

# ARTICLE 40

Volume 4 No. 2 June 2002

Editor: Jacqueline Gallinetti

- From the Editor
- Training in North West Province Leads the Way
- Training of officials responsible for Reception Assessment and Referral Centres
- Phone Ellen
- Victim-Offender Mediations Rule the Day
- Assessment of North West Training
- Diversion in Brits: a personal observation
- An experience with a family group conference
- Training in Restorative Justice

## From the Editor

This edition of Article 40 focuses on best practices in the North West Province that have followed on training in child justice organised by the provincial Department of Social Services, Arts, Sports and Culture. It is encouraging to see participants from various departments engage so actively with this training and then put what they have learnt into practice. In addition, their stories indicate the larger human-interest story that so often gets obscured by formal court procedures. It is particularly noteworthy that different role-players in the criminal justice system, with different levels of experience have been 'united' by this training and have undertaken similar initiatives in various areas all over the province thereby spreading new practices in both urban and rural settings. We wish to congratulate the Department for organising this training and thanks must also go to the Restorative Justice Centre for co-ordinating the collection of the participant's experiences.

Mention must also be made of the continued efforts by our courts to ensure the development of precedents in line with a new child justice system. Such efforts are featured in the case review of two Cape judgments recently handed down. Against this backdrop also goes the passing of the Probation Services Amendment Bill in Parliament. This creates the legal framework for probation officers to assess and divert child offenders. Importantly, it also provides for the appointment of assistant probation officers, the need for which was highlighted in Article 40 Vol.3, No.4.

It must be noted that South Africa is proceeding well towards a new child justice system and this should be contrasted with the disappointing outcomes document of the United Nations Special Session on Children, entitled A World Fit for Children, which contained watered-down and throw-away references to child justice.

## Training in North West Province Leads the Way

Over the period October 2001 until May 2002, a group of presenters have been conducting intersectoral training on child justice in preparation for implementation of assessment centres, child justice processes and ultimately the Child Justice Bill. Contracted by the forward- looking provincial Department of Social Services, Arts, Culture and Sport, the brief to the trainers was to ensure a restorative justice focus, and ensure that the training was practice orientated. Early on, the decision was also made to extend the training programme outside

# ARTICLE 40

the Department's target group of social workers and probation officers, and to invite participation from SAPS, prosecutors and magistrates. Due to space constraints, and so as to ensure individualised sessions, only 55 places were available of which 30 were allocated to the social work contingent; however, fair representation of other role players in the overall mix was also obtained.

Not wanting to remove key roleplayers from their offices and courts for extended periods of time led to a decision to phase the training in one, two or three day slots over a period of six months. The risk with this approach is that people may move on, drop out and fail for other reasons to complete in the programme. Happily, however, this did not materialise to any great extent, and at the conclusion of the programme nearly 50 certificates of completion were awarded. In hindsight, spreading the training over this period provided an important benefit: it enabled participants to practice their newly learnt skills while the programme was still underway, to pick up problems which could be discussed, to conduct their own training of other stakeholders in their magisterial districts, and last but not least, to learn to work inter-sectorally on the ground back home. Indeed many important agreements between probation and courts seem to have been negotiated after the first session or two, and the improvement in inter-sectoral relationships was specifically noted by most participants as a highlight of the training.

## **Structure of the modules**

The training was divided into six modules with the starting point being to identify the objectives and participant expectations. People had come from widely differing settings, and with different points of reference as well as different levels of prior experience with child justice related work. So, in keeping with the provincial footprint, there were participants from deep rural areas, as well as small towns situated in large, spread out farming districts. By contrast, big mining towns such as Rustenburg, Klerksdorp, Potchefstroom and Brits were also represented. Then we had amongst our trainees probation officers with decades of specialised experience, as well as people with little prior knowledge of any aspect of child justice - but they certainly did not lack enthusiasm and interest!

The accompanying table illustrates the basic format of the six modules, with the longest session being devoted to the implementation of restorative justice and family group conferencing. For this module, the three day initial session on theory, philosophy and practice of restorative justice was followed by mentoring of the probation officers and social workers who it was hoped would be able to implement FGC's in practice; after this, a wrap up day was held to share experiences and learning from the field.

The session on courtroom practice was presented (by an experienced ex-magistrate) only for the social workers and probation officers on the course. In retrospect, the level of inter-sectoral collaboration that had emerged by that time, led to the decided view on the part of participants that this module should also have included everyone, and that much shared learning could have taken place had this occurred!

Although each module was evaluated independently as part of an ongoing monitoring of the effectiveness of the training content and materials, the suitability and effectiveness of the trainers and the structure of each particular module, the really telling moment arrived when activity six required that an overall assessment of the training and its impact be conducted. The day took the

# ARTICLE 40

form of informal 'report backs' by participants about how they coped with implementation in their own districts. So inspiring were the tales that were told that day that we have asked some of our innovators to write up some of the stories for reproduction here in Article 40, and these contributions appear here in our feature issue on the North West Province. It must also be said though, that these are but a small sample of the successes and advances that were profiled on that day. And, even where, in some regions, less measurable success has been achieved, there can be no doubt that the training has led to a commitment to start the processes on their way, to 'cascade' training to local level, and to improve inter-sectoral relationships in such a way that delivery of child justice services can commence.

Here are some extracts from the participants' assessments of the overall training package:

## *On content of the training*

"A vast number of issues were covered?They also clearly spelt out the working relationships between partners and stakeholders with the view of seeing that children's rights are protected."

## *On whether successful skills development occurred*

"I learned to sharpen my skills, and am able to use them during assessment, victim offender mediation and family group conferencing programmes."

## *On whether the training as a whole enabled participants to meet their personal objectives*

"I started attending this course in the hope of getting new ideas for diversion. I got so much more. It gave me a new look and view on the way I render my service and even triggered the interest for research in this fairly new "service view" in South Africa. You certainly enriched my life and I must thank you for that."

## *Gaps identified in the training programme as a whole*

"Other stakeholders dealing with young offenders should be trained."

## *Areas that need more/less attention during the training structure*

"Court room practice should be extended to other sectors in terms of training."

The Department - and Miche Sepeng and Rishi Moonilal in particular -deserve accolades for having taken the first steps to ensure that training and implementation go hand in hand.

## **Overall Training Programme**

- Activity One: Goal setting and introduction to the present legal framework
- Activity Two: Assessment, reception and the law
- Activity Three: Diversion and the law
- Activity Four: Theory and practice of family group conferencing and restorative justice

# ARTICLE 40

- Activity Five: Courtroom practice
- Activity Six: Inter-sectoral collaboration and training evaluation

## **North West Province Department of Social Services, Arts, Culture and Sport: Training of officials responsible for Reception Assessment and Referral Centres**

*Foreword by Miche Sepeng, North West Province Department of Social Services, Arts, Culture and Sport*

In preparation for the promulgation of the Child Justice Bill the end of this year, the North West Province Department of Social Services, Arts, Culture and Sport commissioned training for 55 people on policies and legislation governing child justice.

The course involved on-the-job training for six months. The delegates came from ten service points where Reception Assessment Referral Centres have been established.

It is the Department's opinion that the training was very successful in that it has prepared the province for the forthcoming changes to the child justice system.

It is generally felt that the following positive results have been achieved as a result of the training programme:

- The training has improved team spirit amongst stakeholders responsible for child justice.
- Departmental roles have been clarified.
- People are knowledgeable on legislation governing child justice and the proposed changes to the present system.
- It has promoted the principle of restorative justice.
- Cases are dealt with more timeously.
- The number of children awaiting trial in prison and police cells has been tremendously reduced.
- Officials from the Department of Justice are more willing to divert children.
- There is an eagerness amongst stakeholders to share resources in the ten RAR centres.

### **Phone Ellen**

Ellen Modiboa, a probation officer from Lichtenburg, gets called on frequently by colleagues in the North-West Province who say that whenever they have a difficult matter they "phone Ellen". She now reports on three successful interventions with child offenders.

### **Restorative Justice in Action**

Four children in Lichtenburg, who were charged with house breaking and theft, were referred to probation services for assessment. The children had allegedly committed the offence at the local school. The probation officer recommended a family group conference and that the children attend a youth empowerment programme. The recommendation was made after it was realised that all the children concerned were exposed to negative peer group influences.

# ARTICLE 40

The probation officer prepared for the conference by interacting with :

- The accused's families
- The accused children who were aged between 15 and 17 years
- The school governing body
- The school principal
- The guidance counsellor

It was difficult for the probation officer to convey the idea of restorative justice to the school governing body and the school-teachers as they were angry with the children on account of three of the children having attended the school the previous year. However, ultimately all the participants agreed to the proposal of a family group conference.

The conference was conducted at Itsoseng township in June 2002. The participants included the school principal, members of the school's governing body, the accused and their parents.

Prior to the conference, the school governing body and the school principal were convinced that the children committed the offence at an adult's instigation. However it transpired that this was not the case. The children admitted that they committed the act on their own. During the conference it was also established that children were smoking dagga. The school governing body and the school principal played an important role in this regard as they encouraged the children to seek help in relation to their dagga usage.

As a way of providing some form of restitution, the children volunteered to clean the school premises during their leisure time. The participants welcomed this. The chairperson of the school governing body volunteered to monitor and supervise the children and the school principal volunteered to play a mentoring role by ensuring that the children attended school at their different schools.

This conference has led to the feeling that restorative justice is reality and it encourages community members to play a vital role in shaping children's lives.

## **An Example of House Arrest Conducted by Parents, Police and the Probation Officer**

In January 2002 four children, between the ages of 14 and 16 years old, were assessed by the probation services office in Lichtenburg. They were charged with house breaking and theft.

The children were thought to be street children and none of them attended school. They all pleaded not guilty which made diversion impossible.

The probation officer recommended house arrest pending trial with compulsory school attendance as a condition. The motivation behind this recommendation was to try and reunite the children with their parents.

In Lichtenburg there is no assistant probation officer who could have assisted with the programme. Accordingly the probation officer, prosecutor and senior police official agreed that the children be monitored by their parents, the investigating officer and the probation officer. This was done in order to enable the parents to contribute positively towards their children's well being. They were

# ARTICLE 40

expected to keep records on their children's movements and report back to the investigating officer and probation officer.

What was particularly encouraging was the willingness of the investigating officer to participate in the programme. He monitored the children every day by visiting their homes although he did not even live in their area! The programme was successfully completed. In addition to school attendance, the children also participated in an empowerment programme facilitated by Ondersteuningsraad, a local NGO. Although the decision was taken not to divert the children as they had not acknowledged guilt, later on the prosecutor withdrew the charges against the children on account of their successful participation.

## **A Family Group Conference Between Farm Owners and Farm Worker's Children**

The Lichtenburg probation officer assessed two children who were charged with the house-breaking and theft. The victims in the case were farm owners and the offenders were two children whose parents worked on the victims' farm. The offenders broke into Mr. and Mrs. V-H's house and as a result they were so angry that they considered evicting the family.

The probation officer prepared for a family group conference in very difficult circumstances as tensions between the parties were running high. Ultimately Mr. and Mrs. V-H, the two offenders, their parents and the investigating officer all participated in the conference.

During the conference the victims expressed the feeling that the children had ample time on their hands to commit offences, as they did not attend school. The parents mentioned that they were unable to finance their children's school funds as a result of low wages. Mr. and Mrs. V-H then stated that the parents had tendency of abusing alcohol, despite their low income. Thus the conference was strained due to factors that extended beyond the issue of the offence.

Mrs. V-H then stated that she would make sure that parents take their responsibilities seriously. It was agreed that the children would help with farming activities on weekends as a means of compensation. The agreement helped Mr. and Mrs. V-H to accept the fact that the children committed the offence without anyone's assistance or influence as it was previously thought.

The investigating officer volunteered to monitor the process and report back to the probation officer. Three months later it was found that the children were attending school regularly. They had also completed their services on the farm successfully.

Restorative justice avoided an eviction that was likely to leave family members homeless and unemployed. It also showed that victims can contribute positively towards the rehabilitation of offenders and thereby obtain victim satisfaction. The exercise, although initiated by the commission of an offence seemed to lead to healing that went beyond the offenders and the victims and eased feelings of resentment that only became apparent through the conference.

*If anyone would like to "phone Ellen" you can contact her on 018 - 6323097. She would welcome any shared experiences or questions about the training and her work.*

# ARTICLE 40

## **Victim-Offender Mediations Rule the Day**

Thebogo Kuloane, a Ga-Rankuwa probation officer, sees family group conferences and victim-offender mediations as a process whereby the participants have the opportunity to learn from each other and the events that surrounded the commission of the offence. She notes that there are a number of important factors to bear in mind when conducting a family group conference, the most important of which include:

- Preparing the parties as to what the conference involves
- An acknowledgement of responsibility by the offender
- The needs and feelings of the victim at the time of the incident must be considered
- The environment in which the conference takes place must be friendly and conducive to interaction between the parties

Although there are only two probation officers for the whole of Ga-Rankuwa, Mabopane, Winterveldt and the 144 neighbouring villages, since January 2002 approximately 45 victim offender mediations and family group conferences involving adults and children have been conducted.

Thebogo has chosen two successful conferences as examples of successful interventions with child offenders.

### **A Victim-Offender Conference held in Ga-Rankuwa**

The following recount relates to a victim-offender conference conducted on request by the Public Prosecutor at Ga-Rankuwa.

The purpose of the conference was for the victims and offenders to have the opportunity to learn from each other regarding the events surrounding the crime and how it affected their lives. It also allowed the participants to get answers to their questions, express their feelings, gain a sense of closure and to develop a mutually accepted plan that addresses the harm caused by the crime.

#### ***What transpired during the conference***

M, who was the accused in this case, related his version of the events. According to him Mr L insulted his uncle as he was passing by. M tried to stop him, but Mr L provoked him and tried to start a fight with him. According to him Mr L was drunk at the time. Then Ms M arrived on the scene to stop the fight but it continued and at the end they threatened to lodge a case against him. M felt he was unable to communicate his position to the victims.

Ms M indicated her disappointment with the incident. She stated that the fight was aggravated by a quarrel with the accused's mother before the commission of the crime. She further stated that she had sustained minor injuries from the fight and needed compensation, especially for the transport expenses and a medical consultation. The total costs were estimated at R69.00.

Mr L admitted that he had insulted the accused's uncle and that he was drunk at the time. He felt sorry for his actions but was aggrieved by the fact that he was assaulted. He wanted to address the assault issue with the accused and to be reconciled with him.

# ARTICLE 40

The accused's mother and supporter at the conference, felt that M was provoked by Mr L. He entered their property and initiated the fight with M. She admitted that she had a misunderstanding with Ms M earlier and she was unaware that it had aggravated the situation.

After hearing the accounts of all the parties and allowing them all a chance to be heard, the facilitator emphasized the purpose of such a conference and stressed the concept of accountability and that they should all learn from this experience. To prevent further re-offending, anger-management skills were explained to the accused.

## ***The agreement between the parties***

Ms M requested compensation for her transport and medical expenses and chose to withdraw the charges against the accused. However, the idea of compensation to be paid by the accused, as a child, was discouraged by the facilitator. It was explained that compensation should occur voluntarily by a parent. The accused's mother then volunteered to compensate the victim as she had requested. It was arranged that both the victim and the accused's mother would meet at a set time and place for the compensation to be paid and this occurred as scheduled.

## **The Toy Gun Victim-Offender Mediation**

The preparation for the mediation took place in everyone's presence. The facilitator introduced herself to all present, and introduced each of the conference participants. The purpose of the conference was also outlined, namely to ensure that the harm that had been done was repaired. The conference involved an incident where a toy gun was pointed at the victim and the conference's focus was to ensure that the offender became aware of how his unacceptable behaviour affected the victim.

S, the accused, informed the participants that one day when he was on his way home from the lottery game, he came across B, the complainant. He was confronted by the complainant, exchanged words and ended up in a fight. After some days, they met again. The complainant provoked him again and he pulled out his toy gun to scare him, as he was not prepared to fight again. S stated that he regretted what he had done, and apologised.

B, on the other hand, alleged that S and his friend, who resides in Tembisa, had once tried to rob him. A few days later, they met again, exchanged words and they ended up in a fight. On the third occasion, he confronted S who in turn pulled out a fire-arm. B did not notice whether it was a toy or a real gun, because he was scared. He then ran away for his safety. B also stated that S associates with bad friends. He however forgave him, and requested him to behave well and get rid of his bad friends.

Mr. P, the complainant's uncle, told the participants that they have decided to forgive the offender. He stated that this was on account of the fact that they were neighbours and it was therefore necessary to restore their friendship. He was of opinion that both victim and the offender should relate well with each other and restore the harmony.

# ARTICLE 40

The offender's mother alleged that she was disappointed when she heard about the incident. She was thankful to the victim and his uncle for forgiving her son. She also requested the victim to contact her should her son insult him again.

## ***Agreement reached between the parties***

- The victim forgave the offender, and together they promised not to fight again.
- The victim and his uncle also agreed that the charges against the offender be withdrawn.

Based on the above, the probation officer recommended that the charges against the offender be withdrawn.

This mediation indicates how a conference can develop a mutual understanding between the parties to resolve the harm caused by the crime and restore a peaceful relationship amongst people who interact with one another on a daily basis.

## **Assessment of North West Training**

*Inspector Mooki of the Rustenburg Police Station relates his experiences of the training and how he has used it in his work:*

A workshop that was conducted in Rustenburg from October to May on Child Justice Reception Arrest and Referral Centres, and Restorative Justice, was one of the best workshops I have attended. Although different trainers conducted it, they all did so in a professional and understandable manner. There were lots of group discussions, which made it easier to understand the topics.

In as far as I am concerned, this workshop has assisted us a lot in rendering an efficient service especially to the child offenders. Emphasis was put on the manner in which child offenders have to be dealt with during arrest, referral and reception. There is a belief that child offenders can be reformed. Therefore they must be given a chance to reform and be taught to account for and rectify their mistakes.

The concept of restorative justice also plays a vital role. The family conference group plays a significant role in uniting two broken families. In my area (Vryburg) two cases were referred for family group conferencing on different occasions.

The first case was one of culpable homicide. The accused person was a girl of about 16 years. Although it was not easy to bring the two families together to discuss the matter, eventually we succeeded in holding a family group conference. The bereaved family did not want to co-operate in the first place. Only after we had explained the purpose of the meeting did they agree to be part of the discussion. It was the first time that we conducted this type of conference and we found that it was a delicate situation to handle.

The second case that was referred to this conferencing procedure was that of an attempted murder. Two white guys shot a coloured guy with a pellet gun. Initially in this case, the family of the victim was very angry. However they did not give us any problems and attended the conference. They claimed that the suspects had acted in that way towards their child because they, the accused, were white.

# ARTICLE 40

The attorney for the accused was also present at the family group conference. Before we started I met with him alone and he told me that it was the first time that he was attending this kind of procedure. I informed him of the purpose of the family group conference and also requested him to allow the two families to discuss the matter themselves. I told him that I would be managing the conference. I was fortunate because the attorney was so co-operative and did not give me any problems, even though he attended the family conference as an observer.

I was so delighted at the end of the conference. The two families were really united. They stood in groups, shaking hands and showed a spirit of reconciliation. I realized that the family group conference workshops should also be conducted with the community. The Justice Department personnel must also be engaged with about this concept in all the areas in the country. They are the people who can make this procedure work effectively.

## **Diversion in Brits: a personal observation**

*Personal observations by Beatrix Breitenbach, prosecutor, Magistrate's Court, Brits*

The North West Province Department of Social Services, Arts, Culture and Sport organised training on child justice and also invited officials from the Department of Justice. Although I was invited to attend, I was anxious. What would the new child justice developments hold? Would they really benefit child justice?

The programme started with the fascinating background history of the child justice system. During the course of the training, slowly but surely my concerns were addressed. I could hardly believe the progress that was made in this area of justice.

Finally, we the people who work with these special offenders saw a new system coming together for them and yes, they are special. They are children and they have their whole lives ahead of them. If they are diverted in the right direction now, a criminal record won't devastate their lives forever.

I was greatly inspired by one of the trainers who had started a musical group as a diversion option. During the most enjoyable group session we discussed different diversion options. My thoughts started to race. What could I do to support the youth in Brits instead of destroying their future with a criminal record?

Once back at the office, I started to put together the skills that I had acquired from the seminar. I went through the offences that are committed in my area and realised that they were mostly charges of theft and housebreaking. I knew, from community observations, that these crimes were mainly committed because of poverty and lack of proper care at home. These child offenders needed to provide for themselves but firstly they would need to be taught some skills.

Resources are a major problem, so I had to examine what was available for me to offer them. I regard myself as being artistic and if I could teach them some art skills, they could create items to sell and not only receive money to provide for themselves and their families, but they could also gain confidence and respect for themselves again.

# ARTICLE 40

During Nicro's Yes Programme, I launched the first art classes. I had nine boys attending the first lesson. We drew a colour wheel and I taught them the basics of mixing different colours. We then started drawing some wild animals. I knew that animals are a major curio item, especially for international tourists who visit scenic attractions at the little stalls of the Damooryn crossing near the Hartebeespoortdam.

A, one of the children, had a special talent for art. He was in the diversion programme because of a housebreaking case. After successfully completing the programme, we withdrew the charges against him. I wrote a letter to his mother, informing her of his talent. Yet, two weeks later he reappeared for the same crime. I was heartbroken. He is a young man with so much talent and opportunities but I realised that in some cases, I was dealing with a set pattern of behaviour that is difficult to avert. To my great pleasure, this was the only re-offender.

This programme faces many difficulties. Firstly we have a problem with financing the project. We are solely dependant upon the community for help. Secondly, over and above my normal duties as prosecutor, I have to find the time to acquire the materials needed as well as conduct the art classes. Yet, it makes it all worthwhile to see the difference that it makes in the lives of these youngsters.

My vision for this programme is a well-equipped classroom where the art classes can be conducted, with me as full time teacher. I also believe that a good follow-up system is needed to keep on inspiring these young people.

Although the need is great I know that every journey is started by taking the first step.

## **An experience with a family group conference**

***Belinda Pule, Department of Social Services, Mogwase***

### **Introduction**

The case was referred from Sun City police station. It involved a 15 year old girl charged with assault with intent to do grievous bodily harm. It was alleged that she stabbed her grandmother (aged ± 70 years) with a knife. Preparations were made for the conference and during this stage the grandmother and mother of the child indicated serious concerns. These concerns had also become evident during an earlier developmental assessment of the child in question. She was emotional and even cried. She expressed her belief that her granny hated her and she had therefore developed ill feelings for her in return. It was evident that there was something wrong in the family's relationship despite them sharing the same house.

### **The conference**

At the conference the probation officer explained its purpose emphasising the concern for reconciliation. The parties' roles and other expectations were also clarified. It was explained that the probation officer would facilitate the conference, but in order to mediate and not take sides.

# ARTICLE 40

The offence was examined in more detail and it transpired that the accused had stolen her grandmother mango. The grandmother had confronted her and tried to beat her but in the process the accused had stabbed her with a knife on the hand. The grandmother stated that she was emotionally hurt.

The accused said that she had been sick from school and was confronted by her granny who tried to beat her. The accused was covering her school books and when she tried to ward off the beating mistakenly scratched her granny's hand as well as her own. She then cried when stating that it was not intentional. The accused told her mother when she came home from work but she did nothing about it.

After the deliberations, it became evident and agreed on that:

- Granny has been living a separate life, cooking and doing everything for herself but in the same house as her daughter and grandchildren, which was difficult for all.
- It was also agreed that the case in question was caused by family animosity and was not strictly an offence as indicated to the police.
- One of the reasons that the grandmother had laid a charge was that the doctor told her that her wound was fatal. She thus believed that she nearly got killed. This was not true as the scratch was neither deep nor big. She had about 3 stitches. The grandmother and headman insisted that the accused was spoilt by her mother and needed corporal punishment. They however later understood that this would not address the most causative factor of their problem, namely tensions within the family

## **The result of the conference**

The grandmother agreed that the case should be withdrawn, but expressed the view that the relationship problems caused her much anxiety. She was happy to have had the opportunity to raise and have them attended to. The accused's mother also indicated that the situation has been troubling her but it had a long history because of which she was unprepared to reach out to her mother. They also agreed that earlier interventions by relatives were fruitless and had caused more tension. They agreed to cook one meal as a family and to communicate their feelings and concerns rather than harbour them. The Probation Officer would refer the case to the area social worker who will keep in contact with the family in an effort to maintain and strengthen the renewed bond. The accused asked her granny to forgive her for being disrespectful by fighting back. In turn, the grandmother forgave her, also stating that she is named after her sister and this had been troubling her, as her ancestors would not accept their problems.

## **Observation by the Probation Officer**

Family Group Conferences offer much opportunity for both victim and offender to expose their feelings as well as real issues, unlike court trials that focus only on the offence and factors directly relating to the offence. Family group conferences offer great opportunities to handle feelings and ensure that they are attended to. Parties in an family group conference are viewed holistically with consideration to their conditions, effects of the offence on their families and possible implications. This ensures total reconciliation and almost 99% assurance for non-recurrence. This is not the case with court trials where the offender never has the opportunity to observe exactly how his or her action affected the victim.

# ARTICLE 40

On the other hand, if not well prepared, a family group conference may cause a havoc situation that may end up in physical fights or emotional attacks. The facilitator has to be firm and directive. Backing by the court and recognition of a legal body behind efforts of the facilitator is very crucial to offer it the dignity and respect necessary for effective formal professional status. Finally, family group conferences are in line with the African Unity sentiments - any child is a child of the nation therefore his or her misdeeds should be handled in a kgotla (homely) manner before they can be declared irresolvable.

## **Training in Restorative Justice**

### ***Janet Dodd of the Restorative Justice Centre***

At the Restorative Justice Centre (RJC) we believe that in order to train people in restorative justice we need to be practicing it ourselves. The RJC is a non-profit organisation that provides restorative justice services to our local community, specialized training in restorative justice philosophy and applications, and advocates for the use of restorative justice approaches in all facets of community and personal life. We are passionate about doing this and believe restorative justice has many answers for our country.

Imagine our excitement to hear that the North West Provincial Department of Social Services initiated a plan to prepare their staff for the upcoming Child Justice Bill and the development of the Reception Arrest and Referral Centres at the courts. The opportunity to be involved in training social workers, probation officers, prosecutors, magistrates and police officials from this area specifically in restorative justice and Family Group Conferences was almost too good to be true and just down our street!

### **Background to the North West Training Project**

The North West Province is a vast area geographically, most of its natural bushveld, rural villages and farmland. Parts of the province are close to the financial hub of Gauteng while other areas are "far from nowhere" south of the Botswana border. A province that once comprised of three provincial / homeland administrations is now expected to deal with urban and rural children in a united and standardized way.

### **What makes our training unique?**

During 2 three-day workshops trainers from the RJC walked 47 people through a grueling course in restorative justice philosophy and the nuts and bolts of Family Group Conferencing. This group was comprised of 26 social workers and probation officers, 5 prosecutors, 4 magistrates and 12 SAPS officials.

At the end of the training one participant said, "the course really acted as an eye opener towards my opinion about sentencing juvenile offenders. My strongest feeling is that if the community can be educated about the concepts of restorative justice, the RSA can be a great place to live and die in."

The principles of restorative justice require an approach to training that involves group participation, intersectoral collaboration and ongoing learning to enable trainees to use their new skills in exciting and changing contexts in the future.

# ARTICLE 40

Restorative justice philosophy also requires a change in personal attitudes and mindsets.

To facilitate this change the RJC uses practical exercises, self-study, group discussion and debate, and role plays. This approach helps participants from the different justice, social services and policing sectors to understand each others role in Child Justice, how they can utilize other sectors and benefit from it together. "Not being handled like a child, [I] had the opportunity [during the training] to read the material by myself and make it my own. " The trainees liked the "practical examples during role-play, possible real life situations that [we] may come across during [our] work." "The training helped [me] to focus and gave [me] a professional basis or standard for facilitating Family Group Conferences."

The training did not stop at the end of the workshop. In the North West programme we spend three months in telephonic mentoring conversations with social workers and probation officers assisting them as they tried out their new skills, individually working through the difficulties and challenges of their geographical areas, the office politics and heavy caseloads. "It helped to take a break [from the training] and then do the real thing." "Initially I thought the training was a waste of time but after putting [the skills] into practise I realized how valuable the role-plays were." The trainees were often frustrated and put on the spot by the regular calls from their mentor, however, they felt that these calls did help to get things moving and keep focused, despite all the other work they were expected to do. " I appreciated the phone calls because they were individualized and the mentor understood my context and difficulties. Mentoring makes a difference when you deal with your specific needs." The mentoring process helps the trainees to evaluate their skills and to be encouraged by the outcomes of the victim-offender conferencing process. One trainee said that "it is like learning to eat olives", initially not fun but when you get into the practical skills of Family Group Conferences and the other restorative justice applications it is "encouraging", "confidence building", "an eye opener", "interesting" and "fruitful".

Four months after the initial training we got back together again for an evaluation workshop. The aim of this workshop was to give the trainees a little more specialized information, do some peer evaluation and ensure the individuals could see the big picture of how restorative justice is being used and adapted in other areas. "Sharing experiences with other districts made one realize that things that seem impossible can be possible."

The cases that were handled by the trainees during the mentoring phase included culpable homicide, housebreaking and theft, assault, rape, theft and assault GBH. Diversion options and programmes are being developed and used in increasing measure in the North West, demonstrating what can be done even without legislation.

## **Challenges**

The North West Department of Social Services has shown excellent leadership in arranging this intersectoral training in order to develop standardized and efficient diversion throughout the province. They are successfully facing the challenges of the urban-rural, socio-economic and cross-cultural divides head on. Challenges that are still to be addressed include getting those Criminal Justice System staff who have not received this training on board and practicing diversion. Another

# ARTICLE 40

challenge is ensuring that the expertise acquired is not lost when staff turn over occurs. Despite these challenges the RJC and the North West probation services are waiting impatiently for the Child Justice Bill to go through parliament.

## **A South African Restorative Justice Newsletter**

The RJC will be distributing a South African restorative justice newsletter within the coming months; please contact the RJC if you would like to receive this newsletter or have contributions for it.

## **Other Training**

The RJC is available to do training in restorative justice and its applications. The RJC has a standard training package but can also customize it to meet your needs. Costs will depend on the number of participants and the location. Please call the RJC office 012 440 1479 or email [info@rjc.co.za](mailto:info@rjc.co.za) for a quotation or for further information about the training packages and other restorative justice initiatives. The RJC website, [www.rjc.co.za](http://www.rjc.co.za) has a large number of links to local and international restorative justice related sites.