

REVIEWED MINIMUM NORMS AND STANDARDS FOR DIVERSION

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EXECUTIVE SUMMARY

The development of the second version of the minimum norms and standards for diversion was precipitated by a number of critical changes to the landscape of how children are protected and cared for in South Africa. The first was the promulgation of the Children's Act 38 of 2005 that came to effect in April 2010, the Child Justice Act 75 of 2008 that also came into effect in April 2010, as well as the policy directive contained in the 2007 version of the minimum norms and standards for diversion for a review to take place within 5 years of implementation. Thus reviewing the minimum norms and standards for diversion creates the opportunity to align the minimum norms and standards with the broader legislative framework.

The Children's Act 38 of 2005 provides comprehensively for matters pertaining to the well-being of children in general, as well as gives direction to how children who find themselves in special and or difficult circumstances are protected and managed. The recognition of "diversion" as a key prevention and early intervention programme for children in conflict with the law has created the need for the development of quality programmes that bring about social behaviour change in children, thus decreasing the probability of them re-offending.

The promulgation of the Child Justice Act in 2008 had provided for a progressive approach to the management of children in conflict with the law, and builds on strengthening the country's child care and protection system. This Act has taken into consideration the past history of how children were mismanaged and attempts to correct these wrongs and ensure that children's rights are upheld under all circumstances. It goes a long way of ensuring that the constitutional imperatives are put into practice. In addition it provides for a range of sentencing options which create the opportunity for children to be managed as individuals. It incorporates the developmental approach to services for children in conflict with the law, and provides for the prevention and early intervention as a foundation to programmes. It also reemphasizes the principle of family preservation.

This review process builds on the process of ensuring that diversion services become a programme of choice and that children are given a chance to take control of their own lives with the assistance of organisations that are providing the service. The development of the norms and standards has been approached from a thematic perspective to ensure that all areas are covered. It is hoped that diversion programmes improve in the quality and quantity, and the service to children builds on their strengths and strengthens the family foundations. The review process has also made the Department of Social Development as key provider of diversion services accountable to deliver services the same way as other service provider.

The norms and standards must be seen in the context of improving service delivery to children who have been diverted. However, these norms and standards must be implemented in tandem with a host of other service improvement mechanisms within the Department of Social Development, as well as the other stakeholders that give effect to diversion services. It is only when there is closer collaboration between all partners and stakeholders that the intention of the Child Justice Act will be realised, and the care and protection system strengthened.

The document is divided into three main sections.

- **Section 1** covers the **Introduction; Background and historical context.**
- **Section 2** describes the **Purposes of diversion and why the need for the review of the 2007 norms and standards.**
- **Section 3** contains the **reviewed norms and standards and concluding comments.**

Section 3 can be used as training material for the building of capacity of social service practitioners and service providers.

The review of norms and standards is a step in the right direction as far as the interpretation of the diversion section in the Child Justice Act for practice. However, the success of this progressive piece of legislation is dependent on all stake holders embracing and thus implementing the Act accordingly.

DEFINITIONS

Accreditation: a formal external monitoring process whereby the Department of Social Development sets performance standards for service quality that measures the merit of an organization and its programmes, in relation to the set standards; and keeps the organization accountable to the public. The process is based on self-assessment and possible review of programmes and services. Nominated teams or professional surveyors assess the quality of an organization's service delivery and provide assistance aimed at improvement of services or programmes. Accreditation signifies formal recognition by the DSD's Accreditation Committee, by means of a quality assurance procedure, that an organization and diversion programme has met professional and minimum standards criteria laid down for the type of programme.

Accredited organization/programme: an organization or programme that meets the requirements for accreditation and complies with the standards established by the department as set out in the department's policy on accreditation of diversion services in South Africa.

Diversion: means diversion of a matter involving a child away from the formal court procedures in a criminal matter.

Mentor: a well-established and fully developed organization/individual who has relevant knowledge, skills, experience and information in a field of diversion services to provide professional guidance and support for the development of another less developed organization within the same field.

Norm - provides "a description, model or pattern regarded as typical"

Non-accredited status: status awarded to an organization or programme that fails to meet the requirements of quality standards and has no capacity to operate within the parameters of compliance with standards on a consistent basis.

Organization: an agency or individual providing services to children at risk or in conflict with the law, which may be or not in receipt of funding from DSD including but not restricted to social services. It involves government, public entities and non-governmental providers.

Policy framework: a description of an interlinked and interdependent set of statements, established as a policy guide to action, to support the achievement of the goal of a high quality of services.

Programme: refers to a structured intervention making use of a clear model of change, techniques and methodology to bring about desired change in an individual's behaviour, beliefs, attitudes, skills and perceptions.

Quality assurance: a system of planned and systematic activities that is undertaken in order to guarantee that the quality of diversion programmes and services provided by organizations and DSD meets predetermined standards.

Quality assurance panel: refers to persons appointed by the Minister of Social Development to implement quality assurance process referred to in section 56(2) (g) of the Child Justice Act 75 of 2008 and the regulations 32 of the same Act.

Restorative Justice: means an approach to justice that aims to involve the child offender, the victim, the families concerned and the community members/society to collectively identify and address harms, needs and obligations through accepting responsibility, making restitution, taking measures to prevent a recurrence of the incident and promoting reconciliation.

Standard: refers to "an acknowledged measure of comparison for quantitative or qualitative value or a reference point against which things can be evaluated"

Service: refer to an act of work or assistance provided by individuals, groups, institution, organizations to the benefit of the service user.

Service provider: an external organization or individual that provides DSD with specialised services that have been funded or purchased, including but not restricted to, social services.

ACRONYMS

CA – Children’s Act	IMC – Inter-Ministerial Committee
CHH – Child headed households	ISDM – Integrated Service Delivery Model
CJA – Child Justice Act	NICRO -National Institute for Crime Prevention and the Reintegration of Offenders
CPO – CPO	NGO – Non-governmental organisation
CRC- Convention on the Rights of Children	NSPG - Norms, standards and practice guidelines
CYCC – Child and youth care centres	M&E – Monitoring and evaluation
DoE – Department of Education	ODP – Organisational Development Plan
DoH – Department of Health	OHS – Occupational Health and Safety
DoJCD – Department of Justice and Constitutional Development	PEI – Prevention and early intervention
DSD – Department of Social Development	SACSSP – South African Council for Social Services Professionals
DQA – Developmental Quality Assurance	SALRC – Southern African Law Review Commission
ECD – Early childhood development	VOM – Victim Offender Mediation
FGC- Family Group Conferencing	

1. Introduction

Children as one of the most vulnerable groups that the Department of Social Development (DSD) is responsible for must be cared for and protected irrespective of the circumstances that they find themselves in. The department of Social development thought its plethora of legislation and policy framework is on a path to ensuring that there is a system in place that will regulate services to children. In order to ensure that the intentions of legislative reform are realised, it is essential to undertake a process of developing norms and standards. Norms and standards which make it possible for practice to take place in a standardised manner, as these indicate the most essential what, how and when processes must be followed in the rendering of services to children in general, and children in conflict with the law specifically.

These norms and standards are as a directly result of the promulgation of the Child Justice Act 75 of 2008 (CJA). A set of norms and standards have been in existence since 2007 however, these were developed before the promulgation of the CJA, and therefore in order to align them to the CJA, the original set are being reviewed, amended and improved in order to ensure that the intentions of the CJA are realised. This document is therefore a review of the previous document. It is an attempt to ensure that all the regulations of the CJA are outlined for practice and ensure that the intentions of the CJA are realised.

The Children's Act 38 of 2005 is the first proactive piece of legislation that started building the system of care and protection for children. This is the primary piece of legislation that forms the bedrock of care and protection services to children. The Child Justice Act contributes to the child care and protection system, by strengthening the conditions of how children in special circumstances must be cared for, protected and managed. Just as each Act has a set of regulations that must guide practice; the Child Justice is not different. The difference however lies in the sequence of care and protection. As mentioned earlier, the Children's Act is the principal Act and therefore all other legislation that identifies how children must be cared for and protected whatever the circumstances, must firstly adhere to the general provisions as outlined in the Children's Act. Therefore, the general norms and standards developed to operationalise the regulations of the Children's Act must be read in conjunction with the norms and standards developed to operationalise the regulations of the Child Justice Act. In other words the norms and standards developed for care and protection of children must be considered first as the general rule, before those set for children in a specific circumstance – in this instant those who are diverted.

The document is structured in such a way as not to repeat the norms and standards in Children's Act. A reference is however made to assist the practitioners with the primary rule, or provide the link between the two Acts. It is hoped that those who have to implement will be able to understand the key directives that underpin the provision of norms and standards for diversion.

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2. Background

Diversion services programmes were introduced in South Africa as early as 1990s¹. It was only in 2005 and 2008 respectively, with the promulgation of the Children's Act 38 of 2005 and the Child Justice Act 75 of 2008 that these programmes were recognised and signed into law, as sentencing options and as preventive programmes. The rational for this inclusion is the recognition by many countries that children who come into conflict with the law, have reached that stage because of a number other extenuating circumstances such as dysfunctional families, poverty, poor parenting and other social ills. This has been the case in South Africa, and therefore in order to provide an alternative to incarceration, and to offer assistance in order to deter first time offenders from future criminal behaviour, there was a concerted effort by organs of civil society to lobby government to introduce alternative sentencing options and alternative programmes that are not punitive in nature, but are more restorative and rehabilitative. The lobbying was deemed to be successful and diversion programmes was included in the draft Child Justice Bill.

However, the promulgation of the Child Justice Bill did not materialise as envisaged, and was not promulgated in 2003 as expected, which was a further set- back for the institutionalisation of a legal framework for the management of children in conflict with the law. However, during this time, despite the absence of a legislative framework, there were numerous incremental improvements within the system. Over the years a myriad of services, policies and interventions around child related criminal justice have been initiated and sustained.

¹ Development of Minimum Standards for Diversion Programmes in the Child Justice System

Diversion programmes were one of the initiatives introduced by the Not for Profit Organisations (NPO) that work within this sector. Another intervention in the form of a policy was introduced by the DSD namely, its policy directive in term of setting a framework for minimum standards for diversion programmes in 2007. This was based on the research commissioned by National Institute for Crime Rehabilitation of Offenders (NICRO) and undertaken by the Human Sciences Research Council (HSRC). These minimum standards were designed to apply to all these agencies and departments providing diversion services in order to protect the interests and rights of clients and stakeholders. These minimum standards for diversion programmes defined a level of performance expected from service providers. The aim of these standards was to enable organizations to prevent and effectively manage risks such as mal-administration of resources, poor programme quality, inappropriate programme content, lack of capacity, lack of skill, unequal access to diversion services, and poor monitoring and evaluation of client progress and services in general. In addition, the CJA mandated the Department of Social Development to develop Policy Framework for the Accreditation of Diversion Services in South Africa. This policy allowed the DSD to prioritize the provision of appropriate, non-discriminating, effective and high quality social services and programmes to children at risk and in conflict with the law. It allowed DSD to set performance standards and indicators for assessing, monitoring and evaluating the quality and impact of diversion services and programmes.

However, the promulgation of the Child Justice Act only took place in 2008, which thus rendered the aforementioned interventions not being aligned with the provisions of the Act.

Therefore there was a need to review the minimum norms and standards, and align these to the CJA and ensure that service providers of diversion services are accredited in order to have a coherent framework, and to introduce uniformity and standardization of diversion services and programmes.

Diversion services that were introduced prior to the promulgation of the CJA were conceptualised outside this framework and therefore implemented differently by different service providers, resulting in a number of different programmes and in some instances did not fit the definition of “diversion”, but were being passed for such, because of the absence of the regulative legislative framework in South Africa to ensure coherency and standardised across all service providers irrespective of the status. Therefore the passing of the Child Justice Act 75 of 2008 gave life to coherency and standardization.

The Purpose of Diversion:

The overarching purpose of diversion, outlined in Section 51 of the Child Justice Act, 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 rendering 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 in Section 55 of the Act emphasise the importance of:

- 1) Promoting dignity and well-being;
- 2) Promotes accountability;
- 3) Involving age appropriate interventions/activities;
- 4) Imparting useful skills;
- 5) Including all eligible children; and
- 6) Ensuring that diversion activities do not interfere with schooling (Wood, 2003)².

The Act 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).

² Development of Minimum Standards for Diversion Programmes in the Child Justice System

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,
- counselling and therapeutic programmes and
- combined programmes (Mbambo, 2000).

From the aforementioned purpose, it is clear that diversion options not only include programmes or interventions (e.g. cognitive behavioural therapy or counselling), but also processes (e.g. family group conference or victim-offender mediation) and enforced pro social activities (e.g. good behaviour orders and oral or written apologies)³.

Therefore the standards of both the programmes and the organisations that deliver these programmes must be of a nature that will ensure that the needs of children who are diverted or sentenced to a diversion programme are met both programmatically and institutionally. This means that the programme must have sufficient depth in order to systematically assist the child to take responsibility for his/her actions and avoid recidivism.

The value of this alternative option of sentencing must be however understood in the context of the past, and how children who were in conflict of the law were managed. It is important that the current diversion programmes are an antithesis of the interventions of the past, and therefore this exercise becomes crucial to the transformation of the management, care and protection of children in general and those in conflict with the law in particular.

Historical Context

In the 1970's and 1980's the detention of children without trial was a major concern to non-governmental organisations, parents' committees and political activists in South Africa. Towards the end of the 1980s political detention of children drew to an end, but large numbers of children continued to be held in custody awaiting trial.

Running parallel to the issue of children in conflict with the law, the care system for those children needing care and protection was also in need of urgent transformation. The residential child and youth care system had historically been inaccessible to the majority of children and young people in the country. By the early 1990s a crisis situation had developed within the system. The crisis was linked to the lack of adequate facilities for African children, poor salaries for child and youth care workers, the lack of adequately trained managers and staff in many facilities, the inadequate subsidization of non-government facilities, and the high ratio of children to staff.

In 1994 the Government of National Unity came into power, and one of its first actions was to draft legislation to prevent the holding of awaiting trial children in prisons and police cells. The Correctional Services Amendment Act no 17 of 1994 amended section 29 of the Correctional Services Act so that children under 14 awaiting trial could never be held for longer than 24 hours, and those over 14 (but under 18) charged with serious offences (listed in a schedule to the Act) could only be held for 48 hours. The aim of the legislation was to ensure that in the majority of cases young people would be released into the care of their parents or guardians to await trial, and where this was not possible, they would be held in Places of Safety.

Because the success of the legislation depended on the infrastructure of Places of Safety being available, careful planning, preparation and training were necessary. However, due to the fact that there was very little inter-sectoral co-operation and planning in this field at the time, such preparation did not take place. On 8 May 1995 the legislation was promulgated with immediate effect. There were at the time 829 children in South African prisons awaiting trial, and approximately the same number in police cells. These children all had to be brought to court within 24 or 48 hours, and either released into the care of their parents or guardians or transferred to Places of Safety.

As children arrived in large numbers at the doors of the Places of Safety, the existing crisis deepened sharply. The staff was unable and in some cases unwilling to care for these children, and concern was raised for the safety of other children already in Places of Safety for care and protection reasons.

The government responded to this crisis by setting up of the Inter-Ministerial Committee on Young People at Risk (IMC).

³ Situational Analysis for Secure Care DSD Report

The IMC had undertaken substantial empirical research pertaining to residential child and youth care in the form of a situational analysis of residential care facilities and an investigation into Places of Safety, Schools of Industries and Reform Schools requested by cabinet. This research whilst was focused specifically on residential services, it also looked at the management of children in conflict with the law.

Out of this research very clear recommendations were made, suggesting that a transformed system could provide for

- 'prevention and early intervention to avoid children coming unnecessarily into the system'⁴
- 'participation by the young person, family and community'
- 'reclaiming the spirit of ubuntu'
- 'appropriate statutory processes operating within time frames suitable to children and young people'
- 'residential care models (in line with recognised child and youth care standards and international instruments) for children and young people who cannot be diverted away from the system'
- 'effective reunification, reintegration and after care in order to return children and young people to communities as soon as this is appropriate'
- 'adequate and appropriate financial resources'
- 'effective and appropriately trained personnel at all levels'
- 'an efficient and effective quality assurance system'

Whilst the IMC was undertaking its research, the South African Government ratified the Convention of the Rights of Children (CRC) in 1995. They initiated the process of law reform in order to ensure the realizations of children's rights. A national action plan was developed that gave life to the CRC. The Justice Representative identified the drafting of child-related legislation as a priority. This led to the Minister of Justice to request the South African Law Reform Commission (SALRC) in 1997 to include two child-focused investigations in its urgent law reform programmes: one on the establishment of a new system for juvenile justice: and the second to review the Child Care Act. Previously there had been no separate law for child offenders, and the Child Care Act, which had been instituted during the apartheid government, had numerous inadequacies.⁵

4 Examples of preventive programs cited by the IMC include parenting skills and child development programmes (offered as widely as possible) day care, afterschool care, recreation centres, weekend support, child care services for working and single parents, and overnight support and shelter programmes to families or youth, broad life skills programming, training for teachers to enable them to identify and respond to children potentially at risk, as well as community development programs involving youth including peace education, establishing youth groups and youth commissions. Many of the preventive activities are also considered to be early intervention services such as school-based and early childhood care programmes. Other activities include family support and capacity building, intensive family-based crisis intervention, financial assistance and in the context of children already in care, prompt reunification, after-care and re-integration programmes. Ideally, children will return to their parents, but may also be placed with other relatives or community-based alternative care while maintaining safe contact with their parents. Dealing effectively with youth at the point of arrest and ensuring appropriate assessment and referral are also considered early intervention strategies. Where possible, diversion should be utilised at very point in the legal process (viz. arrest, pre-trial and sentencing), rather than using formal punitive options. Where traditional legal processes are followed these should ensure that the voice of the young person and their family is heard.

The IMC also stated that young people in conflict with the law should 'wherever possible be kept in their families and communities'. Only where the young person 'cannot be diverted or cannot await trial at home' and has been 'appropriately assessed' should s/he be detained in secure care. The IMC does specify that this should be for 14 to 18 year olds. Further, 'international instruments and internationally accepted child and youth care practice' should guide the norms and standards in such facilities.

The IMC further make references to a restorative justice approach in the place of punishment. It is important to note that the IMC understands youth justice as straddling both welfare and justice. However, the 'treatment' component of welfare and the 'punishment' component of justice are to be replaced with 'restorative justice concepts which centre on conflict resolution and the involvement of young people, families and communities in decision-making processes'. The intention thus is to develop in youth a capacity to 'respect themselves and to play a meaningful role in society'. A restorative justice programme would ensure that most youth coming into conflict with the law are dealt with in the community and not placed in secure centres or youth correctional facilities. Community-based sentencing might, for example, engage youth in diversion programmes. 'Imprisonment of people under 18 should be used as a measure of last resort'. The IMC recommends that 'young people awaiting trial should only be held in secure care when a multidisciplinary assessment finds that this is the most appropriate option. The cases of young people in custody should be given absolute priority within the criminal justice system'.

5 Reforming Child Law in South Africa- Innocenti Research Centre.

This process of law reform resulted in The Children's Act 38 of 2005 (CA) and the Child Justice Act 75 of 2008 (CJA). Both these Acts have gone a long way in upholding the rights of children. Given the fact (and this is included in the preamble of the CJA) that; *Recognising that before 1994 South Africa as a country had not given many of its children, particularly black children, the opportunity to live and to act like children, and also that some children, as a result of circumstances in which they find themselves, have come into conflict with the law.....* **This Act therefore aims to:**

*Establish a criminal justice system for children, who are in conflict with the law, in accordance with the values underpinning our Constitution and our international obligations, by, among others, creating, as a central feature of this new criminal justice system for children, the possibility of **diverting matters** involving children who have committed offences away from the criminal justice system, in appropriate circumstances, while children whose matters are not diverted, are to be dealt with in the criminal justice system in child justice courts.⁶*

Both these statutes incorporated the recommendations of the IMC and other recommendations that were obtained from the consultative processes that the SALRC engaged in during the development of the policy frameworks that informed the development of the legislation.

This background is intended to serve as a backdrop against which new services must be developed. As a custodian of services to all children, the DSD must actively ensure that services are delivered in a rights based perspective, on a restorative justice principle, and by organisations (human resources) that are accredited to render this service.

The Need for the Review:

A brief analysis of the current norms and standards was made during the review process.

The analysis was approached from the perspective of the need for the review of the 2007 norms and standards, and the understanding of a norm and standards, and the purpose for the generation of these.

Firstly, norms and standards are essential to:

- To fulfil the national responsibility of provincial oversight.
- To increase operational efficiency and effectiveness. Beneficiaries of services must receive the same quality of services in each and every province that they find themselves residing in.
- To standardise the quality of service provided at national, provincial, regional or district levels.
- To protect the rights and interest of the client system

In addition norms and standards are essential in order for the custodians of the law to be in a position to measure the performance of service providers in a just and equitable manner.

The analysis of the 2007 policy firstly indicated that the elements described above would not all be achieved in the same manner through the implementation of this guideline as well as highlighted a number of gaps.

1. The regulations as set out in section 55 of the CJA must be the basis for the norms and standards, the current document attempts to cover a broad range of issues (all of them relevant at that time) but does not particularly cover the provisions as outlined in the afore mentioned section.
2. Prevention and early intervention as a philosophy is a foundational element for all services, programmes and intervention to children. The ethos of prevention and early intervention does not form the foundation of the norms and standards and therefore transformation of services may be compromised.
3. Family preservation is the foundation of care and protection services. This element does not come out strongly.
4. In the community of practice, a norm should exist which is universal and is broadly accepted of how things generally are. This norm informs the **standard** which is normally something that can be measurable **and a practice guideline** which informs practitioners how to operationalise the norm. These three together will bring about the standardization in practice and allow for measurement to take place. The **norm** is missing from the document, and the indicators which are contained are subjective and will not bring about the practice imperatives.
5. The document has a strong focus on organisational design, which is essentially an organisation specific issue rather than a standard issue. These should be separated into a policy framework for organisations, which is a requirement in the Not for Profit Act. The Standards document should be generic as it applies to all organisations, the human resource and performance document should be specific to the organisation.

⁶ Child Justice Act 75 of 2008

6. There are common expectations of any NPO by the state and vice versa. These common overarching norms are not in place in the current document, and therefore, do not capture the essence and or ethos of section 55, and other legislative and obligatory requirements. For e.g. the Department has to provide oversight on “compliance with legislation and policy”, this is the norm: which legislation and policy are applicable becomes the standard. There are a number of standards that can fit into this theme and a standard for each need to be developed.
7. Minimum standards must be applicable to both the department and the NGO's; however, it appears that the current are geared toward the NPO sector.
8. Some standards are not too clear, for example legislation may speak of appropriately qualified staff, the standards do not give guidance as to whom, qualifications and if no qualifications what are the alternatives.
9. The implementation of the 2007 policy document is not implemented in the same way by all provinces as there is a different interpretation of the meaning of some of the standards.
10. The document also mixes both organisational policy issues with minimum standards for service delivery. Organisational policies must be in place and these must form part of the M&E framework during the QA process.
11. One should be able to measure a standard; many of the standards contained are not measureable which will create difficulty when measuring whether an organisation is compliant to the norms and standards.

Hence, the review of the norms and standards has become imperative in order to attain the following:

- Alignment with the CJA and specifically section 55
- Development of a mechanism to measure performance of service providers, state and NPOs alike.
- Applicability to both the state and the NPO organisation
- Interpretation by all service providers to mean the same in practice
- A system that transcends the accreditation and QA process.

Norms and Standard for Practice

The following is the norms and standards and cover seven (7) broad areas or themes. This was to ensure a holistic approach to the development of the norms and Standards.

The themes are:

1. Rights of Children
2. Legislative Framework
3. Services to Beneficiaries
4. Organisational Enablers
5. Resources
6. Systems
7. Monitoring and Evaluation

3. Rights of Children

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
1	All services and programmes must uphold the rights of children	<ul style="list-style-type: none"> Children's Act 38/2005 Child Justice Act 75/2008 s 55 (1) (a-d) Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Schools Act Basic Conditions of Employment Act Labour Relations Act 55/1995 as amended 	<ul style="list-style-type: none"> Children's rights as outlined in the Constitution and other international instruments must be upheld. The rights and responsibilities for children must be displayed. The rights and responsibilities must be explained to the child in a language that the child understands as soon as he/she enters in the programme. A child must be given the right to participate in matters that concern him or her. No practices that violate a child's rights must be allowed. Services and programmes may not be exploitative; harmful or hazardous to a child's physical or mental health Must be appropriate to age and maturity of the child May not interfere with the child's schooling May not be structured in a way that completely excluded certain children, due to a lack of resources, financial or otherwise. In the case the order is for community service (which includes hard labour), the rules and regulation of the Labour Relations Act must be considered. 	<ul style="list-style-type: none"> Develop as part of the comprehensive policy a directive on the rights of children in terms of diversion services. Indicate the process of how children must be capacitated on their rights and how to exercise them. 	<ul style="list-style-type: none"> Provincial policies to be developed aligned to National policy. Policy to be interpreted to all service providers Capacity of Service providers increased and improved
2	A child has the right to confidentiality	<ul style="list-style-type: none"> Child Justice Act 75/2008, s 45 Minimum Norms and Standards for Diversion (2007), Standard 49 Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Children's Act 38/2005. Code of Ethics for Social worker's (Social services Professionals Act 110/1978) 	<ul style="list-style-type: none"> No information furnished by any person at a preliminary inquiry in relation to the child may be used against that child in any bail application, plea, trial or sentencing proceedings. The programme's promotional material, annual reports and media releases should not contain any information that could identify a child or children participating in a programme, except with the written permission of the child's primary caregiver. The child's rights to privacy, confidentiality, appeal of decisions and participation during the assessment are protected. Information shared by a child in confidence that is not harmful to the child or others, should remain confidential. Information shared by a child in confidence that is harmful to the child or others, should be considered under the best interest of the child principle. 	<ul style="list-style-type: none"> Sanctions for the violation of the child's confidentiality, privacy must be contained in the comprehensive policy 	<ul style="list-style-type: none"> Same as National Implementing organisations must ensure that the principle of confidentiality forms part of their own organisational policies, and that the sanctions for staff not compliant be clearly spelt out.

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
3	All children in a programme must have access to information with regard to the programme that they will participate in.	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 50. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> Service providers must make available information describing the programme to be given to each child and his/her caregiver, detailing the following: <ul style="list-style-type: none"> Description and content, purpose and duration of the programme; Dates, times and venues of sessions; Name and contact details of the facilitator and his/her manager; and Grievance and complaints procedure. Details of compliance, non-compliance conditions and the accompanying sanction should also be provided The right of children to be exposed to differentiated programmes must be upheld. 	<ul style="list-style-type: none"> Comprehensive guidelines to implementing organisations developed 	<ul style="list-style-type: none"> Provincial guidelines aligned to National guidelines developed. Implementing organisations capacitated on the guidelines Monitor the programmes that children are exposed to
4	A mechanism for recourse must be in place for children and care givers for services that infringe the rights of children	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 36 & 37. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Children's Act 38/2005 Child Justice Act 75/2008 Batho Pele Principles. 	<ul style="list-style-type: none"> A grievance procedure for participants must be in place. Participants, parents or caregivers must be made cognisant of the procedure Record of all grievances lodged must be kept by a service provider. Any violation of a children's right must be dealt with as according to the Children's Act Regulation. 	<ul style="list-style-type: none"> Include in the comprehensive guidelines the provision from the Children's Act 	<ul style="list-style-type: none"> Provinces must include in capacity building with service providers
5	All services and interventions must uphold the rights and interest of victims	<ul style="list-style-type: none"> Child Justice Act 75/2008 Victims Charter Restorative Justice Framework Children's Act 38/2005 	<ul style="list-style-type: none"> All services and programmes must strike a balance between the victim, offender and the community. All services and programmes must be sensitive to the circumstances of the victim The victim's rights to privacy, confidentiality, appeal of decisions and participation are protected. 	<ul style="list-style-type: none"> Develop a measuring tool to ensure that the rights of victims are included in all programmes 	<ul style="list-style-type: none"> Customise the tool to meet provincial conditions.

4. Legislative framework

4.1. Compliance with legislation and policy

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
6	Services to children must comply with legislation and policy.	<ul style="list-style-type: none"> Children's Act 38/2005 Regulations Minimum Norms and Standards for Diversion (2007), Standard 1-7. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010) Child Justice Act 75/2008 PFMA Non-Profit Organizations Act No 71 of 1997 	<ul style="list-style-type: none"> A strategy securing the provision of programmes, and service providers. Norms and standards as determined by the National Department of Social Development. Accreditation policy in place for the accreditation of Diversion Services providers and programmes M&E framework to measure progress and compliance and provide for the improvement of service. Management information system to track clients programmes and other vital information Capacity building for the implementation of CA and CJA Criteria for the management of sexual offenders 	<ul style="list-style-type: none"> Develop a departmental strategy for diversion; inclusive of: <ul style="list-style-type: none"> Norms and standards M&E framework MIS. Capacity building Define criteria as to who can deliver services and programmes Develop a manual for PO specifically for the management of sexual offenders 	<ul style="list-style-type: none"> Develop a departmental strategy and guidelines for diversion aligned to the national strategy. Customise the manual for probation officers
7	Organisations providing diversion services must be legally eligible to do so.	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 1-7. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Children's Act 38/2005 Child Justice Act 75/2008 Companies Act 71/2008 Non-Profit Organizations Act No 71 of 1997 	<ul style="list-style-type: none"> Only the following organisations may render diversion services <ul style="list-style-type: none"> ✓ A non-profit company (a trust, voluntary non-profit Association or a Section 21 company); ✓ A school; ✓ A company; ✓ A government department. ○ Implementing organisations: <ul style="list-style-type: none"> ✓ A non-profit organisation; ✓ A school; ✓ A company; ✓ A government department; ✓ An individual; ✓ A close corporation; or ✓ A partnership. Non-profit organisations (trusts, section 21 companies, voluntary associations) must have NPO accreditation with the Directorate of Non-profit Organisations, Department of Social Development in terms of the Non-profit Organisations Act (No. 71 of 1997). Schools must comply with the SA African Schools Act (No. 84 of 1996), and have a governing body that oversees the management of the school. Companies should have been established under the Companies Act, and should have a governance structure in place. Organisations must have PBO status. All programmes and sites of the above organizations must meet the accreditation requirements as set out in the Accreditation policy of the Department of Social Development. 	<ul style="list-style-type: none"> Review the accreditation policy framework and ensure it covers all the elements for ensuring eligibility of the service provider 	<ul style="list-style-type: none"> Implement the accreditation policy framework.

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
8	Establish a system for the provision of diversion services	<ul style="list-style-type: none"> Child Justice Act 75/2008 Children's Act 38/2005 Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010) 	<ul style="list-style-type: none"> Accredited organisations (accredited according to the accreditation process) may render diversion services. A quality assurance procedure that ensures that the service provider is within the boundaries of rendering such services. Equal provision of diversion services to urban and rural areas. Alignment with the provisions of the Child protection Register to identify persons not permissible to work with children 	<ul style="list-style-type: none"> Develop a register of all accredited service providers. Map out services To ensure equal access to service providers the DSD must develop capacity in the sector to ensure that there is sufficient reach of diversion services. 	<ul style="list-style-type: none"> Provincial registers of accredited service providers in place. Provincial mapping of services Ensure that service providers adhere to the provisions of the child protection register. Development of services in order to build the capacity in the sector.
9	All service providers and organisations must have a Governance structure that takes the responsibility for the governance issues of the organisation.	<ul style="list-style-type: none"> Children's Act 38/2005 Minimum Norms and Standards for Diversion (2007), Standard 8 & 9. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Non-Profit Organizations Act No 71 of 1997 Companies Act 71/2008 PFMA Policy on Financial awards 	<ul style="list-style-type: none"> Governance structure with clear roles and functions separate from the management structure. The Governing body of the service provider must ensure the following are in place; <ul style="list-style-type: none"> An organogram that outlines how the organisation is structured A management structure that will be responsible for the day-to-day running of the programme. Sufficient and competent staff that will be responsible for the co-ordination and implementation of the programme Organisational policies that will outline how the organisation will carry out all its functions. (to be read in conjunction with section 6 below) Each organisation to ensure the submission of annual financial statements annually to the relevant national and provincial departments. 	<ul style="list-style-type: none"> Include in the Policy Framework on Accreditation of Diversion Services in S.A and quality assurance procedures 	<ul style="list-style-type: none"> During quality assurance process ensure that all elements are in place as identified

4.2. Accreditation

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
10	Training, vocational and education programmes must be aligned with the SAQA requirements.	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Child Justice Act 75/2008 National Education Policy Act, No 27 of 1996 	<ul style="list-style-type: none"> All training and education programmes should be accredited with a Sector Education and Training Authority (SETA). 	<ul style="list-style-type: none"> Develop a register of all programmes accredited with the appropriate SETA. Develop a process to ensure accreditation of programmes is up to date. Develop a process for non-compliance 	<ul style="list-style-type: none"> Develop a provincial register Through quality assurance process ensure that service providers maintain accreditation with appropriate SETA Implement the process of non-compliance.
11	Service providers of diversion programmes must apply for accreditation	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Child Justice Act 75/2008 	<ul style="list-style-type: none"> Application for accreditation according to the Policy Framework for the Accreditation of Diversion Services in South Africa 	<ul style="list-style-type: none"> Review the accreditation Policy to ensure inclusivity of all the elements that make up the accreditation process 	<ul style="list-style-type: none"> Customise the Policy to meet provincial requirements.

5. Services to beneficiaries

5.1. Caring environment

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
12	Diversion Services must take place in an environment that is conducive to the physical and mental well-being of children.	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 40-44. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Occupational Health and Safety Act 85/1993 Prevention of, and Treatment for Substance Abuse Act No 70 of 2008 Blue Print for Secure Care Centres 2008 	<ul style="list-style-type: none"> Programmes conducted in accordance with appropriate safety legislation and procedures. Policy on safety and maintenance procedure and should cover: <ul style="list-style-type: none"> Programme equipment. Management of dangerous weapons and other potentially dangerous items Process of how a child should be managed if injured during the programme. First Aid policy Written policy on controlled substances such as illegal drugs, alcohol, tobacco and prescription drug use that applies to all programme staff and participants. 	<ul style="list-style-type: none"> Define in the strategy the criteria that makes up a conducive environment 	<ul style="list-style-type: none"> Ensure provincial strategy includes Occupational health and safety issues. Include the monitoring of OHS compliance \ in the quality assurance process

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
13	Diversion programmes must be of appropriate nature to suit the needs of every child	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 45. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> The criteria for overnight and away from home care must inform such programmes. Organisation must guarantee the following: <ul style="list-style-type: none"> Provision for physically challenged individuals Basic needs are met; Appropriate supervision by a suitably qualified person; Conducive environment Are protected from physical, social and emotional harm from themselves and others; Are familiar with applicable emergency procedures; Have access to first aid equipment and expertise; Safety, accredited certificate to the providers 	<ul style="list-style-type: none"> Develop as part of the strategy the criteria for overnight care. 	<ul style="list-style-type: none"> The requirements for away from home care must form part of the quality assurance of these programmes.

5.2. Quality services to children diverted and sentenced to diversion programme

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
14	Diversion services are a collaboration of efforts by SAPS Department of Justice; NPA, Department of Education, Department of Health, Legal Aid SA and the Department of Social Development	<ul style="list-style-type: none"> Child Justice Act 75/2008 Children's Act 38/2005 	<ul style="list-style-type: none"> Protocol between departments outlining roles and functions of each. Each department must develop its own norms and standards (practice guidelines) that are complementary to each other and that work in tandem for the best interest of the child The responsibility of DSD is <ul style="list-style-type: none"> Making probation officers available to the courts Post arrest Assessment reports Annually make gazetted list (of accredited diversion service providers and programmes)available to DoJCD to be circulated to all relevant stakeholders within the Child Justice System and NPA 	<ul style="list-style-type: none"> Develop protocols between departments Build the capacity of provinces to interpret the protocols Develop processes for feedback on the successes/failures of the protocols Ensure that the accredited service providers and programmes are gazetted annually. 	<ul style="list-style-type: none"> Customise the protocol Capacitate service providers on these protocols Develop reporting mechanism to appraise National on the Successes/failures of the protocols. On an annual basis develop the provincial list of all service providers for the process of placement in the government gazette.

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
15	Every child must enter a diversion programme with a post arrest assessment before referral	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 61-70. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Child Justice Act 75/2008 s 9 &40 	<ul style="list-style-type: none"> Every arrested child must be assessed within 48 hours of arrest by a probation officer, using standard national assessment procedure, before a decision to divert or not can be made. The purpose of the assessment, and the procedure immediately following the assessment, must be explained to the child in a manner appropriate to his/ her age and in a language that he/she understands. 	<ul style="list-style-type: none"> Review a comprehensive assessment format that should include the following: <ul style="list-style-type: none"> Basic descriptive information: Detailed information on the factors associated with offending (risk factors) present in the child's life: In conjunction with the children's directorate develop a comprehensive format of a care plan which will be inclusive of after care services/ programme) 	<ul style="list-style-type: none"> Customise the assessment format Customise the care plan Include the formats in the practice manual Monitor adherence to application of formats.
16	Children under the age of 10 who have committed a crime must be managed differently to children who are older than 10 years of age.	<ul style="list-style-type: none"> Child Justice Act 75/2008 s9 	<ul style="list-style-type: none"> Should a child be under 10 years of age, the probation officer must assess in terms of Chapter 5 as soon as possible but not later than 7days after notification. 	<ul style="list-style-type: none"> The procedure for the management of a child under 10 must be clearly documented and all service providers made aware of these provisions. Develop a framework for the written plan to be developed by the probation officer. 	<ul style="list-style-type: none"> Ensure that the prescriptions for the management of children under 10 are included in the diversion manual. Incorporate the framework in the diversion manual
17	Every child that has been diverted and or sentenced to a programme must undergo a Pre-intervention assessment	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> Post arrest assessment reports must accompany the child to the organisation providing the diversion programme. Contact with the child who has been referred must take place between 24-36hours. Children in need of further assessment should promptly be referred for specialised assessments. Assessments must be conducted in a responsive manner that includes attention to age, developmental level, gender, language, culture, race, ethnicity, religion, geographic location, sexual orientation, and trauma history. Assessments to be updated every six months 	<ul style="list-style-type: none"> Develop criteria and format for pre-intervention assessment tool. Capacitate provinces to utilise this pre-intervention assessment tool Develop a repository of intervention that may be required Map the gaps in terms of interventions; Together with provinces develop a plan to fill these gaps. 	<ul style="list-style-type: none"> Customise the criteria and format to suit provincial needs. Capacitate service providers on this pre-assessment tool Provinces to undertake an audit of all interventions that could meet the needs of a child referred for diversion.

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
18	Where a child has attended a diversion programme before sentencing, he/she must be exposed to a different programme to that which he has experienced prior to sentencing	<ul style="list-style-type: none"> • Child Justice Act 75/2008 • Children's Act 38/2005 	<ul style="list-style-type: none"> • The service provider must ensure that the child who attended a diversion programme prior to sentencing is not exposed to the same programme after sentencing. 	<ul style="list-style-type: none"> • Include in the M&E framework a system to track the programmes children are exposed to in relation to their status (diverted or sentenced). 	<ul style="list-style-type: none"> • Customise the tracking system.
19	Every child that has completed his/her diversion/ sentence must undergo a post-intervention assessment and referred for reintegration services	<ul style="list-style-type: none"> • Child Justice Act 75/2008 • Children's Act 38/2005 	<ul style="list-style-type: none"> • After successful compliance with the diversion order, <ul style="list-style-type: none"> ○ a comprehensive post intervention assessment which must include compliance with conditions; the programmes that the child was exposed and whether the child's has insight into the behaviour that resulted in the child committing the offence to must be conducted. ○ Post-intervention assessment must be linked with the pre-intervention assessment. ○ Referral for reintegration services to a field worker; ○ Referral to include post intervention assessment and accompany the release of the child from the proceedings of the justice system 	<ul style="list-style-type: none"> • Develop a post intervention assessment format/ tool; • Develop referral process • Develop a tracking mechanism to ensure that the conditions are complied with. 	<ul style="list-style-type: none"> • Customise the tool. • Track children who have completed successful diversion programmes to support reintegration efforts.

5.3. Post – Intervention Process

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
20	Diversion orders must be monitored for compliance	<ul style="list-style-type: none"> Child Justice Act 75/2008 s 57 Children's Act 38/2005 	<ul style="list-style-type: none"> A probation officer or other suitable person to monitor the child's compliance with the diversion order must be cited in the diversion order. If a child fails to comply with the diversion order, the probation officer or person identified must, in the prescribed manner, notify the magistrate, inquiry magistrate or child justice court in writing of the failure. Failure by probation officer to comply with order to monitor child's compliance must be reported. The probation officer or other suitable person must, when a child has successfully complied with a diversion order, submit a prescribed report to the relevant prosecutor. 	<ul style="list-style-type: none"> Develop the roles and responsibilities of the probation officer in terms of diversion services. Human resources to develop standard job specifications for all probation officers Develop as part of the protocol agreement the reporting mechanisms for magistrates to report non performance Develop format for prescribed report Develop or adapt the CA canalization process to assist with the management of diverted children 	<ul style="list-style-type: none"> Roles and responsibilities to form part of performance contracts of probation officers.
21	Each child must be informed of the process to expunge records	<ul style="list-style-type: none"> Child Justice Act 75/2008 s52 	<ul style="list-style-type: none"> All service providers and organs of the state delivering diversion programmes must notify children who undergo diversion service about the process of expunging of records. 	<ul style="list-style-type: none"> Develop the process of expunging of records according to Regulations 52 of the CJA 	<ul style="list-style-type: none"> Include expunging process in manual

5.4. Case management

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
22	Every child that has been diverted or sentenced to a diversion programme must be managed in a professional manner.	<ul style="list-style-type: none"> Generic Norms & Standards for Social Welfare Services practice 2011 Child Justice Act 75/2008 s 5 Social Services Professions Act 110/1978 	<ul style="list-style-type: none"> The service provider (both government and NPO) must keep records of all engagements with the child in a manner prescribed by the norms and standards for social welfare services. 	<ul style="list-style-type: none"> Popularise the generic norms and standards for practice of social welfare services incorporate into strategy for diversion Ensure inclusion in accreditation policy for monitoring purposes. 	<ul style="list-style-type: none"> Incorporate generic norms and standards into practice manual for diversion services.

5.5. Programme Design

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
23	The design of a diversion programme must be appropriate to needs of the child in a community based programme as well as a child that has been sentenced, and rest on principles of effective intervention and appropriate content	<ul style="list-style-type: none"> Policy Framework for diversion the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> Design of a programme must take into account the following elements. <ul style="list-style-type: none"> Culturally sensitive Language of the child Appropriate to the age and maturity of the child Geographically accessible' All service providers (state and NPO) must adhere to the programme design elements. Principles of effective intervention and appropriate content must inform the design of diversion programmes: <ul style="list-style-type: none"> The risk principle; The need principle; and Treatment/responsiveness principle. 	<ul style="list-style-type: none"> Incorporate design principles into policy framework Outline the sanctions / penalty for not following design principles Incorporate into quality assurance process 	<ul style="list-style-type: none"> Customise design principles and sanctions into practice and training manuals Capacitate all service providers and interested others on the design principles for diversion programmes. Include monitoring of design principles in the quality assurance process
24	All programme content and design must be based on specific approaches that have been proven by research to be effective and relevant in addressing specific criminogenic treatment needs.	<ul style="list-style-type: none"> Children's Act 38/2005 s 144 Child Justice Act 75/2008 s 56 (b) (ii) Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> Any programme that has as its goal behaviour change or the prevention of recidivism by changing behaviour must reflect one or a combination of the following approaches <ul style="list-style-type: none"> Structured social learning approaches where new skills and behaviours are modelled. Cognitive behavioural approaches that change behaviour. Family-based approaches such as systems therapy, multi-systemic therapy that focuses on training the family on appropriate behavioural techniques. 	<ul style="list-style-type: none"> Develop a compendium of approaches on behaviour change programmes and incorporate into policy framework Incorporate into quality assurance process 	<ul style="list-style-type: none"> Include behaviour change compendium in practice guidelines Include monitoring of design principles in the quality assurance process

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
25	Appropriate and differentiated programme must be developed to suit the different risk profiles of the children.	<ul style="list-style-type: none"> Children's Act 38/2005 s 144 Child Justice Act 75/2008 s 56 (b) (ii) Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010, pg. 97-98). 	<ul style="list-style-type: none"> Accredited service providers may run one or more of the following programmes: <ul style="list-style-type: none"> Life skills programme Restorative Justice Programmes Sexual offender programme Substance Abuse programme Wilderness/Adventure programme The nature of diversion programmes (activities) and duration of programme (frequency must be aligned to the level of risk recorded in the pre-intervention assessment). Every programme must have a minimum and maximum number of modules <ul style="list-style-type: none"> High risk: <ul style="list-style-type: none"> ✓ Minimum of 300 hours of intervention. Minimum of 3 sessions per week of active therapeutic engagement 85% of 300 hrs (255 hours) therapeutic engagement; 15% of 300 hrs (45hrs) any non-therapeutic engagement-psycho social education. ✓ 45 Hours of non-therapeutic engagement or psycho-social education. Moderate to high risk: <ul style="list-style-type: none"> ✓ Minimum of 180 hours of intervention. ✓ Minimum of two sessions per week of active therapeutic engagement (125 hours). ✓ 55 Hours of non-therapeutic engagement or psycho-social education. Moderate to low risk: <ul style="list-style-type: none"> ✓ Minimum of 100 hours of intervention. ✓ Minimum of one session per week of active therapeutic engagement (60 hours). ✓ 40 Hours of non-therapeutic engagement or psycho-social education. Low risk: <ul style="list-style-type: none"> ✓ 40 Hours of non-therapeutic engagement or psycho-social education. 	<ul style="list-style-type: none"> Develop a MIS for provinces to identify programmes that service providers may run. Develop a national database of all programmes being offered by service providers Develop a broad framework for the frequency of programmes according to the different risk profiles. 	<ul style="list-style-type: none"> Implement the national MIS system Develop a provincial database of all programmes on offer for children that are diverted. <ul style="list-style-type: none"> Customize the framework, and ensure that it forms part of the quality assurance process.

5.6. Programmes

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
26	Prevention should always precede any intervention	<ul style="list-style-type: none"> Children's Act 38/2005 Framework for Social Welfare Services 2012 	<ul style="list-style-type: none"> All Diversion programmes must contain an element of prevention and aftercare 	<ul style="list-style-type: none"> Develop a guideline on the prevention philosophy to be incorporated into the policy framework 	<ul style="list-style-type: none"> Incorporate in the diversion manual the prevention philosophy
27	Diversion programmes must include both generic and specific programmes that address their holistic needs as informed by the presence of risk factors.	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> A choice of generic programmes must be available to children in the diversion programmes <ul style="list-style-type: none"> Anti-social temperament Anti-social cognition (attitudes and values): Anti-social peers or associates: School or work dysfunction/problems: Lack of pro-social leisure. Substance abuse 	<ul style="list-style-type: none"> Define in the policy framework the minimum package of programmes (generic and specialised) that all children who have been diverted should be exposed to. (To be read with 5.5 design of programmes) Develop a DSD manual of life skills programmes 	<ul style="list-style-type: none"> Include the package of generic and specialised programmes in practice manual. Customise life skills manual Build the capacity of service providers inclusive of district offices in the implementation of life skills programmes especially as a preventative measure to broader groups of children.
28	The nature of the diversion life skills programmes must be structured to reduce risk and build resilience in children	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> Life skills programmes must address at least a combination of two or more of the major criminogenic risk factors. The programme must at least address a combination of one life skills construct out of each of the following categories: <ul style="list-style-type: none"> Social and inter-personal skills: Psychological and physical health skills: Living skills: Cognitive skills: 	<ul style="list-style-type: none"> Define in the policy framework the minimum package of programmes (generic and specialized) that all children who have been diverted should be exposed to: To be read with 5.5 design of programmes Develop a DSD manual of life skills programmes 	<ul style="list-style-type: none"> Include the package of generic and specialised programmes in practice manual. Customise life skills manual Build the capacity of service providers inclusive of district offices in the implementation of life skills programmes especially as a preventative measure to broader groups of children.

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
29	Services to the child must incorporate a principle of Restorative justice to the victim	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 85-89. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Practice Standards for Restorative Justice: A practitioners Toolkit 	<ul style="list-style-type: none"> If restorative justice is to be used as a diversion option or plea and sentence agreement, participation in a restorative justice process or programme by an offender must be contingent on that person having acknowledged responsibility for the offence. Where the restorative justice process involves a face-to-face encounter with the victim, the victim's informed consent must be sought prior to the option being offered to the offender. Participation in restorative justice initiatives is voluntary for both the offender and the victim. All processes must be reflective of the following phases of the process: <ul style="list-style-type: none"> Referral phase; Preparation phase - The parties and their support persons must be thoroughly prepared for the restorative justice process, which includes the provision of information about their rights and responsibilities within the process. The post encounter phase – circulate written copy of agreement to participants. Participants to the restorative justice process and parties with a direct interest must receive a written copy of the agreement that was reached, setting out the respective duties and obligations of the relevant parties within 48 hours of finalization of the agreement. 	<ul style="list-style-type: none"> Adapt the practice standards for restorative justice for the use of all service providers Develop a national framework for restorative justice programmes Build the capacity of provinces to implement the toolkit 	<ul style="list-style-type: none"> Customise the adapted version for provincial use. Build the capacity of all service providers to implement the tool kit. Ensure that it is included as an element in the assurance process.

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
30	Diversion programmes must uphold the principle of family preservation	<ul style="list-style-type: none"> Child Justice Act, 75/2008 s61 	<ul style="list-style-type: none"> Programmes that include all members of the family must be prioritised A probation officer appointed by the state, the magistrate, an inquiry magistrate or a child justice court must, within 21 days after the order, convene the conference. The family group conference must be facilitated by a family group conference facilitator, who may be a probation officer or a diversion service provider. Only those invited to participate in the FGC may attend. No information furnished by the child at a family group conference may be used in any subsequent criminal proceedings arising from the same facts. A family group conference may only take place if both the victim and the child consent. 	<ul style="list-style-type: none"> Develop the process for family group conferencing inclusive of <ul style="list-style-type: none"> who must attend, guidelines on the procedure to be followed; the plan for the child the agreement, failure of the family group conferencing; non-compliance by the child to the plan; inability by the participants to agree to the plan, and The recording process The roles and responsibilities of the facilitator and or the probation officer must be clearly spelt out. 	<ul style="list-style-type: none"> Customise the process and include in the manual for practice. Build the capacity of service providers to implement
31	Diversion programmes must balance the needs of the victim, offender and the community.	<ul style="list-style-type: none"> Child Justice Act, 75/2008 s 62 	<ul style="list-style-type: none"> Victim-offender mediation may only take place if both the victim and the child consent. must be mediated by a probation officer or a diversion service provider who or which may regulate the procedure to be followed at the mediation A probation officer appointed by the magistrate, an inquiry magistrate or a child justice court must, within 21 days after the order, convene the VOM No information furnished by the child at a VOM may be used in any subsequent criminal proceedings arising from the same facts. 	<ul style="list-style-type: none"> Develop the process for victim offender mediation inclusive of <ul style="list-style-type: none"> who must attend, guidelines on the procedure to be followed; the plan for the child the agreement, failure of the VOM; non-compliance by the child to the plan; inability by the participants to agree to the plan, and The recording process The roles and responsibilities of the facilitator and or the probation officer must be clearly spelt out. 	<ul style="list-style-type: none"> Customise the process and include in the manual for practice. Build the capacity of service providers to implement.
32	A sex offender programme must be relevant to the needs of the child	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 90-95. 	<ul style="list-style-type: none"> The diversion programme must include sex education. The diversion programme addresses the child's ability to regulate his/her behaviour, specifically impulse control. The diversion programme should consist of sessions amounting to no less than 24 hours in total, 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. 	<ul style="list-style-type: none"> Develop the comprehensive framework of a sex offender programme 	<ul style="list-style-type: none"> Customise the framework and include in the manual for practice. Build the capacity of service providers to implement

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
33	Substance abuse programme must be relevant to the needs of the child	<ul style="list-style-type: none"> Children's Act 38/2005 Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Prevention of and Treatment for Substance Abuse Act, 70/2008 Minimum norms and standards for in-patient and out-patient treatment 	<ul style="list-style-type: none"> All programmes aimed at combating substance abuse must be developed according to the Prevention of and Treatment for Substance Abuse Act, 70/2008 All programmes must fit into one of the broad two categories namely: <ul style="list-style-type: none"> Harm reduction Demand reduction All children who have been diverted should be subjected to programmes focussing on prevention of substance abuse in line with children's needs. Children must be subjected to early intervention and/or treatment programmes according to their development needs. Prevention, early intervention and treatment programmes must be developed and implemented according to the guidelines as indicated in the Children's Act and the Prevention of and Treatment for Substance abuse Act 	<ul style="list-style-type: none"> Develop in conjunction with Directorate prevention of Substance abuse the broad framework for substance abuse programmes to be used in diversion programmes. 	<ul style="list-style-type: none"> Customise the framework. Build the capacity of service providers to implement the substance abuse programme for diversion.
34	Vocational Programmes	<ul style="list-style-type: none"> Child Justice Act 75 /2008 - s55 (a) Children's Act 38/2005 National Education Policy Act, No 27 of 1996 HWSETA 	<ul style="list-style-type: none"> Service providers must ensure that every child referred to a diversion programme has access to vocational programmes (if needed) that impart useful skills Vocational programmes must adhere to the prescripts that govern such programmes. 	<ul style="list-style-type: none"> Develop the broad framework for vocational programmes Build the capacity of provinces to implement 	<ul style="list-style-type: none"> Include vocational programmes in the provincial manual. Build the capacity of service providers to implement

6. Organizational Enablers

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
35	Any organisation that has been accredited to provide diversion services and programmes must have all the organisational elements in place.	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 22-24. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Labour Relations Act - BCEA Public Service Regulations PFMA Policy on Financial Awards 	<ul style="list-style-type: none"> The organisation should have written policies approved by the board/management, signed and accessible. The service provider must manage staff according to the requirements in the BCEA 	<p>Develop a broad framework on the expected policies that should be in place inclusive of :</p> <ul style="list-style-type: none"> BCEA Procedures and systems- Should be specific to rendering of the diversion services Code of Conduct. Human Resource policies including recruitment, appointment, disciplinary procedures, performance appraisals; Supervision policy of Social Services Practitioners of staff Financial systems and financial management including the management of fees and any profit derived from charging the fee. Record keeping and filing Succession plan Staff Development programme In-service training programme for administrative staff; and professionals. 	<ul style="list-style-type: none"> Customise the framework and include in the manual for practice. Build the capacity of service providers on the management of human resources

Ref No	Norm	Reference	Standard	National Guideline	Provincial Guideline
36	Diversion programmes must be planned and budgeted for annually in order to ensure the availability of resources to implement diversion programmes:	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 10. Child Justice Act 75/2008 s 56 (2) (iii) Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). PFMA Policy on Financial Awards 	<ul style="list-style-type: none"> Access to state funding is through the submission of a business plan. Business plan to be evaluated against programme requirements before funds will be allocated. Diversion programmes must be costed. Each organisation must be in possession of a written business plan on the prescribed format for each programme that has been approved by relevant directorate. Transfer of funds to NGOs must be done timeously. 	<ul style="list-style-type: none"> Standardise the business plan format for use by diversion programme service providers. Develop costing models. Prescribe costing models. Communicate models to provinces. Allocation to accredited organisations must be budgeted for annually according to the costing model. 	<ul style="list-style-type: none"> Customise the costing model. Communicate costing models to service providers. <p>Business plan must include:</p> <ul style="list-style-type: none"> The needs of the target group; The sites of operation should identified in the business plan The strategy for implementing the programme; The specific objectives of the diversion programme (against which the programme can be evaluated at a later date) The content/ methodology and theoretical basis for the diversion programme; The names, qualifications and experience of the programme facilitators; The lines of accountability and authority within the programme; The budget and work-plan for the programme; How the programme and its activities will be monitored and evaluated; and Risk management and emergency procedure.

7. Resources

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
37	An accredited organisation must have an appropriate management structure in accordance to their registration that will be responsible for the daily operations.	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). NPO Act Companies Act 71/2008 School Act 84/1996 	<ul style="list-style-type: none"> The organisation/ government Department/ CC/ School/ company/Individual must appoint an appropriate person whose primary responsibility is to lead and be accountable. 	<ul style="list-style-type: none"> Define the minimum human resources that an accredited organisation must have in place. 	<ul style="list-style-type: none"> Include the HR requirements in the manual for diversion
38	Psychological debriefing and/or supervision	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 39. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> Service providers must ensure that programme facilitators have access to appropriate support or debriefing services on a regular basis and from an appropriately qualified professional or suitable lay person. Supervision must be offered to its professional staff according to the requirements of their professional bodies. 	<ul style="list-style-type: none"> Develop the requirements for debriefing and supervision for programme facilitators 	<ul style="list-style-type: none"> Include the requirements for debriefing in the manual for diversion

7.1 Human Resources

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
39	The accredited organisation must have appropriately qualified staff to manage its diversion programmes	<ul style="list-style-type: none"> Children's Act 38/2005 – chapter 1 – definition of social service professional. Policy Framework for the Accreditation of Diversion Services in SA, May 2010 Probation Services Act 35 of 2002 as amended 	<ul style="list-style-type: none"> The service provider must have at least six months experience in working with children in conflict with the law, or The organisation has a qualified individual with at least two to three years relevant experience in the field. A senior staff member must supervise diversion programme staff members. Provision of the supervision of temporal staff and volunteers Core group of facilitators who have an acceptable qualification as a social service practitioner; but who have attained additional specialist knowledge in offering diversion programmes. 	<ul style="list-style-type: none"> Develop a framework for operation for all service providers which is aligned to the NPO Act and Companies Act. 	<ul style="list-style-type: none"> Monitor for compliance

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
40	Only certain professional staff may undertake the post arrest assessments, intervention assessments and risk assessments.	<ul style="list-style-type: none"> • Probation Services Act 35/2002 as amended • Children's Act 38/2005 • Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010)- Part 3 of Chapter 4 	<ul style="list-style-type: none"> • Probation officers undertaking post-arrest assessment must have a minimum qualification of a Bachelor's Degree in Social Work and a further qualification in working with children in conflict with the law such as the minimum of 35 hours training in risk assessment of criminal justice populations. • Intervention assessments can only be conducted by qualified social workers and/ or psychologists with clinical experience, and can recognise specialised treatment needs in relation to offending behaviour. • All staff and volunteers must be trained in intervention and risk assessment in the programme they are facilitating. 	<ul style="list-style-type: none"> • Develop the 35 hour training programme for probation officers and those working with children with behavioural challenges • Develop risk assessment training programme for persons working in diversion programmes. 	<ul style="list-style-type: none"> • Provincial Human Resources to monitor compliance of probation officers accessing this additional qualification. • Build the capacity of volunteers and others involved in the delivery of diversion services.
41	All service providers must have sufficient administrative capacity to support the delivery of the diversion programme.	<ul style="list-style-type: none"> • Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> • The service providers has sufficient staff with appropriate preparation and experience to provide the administrative services necessary to support all documentation for diversion services 	<ul style="list-style-type: none"> • Define the minimum administrative capacity that an organisation must have in place when delivering a diversion intervention 	<ul style="list-style-type: none"> • Include the minimum requirements for administrative capacity in provincial manuals. • Monitor compliance.
42	An organogram that informs the appointment of appropriately qualified staff.	<ul style="list-style-type: none"> • Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). • Children's Act 38 of 2005 	<ul style="list-style-type: none"> • The service provider has a substantial core of qualified staff with full-time responsibility towards the organisation and sufficient in size and experience to support all of the organisation's services and programmes. • The Accredited Organisation must have clear job descriptions for staff 	<ul style="list-style-type: none"> • Include in the Accreditation policy the skills set that is required for different categories of staff. 	<ul style="list-style-type: none"> • Include in diversion manual • Monitor compliance
43	Working agreement that regulate and facilitate the smooth delivery of diversion programmes with contracted organisation must be in place	<ul style="list-style-type: none"> • Minimum Norms and Standards for Diversion (2007), Standard 25. • Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> • The hosting organisation should have a written agreement with any individual, organisation, or company contracted to provide additional and/or specialised services. This agreement must describe the roles and responsibilities of each party. 	<ul style="list-style-type: none"> • Develop a pro-forma working agreement for service providers • Develop a national data base of all service providers who have been formally contracted to deliver diversion programmes • Update annually 	<ul style="list-style-type: none"> • Customise working agreements • Enter into contracts with service providers • Develop a provincial data base of all service providers who have been formally contracted to deliver diversion programmes • Update annually

7.2 Competencies of Facilitators

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
44	All facilitators for a diversion programme must be suitably qualified	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 53. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> Facilitators directly engaging with children in behavioural change/emotional distress programmes must have a formal qualification in social work or psychology. Facilitators implementing and facilitating behaviour change/therapeutic/psychosocial/psych educational and applying primary methods of the profession of social work (case management, individual counselling, group work, supervision or community work) must have at least 2 years work experience in generic practice and 1 year experience with working with children in the criminal justice system. All other staff engaging with children in a behavioural management, development and educational capacity must have a formal qualification in child and youth care, lay counselling, youth development, social work, psychology, educational or social auxiliary. All staff implementing behaviour management development/educational awareness programmes must have at least 1 year experience in working with children in the criminal justice system. Supervisors of direct service/programme personnel have a minimum qualification of a Bachelor's degree in social work (if they supervise social work, and social auxiliary workers) or a Master's degree in Psychology (if they supervise Psychologists) with a minimum of 3 years' experience in practice All qualifications must be certified and a copy placed on file Facilitators of family group conferences, victim-offender mediation and any other restorative justice processes should: <ul style="list-style-type: none"> Have a good understanding of restorative justice theory and the facilitation of restorative justice interventions; and Be able to monitor and oversee the child's compliance with the resulting agreement. Facilitators of counselling and therapeutic programmes should: Have an appropriately professionally recognised qualification. Facilitators of sexual offender programmes should: <ul style="list-style-type: none"> Have an appropriately professionally recognised qualification. Have completed within the past three years a minimum of 200 hours of supervised clinical experience specifically in the areas of evaluation and treatment of sex offenders. Have completed sex offender specific training and <p>All facilitators must be involved in continuous professional education activities.</p> <ul style="list-style-type: none"> Facilitators of substance abuse/misuse programmes should: <ul style="list-style-type: none"> Have an understanding of the risk factors that may cause children to abuse/misuse substances and the relevant warning signs; Have an understanding of the theory of substance abuse/misuse prevention and treatment programmes; and Have an appropriately professionally recognised qualification. Lay counsellors with the appropriate level of training and experience may facilitate the educational exercises and activities for awareness building within the programme, provided they work under the supervision of a qualified professional. 	<ul style="list-style-type: none"> Competencies of all facilitators must be specified and defined in a policy statement and thereafter in generic guidelines. Additional qualifications that they could acquire must also be identified. A generic training programme for all persons working with children who have been identified must be developed and implemented. An induction programme for all persons working with children who have been diverted developed. 	<ul style="list-style-type: none"> Monitor compliance. Build the capacity of service providers to comply Ensure that staff are inducted into diversion programmes

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
45	In addition to the specific qualification, facilitators must also be equipped with generic knowledge and skills.	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 54-58. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> All facilitators of life skills programmes must have at least a post-secondary qualification in the social sciences/corrections/humanities field, and in addition be trained on correctional practice, offender support and management, criminological theories and group facilitation. Facilitators of wilderness/adventure programme should: <ul style="list-style-type: none"> Have an industry-accepted level of qualification and experience in the facilitation of any outdoor activities; and Be able to provide medical assistance that is appropriate to the wilderness setting. 	<ul style="list-style-type: none"> Define firstly the generic knowledge and skills required. Develop the framework for training programmes that will equip facilitators with the generic knowledge and skills. Negotiate with HWSETA inclusion on list of generic programmes (not accreditation) Solicit applications from service providers to become service providers. 	<ul style="list-style-type: none"> Monitor provincial service providers.
46	The implementing organisation must appoint staff with diverse set of skills	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 59. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Children's Act 38/2005 	<p>Service providers should either have a staff member with the following competencies, or should make arrangements to access the competencies:</p> <ul style="list-style-type: none"> The ability to conduct a developmental - assessment of a child; - The ability to conduct a programme impact evaluation; The ability to undertake numerical record-keeping, data-collection and basic data analysis. 	<ul style="list-style-type: none"> Develop in conjunction with children services a matrix of functions that may be executed by the different cadres of personnel providing services to children Capacitate the provinces to include in M&E process. 	<ul style="list-style-type: none"> Include in the manual the matrix of functions, between different cadres of staff. Capacitate service providers

8. Systems

8.1 Information Management

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
47	Register of children that have been referred to a programme	<ul style="list-style-type: none"> Minimum Norms and Standards for Diversion (2007), Standard 19. Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). Child Justice Act 75/2008 s 60 Probation Case Management System (PCM) 	<ul style="list-style-type: none"> The organisation should keep a register of all the children that have been referred to the programme. 	<p>Develop the format for the register containing the following information:</p> <ul style="list-style-type: none"> The child's name, known aliases, ID number, date of birth and gender and race The name of the programme the child went through Status - completed the programme or not; The name of the referral agency and the contact person; and The CAS number or court case number. 	<p>Customise the format and implement</p>

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
48	Register of children in respect of whom diversion order has been made	<ul style="list-style-type: none"> Child Justice Act 75/2008 s 60 	<ul style="list-style-type: none"> The Director-General: Social Development must, in consultation with the Director-General: Justice and Constitutional Development and the National Commissioner of the South African Police Service, establish and maintain a register of children in respect of whom a diversion order has been made in terms of this Act, which must include: <ul style="list-style-type: none"> the personal details of each child; details of the offence in relation to which the diversion order was made; the diversion option or options as described in the diversion order; and particulars of the child's compliance with the diversion order. The purpose of the register is to keep a record of particulars in respect of children whose matters are diverted from the formal criminal justice system: <ul style="list-style-type: none"> for access by: <ul style="list-style-type: none"> ✓ probation officers when assessing a child; ✓ police officials; or ✓ presiding officers, members of the national prosecuting authority, or other court officials, when considering diversion; and in order to facilitate research relating to the effectiveness of diversion and trends relating to diversion. Access to the register must be limited to persons or organisations requiring the information for the purposes of assessment, adjudication or research. 	<ul style="list-style-type: none"> National must develop/ include an electronic management system that reflects all children diverted 	<ul style="list-style-type: none"> Management of the information on the system, Information to be captured after a diversion order has been made.

8.2. Monitoring and Evaluation: Developmental Quality Assurance

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
49	Each service provider must be made aware of purpose and timing of QA processes	<ul style="list-style-type: none"> Children's Act 38/2005 s 21 Child Justice Act 75/2008 s 56 (g) Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010) 	<ul style="list-style-type: none"> QA process must form part of the SLA process. QA processes must be planned and timing for it to take place must be at a mutually agreed upon time. Outputs of DQA process must reach the service provider within a reasonable period (3 weeks) after the completion of the DQA. Agreement on the way forward must be reached between the parties through the development of Organizational Developmental Plan. 	<ul style="list-style-type: none"> Develop a QA awareness process and popularise it in the Review of the Policy Framework for Accreditation of Diversion Services. Review the QA process 	<ul style="list-style-type: none"> Customise the process to suit provincial circumstances.
50	Each service provider is required to prepare and undertake self-assessment for QA.	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> Organisations should receive notification of QA process at least 1 month prior to actual process. The manager and staff of the organisation should conduct the self-assessment and submit it to the QA panel at least two weeks prior to the QA assessment. The QA assessment is based on principles, rights and minimum standards. 	<ul style="list-style-type: none"> Provide standardised self-assessment tool Develop training programmes, manual and train QA panels Develop monitoring tool for QA Processes 	<ul style="list-style-type: none"> Implement standardised self-assessment tool. Provide the organization with the internal self-assessment forms simultaneously with the notification of the QA Implement training programmes for QA Panels Customize monitoring tool and monitor the implementation of QA processes
51.	The QA panel must prepare for the QA process	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010) 	<ul style="list-style-type: none"> The QA panel should convene as a panel for a minimum of three hours prior to the QA Process The preparation should include: <ul style="list-style-type: none"> The team leader's expectations of the team; Identification of roles and responsibilities of the panel during the assessment The style and approach to be used; Allocation of personnel to each respective component; How the process will flow; How debriefing will be included throughout the assessment; and The decision-making and communication process to be used. The feedback approach 	<ul style="list-style-type: none"> The Policy Framework should include a set of guidelines for QA team Train the QA panels 	<ul style="list-style-type: none"> Customise the guidelines. Build the capacity of the service providers to understand the QA process and be prepared for it.

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
52	QA assessment (on-site visit)	<ul style="list-style-type: none"> Child Justice Act 75/2008 Regulation 32 Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> An on-site visit of between two and four days must be carried out by the QA team. A team comprising of three to four members, but not fewer than two persons, can conduct the assessment. The QA team must be comprised of members who are knowledgeable in the different areas of service e.g nursing, finance, security services. The QA team must assess predefined issues as contained in the Policy Framework. The service provider must be notified at the assessment of any violations observed and the action that will be taken. Serious violations must be reported in writing within 48 hours to the appropriate authorities. Where abuse is identified, charges should be laid with the South African Police Service. Individual professionals, who have knowingly broken the law and/or violated their professional code of conduct, should be reported within three weeks of the QA assessment to their Council or Professional Board. After completion of the QA assessment an ODP must be drafted and handed over to the service provider QA Team must refine ODP and submit to service provider on or before 3 weeks after QA assessment, service provider to sign and acknowledge receipt of the ODP. 	<ul style="list-style-type: none"> Develop a national QA manual for standardization across provinces. Develop the appropriate assessment tools Align this manual with the guidelines for QA teams Build the capacity of provinces and QA panel members in the implementation of the manual Develop the ODP format Develop the monitoring process of the ODP 	<ul style="list-style-type: none"> Customise the guidelines for provincial use. Ensure that all service providers are made aware of the QA process and the expectations during the process.
53	A mentoring system must be offered to organisations that have challenges	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> A mentor should be assigned to the organisation three weeks after the QA assessment and ODP have been completed, as and when required or requested by the organization; depending on their developmental needs. The mentor should: <ul style="list-style-type: none"> Provide support and guidance in achieving the ODP goals; Facilitate access by the organisation to information on programme, material and financial resources; Provide support and guidance in crisis situations; Follow up on any violations identified in the assessment and monitor the organisation between QA assessments; and The mentor must provide quarterly progress reports to the QA team. Lead and facilitate the QA review in collaboration with the organisation. 	<ul style="list-style-type: none"> Develop a framework for the mentoring programme Funding for mentoring of service providers to be provided for. Build the capacity of provinces to implement the mentoring system. 	<ul style="list-style-type: none"> Inclusion in the QA guidelines

Ref No	Norm	Reference	Standard	National Guidelines	Provincial Guidelines
54	QA review	<ul style="list-style-type: none"> Policy Framework for the Accreditation of Diversion Services in South Africa (May 2010). 	<ul style="list-style-type: none"> The QA review takes place 8-15 months after the QA assessment. The following is reviewed: <ul style="list-style-type: none"> Progress towards achieving policy principles and minimum standards; Progress towards achieving identified ODP goals; Whether the organisation has satisfactorily addressed any violations; and Whether there are any new violations to be addressed. An updated report and ODP should be drafted after the review. 	<ul style="list-style-type: none"> Review the QA Processes Develop a national tracking system to ensure the link with the QA process and the review process for oversight purposes. 	<ul style="list-style-type: none"> Customise a provincial tracking system to ensure that all service providers are quality assured and that the feedback loop is closed.

Conclusion

A policy directive was made in 2007 when the minimum norms and standards were developed and implemented and was to be reviewed in 5 years. This document is thus in keeping with that policy statement. The review has taken place during a time when the diversion programme is receiving much more attention and the systems to uphold this as a preventive programme are being put into place. This review process also enabled the alignment between the Child Justice Act and the minimum norms and standards. In addition the document has attempted to bring the alignment between the Children's Act 38 of 2005 and the Child Justice Act 75 of 2008. This is a critical linkage as the generic child protection measures are based in the Children's Act and the specific ones in the CJA. Therefore, practice must take cognizance of the interdependence of the two Acts and strive to ensure that the tenets of both Acts are upheld in the management of children who have been diverted. In taking cognizance of the two sets of legislations, the community of practice must also be led by the Norms and Standards of the Children's Act and therefore apply these first as a general rule of thumb, before the specific ones can be applied. In the absence of a specific norm and standard the general ones must prevail. The systemic implementation of this document should bring about the intentions of the CJA, but more specifically it should guide practice and ensure that all service providers are delivering a similar diversion programmes across the country. It should also allow for those that are diverted increased opportunities to be engaged, and to receive interventions that should assist them with changing the course of their lives.

However, it should be noted that diversion is by nature a collaborative service that cuts across a host of different department namely SAPS, Department of Justice, NPA, Department of Education, Department of Health, Legal Aid SA and the Department of Social Development. Therefore the successful implementation also relies on the other partners to, develop department specific norms and standards for their responsibility, and collaborate more efficiently on the common areas.

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