



REPORT ON THE DIVERSION WORKSHOP HELD WITH DIVERSION SERVICE PROVIDERS AND GOVERNMENT OFFICIALS AT BURGER'S PARK HOTEL, PRETORIA ON 1ST AND 2ND DECEMBER 2008

1. Purpose of the workshop

This workshop, hosted by the Child Justice Alliance, was convened shortly after the Child Justice Bill was passed by the National Assembly at its second reading on 19 November 2008. The Child Justice Bill creates a separate criminal justice procedure for children in conflict with the law and for the first time formally incorporates diversion into criminal procedure in South Africa. While diversion has been occurring in practice over the last 15 years, the Child Justice Bill is the first piece of legislation to provide a legal framework for diversion in the criminal justice system. Therefore, the Child Justice Alliance was of the opinion that a workshop on the issue would be of great use. The workshop was aimed primarily at diversion service providers, but also government officials who will work closely with service providers in ensuring more children are diverted away from the criminal justice system.

There were a number of purposes that the workshop sought to achieve. First, it aimed to examine the new regulatory framework on diversion introduced by the Child Justice Bill. This entailed, inter alia, examining the provisions on diversion – which children can be diverted, under what circumstances can children be diverted, who has the authority to decide on diversion, how recommendations for diversion are formulated and by whom. Secondly, it aimed at examining the provisions in the Bill that deal with who can provide diversion services – what are the provisions regarding accreditation and registration of diversion services and programmes, what are the time periods involved, what government departments are involved and so on. Finally, the workshop also sought to examine issues such as the minimum norms and standards for diversion programmes and services developed by the Department of Social Development, monitoring and evaluation of programmes and effective programming and the implications of the issues for diversion service providers on one hand and government officials recommending or deciding on appropriate diversion programmes on the other.

2. Who was invited and who attended?

Given that the workshop was primarily aimed at diversion service providers, the Child Justice Alliance extended an invitation to all organisations rendering diversion services across South Africa. Representatives from organisations such as NICRO, Teddy Bear

Clinic, Khulisa, Childline, The President's Award, Outward Bound, Restorative Justice Centre, Youth Development Outreach, Bosasa all attended the workshop.

In light of the fact that government, particularly the Department of Social Development and other relevant departments such as the National Prosecuting Authority, would need to ensure that children are diverted away from the criminal justice system, and would therefore need to work closely with diversion service providers, invitations were also sent to officials at the Department of Social Development (both national and provincial), officials at the National Prosecuting Authority as well as to the National Prosecuting Authority's community prosecutions division, the Department of Correctional Services, and Department of Justice as chair of the ISCCJ. Government representatives that attended the workshop included the National Prosecuting Authority SOCA Unit, the Department of Correctional Services and various provincial departments of social development such as Mpumalanga and North West.

3. Programme, content of discussions and feedback

3.1 Day 1:

3.1.1 Presentations 1 and 2 (see end of report for powerpoint presentation)

Day 1 commenced with participants being welcomed and informed about the purpose of the workshop. This was followed by a presentation delivered by Dr Ann Skelton sketching a brief overview on the law reform process leading up to the drafting and ultimate passing of the Child Justice Bill by parliament in November 2008. The next presentation that followed, by Dr Jacqui Gallinetti, focused on the particular provisions of the Child Justice Bill dealing with diversion, such as the purpose of diversion (s 51), when diversion can be considered (s 52), when a prosecutor may divert a matter (s 41 and 42), diversion at the stage of the preliminary inquiry (s 47, 48 and 49) as well as diversion by the child justice court (s 67) and also a discussion on the diversion register (s 60). Various questions for clarity were posed by the workshop participants. These ranged from the commitment to review the minimum age of criminal capacity, whether a prosecutor can dispense with assessment, whether a child can be forced to attend a diversion programme, whether acknowledgment of responsibility is the same as an acknowledgment of guilt, how many times may a child be diverted, what are the exceptional circumstances that one would need to consider before diverting a schedule 3 offence, whether a probation officer can recommend diversion for a schedule 3 offence and whether confidentiality should be maintained when a child is assessed.

3.1.2 Group work 1

Workshop participants were then divided into small groups to discuss what is new in the Bill concerning the roles and responsibilities of the various actors in the criminal justice system and to what extent this would affect the current way in which they worked. The

purpose of this group discussion was to get participants to start planning for the implementation of the Bill in terms of their roles and responsibilities.

3.1.3 Feedback from group-work 1

The feedback received from the groups generally noted that the roles and responsibilities set out in the Child Justice Bill for the various government officials such as the police, probation officers and prosecutors as well as service providers are similar to their current roles and responsibilities. However, it was noted that the Bill has introduced some new procedures such as the preliminary inquiry, as well as a diversion register which was not in place before and also different levels of diversion as well as new rules concerning the diversion of serious offences. It was noted, with approval, that the Bill also provides minimum norms and standards for diversion and that diversion services should be available for all children irrespective of whether they are in urban or rural areas.

In order to ensure that the Bill is adequately implemented and that the roles and responsibilities of all government officials and service providers are fulfilled, the groups raised various issues some of which are already provided for in the Bill and others which would require further regulation. The various issues raised include:

- Diversion service providers and probation officers need to develop relationships. Service providers, probation officers and prosecutors must work together closely and communication must be more effective as this will help with case flow management. This speaks to the fact that the Bill seeks to promote inter-sectoral co-operation, and the suggestions can be seen as providing insight on how that co-operation can be achieved.
- Probation officers who recommend that a child must be diverted must identify and liaise with the relevant service provider.
- Service providers must provide feedback to the prosecutor about the child's compliance or non-compliance in attending the diversion programme. Feed-back mechanisms must be put in place, and this will probably fall to the Regulations, which still need to be drafted.
- Service providers must undertake their own in-depth assessment of the child to decide if the child is suitable for a specific programme, and must provide a report to the probation officer. This appears from the minimum norms and standards developed by DSD, but it is nevertheless important that service providers identified this as a critical factor.
- Since probation officers are normally the ones recommending diversion, they must be aware of all the diversion options and the criteria for recommending diversion. They must also be aware of when prosecutors can order diversion. In other words training and practice guidelines are essential.
- The role of the prosecutor is to decide whether a child will in fact benefit from diversion as opposed to going through the trial process, and must give due consideration to the personal circumstances of the child. This points to the fact that prosecutors must apply their minds to all factors, especially probation officer

- recommendations, and must play a pro-active role in deciding whether a child should be diverted or not.
- In considering diversion for schedule 3 offences, it is necessary to ensure the DPP has the relevant information in respect of Schedule 3 offences. This would again mean that probation officers must take special care when formulating recommendations for diversion for schedule 3 offences, and again speaks to the need for practice guidelines on how to motivate for diversion in different circumstances.
 - There must be a diversion register and the DSD must take responsibility for this and identify a process on how service providers and others can have access to the information in the register.
 - If there are capacity constraints for undertaking assessments, then psychologists and social workers should be allowed to undertake assessments.
 - In order to ensure that the Bill is adequately implemented, all stakeholders and service providers must have a planning workshop.
 - In SAPS there is a huge need for training and all SAPS officials must be adequately trained on the Bill.
 - The fact that service providers need to be accredited is welcomed as this will ensure that children receive proper services. DSD must co-ordinate service providers' accreditation and publish all accredited services providers.
 - The Department of Social Development needs to become more involved in ensuring that diversion service providers are known by the prosecutors and probation officers. In this regard, DCS, Justice, NPA and DSD should identify the different service providers and ensure that all available services are outlined and published to be easily accessed by the prosecutors/magistrates.
 - CBOs and FBOs should be capacitated to also render diversion services.
 - Concern was expressed at the lack of probation officers and their capacity to undertake assessments.

3.1.4 Presentation 3 (see end of report for powerpoint presentation)

The next presentation was delivered by Dr Ann Skelton on the diversion levels and options provided for in the Child Justice Bill and the selection of these options. Due to the fact that diversion options are now categorised under 2 levels in the Bill, this presentation prompted numerous questions. In light of the time constraints, this was the final presentation for Day 1.

3.2 DAY 2

3.2.1 Presentation 4 (see end of report for powerpoint presentation)

Day 2 commenced with a presentation by Daksha Kassan on the provisions of the Bill dealing with monitoring compliance of a diversion order, what happens when a child fails to comply with a diversion order and the legal consequences of diversion.

3.2.2 Group work 2

Participants were then requested to once again divide themselves up into groups for a small group discussion. They were asked to reflect on the presentation relating to diversion levels and options made on the previous day as well as the presentation on monitoring compliance with diversion orders in order to identify and discuss the following:

- Which programmes are currently being offered and within which levels do they fit?
- What are the most pressing gaps and needs in terms of the levels?
- What needs to be put in place in order to monitor diversion orders?

The primary purpose of this group work discussion was to get service providers to start identifying, in terms of the diversion levels, which types of programmes are still needed. Such programmes need to be developed to ensure that all children have the benefit of being referred to appropriate diversion programmes in accordance with their age and the type of offence committed.

3.2.3 Feedback from group work 2

All the diversion service providers present listed the various programmes that they currently render and identified which of their different programmes could qualify as either level 1 type or level 2 type programmes. They also agreed that some of their level 1 type programmes could be offered as a level 2 type programme by including longer time-frames to the existing programme and possibly adding on mentoring and follow-up services.

The following gaps were identified:

- More programmes for children under the age of 10 years are required. Though these programmes are currently being offered by Khulisa and the Teddy Bear Clinic, there is a need for these in other areas where they are not being offered. Participants also felt that programmes for children under the age of 10 years should be more therapeutic given their young age.
- More programmes for child sex offenders are needed. It was however noted that Childline does offer a diversion programme for sex offenders, as does the Teddy Bear Clinic, but these are not available throughout the country.
- Programmes for children committing serious offences need to be developed.
- Parallel programmes for parents of children committing crime and who are in diversion programmes need to be developed.
- Community service programmes in rural areas are required.
- There is a need for more programmes in rural areas. However, it was mentioned that sometimes it may be more useful for a child from a rural area to travel to an urban area to attend a programme as group programmes are better than having a one on one programme with a single child.

- Development of specific programmes if a child re-offends and commits the same crime. The point was made that if a child continually commit an economic offence such as theft, then it is not useful to send such a child to a YES programme more than once. Some other intervention needs to be developed.
- The need for greater focus on victims in diversion programmes and restorative justice elements was identified.
- It was noted with concern that there is a lack of an inter-disciplinary approach in the formulation of the programmes.
- It was also noted that there is a lack of programmes addressing substance abuse.

The following challenges were raised:

- Need for more secure and programme-based funding
- Staff shortages
- High staff turn-over
- Lack of a cost effective way of rendering a basket of services for the children

In relation to monitoring a child's compliance with a diversion order, the participants raised the following:

- That the suitable person identified to monitor the child's compliance with the diversion order must keep in mind and note the child's behaviour change during the programme. Monitoring a child's compliance should not totally be dependent on "policing" the child.
- Regulations need to identify a list of possible persons that could be considered as suitable to monitor the child's compliance with the diversion order. In this regard, religious leaders, child and youth care workers and auxiliary social workers were identified as possible persons that could be considered suitable to monitor a child's compliance.
- Since it is the probation officer that recommends diversion, the probation officer should remain the case manager.
- A strict service delivery model with strict time-frames should be developed to ensure that there is consistency with regard to monitoring children's compliance with diversion orders. The Department of Social Development should include this model in their National Policy Framework.
- Suggestions were made to include a range of persons that could assist in the monitoring duty. This could be dependent on the type of diversion order to be monitored. For example, a compulsory school attendance order could be monitored by educators or CBOs, while attendance at a diversion programme could be monitored by the organisation delivering the diversion programme.
- Parents, guardians and care-givers must take responsibility for ensuring their child's compliance with a diversion order. Perhaps an 'agreement' to this effect could be entered into between the service provider and parent to ensure greater accountability on the part of parents.
- An effective information management and data capturing system must be developed within organisations undertaking monitoring.

3.2.4 Presentation 5 (see end of report for powerpoint presentation)

Lukas Muntingh delivered a presentation on the minimum standards applicable to diversion as contained in section 55 of the Child Justice Bill and how diversion services could be improved. The focus of this presentation was on the quality that diversion services should possess.

This presentation was followed by a plenary discussion on what is being done by both government and diversion service providers about the monitoring and evaluation of diversion programmes to ensure that the objectives and expectations around diversion are being met.

Some of the issues raised by the participants were:

- That there needs to be a discussion between the provincial departments of social development and the national department in order to align their business plans with the minimum norms and standards as at the moment there are different standards for different provinces. There is thus a need to standardize the requirements across the board.
- Diversion service providers questioned where one should draw the line between what is business process for a particular organisation and that which is prescriptive by the Department of Social Development. There is a need for boundaries and for dialogue between the Department of Social Development and the service providers on this.
- Government needs to act fast to ensure that service providers are aware of the accreditation processes and its requirements.
- Service providers questioned whether the minimum norms and standards will also apply to diversion programmes rendered by government. The answer to this was in the affirmative.
- Service providers want to be consulted when the National Policy Framework is being formulated, and that the Department of Social Development allows civil society a chance to make submissions on what the National Policy Framework should contain, particularly with reference to the mechanics of diversion programmes and accreditation processes.

3.2.5 Group work 3

The focus of this session was to identify ways in which access to diversion programmes nationally could be developed to ensure that services are made available where they are needed. Participants were divided up in groups according to the organizations they came from. They were asked to undertake an audit of their programmes and indicate where each of their programmes is delivered in order to identify the areas where these are lacking. In this regard, organizations were asked to complete a questionnaire for each programme their organisation rendered. The questionnaire also focused on the group that

the specific programme targeted (such as the age group, gender, offender type and offence committed), the type of programme (for example, whether it was a life skills programme, sex offender programme, etc), a brief description of the programme (namely, the length of the programme, number of sessions, parental involvement, etc), whether the programme could also be offered as a sentencing option, in which areas is the programme delivered, the selection criteria, whether the programme is written up in a manual, whether the programme has been evaluated, and whether it is intended that the programme be rolled out to other areas. The purpose of this exercise was to take stock of what types of programmes are being offered and where they are being offered in order to ascertain in which areas such programmes are lacking or not accessible. A total of 28 questionnaires were completed.

Participants were also asked, to discuss within their groups key issues relating to creating access to diversion programmes where they are needed. In this regard they were asked to answer the following specific questions:

- What basket of services should be available in each magisterial district?
- How do we ensure that services are made available where they are needed?
- How can the expertise of experienced diversion organizations be made accessible in rural and peri-urban settings?

The feedback received from the groups was as follows:

Question 1: What basket of services should be available in each magisterial district?

- All interventions that a child needs, such as family services, socio-economic needs, basic needs, presence of social development services, etc, should be made available. In addition, life skill-based programmes based on cognitive behaviour approaches, substance abuse programmes, programme aimed at inappropriate sexual behaviour and also a programme aimed at sexual offending; service-learning programmes linked with community service, programmes aimed at aggressive behaviour; developmental programmes that run together with compulsory school attendance programmes, skills training programmes including parenting programmes should all be available.
- Children attending programmes are often hungry and therefore the provision of food must be built into the budgets of service providers.
- It was noted by some participants that to offer a basket of services in different districts is problematic. In cities and urban areas, service providers are able to provide most programmes, but in rural areas this is often difficult and therefore the court should make orders that are supported by the services that are available in the community and perhaps design “holiday-type” programmes so that more children from rural areas can be accommodated.

- It was also noted that often a child's socio-economic circumstances contribute to children committing offences and this factor must be taken into account.

Question 2: How do we ensure that services are made available where they are needed?

- A first step should be to undertake a "community-needs-analysis" to see what is needed and then evaluate the capacity of the emerging NGOs and other NGOs in the area to establish whether they are able to meet the needs in that specific community. The "needs analysis" must also look at the root causes of the problems in that community that contributes to why children are committing crime. It might be useful to have a forum like the Child Justice Forum at a local level to identify these needs and work towards ensuring that the services needed are made available.
- The dynamics involved in designing programmes that address the different types of crime committed by children should be taken into account, and the special training needed before such programmes are delivered should also be considered. For example, training facilitators to deliver sex offender programmes.
- When undertaking the "needs analysis" it would be useful to have statistics on how many children are being diverted in that specific area so that diversion services can be put in place only where they are needed so that resources can be used responsibly.
- In certain areas it might be more beneficial to develop relationships with others who could link up with service delivery organisations and in this way render programmes. For example, an organisation could train and utilise religious leaders and educators to render programmes as opposed to setting up an office in that area. Partnerships with other organisations could also be developed to render diversion programmes.
- Funding is crucial in ensuring that programmes are available where they are needed and wise decisions must be made on how limited funding can be expended. For example, instead of having people travelling all around the country to deliver a programme, an organisation could bring in other people from that community into the programme so that travel costs are decreased. Programmes could also be developed where options such as picking up clients (instead of clients travelling to the location where the programme is being delivered) is more practical. Hosting organisations must capacitate other implementing organisations.
- Government must provide the practical support to NGOs so that they are enabled to deliver the services required. This could be being invited to meetings, provided with updated information on developments locally and nationally etc.

Question 3: How can the expertise of experienced diversion organizations be made accessible in rural and peri-urban settings?

- There should be strong emphasis on developing close co-operation and rendering support between the experienced organisations and the smaller emerging ones.
- Hosting organisations must assist the smaller ones to improve their services and develop their capacities until they are able to operate independently. In this regard, mentors should be utilised.
- While the larger organisations should capacitate the smaller ones, the smaller ones should have monitoring mechanisms in place.
- Every large hosting organisation should link up to a smaller organisation
- A roll-out process to link organisations should be put in place where the Department of Social Development is the driving agency. This process of roll-out should be a consultative process.

3.2.6 Presentation 6 (see end of report for powerpoint presentation)

This final presentation on the Child Justice Bill delivered by Dr Ann Skelton focussed particularly on the accreditation of diversion programmes and diversion service providers as contained in section 56. Participants were then asked to reflect on the content and requirements of the accreditation system and discuss in small groups how the needs of government and service providers could be met equally in relation to the requirements.

3.2.7 Group work 4

The following feedback was received:

- NGO's need to be educated on the National Policy Framework as well as the process of accreditation and NGOs need to have input into this document before it is finalized.
- A capacity building process for emerging NGO's will also be needed, to assist them in complying with the requirements of s 56 and the National Policy Framework.
- The Child Justice Alliance should approach government to enquire about the process of drafting of the National Policy Framework so that input from service providers can be facilitated.
- The NPF should include children's voices, but this needs to be responsible and not amount to 'tokenism'.
- Any accreditation process should cater for "conditional accreditation" to be granted in order to fix things. In other words, a developmental approach should be adopted. The process should also make provision for appeal procedures. This should be dealt with in the Regulations.
- The NPF should identify which standards are non-negotiable.
- The accreditation process should not only look at the content of a specific programme but rather on whether the programme meets the objectives of diversion.

- Caution was expressed that the Department of Social Development should not be too prescriptive and that some allowance must be made for flexibility.
- The Department of Social Development should start a dialogue with the service providers on issues relating to accreditation of programmes.

4. Presentation 7 (see end of report for powerpoint presentation)

The Child Justice Alliance invited Lucy Jamieson to deliver a presentation on the Social Services Practitioners Advocacy Network (SSPAN) which was recently established to undertake lobbying and advocacy activities in relation to the Social Service Professions Bill. This Bill, which inter alia, seeks to control the registration of social workers and others working in the profession as well as the professional boards which have been established, has a possible impact on the professionalization of probation officers and therefore Ms Jamieson was invited to inform the participants on the work that SSPAN intends to undertake as well as the potential impact the Bill would have on probation officers and thus the implementation of the Child Justice Bill.

Ms Jamieson distributed subscription forms to all participants inviting them to join SSPAN and to receive regular SSPAN updates and publications.

5. Closure and way forward

In closure, Ms Daksha Kassan thanked everyone for attending and highlighted that the workshop had met the objectives of making everyone aware of the diversion provisions as well as the requirements for accreditation as contained in the Child Justice Bill. She indicated that while the workshop provided a platform for dialogue between different diversion service providers as well as between diversion service providers and government as a means to initiate preparation for the implementation of the Bill, this dialogue should continue so that information-sharing continues to occur and processes that meet the needs of both government and service providers can be developed.

As a way forward, it was agreed that:

1. A report of the workshop be compiled and sent to all that attended the workshop.
2. The Child Justice Alliance set up a meeting with officials from the National Department of Social Development to discuss the concerns of service providers raised during the workshop and also furnish them with the recommendations made by service providers in relation to certain issues pertaining to the diversion provisions.
3. That the Child Justice Alliance provide update articles on the implementation of the Child Justice Bill either in *Article 40* or on the Child Justice Alliance website.

The Child Justice Act: Where are we now?

Ann Skelton, Centre for Child Law

1-2 DECEMBER 2008

PRETORIA



Now diversion is a recognised concept

- Initially, it was necessary to explain diversion to magistrates, prosecutors, even defence lawyers
- Now it is quite broadly recognised by people working in the courts, there have been a few judgments that have mentioned diversion
- However the challenge is that it is not available everywhere: Koffiefontein



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Law Reform

- Law reform is a long process, the Child Justice Bill's arduous journey proves that
- Fortunately practitioners (both government and non-government) did not wait for the law, and so we have well advanced practice
- We may find that there are some difficulties in adjusting from an unregulated environment to a regulated one



History of the Child Justice Bill

- Upon request of Minister of Justice, SALRC commenced an investigation into juvenile justice in 1997 and set up a project committee
- SALRC's Report preceded by publication of an Issue Paper (May 1997) and Discussion Paper (December 1998)
- Report and draft Child Justice Bill handed to Minister in August 2000



CJB's appearance in Parliament

- Child Justice Bill introduced in Parliament in 2002; deliberations began in Portfolio Committee: Justice and Constitutional Development
- Deliberations ceased in 2004 due to elections
- Only commenced again in February 2008 after a four-year in limbo period



Status of the Bill

- Child Justice Bill approved by National Assembly on 25 June 2008
- Approved by Select Committee on Justice and Security Affairs on 5 September 2008
- Bill approved by NCOP on 25 Sept 2008 with minor amendments
- Bill referred back to Portfolio Committee to consider amendments
- Bill passed by Parliament on 19 November
- Government (and civil society service deliverers have time to put the “machinery” in place
- Act to commence on 1 April 2010



Presentation 2:

DIVERSION: AT LAST A REGULATORY FRAMEWORK

JACQUI GALLINETTI

1-2 DECEMBER 2008

PRETORIA



Introduction

- The objects of the CJA include:
- the promotion of the spirit of *ubuntu* in the child justice system through—
 - (i) fostering children’s sense of dignity and worth;
 - (ii) reinforcing children’s respect for human rights and the fundamental freedoms of others by holding children accountable for their actions and safe-guarding the interests of victims and the community, and
- preventing children from being exposed to the adverse effects of the formal criminal justice system by using, where appropriate, processes, procedures, mechanisms, services or options more suitable to the needs of children... ..
including the use of diversion



Introduction cont.

- Diversion is achieved in three ways in CJA
- First, for minor offences by way of prosecutorial diversion
- Second, at the preliminary inquiry through an order of the preliminary inquiry magistrate
- Third at trial in the child justice court
- We now have a regulatory framework to ensure consistency of practice, legal certainty but some concerns re over



Preliminary Inquiry

- Forms the centerpiece of the system
- Mechanism to intervene in a case early on and deal with issues such as release of children awaiting trial and if that not possible detain and place children
- Refer to children's court etc
- Takes place 48 hours after arrest
- Basically first appearance, but now with proper procedures



Chapter 6

- S 41: Prosecutors have the authority in terms of the CJA to divert certain matters before the preliminary inquiry
- Only if schedule 1 offence and only to level one diversion option (dealt with by Ann Skelton later)
- Only if the prosecutor satisfied that certain factors are present



Chapter 6 cont.

- Factors relating to when a matter can be diverted e.g. child acknowledges responsibility for offence; prima facie case against child; child not unduly influenced, child and parents etc consent to diversion
- If it is a child between 10 and 14, that criminal capacity can be proved



Chapter 6 cont.

- NDPP must issue directives on how this is to happen
- Child must have been assessed, however prosecutor can dispense with assessment if in best interests of child and then reasons for dispensing with it must be recorded on record in terms of s 42
- But if prosecutor thinks child in need of care and protection, can't divert – goes to PI for magistrate to refer to CC



Chapter 6 cont.

- In making decision to divert in terms of s 41, prosecutor must take into account whether child has record of previous diversion
- If prosecutor faced with child where decides not to divert even though is schedule 1 offence, e.g. if many previous diversions, then must make arrangements for child to appear at PI

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Chapter 6 cont.

- S 42: where s 41 diversion occurs then child and parents etc where possible must appear before magistrate in chambers to make diversion option an order of court
- Provisions regarding failure to comply with order in s 58 apply to this order
- This is new chapter in CJA, introduced during parliamentary deliberations
- Good, helps save court time, gets child out of system quicker

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S 51

- Objectives of diversion

- (a) deal with a child outside criminal justice system in appropriate cases;
- (b) encourage the child to be accountable for the harm caused by him or her;
- (c) meet the particular needs of the individual child;
- (d) promote the reintegration of the child into his or her family and community;
- (e) provide an opportunity to those affected by the harm to express their views on its impact on them;
- (f) encourage the rendering to the victim of some symbolic benefit/compensation
- (g) promote reconciliation between the child and the person/community harmed
- (h) prevent stigmatising the child and prevent adverse consequences of CJS;

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S 52

- (1) Deals with when a child can be diverted at PI or trial
- Child must acknowledge responsibility, not be unduly influenced, must consent to diversion along with parents etc if available; must be prima facie case and if prosecutor can divert (i.e. requirements of sub ss (2) and (3) met)
- (2) – prosecutor can divert for schedule 1 or 2 offences if views of victims considered (unless not reasonably possible) and consulted with i/o of the matter

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S 52

- (3) DPP who has jurisdiction of matter is the person who diverts schedule 3 matter (cannot delegate power)
- Must do so in writing
- And only if exceptional circumstances exist
- Exceptional circs determined by NPA Directives that are to be drafted in terms of s 97
- Must also afford victim views on whether to divert; nature and content of diversion option considered; and possibility of including in the option compensation or rendering of specific benefit or service
- Must consider views expressed
- Must consult with i/o on the case
- Matter can be postponed to get written authorisation to divert



S 52

- (4) Written authorisation to divert must be handed to magistrate and becomes part of proceedings
- (5) If decision to divert taken in terms of (2) or (3) then prosecutor must request magistrate to make an order of diversion
- (6) if child not diverted then must be referred to child justice court for plea and trial (or possible further diversion)



S 47

- At start of PI magistrate must, in order to consider diversion, ascertain from the child whether he or she acknowledges responsibility for the alleged offence
- If the child—
- (i) does not acknowledge responsibility, no questions regarding the alleged offence may be put to the child and no information regarding a previous diversion or conviction or charge pending against the child may be placed before the preliminary inquiry, or
- (ii) does acknowledge responsibility, the preliminary inquiry proceeds

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S 47

- S 47 (3) requires certain docs to be placed before magistrate including PO's assessment report and any docs relating to previous diversions
- Magistrate can also ask for more information and can dispense with assessment if in best interests of child
- If diversion recommended by PO, the that is before the court
- But just a recommendation. Decision to divert is prosecutor's in terms of s 52!

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S 47

- (9) If the prosecutor indicates that the matter may not be diverted, the inquiry magistrate must—
- (a) obtain from the prosecutor confirmation that, based on the facts of the case at his or her disposal and after consideration of other relevant factors, there is sufficient evidence or there is reason to believe that further investigation is likely to result in the necessary evidence being obtained, for the matter to proceed;
- (b) enter the prosecutor's confirmation on the record of the proceedings; and
- (c) inform the child that the matter is being referred to the child justice court

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S 48

- PI must take place 48 hrs after arrest etc but can be postponed in certain circs
- (1) for 48 hours if diversion being considered for child in detention but need an assessment or;
- If it is necessary consult victim about diversion or make arrangements for diversion
- (2) Can be postponed for further 48 hours to increase prospects of diversion but no longer than this and then PI closed and matter referred to child justice court (but can still divert there if need be)

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S 48

- (4) An inquiry magistrate may postpone the proceedings of a preliminary inquiry for a period not exceeding 14 days—
- (a) if a probation officer has, in terms of section 40(1)(g), recommended that a further and more detailed assessment of the child be undertaken or makes a recommendation to that effect during the course of the preliminary inquiry and the inquiry magistrate is satisfied that there are reasons justifying such an assessment; or
- (b) in order to obtain the written indication from the Director of Public Prosecutions having jurisdiction for the diversion of a schedule 3 matter

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S 49

- PI orders:
- Two orders envisaged
- One that matter proceeds to child justice court for trial
- Second that matter diverted in terms of s 52(5), provided that if child between 10 and 14, magistrate must be satisfied the child has criminal capacity

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S 67

- Diversion at child justice court
- At any time before conclusion of case matter can be diverted in terms of section 52(5)
- When diversion order is made, the proceedings are postponed pending the child's compliance with the diversion order and the court must warn the child that any failure to comply with the diversion order may result in any acknowledgment of responsibility being recorded as an admission in the event of the trial being proceeded with



S 67

- (2) After a PO has informed the court that child has successfully complied with diversion order AND the court is satisfied it has been complied with, then the court must make an order to stop proceedings



S 60

- The Director-General: Social Development must, in consultation with the Director-General: Justice and Constitutional Development and the National Commissioner SAPS, establish and maintain a register, as prescribed, of children in respect of whom a diversion order is made
- Register must contain:
 - 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.



S 60

- Two purposes of register: research and access to records
- (2)(a) access is by:
 - probation officers when assessing a child
 - (ii) police officials
 - (iii) presiding officers, members of the national prosecuting authority referred to in section 4 of the National Prosecuting Authority Act, 1998 or other court officials, when considering diversion in terms of Chapter 6, at a preliminary inquiry and during proceedings at a child justice court
- Access to the register is limited to persons or organisations requiring the information for these purposes
- How to access the register will be in the reg.



Discussion

- identification of roles and responsibilities: under diversion by prosecutor, PI and CJ court
- what is new about the procedure contained in the CJA
- how does the procedure affect what you do now?
- Starting to plan for implementation



Presentation 3:

DIVERSION OPTIONS

Ann Skelton, Centre for Child Law

1-2 DECEMBER 2008

PRETORIA



Introduction

- Diversion options are set out in 2 levels
- The levels are linked to the schedules which contain lists of offences
- Broadly speaking, level 1 contains minor offences, level 2 more serious offences and level 3 most serious offences
- There are also maximum time limits for diversion (where applicable) – which are linked to both the level and the age of offender



S 53(2) Two levels

- * Level 1 applies to Schedule 1 offences, and if time period is applicable, may not exceed –
 - (i) 12 months in case of children under 14
 - (ii) 24 months for older children
- * Level 2 applies to Schedule 2 and 3 offences, and if time period is applicable, may not exceed –
 - (i) 24 months in case of children under 14
 - (ii) 48 months for older children

(See section 53 (5) for time frames)



Level one diversion options s 53(3)

- Oral or written apology
- Formal caution, with or without conditions
- Placement under –
 - * supervision and guidance order
 - * reporting order
 - * compulsory school attendance order
 - * family time order
 - * peer association order
 - * good behaviour order
 - * order prohibiting visiting of frequenting places

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Level one diversion options (continued) s 53(3)

- Referral to counselling or therapy
- Compulsory attendance of vocational, educational or therapeutic programme
- Symbolic restitution (defined)
- Restitution of specified object
- Community service
- Provision of some service or benefit to persons, community, charity, welfare organisation
- Payment of compensation
- Family group conference or victim-offender mediation

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Level two diversion options s 53(4)

- Same as those on immediately preceding slide
- Compulsory attendance of vocational, educational or therapeutic programme, which may include period of temporary residence
- Referral to intensive therapy, which may include period of temporary residence
- Placement under supervision of p/o on conditions which may include restriction of movement without prior written approval
- S 53(7) FGC, VOM or other RJ process (an appropriate case not restricted to level)



Selection of diversion option

- Following factors to be considered:
 - * Appropriate level of diversion option
 - * Child's culture, religion and language
 - * Child's educational level, cognitive ability and other circumstances
 - * Proportionality of option to child's circumstances, nature of offence and interests of soc.
- Diversion options may be used in combination
- Individual diversion option meeting the objectives of diversion may be developed



Concerns

- Will presiding officers be inclined to see the maximum as the average amount of time rather than the absolute maximum?
- What can be done to ensure that is not so?
- Dangers of children breaching the terms of the diversion order because it goes on for too long – what if there is compliance for the early stages but not later?



Solutions?

- Could diversion be structured so that it includes an “intensive phase”, and a “follow up/reintegration phase” where there are reduced requirements?
- Could there be a protocol for dealing with breaches so that not every minor breach goes back to court?



Monitoring compliance of diversion orders, child's failure to comply and the legal consequences of diversion

Daksha Kassan
Community Law Centre

1-2 DECEMBER 2008
PRETORIA



1. Monitoring compliance

- Section 57 regulates how diversion orders should be monitored
- Provides that:
- Upon making a diversion order the magistrate in chambers, inquiry magistrate or child justice court must identify a probation officer or other suitable person to monitor the child's compliance with the diversion order.



1. Monitoring cont

- What is meant by PO or “other suitable person”?
- PO – person appointed as PO to Probation Services Act (has to be a registered social worker appointed by the Minister of DSD)
- S 1 – means a person with STANDING in the community who has a SPECIAL RELATIONSHIP with the child, identified by the PO to act in the best interests of the child (could potentially include a range of persons such as religious leaders, educators, etc – possibly even diversion service providers)

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1. Monitoring cont: duties

- Duties placed on PO or suitable person:
 1. Main duty to monitor child’s compliance with DO (attendance at programme, delivery of service if community service, adherence to family time order, etc)
 2. When a child has successfully complied with DO – the PO or suitable person MUST submit a PRESCRIBED report to the prosecutor - (no details on what the report should contain – regs to s

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Monitoring: Duties cont

3. If child fails to comply with DO, the PO or suitable person MUST in the PRESCRIBED manner notify the relevant magistrate (CM or IM), or child justice court in writing of the child's failure to comply (S 57(2)) – Act does not provide any time-frames or process of notification – (“Prescribed manner” indicate that regulations to set this out



1. Monitoring cont

What happens if PO or suitable person fail in their duties?

If it comes to the notice of the relevant magistrate that the PO or suitable person failed to monitor the child's compliance or failed to notify of the child's failure to comply, then the:

- CM, IM or CJC must first inquire into the PO's or suitable persons failure to monitor and
- then if failure due to PO's or person's fault, the CM, IM or CJC must (in the case of a PO or person employed by the State) report such failure to the appropriate authority not take the necessary action OR (in the case of a non-State employee) notify the DG. (Act does not mention what steps to be taken)
- Any other remedy in law may also be used



2. Failure by child to comply

- What are the consequences if the child fails to comply?
- On being notified of child's failure, the Magistrate, IM or CJC may issue a warrant of arrest or a summons for the child to appear (S 58(1)).
- On appearance, the CM, IM or CJC MUST inquire into the reasons for the child's failure to comply AND make a determination whether or not the failure is due to the child's fault (S 58(2)).

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2. Failure to comply cont

- Where failure NOT due to the child's fault, the M, IM or CJC may do S 58(3):
- continue with the same diversion option with or without altered conditions;
- add or apply any other diversion option; or
- make an appropriate order which will assist the child and his or her family to comply with the diversion option initially applied

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2. Failure to comply cont

- If it is found that the failure is due to the child's fault then:
- the prosecutor (in the case where the matter was diverted by the prosecutor or at a preliminary inquiry) may decide to proceed with the prosecution.
- the CJC (in the case where matter was diverted by the court) may record the acknowledgment of responsibility made by the child as a S 220 (CPA) admission and proceed with the trial; OR
- the prosecutor or CJC must, where the matter does not go to trial, decide on another more onerous diversion option



3. Legal consequences of diversion (S 59)

- If a diversion order has been successfully complied with, a prosecution on the same facts may NOT be instituted (double jeopardy rule).
- A diversion order made into the Act does NOT constitute a previous conviction .
- A private prosecution into s 7 of the CPA may NOT be instituted against a child into whom the matter has been diverted.



Group discussion

- What diversion programmes are being offered at present and within which level do they fit in?
- What are the most pressing gaps/needs in relation to the diversion options?
- What, if anything, needs to be put in place for monitoring diversion orders?



Presentation 5:

S 55 - Meeting minimum standards and improving diversion services

Lukas Muntingh, CSPRI-CLC

1-2 DECEMBER 2008

PRETORIA



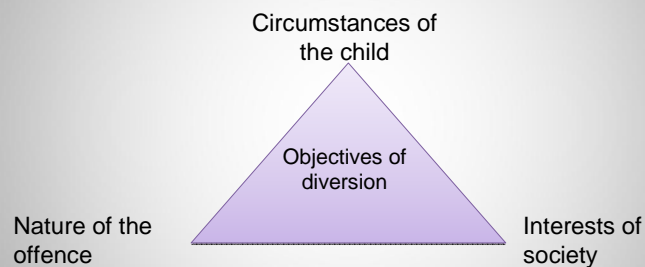
Introduction

- Framework provided by s 55
- Diversion Minimum Norms and Standards
- What works and what does not
- Monitoring and evaluation from the DMNS



Introduction

- S 55 of the CJA requires that a balance must be struck:



Introduction

- To strike this balance, programmes **must**:
 - must be appropriate to the age and maturity of the child;
 - must be sensitive to the circumstances of the victim.
- To strike this balance, programmes **may not**:
 - exploitative, harmful or hazardous to the child's physical or mental health;
 - may not interfere with the child's schooling;
 - may not be structured in a manner that completely excludes certain children due to a lack of resources, financial or otherwise.
- To strike this balance, programmes **must, where reasonably possible**
 - impart useful skills;
 - include a restorative justice element



Introduction

- include an element which seeks to ensure that the child understands the impact of his or her behaviour on others (incl. victims, may include compensation or restitution)
 - be presented in an accessible location
 - be suitable to a variety of circumstances and for a variety of offences
 - be structured in a way that their effectiveness can be measured
 - be promoted and developed with a view to equal application and access throughout the country, bearing in mind the special needs and circumstances of children in rural areas and vulnerable groups; and
 - involve parents or appropriate adults, if applicable.
- Between the '**may nots**', '**musts**' and the '**reasonable possibles**', service providers have great scope to develop effective programmes.

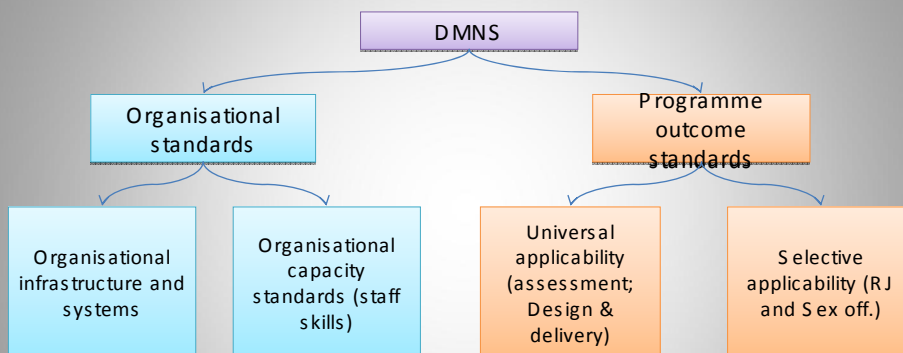


The DSD Minimum Norms and Standards

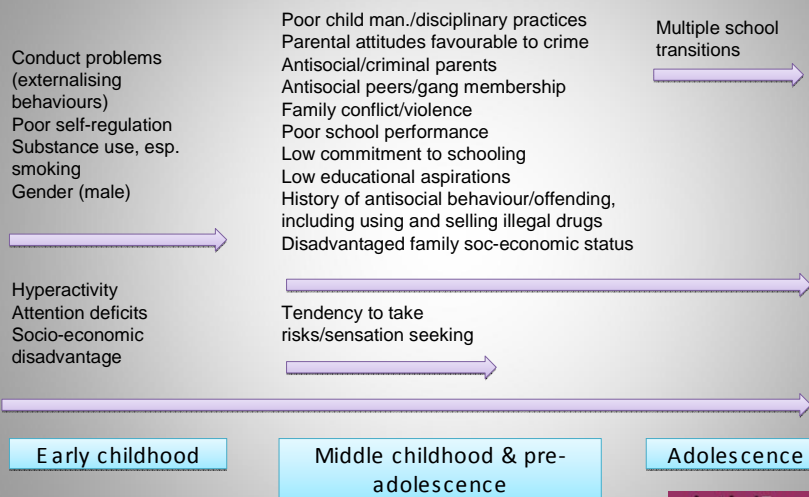
- Total of 95 standards, but has universal and selective applicability
- Hosting & implementing organisations
- Standards were extensively consulted
 - Is this a desirable standard?
 - Is this a feasible standard?
- Definitions



The DSD Minimum Norms and Standards



Predictors of delinquency and offending



See Dawes & Vd Merwe



What works and what does not?

- Point of departure: *the more clearly and accurately the focal social problem is defined, the more clearly and precisely the needs of the target group can be assessed, the more appropriately the programme is designed to address the needs, the more effectively the programme is delivered and implemented, the more the short and medium-term outcomes are achieved, the greater the long-term impact is likely to be.* (Louw)
- **What works?**
 - Programmes that are theoretically grounded and which rely on existing evidence have been found, on average, to be five times more effective in reducing re-offending than those without a theoretical basis
 - Other effective programme types are: provision of employment (38% reduction in target/antisocial behaviours); multi-modal and behavioural therapies (35% reduction in target behaviours); and skills-oriented approaches that target the skill deficits that caused or contributed to offending behaviour (20% reduction in target behaviours).



What works & what does not?

- Structured, cognitive-behavioural, multi-modal interventions, particularly those that include inter-personal and social skills training, have consistently been found to be more effective in reducing antisocial and offending behaviour than educational, vocational and undirected therapeutic approaches (producing a reduction in recidivism of up to 40%)
- **What does not work?** (show negligible, negative and/or inconsistent effects on antisocial and offending behaviours)
 - Programmes focussing on deterrence (25% increase in target behaviours), vocational counselling (18% increase in target behaviours), family counselling (2% reduction in target behaviours), group counselling (7% reduction in target behaviours), and individual counselling (9% reduction in target behaviours)
 - When subjected to rigorous analysis, wilderness/adventure therapy programmes and vocational interventions for non-institutionalised young offenders (when implemented as single-component interventions) have repeatedly been found to have weak or negative outcomes

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Principles for effective programmes

- *Risk principle:* Match offender risk levels with the *intensity* of the intervention;
- *Need principle:* Focus on factors that *cause, support or contribute to offending behaviour*
- *Responsivity principle:* Staff should use a warm, flexible and enthusiastic interpersonal style and a *firm but fair approach*. Staff and offender *learning styles should be matched*. Active participatory methods rather than either didactic or unstructured experiential methods should be used
- *Key elements of effective programmes:* anti-criminal modeling; reinforcement of desired outcome behaviours; concrete problem solving; prosocial skills training; verbal guidance and clear explanations
- *Community based principle:* Programmes that have close links with the child's community are most effective - promotes real-life learning and generalisation of positive skills

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Principles for effective programmes

- *Multi-modal intervention principle:* The most effective programmes are *multi-modal and social skills oriented*. Highly structured, cognitive – behavioural treatments directed at development of concrete skills have been shown to be at least twice as effective as other interventions, and to have more lasting effects
- *Intervention integrity principle:* Indicators of integrity are: the intervention should be research-based throughout; have sufficient resources to achieve objectives; objectives should be linked to intervention components and desired outcomes; and the intervention should be systematically monitored and evaluated



What to avoid

- Interventions in which participants are mismatched according to the risk, need and responsivity principles noted above;
- Non-directive, relationship-dependent and/or unstructured psychodynamic therapeutic approaches;
- Group approaches that emphasize in-group communication (risk for antisocial bonding), without a clear plan for participants to gain control over target offending and or antisocial behaviours;
- Poorly targeted academic and vocational approaches (include 'life skills' approaches with no clear plan and links to the causes of the target behaviour);
- Single-component wilderness/adventure therapy interventions - Outward-Bound type programmes that are not multi-modal, and that do not have problem-focused components as noted above;
- Punitive approaches such as 'boot camps'
- Residential interventions - residential settings diminish the positive effects of otherwise appropriate interventions and enhance the weak or negative effects of inappropriate interventions



Monitoring and evaluation

- How do the DMNS facilitate and require monitoring and evaluation?
- **Recordkeeping requirements**
 - Business plan (10), Financial records (11) & Service-level agreement (60)
 - Quality of record-keeping & storage (12 & 13)
 - Staff records (14) & Records of staff appraisals (35)
 - Register of each child referred (19) & Case file on each child (15)
 - Records of strategic planning (16) & Board meeting minutes (17)
 - Record of grievances lodged by children and parents (37)
- **Capacity requirements**
 - Staff capacity requirements (53)
 - Organisational capacity: (59)
 - Conduct programme impact evaluation
 - Undertake numerical record-keeping, data collection and basic data analysis



Monitoring and evaluation

- **Monitoring requirements**
 - Scope of PO's report (66)
 - Pre-intervention assessment (71) and sex offenders (90)
 - Post-intervention assessment (72)
 - System in place for monitoring quality of service delivery (78)
 - System in place for monitoring child's progress, e.g. Compliance and non-compliance (79)
 - Senior staff supervises programme staff (81)
 - There is a one-year follow-up (84)



Monitoring and evaluation

- **Evaluation requirements**

- Programme has clearly articulated objectives and outcomes (76) and based on what works (75) in addressing specific risk factors (77)
- Programme subject to regular outcome evaluations (83)



Presentation 6:

Provision and Accreditation of diversion programmes and service providers

Ann S kelton, Centre for Child Law

1-2 DECEMBER 2008

PRETORIA



Introduction

- Section 56 introduces provisions that will provide for accreditation
- The earlier drafts of the Bill dealt with the accreditation of the programmes, but in 2008 the portfolio committee at parliament “beefed up” this section, adding accreditation of diversion service providers as well, and generally creating a more onerous regulatory framework



Pros and Cons of regulation

- On the one hand, government seemed to feel that they must have a tight regulatory framework to offset the fact that diversion is not excluded for any category of crime. This may not be the best rationale for “over-regulating”. Something of the creative, community based aspects are bound to be lost
- On the other hand, diversion has developed sporadically thus far, and I think there is general agreement that not enough attention is paid to quality of diversion services



Section 56 (1)

- Subject to section 98(2), a prosecutor, an inquiry magistrate or a child justice court may only refer a matter for diversion to a diversion programme and diversion service provider that has been accredited in terms of this section and has a valid certificate of accreditation



Section 56(2)(a)

- Minister of Social Development (in consultation with other Ministers) must
 - (i) Create a policy framework to develop capacity within all levels of government and NGO sector to establish, maintain and develop programmes for diversion
 - (ii) Establish and maintain accreditation system (as prescribed) for diversion and service providers
 - (iii) Ensure availability of resources to implement diversion systems (as prescribed)



Section 56(2)(b)

- System for accreditation must contain:
 - (i) Criteria for evaluation of diversion programmes to ensure they comply with minimum standards
 - (ii) Criteria for evaluation of content to ensure meaningful and adequate response to harm caused, to achieve objectives of diversion
 - (iii) Mechanisms to monitor diversion programmes and service providers re ability to deliver quality services that achieve objectives and promote compliance with orders



Section 56(2)(c)

- Minister for Social Development must:
 - (i) Before Act commences, table policy framework and system for accreditation in Parliament
 - (ii) 3 months after tabling, publish notice in gazette inviting applications for accreditation of diversion programmes and service providers, which must be submitted within 4 months from notice
 - (iii) Within 4 months of closing date for applications, ensure that all applications received are considered and decided on, preference being given to those already existing



S 56(1)(d)(e)(f)&(g)

- After time limits have expired all applications must be dealt with in manner set out in policy framework and system for accreditation
- Minister must issue a certificate of accreditation for each programme and service provider, valid for maximum of four years
- Developmental Quality Assurance process (prescribed manner) must be conducted in respect of each programme and service provider



Section 56(3)

- Minister must publish particulars of each diversion programme and service provider that is accredited (or removed) in the gazette within 30 days of accreditation (or removal)
- DG of Social development must provide a copy of this to relevant role players falling under his/her jurisdiction, and to the DG Just and CD, who must also distribute to relevant role players falling under his/her jurisdiction



Transitional Arrangements

- S 98(2) “Every diversion programme and diversion service provider which existed at the time of the commencement of this Act may continue to operate until it has been informed of the decision in respect of its application as provided for in section 56(2)(c)(iii).”



Presentation 7:

Social Service Practitioners Bill and the Social Service Practitioners Advocacy Network

Lucy Jamieson



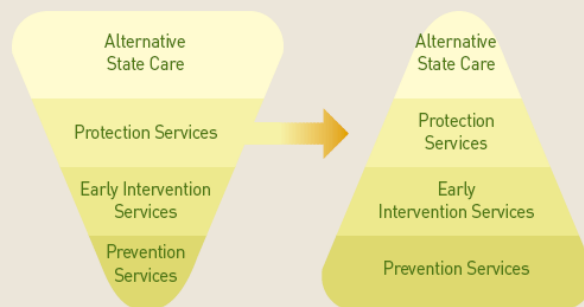
New legislation based

- Children's Act no.38 of 2005
- Children's Amendment Act no. 41 of 2007
- Sexual Offences Act no. 32 of 2007
- Child Justice Bill B 49B of 2002
- Older Persons Act No. 13 of 2006



Social Services in a Developmental Welfare Model

DIAGRAM 4: The shift in emphasis of types of service interventions from a residual to a developmental welfare system



Source: Financing Policy Notice 463 of 1999:14. In: Dutschke M (2007) Rights in brief: Defining children's constitutional right to social services. Cape Town: Children's Institute, UCT.



Practitioners needed

- Child and youth care workers
- Social workers and auxiliaries
- Probation officers and assistants
- Early childhood development practitioners
- Police officers
- Magistrates, clerks, lawyers
- Family advocates, prosecutors
- Community development workers
- Home and community based-carers
- Psychologists
- Managers, administrators, cooks, drivers, gardeners, volunteers



Challenges to implementation of the new legislation

- Only those who are registered under the Social Service Professions Act of 1978 may perform functions under the Children's Act
- Currently the only practitioners that can register: social workers and auxiliaries
- Professional Board does exist for child and youth care workers but there has been little progress in recognising child and youth care worker as a profession and providing for the registration of child and youth care workers
- The Council is dominated by the profession that is allowed to register i.e. social workers.
- Separation/recognition of other professions is perceived as a threat to the existence, growth and development of the social work profession
- Scarcity of all the social service practitioners needed
- Gap between salaries of government and NPO employees



Opportunity for reform

- Social Service Professions Act no 110 of 1978 is being reviewed and re-drafted
- Social Service Professions Bill 2007 gazetted for comment (Jan 2008)
- Few comment received
- Redraft published on SACSSP website with comments (withdrawn)
- Renamed:
Social Service Practitioners Bill



Contents

Chapter 1- definitions and the objects

Chapter 2 - Council establishment, powers, function, composition, committees, staffing and finances

Chapter 3 - Professional boards designation and scope of social service profession, establishment, powers, composition

Chapter 4 - registration

Chapter 5 - Disciplinary procedures

Chapter 6 - General provisions (including community service)



Objects of the Bill

- to establish the South African Council for Social Service Professions;
- to provide for the establishment of professional boards;
- to advance social justice by promoting developmental social services (original draft = object 1);
- to promote and protect the interests of the public in matters involving social service practitioners;
- to advance the interests of social service practitioners
- to promote professional and ethical standards
- to promote the standard and quality of education and training of social service practitioners;
- professional registration of *social service practitioners*; and
- to take disciplinary action in respect of unprofessional conduct



Categories of registration s27

- Social worker
- Social auxiliary worker
- Student social worker
- Child and youth care worker
- Minister may designate any other category of social service practitioner

Removed in latest draft

- Student child and youth care worker
- Student auxiliaries



Composition of Council s9

Broadly representative of society, including

- Two *registered* members from each board
- National NGO forum (1)
- Department of Social Development (1)
- Department of Education (1)
- Trade Unions (1)
- Educators (1)
- Public nominations (4) (*non ssp* - legal, financial, disability)

Appointed by the Min. for Social Development - 5years
PLUS two co-opted experts or 'new constituencies'
Department of Labour not represented



Powers of Council ss4,5,6

- Advice to the Minister (s4)
- All of the powers of the Minister are subject to "*the recommendation of the Council*"
- Develop policy on:
 - Disciplinary procedures
 - Inter-professional matters
- Registration (s5)
 - Minimum qualifications
 - Additional qualifications and specialities
 - CPD
- Registers (s5)
- Education and training recommend min standards (s6)



Professional Boards s23

- The Minister may, *on the recommendation of the Council* establish a professional board or dissolve it
- Powers of the professional boards:
 - Advise the Council on any matter
 - Consult and liaise with other boards
 - Ask for regulations to be amended
 - Promote liaison in the field of education and training



Next steps

- Minister of Social Development will table in Parliament expected 2009
- Political process is not in our control
- 2009 is an election year which makes parliament timetable unpredictable
- Policy direction can shift at any time due to political shifts
- Advocacy strategy and activities need to respond to the shifts in the political environment



SSPAN Objectives

- Promote the participation of social service practitioners in the law-making process
- Strengthen social service practitioners networks and ensure that they have a co-ordinated response to the Social Service Professions Bill
- Build relationships between
 - different social service practitioners
 - social service practitioners and government departments
 - social service practitioners and parliament



Activities

- Strategic planning workshop
- Development and circulation of discussion documents
- Content development and advocacy training workshop
- Development of submissions
- Public hearings
- Monitoring and engaging in parliamentary deliberations

