by the offender (e.g. when an unreasonable amount is requested). Another interviewee felt that offenders' with 'bad attitudes' feel that nothing is fair, and that there is little anyone can do to change this perception. Staff preparation for the restorative process was considered important for increasing perceptions of fairness.

3.5 KEY INFORMANTS' OPINIONS ON SEX OFFENDER PROGRAMME STANDARDS

Minimum sex offender programme standards are presented in Figure 7 below.

Figure 7: Key Informant Views: Sex Offender Programme Standards



◆ The pre-intervention assessment includes information on degree of violence involved in the offence, offender's relationship to victim, offender's ability to regulate emotions, and offender's sexual history

■ The diversion programme includes sex education

▲ The diversion programme addresses the child's ability to regulate his/her behaviour, specifically impulse control

× The diversion programme is no less than 24hrs in duration, excluding the time taken for conducting the pre-intervention assessment

✳ The diversion programme addresses the development of victim empathy

● The child's parent/caregiver is directly involved in the diversion programme

\+ A multi-disciplinary teams of professionals (including psychologists and/or psychiatrists) meet at the end of the diversion programme to develop long-term care plans for complex, high risk cases

Participants were more varied in their responses to this group of standards than in the previous groups of standards. Although all the standards were considered appropriate, participants rated the proposed duration of sex offender programmes (2.30) as the least appropriate standard, and caregiver involvement in the programme (2.32) as the most desirable standard. Caregiver involvement is recommended by a number of authors who advocate establishing close links between the intervention, the child's social networks and community to increase the likelihood of generalizing skills acquired while participating in the intervention (Lösel, 1993; Mulvey, Arthur & Reppucci, 1993; MacGuire & Priestley, 1995; Rutter et al., 1998). Most informants felt that 24 hours is inappropriately short for a specialized intervention.

Participants questioned the feasibility of requiring multi-disciplinary teams of professionals to meet at the end of the diversion programme to develop long-term care plans for particularly complex, high- risk cases (2.33), indicating that the implementation of this standard would be problematic due to resource constraints. This was the only standard in this group that was considered unfeasible at present.

Informants felt that good sex offender programme outcomes depended on:

- The training and skills levels of programme staff;
- The intensity of the diversion service – more specialized interventions that are longer in duration are more likely to have better outcomes;
- The development of in-house expertise and long-term care plans, precluding the need for external, costly multi-disciplinary teams with specialist skills;
- Devising ways of making caregiver/guardian involvement in sex offender programmes more feasible.

Further participant commentary is included in Table 6 below.

Table 6 Minimum Standards for Sex Offender Programmes	
Standard Statement and Means	**Participant Commentary**
2.27 The pre-intervention assessment includes information on: ◎ The degree of violence and coercion involved in the offence ◎ The offender's relationship to the victim, particularly the age difference and the offender's ability to demonstrate victim empathy ◎ The offender's ability to regulate his/her emotions and behaviour, particularly impulse control ◎ The offender's sexual history, including sex education, exposure to pornography, sexual abuse and sexual fantasies. Participant Means for the Standard: Feasibility = 2.0 Appropriateness = 3.7	Most interviewees felt that this standard was appropriate, but a number felt that important information was missing. Additional standards suggested by interviewees included: an assessment of the child (sex) offence history, child medical and health status (including HIV/AIDS status), his/her social relationships (family, teachers, peers), as well as an assessment of the motivation for the offence (e.g. 'experimentation' or paedophilic tendencies) to establish degree of the child's deviancy. Interviewees pointed out that assessments of this kind would have to be conducted by trained and skilled assessors. A key challenge for the implementation of this standard was ensuring the availability of, and access to the child's medical and other records.
2.28 The diversion programme includes sex education. Participant Means for the Standard: Feasibility = 3.6 Appropriateness = 4.4	Most interviewees felt that this is an important standard. One interviewee suggested that sex education also focuses on the positive aspects of sexuality, e.g. positive emotions associated with a healthy sexual relationship, including respect, affection etc.
2.29 The diversion programme addresses the child's ability to regulate his/her behaviour, & specifically, impulse control. Participant Means for the Standard: Feasibility = 2.4 Appropriateness = 3.9	The majority of interviewees agreed that this is an essential aspect of sex offender programmes.
2.30 The diversion programme is no less than 24 hours in duration, excluding the time taken for conducting the pre-intervention assessment. Participant Means for the Standard: Feasibility = 1.2 Appropriateness = 1.3	Most interviewees felt that 24 hours is too short for a specialized diversion programme. One interviewee recommended that 24 hours should be the minimum duration of the group work component of a programme, but that additional individual/counseling work should take place.

Table 6 Minimum Standards for Sex Offender Programmes	
2.31 The diversion programme addresses the development of victim empathy. Participant Means for the Standard: Feasibility = 2.1 Appropriateness = 3.6	Interviewees felt that the feasibility of this standard would vary as a function of programme facilitators' training. One interviewee also questioned how the development of victim empathy would be evaluated or measured.
2.32 The child's parent/caregiver is directly involved in the diversion programme. Participant Means for the Standard: Feasibility = 1.7 Appropriateness = 4.6	Most interviewees felt that this standard is more desirable than feasible. Interviewees described parents' as varying in motivation and commitment to participate. Many interviewees reported finding it difficult to entice parents to participate in programmes because parents have limited time, full-time jobs, etc. Nonetheless, the involvement of parents was generally considered an important part of developing a support network for the child. One interviewee reported that parents of many sex offenders are themselves uneducated about sex, and therefore do not talk to their children about sex. This interviewee suggested that separate parenting skills programmes are developed for parents/caregivers of sex offenders.
2.33 Multi-disciplinary teams of professionals (including psychologists and/or psychiatrists) meet at the end of the diversion programme to develop long-term care plans for particularly complex, high- risk cases. Participant Means for the Standard: Feasibility = -0.7 Appropriateness = 3.3	A number of problems with this standard were identified. One interviewee expressed concern that the multi-disciplinary team described in the standard does not include those directly working with young offenders, e.g. social workers, police officers, etc. Most interviewees were resistant to the inclusion of psychologists or psychiatrists, at least partly because accessing specialist skills would be costly. Another interviewee felt that high-risk, complex cases should be routinely referred to specialist services after completion of a diversion programme, and consequently, the involvement of a specialist team at the end of the programme would be superfluous.

CHAPTER 4: CONCLUSIONS AND RECOMMENDATIONS

The overall purpose of the present study was to develop minimum standards for diversion programmes in South Africa, and to obtain comment on their appropriateness and feasibility from a range of key informants in the field of diversion.

Of the *forty four* standards that were developed *none* were regarded as inappropriate, and only *two* were seen as highly unfeasible to implement at the present time (largely due to a lack of financial and human resources). The highly unfeasible standards were:

- Outcome evaluations should include pre-intervention and post-intervention assessment measures and incorporate some form of control or comparison group (diversion programme design, delivery and outcome standard 2.17), and

- Multi-disciplinary teams of professionals [including psychologists and/or psychiatrists] should meet at the end of the diversion programme to develop long-term care plans for particularly complex, high- risk cases (sex offender programme standard 2.33).

All the other standards were regarded as moderately to highly feasible. However, participants indicated that a number of the minimum standards would require some effort to implement.

At the end of chapter 1, a range of key questions were posed for personnel working in the child diversion system. If diversion is to have a good chance of success in this country, it is essential that we move toward a situation in which practitioners can indeed answer them satisfactorily. On the basis of our interviews, it seems as though we have some distance to travel. The next phase of the research (piloting the standards) will be able to settle this matter more definitively.

The final section of the report will draw attention to the key points raised by our informants regarding challenges for the implementation of each set of diversion standards covered in the study. Tentative recommendations will be offered in each case.

4.1 IMPLEMENTATION CHALLENGES: PRE-REFERRAL ASSESSMENT STANDARDS

While all the standards in this group were regarded as highly appropriate, none was seen as implementable without adjustments to the current conditions under which pre-referral assessments and related activities have to be conducted. Key informants identified a number of challenges:

The first challenge identified by interviewees concerns the resource base of the child justice system. Informants said that while they were in favour of the standards, the commonly high case loads of probation officers and the limited number of probation officers in the system militates against their being able to conduct appropriate assessments. A considerable increase in staff will need to occur if probation officers are to be to perform their pre-trial duties to the level required by the proposed standards.

Informants also stressed the need to provide probation officers with training in conducting more appropriate and comprehensive assessments of children in the justice system. At present, for the most part, it would appear that there is neither the expertise nor the time to conduct the necessary assessments. This leads to a less than optimal situation where the prosecutor does not have adequate information at his/ her disposal to make a sufficiently informed recommendation regarding diversion. This is compounded by a limited range in diversion options for most jurisdictions.

4.1.1 Recommendations

For the proposed minimum standards to be met progressively over time, the following steps should be undertaken.

Shortages in probation officers will impact on the quantity and quality of completed assessments. This is the front end of diversion, and should form the basis of decisions affecting the child. Therefore, a first step

is to address the resource problems that may exist in the system and which compromise good pre-referral assessment practice. More specifically, we suggest that:

- An audit of human resources in the child justice system (in particular, of probation officers) be undertaken in each jurisdiction;
- Staff shortages are addressed (using an appropriate staff: child ratio norm);
- An audit of staff training levels is carried out to assess the extent to which staff are able to conduct assessments (in accordance with the minimum standards); and
- Probation officers are trained to conduct standard, comprehensive, child-centred, age- and language appropriate assessments prior to the prosecutor's decision to, or not to divert young offenders.

It is hoped that the implementation of the preliminary enquiry will provide a forum for increased communication between probation officers and prosecutors, to ensure that valuable information about the needs and circumstances of the child recorded during the probation officer's assessment is shared with those involved in making decisions about the young offender.

The implementation of these standards will depend on national level commitment to developing and enforcing the use of comprehensive, nationally standardized assessment tools and reporting procedures.

4.2 IMPLEMENTATION CHALLENGES: DIVERSION PROGRAMME DESIGN, DELIVERY AND OUTCOMES

As highlighted in chapter 1, good diversion programmes take the child's risk profile into account, and are evidence-based in terms of design and delivery.

Of the four standards clusters investigated for the study, this group of standards was regarded as the most challenging to put into practice by participants. While all agreed that a greater emphasis must be placed on ensuring a high level of programme quality, it was clear that most participants had little experience with the notion of evidence-based programme design and implementation. In addition, and not surprisingly, there was a fair amount of anxiety about research and evaluation. These are disturbing findings. As the literature makes clear, the outcomes of diversion programmes and processes depend very strongly on high levels of intervention integrity and design quality. It is not good enough to simply divert children to programmes.

All the standards in this group, bar two, were seen as requiring development initiatives to improve programme capacity if diversion programmes are to perform to the proposed minimum standards. The only two that were seen as highly feasible (given current resources and capacity) in this section were:

- Diversion programmes should have clearly articulated programme objectives (2.8), and

- The manner in which the programme is delivered should encourage the active participation of the young offender (2.15).

It is encouraging that participants agree that it is appropriate and feasible for South African diversion programmes to have concrete and explicitly articulated objectives, and that there is consensus that interventions should be delivered in a participatory manner. As recommended in chapter 1, in accordance with the responsivity principle, active, participatory methods, rather than either didactic or unstructured experiential methods should be used in programmes targeting young offenders (Gendreau & Andrews, 1990; Andrews et al., 1990; MacGuire & Priestley, 1995; Rutter et al., 1998).

The following standard in this grouping was regarded as desirable but not feasible given present levels of programme capacity:

- Outcome evaluations should include pre-intervention and post-intervention assessment measures and incorporate some form of control or comparison group (2.17).

The above standard is important because the presence of control or comparison groups in evaluation research is the only means of ascertaining whether or not child outcomes are as a result of the intervention. As described in the literature review, methodologically poorer outcome evaluations tend to produce negative results for diversion outcomes, a tendency which should stimulate concern among diversion providers about ensuring sound evaluation research designs. Enhancing diversion programme staff's knowledge about research design and methodology is likely to contribute to a resistance towards dedicating limited resources to methodologically rigorous outcome evaluations.

It should be stressed that not all diversion programmes need to be subject to control group outcome evaluations. However, there is need for this type of design to be used in a limited number of demonstration projects. Once positive child outcomes are indicated in the results of such studies, then the evaluated programme activities can be employed with confidence by other local programmes. In the absence of such data, at the very least, programmes should be based on evidence flowing from programmes with demonstrated efficacy, even thought their efficacy may not have been established in this country.

Finally, if children are to be encouraged to take responsibility for their behaviour (as intended by the Bill), probation staff must be afforded the time and opportunity to conduct follow-ups with children who have passed through diversion initiatives in order to asses the extent to which they have indeed benefited from this experience.

4.2.1 Recommendations

One of the most frequently reported factors affecting the feasibility of the minimum diversion programme design, delivery and outcome standards in the South African context is a lack of (financial and human) resources.

Since it would be unrealistic to expect immediate changes in the resource levels of diversion providers, it is essential that existing resources are dedicated towards operationalising the risk, need and intervention integrity principles described in chapter 1.

The operationalisation of the risk and need principles is heavily dependent on skilled staff conducting comprehensive (pre-intervention) child assessments that include assessments of the child's level of risk, as indicated by attention to the child's family circumstances, social relationships, history or antisocial behaviour, education and scholastic functioning, medical/psychiatric history, offence and diversion history, strengths and skills deficits.

The number and intensity of risk factors identified in the pre-intervention assessment will determine the child's level of risk for re-offending, and should guide the 'dosage' of the intervention.

Although the availability of resources will vary according to the nature and size of the diversion provider, funders and managers of diversion programmes should strive towards:

- Ensuring that programme design and delivery reflects the allocation of existing resources to matching offender risk levels with the intensity of the intervention; and
- Focusing on factors that cause, support or contribute to offending behaviour (these factors are outlined in chapter 1 and Appendix II).

In addition, all diversion initiatives, irrespective of their content, should be able to demonstrate that steps have been taken to:

- Develop and maintain evidence-based interventions that have explicitly articulated programme objectives, that are in turn linked to intervention components or activities and desired child outcomes;
- Ensure that the intervention is systematically monitored and evaluated.

It is vitally important that diversion programme management and staff develop and maintain a commitment to evidence-based programming, and that the resistance and scepticism surrounding programme monitoring and evaluation is challenged. The punitive connotations surrounding evaluation need to be addressed and debunked, and programme staff need to be motivated and supported in learning to value evaluation as a tool for improving intervention. Promoting staff understanding of monitoring and evaluation through training in utilizing and conducting research is essential and should constitute a mandatory part of staff training.

This study and others have emphasized the importance of building staff capacity, particularly:

- Ensuring that programme staff are skilled in the activities they deliver, and
- Ensuring that staff are supervised at regular (individually- and organizationally tailored) intervals.

The 'ad-hoc' implementation of staff supervision, training, and programme monitoring and evaluation needs to be replaced by organizational structures that facilitate the planned and habitual allocation of existing resources to these essential programme activities.

4.3 IMPLEMENTATION CHALLENGES: RESTORATIVE JUSTICE INITIATIVES

A number of respondents felt that restorative justice is more of an ideology than a practice. Interviewees responding to this cluster of standards tended to emphasise that all child justice initiatives should have restorative content and goals (for the child and the community). The focus in this research study was on minimum standards for improving diversion outcomes. However, restorative justice initiatives often focus more on the restorative process(es), and less on outcomes. Consequently, we have drawn attention to the key ingredients of the actual process of interventions such as FGC's and VOM's. Our standards address the preparation of the child and others involved in these processes, the capacity and the abilities of those who undertake them (i.e. mediation skills), and the quality of the restorative process.

It is essential to emphasise that restorative justice processes may have more risks to the rights and well-being of the diverted children and the their victims than programmatic interventions. This is because the levels of training and skill needed for mediation and related processes are significant. Mediation and FGC processes are complex and demanding, and if they are not well conducted, they may well have unintended, damaging consequences.

Core ingredients of restorative processes are that the child participates voluntarily and genuinely acknowledges responsibility for his/her behaviour. These aspects of restorative justice initiatives are major challenges in a child justice context where there is the threat of punitive action being taken if the child chooses not to participate. Just how voluntary can the system be under such constraints, and to what extent are the child's compliance with an order and statement of acceptance of responsibility likely to be genuine? However difficult, these questions need to be confronted.

4.3.1 Recommendations

To move toward compliance with the minimum standards, training those who conduct various forms of restorative justice procedures is crucial, and it should cover all the standards we propose. The most important aspect of the training should be in the area of mediation and related skills necessary for good practices in FGCs and VOMs. The creation of a (restorative) environment that is supportive and conducive to child engagement and compliance, and which facilitates remorse and perceptions of fairness

is primarily dependent on the presence of a competent, neutral mediator, who is knowledgeable about the theory and practice of restorative justice and mediation. In this regard, study participants suggested that the following are crucial:

- Increasing staff capacity; and
- Enhancing or maintaining mediators' skills.

One of the key ingredients of restorative process is that the child, the offender and the mediator have the same understanding of the process and its goals. Ensuring that this occurs is dependent on:

- The adequate preparation of all participants prior to their participation. Children are more likely to engage with the process if they are adequately prepared, and fully understand the meaning and significance of the activities in which they participate.

The relevant government departments and service providers should address staff needs to ensure that there is sufficient capacity to provide trained staff to adequately prepare all parties for participation and to conduct restorative processes that are to standard.

Most informants stressed the importance of voluntary participation. As noted earlier, this is a real challenge, and it is recognised that in reality, participation is rarely truly voluntary. We agree that this should be a minimum standard, however, for child participation to be enhanced, the threat of more punitive action if the child wishes not to participate should be removed.

4.4 IMPLEMENTATION CHALLENGES: SEX OFFENDER PROGRAMMES

The first point to be made here is that interventions for sexual offenders is a highly specialised area requiring trained staff as well as programmes that are designed to address the particular needs of these children. In addition, and notwithstanding these points, children who are diverted for sex offences are unlikely to be a homogenous group. It must be remembered that this is one diversion group that is classified primarily by offence rather than other personal characteristics. For example, it is possible for children who engage in exploratory sexual behaviour to be caught up in this group alongside those who seem to habitually and coercively abuse younger children. Particular attention needs to be paid to multi-problem sex offenders and those children who have committed more serious offences.

Given the very high rate of sexual offending in this country (Richter, Dawes & Higson-Smith, 2004), effective interventions for young offenders are extremely important to prevent the development of long-term patterns of abuse and sexual violence.

4.4.1 Recommendations

Core recommendations include the following:

- Extending the number of young sex offender programmes;

- Dedicating resources to training programme personnel to support programme compliance with the minimum standards.

One of the standards recommended for sex offender programmes was regarded as highly unfeasible by informants given current resources:

- Multi-disciplinary teams of professionals (including psychologists and/ or psychiatrists) meet at the end of the diversion programme to develop long-term care plans for particularly complex, high-risk cases (2.33).

Despite the perceived unfeasibility of implementing the above minimum standard, it remains very important. However, financial resources will have to be dedicated to its actualization. For more serious offenders and multi-problem children, specialist attention is required if treatment is to be of the necessary intensity and quality to address the child's problems. Professional expertise is needed to undertake appropriate assessments, and to design the necessary interventions that suit the child in question.

In addition, it was apparent in interviews with some of our informants that there are turf issues in this area that may compromise the right of the child to the best service. Developing an organisational commitment to multi-disciplinary team working and inter-professional sharing of knowledge is essential to increase the viability of this standard.

4.5 RECOMMENDED MINIMUM STANDARDS FOR DIVERSION

The original list of 44 minimum standards on which comment was sought from key informants has been transformed into a more concise list of **21 recommended minimum standards for diversion**. These revised recommended minimum standards are **clustered into 4 standards domains**. Each domain contains a number of **thematic areas**. It is the revised minimum standards outlined below that should be used in subsequent piloting.

Once these standards have been piloted and validated, the Department of Social Development should establish timeframes for the implementation of the standards and the start of a monitoring process.

The recommended minimum standards are presented below:

Pre-referral assessment domain

1. Theme: Post-arrest assessment timing and capacity

Standard statement: Every child is assessed within 48 hours of arrest by a probation officer[1] before the prosecutor makes the decision to (or not to) divert.

Relevant legislation and regulations: Probation Services Amendment Act (35 of 2002)

Indicator:

[1] The term 'probation officer' refers to all persons charged with the responsibility of conducting post-arrest assessments of young offenders.

- Pre-referral assessment compliance.

Measure:

- The proportion of arrested children who have been assessed in the prerequisite period.

Implications for practice:

- Sufficient skilled personnel should be available to conduct pre-referral assessments within the prerequisite period.

2. Theme: Post-arrest assessment process

Standard statement: Probation officers use a comprehensive, standardised national assessment procedure, which is appropriate to the child's age, is conducted in a language the child understands, and which focuses on the needs and circumstances of the child.

Relevant legislation and regulations: N/A

Indicator:

- A standard national assessment procedure is constructed and in use.

Measures:

- The proportion of children assessed using the standardized national assessment procedure;
- The proportion of children assessed in a language they understand.

Implications for practice:

The standardized national assessment procedure needs to be constructed, piloted and distributed to all jurisdictions, and its use made mandatory. The assessment should include the following information about the child's needs, circumstances and opportunities:

- Basic descriptive information on the child, including the child's name, age and gender; contact details for the child's caregiver/ guardian where available; the child's school attendance and the school the child attends; and the child's place of residence;
- An assessment of the child's functioning in the education system, including the last grade s/he passed at school;
- A description of the circumstances surrounding the offence;
- An assessment of the child's motivation for committing the offence;
- An assessment of the child's acknowledgement of responsibility and his/her understanding of the meaning of responsibility;
- The probation officers' recommendation(s), which includes reference to the available diversion options in the area.

3. Theme: Training and capacity building of assessment personnel

Standard statement: Probation officers have been trained in conducting the assessment procedure.

Relevant legislation and regulations: N/A

Indicator:

- Staff have received standardised and recognised training in child-centred, age-appropriate assessment.

Measure:

- The proportion of staff who have received this training.

Implications for practice:

- Programme staff should have recognised qualifications in child assessment.

4. Theme: Children's rights

Standard statement: The child's rights to privacy and informed participation during the probation officer's assessment are protected.

Relevant legislation and regulations: Child Justice Bill (49 of 2002).

Indicators:

- The child is assessed in a manner that protects his/her privacy and that includes only the child and others specifically permitted in accordance with the Child Justice Bill (49 of 2002)
- The child receives a Diversion Process Information Form, which outlines the purposes and procedures surrounding the post-arrest assessment and diversion, and which is signed by the probation officer and the child in the presence of an adult witness.

Measure:

- The proportion of completed forms in relation to the number of children assessed.

Implications for practice:

- Staff should provide children with age-appropriate explanations of the purposes of, and procedures associated with the post-arrest assessment, and should be knowledgable about children's rights.
- The Diversion Process Information Form, which describes the purposes and procedures associated with the post-arrest assessment and diversion, needs to be constructed and distributed to all jurisdictions, and its use made mandatory.
- Arrangements need to be made to ensure that post-arrest assessments are conducted in a suitable venue that protects the child's privacy.

5. Theme: Decision-making and referral

Standard statement: Prosecutors use the post-arrest assessment to inform diversion recommendations.

Relevant legislation and regulations: N/A

Indicator:

- The prosecutor's decision reflects consideration of the probation officer's recommendations.

Measure:

- The proportion of cases within which the record of the prosecutor's decision notes that the probation officer's recommendation(s) have been taken into account.

Implications for practice:

- The prosecutor's report should make reference to the probation officer's recommendations in motivating his/her decision.

6. Theme: Training and awareness of prosecutors

Standard statement: Prosecutors are knowledgeable about available diversion options in their jurisdiction.

Relevant legislation and regulations: N/A

Indicator:

- The prosecutor has received training in the nature and content of available diversion options in his/her jurisdiction.

Measure:

- The proportion of prosecutors who have received this training.

Implications for practice:

- Diversion service providers should provide training in the nature and content of available diversion options in each jurisdiction.

Diversion programme design, delivery and outcome domain (all programme types)

This standard domain applies to all diversion programmes, including life skills, mentoring, wilderness/ adventure therapy, individual or therapeutic, vocational/skills training, sex offender, and combined or multi-modal programmes. A 'programme' is defined as a set of structured activities that are completed in a pre-designated period of time.

7. Theme: Pre-intervention assessment process

Standard statement: Every child referred to a diversion programme is comprehensively assessed by the service provider before participation in the programme.

Relevant legislation and regulations: Child Care Act (1983).

Indicator:

- Pre-intervention assessment compliance.

Measure:

- The proportion of children who are assessed before participation in diversion programmes.

Implications for practice:

The mandatory use of a comprehensive pre-intervention assessment tool, which should include the following elements (unless captured in the probation officer's report):

- Detailed information on factors associated with offending ('risk' factors) present in the child's life, including:
    - Social relationships, including family and peer relationships;
    - Education, including school grade, attendance and performance;
    - History of antisocial behaviour and offending;
    - Previous institutionalization and participation in diversion services;
    - Medical and psychiatric history;
    - Whether the child has been found in need of care (in terms of the Child Care Act).
- An assessment of the child's skills in the area that the intervention is designed to address;
- A summary of the probation officer's recommendations and the prosecutor's decision.

8. Theme: Access to appropriate diversion

Standard statement: Each child has access to an appropriate diversion programme/process.

Relevant legislation and regulations: Child Justice Bill (49 of 2002).

Indicator:

- The match between diversion options and children's needs.

Measure:

- The proportion of jurisdictions that have diversion options that match the needs of the child in at least 50% of cases.

Implications for practice:

- Diversion services need to be decentralized and distributed according to need;
- Diversion services should vary the structure and content of programmes according to the assessment profiles of referred children.

9. Theme: Programme quality 1: Design

Standard statement: The design of the diversion programme is informed by research evidence of 'what works' in reducing youth offending, and accords with good programme design practice.

Relevant legislation and regulations: N/A

Indicator:

- Programme activities address the factors directly associated with offending.

Measure:

- An external reviewer is satisfied that programme activities address the factors directly associated with offending.

Indicator:

- Diversion programmes have clearly stated objectives that are linked to programme activities.

Measure:

- An external reviewer is satisfied that the programme has clearly stated objectives that are explicitly linked to the programme's activities.

Indicator:

- The frequency and duration of programme activities is proportionate to the needs, circumstances and capacities of the children attending the programme;

Measure:

- An external reviewer is satisfied that the intensity of programme activities matches the needs, circumstances and capacities of referred children.

Indicator:

- The programme includes post-programme follow-up sessions or activities.

Measures:

- The proportion of programmes that provide follow-up sessions within 6 months of programme completion.

Implications for practice:

- Those designing diversion programmes should be knowledgeable about the principles of effective programming, and should be familiar with the characteristics of programmes that effectively reduce youth offending. Appropriate training needs to be provided where necessary.

10. Theme: Programme quality 2: Programme monitoring and process evaluation

Standard statement: Diversion programmes monitor programme delivery.

Relevant legislation and regulations: N/A

Indicator:

- Diversion programmes has system(s) in place for monitoring the quality of programme delivery.

Measure:

- An external reviewer is satisfied that the programme has system(s) in place for monitoring the quality of programme delivery.

Implications for practice:

- Programme staff need to have the necessary skills to conduct appropriate monitoring activities. Appropriate training should be provided where needed.

11. Theme: Programme quality 3: Child outcomes and outcome evaluation

Standard statement: Diversion programmes monitor the child's progress and evaluate child outcomes.

Relevant legislation and regulations: N/A

Indicator:

- Diversion programmes have system(s) for monitoring the child's progress.

Measure:

- An external reviewer is satisfied that the programme has system(s) in place for monitoring the child's progress.

Indicator:

- Diversion programmes are subject to outcome evaluations which demonstrate an acceptable level of methodological rigour.

Measure:

- The proportion of programmes conducting outcome evaluations that include pre-intervention and post-intervention measures, and where feasible, incorporate some form of control or comparison group.

Indicator:

- Diversion programmes conduct follow-up assessments of participating children within 6 months of programme completion to determine the child's functioning and circumstances, including re-offending.

Measure:

- The proportion of programmes that conduct post-programme follow-up assessments of participating children within 6 months of programme completion.

Implications for practice:

- Staff need to have the necessary skills to monitor children's progress;
- Sufficient resources need to be available to conduct methodologically rigorous outcome evaluations.

12. *Theme: Programme quality 4: Approach to delivery*

Standard statement: The manner in which the programme is delivered encourages the active participation of the young offender.

Relevant legislation and regulations: N/A

Indicator:

- Staff use active, participatory methods when doing group work with young offenders.

Measure:

- An external reviewer is satisfied that the programme uses active, participatory methods as opposed to instructive or unstructured, experiential methods during group activities.

Implications for practice:

- Staff should be trained in the use of participatory methods of programme delivery.

13. Theme: Support, training and capacity building of diversion personnel

Standard statement: Diversion programme staff are trained to deliver diversion services and are regularly supervised.

Relevant legislation and regulations: N/A

Indicator:

- Staff have received recognised training in the services they deliver.

Measure:

- The proportion of staff that are qualified to deliver the programme.

Indicator:

- Programme staff receive regular supervision.

Measure:

- The proportion of programme staff attending supervision sessions at least once a month.

Implications for practice:

- Programme staff should have recognised qualifications in the delivery of rehabilitative programmes for young offenders.
- Sufficient personnel should be available to offer supervision.

Restorative justice initiatives domain

This standard domain applies to *non-programmatic initiatives or processes*, including victim-offender mediation, family group conferencing, and circle processes. The focus of these initiatives is on facilitating restorative interactions between the offender and other parties.

14. Theme: Preparation for the restorative process

Standard statement: All participants are prepared for the restorative process prior to their participation.

Relevant legislation and regulations: N/A

Indicator:

- The mediator/facilitator provides all participants with information on the risks and benefits associated with the process, and addresses participants' expectations of the process.

Measure:

- The proportion of participants who have been prepared for the restorative process before their participation.

Implications for practice:

- There should be sufficient capacity (time and skills) for mediators/facilitators to prepare all participants for the restorative process.

15. Theme: The restorative process

Standard statement: Restorative justice initiatives are supportive environments that do not infringe on the child's dignity and which facilitate child engagement, acknowledgement of responsibility for the offence, and compliance with assigned tasks.

Relevant legislation and regulations: Child Justice Bill (49 of 2002).

Indicator:

- The child receives a written contract that outlines tasks to be completed, monitoring mechanisms, and clear consequences for non-compliance.

Measure:

- The proportion of children who sign a written contract that outlines tasks to be completed, monitoring mechanisms, and clear consequences for non-compliance.

Indicator:

- Children participate in restorative justice initiatives fully, actively and equally.

Measure:

- The proportion of children indicating that they felt supported, able to participate actively, and were treated respectfully during the restorative process.

Indicator:

- Children acknowledge responsibility for committing the offence.

Measure:

- The proportion of children acknowledging responsibility for committing the offence.

Implications for practice:

- Written contracts for young offenders, and measures that assess young offenders' experiences of the restorative process should be constructed and used by restorative justice initiative staff.

16. Theme: Perceived fairness of the restorative process

Standard statement: Mediators/facilitators are neutral in their facilitation and the restorative process is fair to all participants.

Relevant legislation and regulations: N/A

Indicator:

- The offender(s), victim(s) and their supporters experience the restorative process as fair.

Measure:

- The proportion of participants indicating high satisfaction with the fairness of the restorative process on participant satisfaction measures.

Indicator:

- The mediator/facilitator does not have an interest in promoting the welfare of any particular party.

Measure:

- An external reviewer is satisfied that the mediator/facilitator is neutral in his/her facilitation of the restorative process.

Implications for practice:

- Measures that assess participant perceptions of the fairness of the restorative process should be constructed and used by restorative justice initiative staff.

17. Training and capacity building of mediators

Standard statement: Mediators/ facilitators are trained in the theory and practice of restorative justice.

Relevant legislation and regulations: N/A

Indicator:

- Restorative justice initiative staff have received recognized training in restorative justice theory and practice.

Measure:

- The proportion of staff who have received recognised training in restorative justice theory and practice.

Implications for practice:

- Mediators/facilitators of restorative processes should receive recognized training in restorative justice theory and practice.

Sex offender programmes domain

This standard domain applies to *sex offender programmes only*. Sex offender programmes should adhere to *the standards in this domain in addition to the standards outlined in the standard domain applying to all diversion programme types*.

18. Theme: Pre-intervention assessment

Standard statement: Young sex offenders are comprehensively assessed before participation in diversion programmes.

Relevant legislation and regulations: N/A

Indicator:

- Sex offender assessment compliance.

Measure:

- The proportion of sex offenders assessed using a specialised (sex offender) assessment procedure.

Implications for practice:

The mandatory use of a comprehensive sex offender assessment tool, which should include information on the following:

- The degree of violence and coercion involved in the offence(s);
- The offender's relationship to the victim, particularly the age difference and the offender's ability to demonstrate victim empathy;
- The offender's ability to regulate his/ her emotions and behaviour, particularly impulse control;
- The offender's sexual history, including sex education, exposure to pornography, sexual abuse, sexual fantasies and previous or current sexual relationships and experience.

19.Theme: Training and capacity building of sex offender programme staff

Standard statement: Sex offender programme staff are trained in the delivery of specialised (sex offender) programmes.

Relevant legislation and regulations: N/A

Indicator:

- Sex offender programme staff have received recognised training in delivering specialised (sex offender) interventions.

Measure:

- The proportion of staff who have received this training.

Implications for practice:

- Sex offender programme staff should have recognised qualifications in delivering sex offender programmes.

20. Theme: Duration of sex offender programmes

Standard statement: The duration of sex offender diversion programmes is appropriate for a specialist intervention, and long-term care plans are developed for particularly complex, high-risk cases.

Relevant legislation and regulations: N/A

Indicator:

- The frequency and duration of programme activities is proportionate to the assessment profile of the young sex offender.

Measure:

- An external reviewer is satisfied that the intensity of programme activities matches the assessment profiles of the young sex offenders.

Indicator:

- Long-term care plans are developed for children whose assessments indicate complex and acute or persistent needs.

Measure:

- The proportion of high-risk cases for which sex offender specialists are consulted to develop long-term care plans.

Implications for practice:

- Sex offender programmes should be no less than 24 (non-continuous) hours in duration for perpetrators of minor sex offences.
- Sex offender programme staff should develop working relationships with professionals specialising in the rehabilitation of sex offenders.

21. Theme: Sex offender programme delivery

Standard statement: Sex offender programmes are informed by research evidence of 'what works' in reducing sexual offending.

Relevant legislation and regulations: N/A

Indicator:

- The programme is tailored to the specific risks, needs and capacities of young sex offenders.

Measure:

- An external reviewer is satisfied that the sex offender programme is able to demonstrate that the design, content and delivery of the programme is based on contemporary research evidence of 'what works' for the rehabilitation of young sex offenders.

Implications for practice:

The programme should include and address the following:

- Sex education;
- Emotional and behavioural regulation, particularly impulse control;
- The development of victim empathy; and
- Direct caregiver/ guardian involvement in programme activities.

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APPENDIX I

PEER REVIEWED LITERATURE SEARCHES: SEARCH TERMS

(* indicates that all versions of the core word is included in the search)

- Risk and antisocial
- Risk and delinquency
- Risk and juvenile offen*
- Diversion and outcome*
- Youth and justice and evaluation
- Restorative justice and evaluation
- Diversion and evaluation
- Diversion/youth justice and what works
- Juvenile offen* and what works
- Delinquenc* and intervention
- Antisocial and intervention
- Antisocial and treatment
- Delinquenc* and intervention and outcome
- Delinquenc* and treatment and evaluation
- Diversion and restorative justice
- Diversion and restorative justice and norms and standards
- Youth and justice/restorative and intervention
- Youth and justice/restorative and program*
- Youth and justice/restorative and program* and outcome*
- Youth and justice/restorative and rehab*
- Diversion/youth justice and mediat*
- Diversion/youth justice and conferenc*
- Diversion/youth justice and life skill*
- Diversion/youth justice and mentor*
- Diversion/youth justice and wilderness/adventure therapy
- Diversion/youth justice AND sex* offen*;
- Diversion/youth justice AND drug offen*

Grey literature searches: names and web addresses of organisations and departments (broad search terms used where organisations have large amounts of documents)

South Africa

Community Law Centre: www.communitylawcentre.org.za

- Child Justice Alliance: www.childjustice.org.za

- National Institute for Crime Prevention and the Reintegration of Offenders (NICRO): www.nicro.org.za

- ChildrenFirst: www.childrenfirst.org.za

- Child Justice: www.childjustice.gov.za

- Independent Projects Trust: www.ipt.co.za

- Restorative Justice Centre: www.rjc.co.za

- Big Brothers Big Sisters South Africa: www.bbbssa.org

United Kingdom

- NACRO (National Association for the care and resettlement of offenders/crime reduction agency) www.nacro.org.uk

- Youth Justice Board: www.youth-justice-board.gov.uk

- Policy Research Bureau: www.prb.org.uk

- Save the Children: www.savethechildren.org.uk

- Home Office: www.homeoffice.gov.uk

United States

- The Office of Justice Programmes: http://www.ojp.usdoj.gov

- Harvard family research project: http://www.gse.harvard.edu/hfrp/index.html

- The Hudson Institute: www.hudson.org

- Centre of Juvenile Justice & Criminal Justice: www.cjcj.org

- Office of Juvenile Justice and Delinquency Prevention: http://ojjdp.ncjrs.org

- Abt and Associates: http://www.abtassociates.com

- Public/Private Ventures: www.ppv.org

- American Humane Association

- National Centre for Youth Law: www.youthlaw.org

- The Association for the Treatment of Sexual Abusers: http://www.atsa.com

- The Safer Society Foundation Inc.: www.safersociety.org

- Centre for Sex Offender Management: http://www.csom.org
- Prison Fellowship International: http://www.pfi.org
- Center for Restorative Justice and Peacemaking: http://ssw.che.umn.edu/rjp/
- National Institute of Justice Research
- Fresno Pacific University for Peacemaking and Conflict Studies: http://www.fresno.edu/pacs/
- International Institute for Restorative Practices
- University of Colorado: www.colorado.edu

Canada

- St. Leonard's Society of Canada: http://www.stleonards.ca

Australia

- Australian Institute of Criminology
- Transformative Justice Australia: http://www.tja.com.au

New Zealand

- Restorative Justice Trust of New Zealand: http://www.restorativejustice.org.nz

Rest of Europe

- Defence for Children International (Switzerland): http://193.73.242.145

APPENDIX II

CRIMINOGENIC NEED FACTORS: PROMISING AND LESS PROMISING INTERMEDIATE TARGETS FOR REHABILITATIVE PROGRAMMING

PROMISING INTERMEDIATE TARGETS (based on Andrews et al., 1995)

- Changing antisocial attitudes
- Changing antisocial feelings
- Reducing antisocial peer associations
- Promoting familial affection/communication
- Promoting familial monitoring and supervision
- Promoting identification/association with anticriminal role models
- Increasing self-control, self-management and problem-solving skills
- Replacing the skills of lying, stealing and aggression with more prosocial alternatives
- Reducing chemical dependencies
- Shifting the density of the personal, interpersonal and other rewards and costs for criminal and non-criminal activities in familial, academic, vocational, recreational and other behavioural settings, so that the non-criminal alternatives are favoured
- Providing the chronically psychiatrically troubled with low-pressure, sheltered, supportive living arrangements
- Changing other attributes of clients and their circumstances that, through individualised assessments of risk and need, have been linked reasonably with offending behaviour
- Ensuring that the client is able to recognise risky situations, and has a concrete and well rehearsed plan for dealing with those situations.

LESS PROMISING INTERMEDIATE TARGETS

- Increasing self-esteem (without simultaneous reductions in antisocial thinking, feeling and peer associations)
- Focusing on vague emotional/personal complaints that have not been linked with criminal conduct
- Improving neighbourhood-wide living conditions, without addressing the criminogenic needs of higher risk individuals
- Showing respect for antisocial thinking on the grounds that the values of one culture are equally valid to the values of another culture
- Increasing conventional ambition in the areas of school and work without concrete assistance in realising these ambitions

- Attempting to turn the client into a 'better person', when the standards for being a 'better person' do not link with recidivism. In other words, programme objectives are not clearly specified, and are distantly or unrelated to offending behaviour.

APPENDIX III

MULTISYSTEMIC TREATMENT (MST): A BRIEF DESCRIPTION

Target Populations: Youths displaying antisocial behaviour (including severe/extreme antisocial behaviour), including those at risk of out-of-home placement (residential care, psychiatric placement, correctional facility) and their families.

Aims: Improving family functioning (parenting style, family relationships) and reducing child antisocial behaviour.

Theoretical underpinnings: MST is based on a vast literature demonstrating that antisocial behaviour is multi-determined (Henggeler, Schoenwald, Borduin, Rowland & Cunningham, 1998). General systems theory (von Bertalanffy) and Bronfenbrenner's theory of social ecology provide a theoretical basis for understanding the multiple, simultaneously occurring, interrelated, reciprocal and mutually influencing causes of antisocial behaviour (Henggeler et al., 1998). The systems theory focuses family systems, shifting the emphasis of treatments away from the individual child or parent's problems or pathologies, towards recognising the role of reciprocal contextual and interpersonal influences in developing and maintaining negative or destructive behavioural patterns. The theory of social ecology expands upon this idea by recognising how development is determined by reciprocal exchanges between the individual and the multitude of systems in which the s/he is embedded – including a range of settings such as home, school/work, neighbourhood, etc. Individual development is understood as the result of increasingly complex reciprocal exchanges (which can be direct or indirect) between the individual and the 'layers' of his/her environment (Henggeler et al., 1998). In addition, MST also draws on aspects of behavioural parent training and cognitive behavioural therapy (Borduin, Heiblum, Jones & Grabe, 2000).

Content and Format: MST is a comprehensive, flexible, and individualised family intervention for treating clinically significant antisocial behaviour in children and young people (those who are likely to have been given a psychiatric diagnosis of conduct disorder or oppositional defiant disorder; or labelled 'delinquent' by the youth justice system). MST is based on nine treatment principles, which are implemented according to the unique needs and circumstances of each family system:

a) The use of assessment (or hypothesis building and testing) to understand the 'fit' between the identified problems (e.g. child aggression, truancy, offending) and their broader systemic context (e.g. maternal substance misuse, marital discord, poor parental monitoring, lax discipline, poor home-school bond).
b) Therapists emphasise the positive, and use family strengths as levers for change.
c) Interventions are designed to promote responsible behaviour and decrease irresponsible behaviour among family members.

d) Interventions are present-focused (focused on present contingencies for negative behaviour) and action-oriented (promoting positive and observable changes in family functioning), targeting specific and well-defined problems, and setting clear and well-defined treatment goals (including overarching and intermediate goals).
e) Interventions target sequences of behaviour within or between multiple systems that maintain the key problems.
f) Interventions are developmentally appropriate and fit the developmental needs of the youth.
g) Interventions require daily or weekly effort/input by family members.
h) Intervention effectiveness is evaluated continuously from multiple perspectives, and providers assume accountability for overcoming barriers to successful outcomes.
i) Interventions are designed to promote the generalisation of treatment outcomes, and foster long-term maintenance of therapeutic change by empowering caregivers to recognise and address family members' needs across multiple contexts (Henggeler et al., 1997; Borduin et al., 2000).

MST is usually delivered by a trained and supervised masters level therapists, who each have a caseload of between four to eight families. MST is typically delivered at the homes of participating families, however, the setting may vary according to the individual needs of the family. The therapist is available to the family twenty-four hours a day, seven days a week, however, treatment gradually decreases towards the end of a 3 to 5-month course of MST (Borduin et al., 2000). The primary task of the therapist is to provide mental health services, promote access to other services, support, guide and empower parents to accept responsibility for affecting therapeutic change (Henggeler et al., 1997; Borduin et al., 2000).

Measured outcomes: antisocial behaviour, youth offending, substance abuse, parental psychopathology, family relations, peer relations, school failure, out-of-home placements, future employment (e.g. Henggelar et al., 1997; Woolfenden, Williams & Peat, 2003).

Effectiveness: MST has received the most rigorous empirical support as an effective family-based treatment for serious antisocial behaviour and youth offending (Borduin et al., 2000). Most studies evaluating the effectiveness of MST have been randomised controlled trials, and have included delinquents, young sexual offenders, violent and chronic young offenders, substance misusing young offenders, and maltreating parents (Henggeler et al., 1997; Borduin et al., 2000). MST's effectiveness has been demonstrated in decreasing behaviour problems (particularly aggression and delinquency), reducing association with deviant peers, improving family relations, reducing recidivism, decreasing sibling delinquency, and reducing the time spent by young offenders in institutions (e.g. as reported in Henggeler et al., 1997; Borduin et al., 2000; Woolfenden, Williams & Peat, 2003). In addition, cost-benefit analyses suggest that MST is a highly cost effective intervention (Henggeler et al., 1997; Borduin et al., 2000).

APPENDIX IV

INTERVIEW SCHEDULE

PART I

I. Assessment

Minimum pre-referral assessment standards

1.1 Every arrested child is assessed within 48 hours of arrest by a probation officer before the prosecutor makes the decision to (or not) to divert

1.1.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.1.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

1.2 Probation officers use a standard national assessment procedure

1.2.1. I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.2.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

1.3 Probation officers have been trained in conducting the assessment procedure

1.3.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.3.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

1.4 The purposes of the probation officer's assessment, and the procedures immediately following the assessment are explained to the child in a manner appropriate to the child's age

1.4.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.4.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

1.5 The assessment is appropriate to the child's age and conducted in a language the child understands

1.5.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.5.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

1.6 The probation officer's assessment includes:

- Basic child descriptive information, including –
  - The child's name, age and gender
  - Contact details for the child's parent/guardian
  - The school the child attends
  - The child's place of residence
- Description of the context and type of offence

- Assessment of the child's motivation for committing the offence, and the immediate circumstances surrounding the offence
- Assessment of the child's acknowledgement of responsibility
- Assessment of the child's understanding of the meaning of acknowledging responsibility

1.6.1 I would like to ask your views on the appropriateness of this set of standards. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate these standards? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.6.2 I would like to ask you your views on the feasibility of this set of standards. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate these standards? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

- Would you add, remove or modify any of the standards in this set?

1.7 The probation officer has access to the victim(s) statement during the assessment, particularly in for high-risk offenders, e.g. sex offenders

1.7.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate these standards? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.7.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate these standards? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

1.8 The child's rights to privacy, confidentiality and participation during the probation officer's assessment are protected

1.8.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.8.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

1.9 The prosecutor's decision to (or not to) divert is informed by the information recorded in the probation officer's assessment

1.9.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.9.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

1.10 The prosecutor has sufficient knowledge about the nature of available diversion programmes to make an informed referral

1.10.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.10.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

1.11 The prosecutor's referral of the child to a particular diversion programme is based on the needs and circumstances of the child

1.11.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

1.11.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

PART II

II. Development and delivery of diversion programmes

A. Minimum standards for diversion programme design, delivery and outcome

These principles were developed to apply to all programmes, irrespective of the type of programme, e.g. wilderness, mentoring and lifeskills programmes

2.1 Every child referred to a particular diversion programme is assessed before participation in the programme, and the assessment includes the following:

- Detailed information on factors associated with offending ('risk' factors) present in the child's life:
    - Social relationships, including family and peer relationships
    - Education, including school grade, attendance and performance
    - History of antisocial behaviour
    - Substance abuse
    - Medical/psychiatric history
    - Whether the child has been found in need of care (in terms of the Child Care Act)

- The child's skills in the area that the programme is designed to address

2.1.1 I would like to ask your views on the appropriateness of this set of standards. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate these standards? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.1.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

- Would you add, remove or modify any of the standards in this set?

2.2 Diversion programmes include post-intervention assessments that measure changes in factors assessed in Section (b) of the pre-intervention assessment

2.2.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

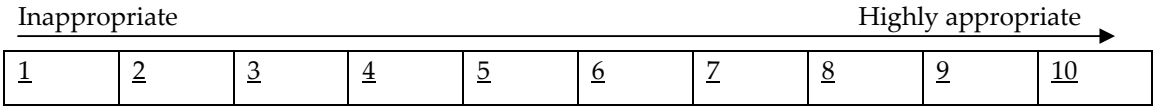
2.2.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

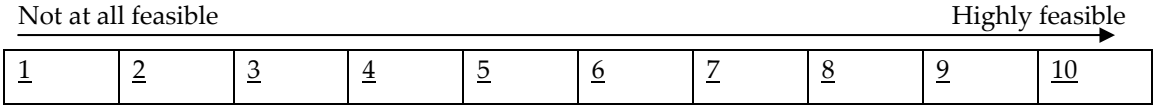
1	2	3	4	5	6	7	8	9	10

2.3 Diversion programme staff assess the child's motivation for participation, and the programme takes this into account

2.3.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

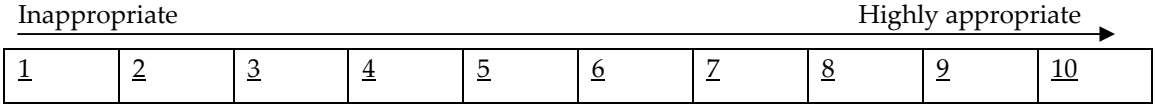


2.3.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

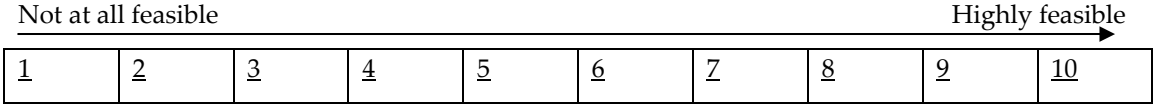


2.4 The diversion programme is reasonably accessible to the child

2.4.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?



2.4.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?



2.5 The programme is appropriate to the child's age and cognitive ability

2.5.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.5.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.6 The child's participation in a particular diversion programme is tailored to his/her specific needs as identified in Section (a) of the pre-intervention assessment

2.6.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.6.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.7 The development of diversion programmes is based on evidence of what works in reducing criminal behaviour in children and adolescents

2.7.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.7.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.8 Diversion programmes have clearly articulated programme objectives

2.8.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.8.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.9 Diversion programme activities can be shown to address the factors associated with offending, and are therefore likely to reduce the problem of reoffending

2.9.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.9.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.10 Diversion programmes have a system for monitoring the quality of programme delivery

2.10.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.10.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.11 Diversion programmes have a system for monitoring the child's progress, including his/her compliance with the conditions of his/her diversion order, and a record of reasons for non-compliance, if applicable

2.11.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.11.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.12 The intensity of diversion services (frequency and duration of programme activities) varies according to the level of risk recorded in Section (a) of the pre-intervention assessment of participants (i.e. the most intensive services are delivered to higher risk cases; and less intensive services are delivered to lower risk cases)

2.12.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.12.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.13 Diversion programme staff are trained to deliver the services they are required to deliver

2.13.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.13.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.14 Diversion programme staff are regularly supervised by a senior staff member

2.14.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.14.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.15 The manner in which the programme is delivered encourages the active participation of the young offender

2.15.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.15.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.16 Diversion programmes are subject to regular outcome evaluations

2.16.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.16.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.17 Outcome evaluations include pre-intervention and post-intervention assessment measures and incorporate some form of control or comparison group

2.17.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.17.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.18 Diversion programmes offer participants post-programme follow-up sessions/activities

2.18.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.18.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.19 Diversion programme staff track participating children within 1 year of programme completion to establish whether or not the child has re-offended

2.19.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.19.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

B. Specific minimum diversion programme standards - Restorative Justice Initiatives

2.20 The details of the attendees, the procedures involved in the restorative justice initiative, and the possible consequences of the restorative justice initiative, are discussed (either telephonically or in person) with all parties involved in the process *before* their participation

2.20.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.20.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.21 Participation in restorative justice initiatives is truly voluntary for both the offender and the victim (i.e. totally non-coercive)

2.21.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.21.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.22 Children participate in restorative justice initiatives actively and equally, in a non-punitive, supportive environment that does not shame or make children feel 'bad'

2.22.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.22.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.23 A key objective of restorative justice initiatives is increasing children's investment in, and agreement with the decisions made

2.23.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.23.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.24 Children comply with, and complete tasks assigned to them during restorative justice processes

2.24.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.24.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.25 Restorative justice initiatives facilitate children showing remorse for committing an offence

2.25.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.25.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.26 A key objective of restorative justice initiatives is enhancing participant satisfaction in the fairness of the process

2.26.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.26.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

- Would you add, remove or modify any of the standards pertaining to restorative justice initiatives?

C. Specific minimum diversion programme standards – Sex Offender Programmes

2.27 The pre-intervention assessment includes information on:

- The degree of violence and coercion involved in the offence
- The offender's relationship to the victim, particularly the age difference and the offender's ability to demonstrate victim empathy
- The offender's ability to regulate his/her emotions and behaviour, particularly impulse control
- The offender's sexual history, including sex education, exposure to pornography, sexual abuse and sexual fantasies

2.27.1 I would like to ask your views on the appropriateness of this set of standards. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate these standards? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.27.2 I would like to ask you your views on the feasibility of this set of standards. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate these standards? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

- Would you add, remove or modify any of the standards in this set?

2.28 The diversion programme includes sex education

2.28.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.28.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.29 The diversion programme addresses the child's ability to regulate his/her behaviour, specifically, impulse control

2.29.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.29.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.30 The diversion programme is no less than 24 hours in duration, excluding the time taken for conducting the pre-intervention assessment

2.30.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.30.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.31 The diversion programme addresses the development of victim empathy

2.31.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.31.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.32 The child's parent/caregiver is directly involved in the diversion programme

2.32.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.32.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

2.33 Multi-disciplinary teams of professionals (including psychologists and/or psychiatrists) meet at the end of the diversion programme to develop long-term care plans for particularly complex, high- risk cases

2.33.1 I would like to ask your views on the appropriateness of this standard. If you imagine a scale of 1 to 10, where 1 is not appropriate at all, and 10 is highly appropriate, how would you rate this standard? Can you explain to me why you say so?

Inappropriate → Highly appropriate

1	2	3	4	5	6	7	8	9	10

2.33.2 I would like to ask you your views on the feasibility of this standard. If you imagine a scale of 1 to 10, where 1 is not feasible at all, and 10 is highly feasible, how would you rate this standard? Can you explain to me why you say so?

Not at all feasible → Highly feasible

1	2	3	4	5	6	7	8	9	10

- Would you add, remove or modify any of the standards pertaining to sex offender programmes?