Minimum standards for diversion programmes

by Lukas Muntingh

Introduction and background

In the December 2003 issue of Article 40, a short report was given on the development of minimum standards for diversion programmes. The development of the standards was prompted by the provisions of the Child Justice Bill and researched and executed by NICRO following a commission by the Department of Social Development.

Since the first formal diversion programmes started in 1993, there has been a proliferation of diversion programmes with no standards to guide programme design and delivery. While this is regarded as an extremely positive development on the one hand, it should also be acknowledged that in such an unregulated environment there are real risks, especially to the children being served by these programmes. The risks broadly relate to the following:

- Maladministration and mismanagement of resources.
- Inappropriate and poor programme content.
- Poor monitoring and evaluation.
- Inappropriate matching of children to programmes.
- Lack of capacity within service provision agencies.
- Lack of skills among service providers.

The minimum standards for diversion programmes must be suitable to the South African context, and therefore need to be attainable, developmental and empowering, while simultaneously not compromising the rights of children and the quality of services rendered to children.

Objectives of the project

The objectives of the project were to develop standards that regulate the following:

- The infrastructural, administrative and managerial requirements of diversion programmes.
- The knowledge and skills requirements for programme operators and facilitators in terms of the levels of diversion programmes as set out in the Child Justice Bill.
- The operational management of diversion programmes.
- The monitoring and evaluation of diversion programmes.
- The minimum requirements for diversion programme service providers.
- Diversion programme outcomes primarily relating, but not limited, to the following:
  - Life skills programmes testing
  - Pre-trial community service
  - Victim/offender mediation
  - Family group conferencing
  - Adventure-based education and eco-therapy programmes
  - Programmes for young sex offenders
  - Programmes focusing on drug offences
  - Various court-mandated good behaviour orders.

Methodology

In broad terms, the project followed the following process:

- The project design was finalised with a panel of experts. To ensure that the project was correctly conceptualised, a one-day workshop was held with some 20 experts in the child justice field.
Two desktop research projects were commissioned to investigate local and international literature and engage experts on standards and standards development. Subsequently two sets of draft standards covering organisational standards and programme outcome standards were produced, as well as a literature review on "what works and what doesn’t" in intervention programmes with youth at risk.

Broad consultation with stakeholders on the draft standards was done through six regional workshops across the country. The emphasis was placed on engaging practitioners, as national experts had already been consulted extensively in the previous stages.

Based on the inputs from the regional workshops, the standards were revised to produce a second version.

The second version of the standards was used to assess six selected organisations currently engaged in diversion in order to make a comparison between reality and the standards. These organisations are involved in providing a one-stop centre service, life skills programmes, a sex-offender programme, a restorative justice programme, and a rural diversion programme.

Based on the six assessments, the final adjustments were made to the standards.

The final report was submitted to the Department of Social Development in March 2005.

It should be emphasised that “minimum standards” does not mean standardisation of content and structure. The minimum standards therefore allow for a dynamic and open interpretation, and in most instances also for progressive compliance. This also means that there may be different routes to complying with a particular standard, depending on the size and characteristics of the organisation.

Throughout the development and consultation process two thematic questions were repeatedly addressed:

- **Desirability:** Is this standard desirable? Do we want this standard? Is it a good standard to include? Will this standard protect children (or any other stakeholder)?
- **Feasibility:** Is this standard feasible? Can it be implemented? What would it take to implement it?

The standards that made it into the final version are therefore considered to be both desirable and feasible based on the consultations with stakeholders during the various stages of the project.

**The standards**

A total of 95 standards emerged from the project covering the two categories of organisational requirements (65 standards) and programme outcome requirements (30 standards). Whilst the number of standards may sound daunting, the testing of these standards, as mentioned above, has already confirmed that there was full or partial compliance with many of the standards in the selected six organisations. The standards were developed as minimum standards to ensure the protection of children, not as industry benchmarks of best practice which organisations should aspire to. In other words, these are the absolute minimum requirements to ensure that children’s rights are not compromised when they participate in a diversion programme. These minimum standards were found to be both desirable and feasible through the extensive process of research and consultation with stakeholders.

Some of the standards are very specific and detailed, thus contributing to the high number, while others are more open-ended. Where there is an existing standard in place, reference is made to that standard in order to avoid duplication, for example the duties and obligations in terms of the Non-Profit Organisations Act.

**Organisational standards**

The standards relating to organisational requirements cover the following areas:

- Legal structure of the organisation
- Governance arrangements
- Financial systems
- Business plan
- Record-keeping
- Profit
- Code of conduct
- Working agreements
- Recruitment procedures
- Disciplinary procedures
- Performance appraisals
- Grievance procedures
- Psychological debriefing
- Programme environment and safety
- Overnight and away-from-home care
- Drugs and controlled substances
- Protection of children’s rights
- Promotional material
- Equipment
- Premises where programme is conducted

(continued on page 6)
As will be noted from the above, many of the standards relate to good organisational management practices; in many instances the standard essentially compels the organisation to formulate clear policy on issues. Not clarifying important issues creates uncertainty and risk in organisations and should be avoided.

**Programme outcome standards**
The standards relating to programme outcomes cover the following areas:
- Post-arrest assessment and assessment prior to trial
- Programme design and delivery
- Restorative justice programmes
- Sex-offender programmes

**The importance of sound programme design**
The research confirmed that proper assessments after arrest and prior to programme participation are an essential requirement to ensure that the child is placed in the appropriate programme. The research also confirmed the original assumption that programme content should not be standardised, but rather that standards for programme design need to be developed. This is perhaps best summarised in the following:
- 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.

(Source: Louw in Dawes and Van der Merwe, 2005)

The standards therefore place the emphasis on ensuring properly designed interventions in which the assumptions, objectives, activities and targeted behaviour are clearly articulated, as opposed to prescribing content or even particular outcomes. In short, the standards require methodological rigour.

The programme outcome standards were strongly influenced by what was identified in the literature review on what works and what doesn’t in intervention programmes with young offenders and children at risk. Research done locally and internationally presented important guidelines with regard to risk and resilience, but also confirmed the importance of matching children and programmes. The most important requirement of any organisation in the diversion field is possibly that it must thoroughly understand its own programme. A service provider (and its programme facilitators) must be able to respond to and satisfactorily answer three questions:
- What is it that you are trying to achieve with this programme?
- Why are you approaching and performing this task in this particular manner?
- How are you monitoring outputs and outcomes?

**The way forward**
The real challenge lies in making these standards work now that their feasibility has been confirmed by stakeholders across the country. Admittedly, it may be expected that not everyone and probably most current service providers will not comply with all the standards. It was not within the scope of this project to investigate the implementation of the standards, but based on the experience and knowledge gained, some suggestions can be made as to how the process may be taken forward.

Assessing the current situation against the standards seems to be a logical point of departure for service providers. This will indicate the most urgent and common development needs. The next step could be the development of capacity on the most critical aspects to ensure that children’s rights are not violated and that the most critical issues are addressed within a reasonable period. A possible third step could be a rolling review mechanism to ensure that accredited organisations continue to comply with the standards.

---

**Organisational standards (continued)**
- Generic knowledge requirements of facilitators
- Additional knowledge requirements of facilitators working in wilderness programmes
- Additional knowledge requirements of facilitators working in restorative justice programmes
- Additional knowledge requirements of facilitators working in therapeutic programmes
- Additional knowledge requirements of facilitators working in sex-offender programmes
- Additional knowledge requirements of facilitators working in substance abuse programmes
- Additional competencies
- Service level agreements between government and service providers