

**Roles and responsibilities of forensic social
workers in the family violence sexual
offences unit**

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Roles and responsibilities of forensic social workers in the family violence sexual offences unit

by

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Thesis submitted for the degree

MASTERS

of

SOCIAL WORK IN FORENSIC PRACTICE

at the

North-West University:

Potchefstroom Campus

Study Leader:
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November 2012

ACKNOWLEDGEMENTS

All honor and thanks to my Heavenly Father for giving me the strength, wisdom and endurance to complete this study.

- I would like to express my heartfelt gratitude and acknowledge the following people who added value to my accomplishments:
- My husband Peter, for his love, support and encouragement.
- My two drama queens, Tramaine and Michè, for bringing joy and laughter into my life.
- To all my friends, especially Felicia, Abigail, Maria and Melanie, whose love, support and motivation made these past three years a meaningful journey.
- My supervisor, professor Wessels, for all her support and guidance.

My colleagues in the South African Police Service, Boland Overberg area and the respondents for their enthusiasm and help in making this study possible.

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OPSOMMING

Ten spyte van omvattende wetgewing in Suid-Afrika kom seksuele geweld teen kinders ontstellend baie voor. Hierdie misdade en lae skuldigbevindings syfers behoort enige rolspeler in die veld van seksuele geweld in die skande te steek. Die bekommernis bestaan dat, indien kinderslagoffers van seksuele geweld nie deur opgeleide professionele mense hanteer word nie, ons beskerming van kinders teen misbruik en strewe na regverdigheid sal misluk. In 'n poging om misdaad teen vrouens en kinders te bekamp en spesialiteitsdienste te voorsien, is forensiese maatskaplike werkers deur die Suid-Afrikaanse polisie diens (SAPD) aangestel.

Hierdie artikel beskryf die resultate van 'n ondersoekende studie oor rolle en verantwoordelikhede van die forensiese maatskaplike werker in die SAPD. Data is verkry van drie groepe deelnemers (forensiese maatskaplike werkers, staatsaanklaers en ondersoekbeamptes) volgens 'n gemengde metode benadering. Beide kwalitatiewe (semi-gestruktureerde onderhoude) en kwantitatiewe (statistiese data) metodes is dus gebruik.

Die forensiese proses is ontwerp om die vraag na relevansie tot die regsisteem te beantwoord, derhalwe maak dit die rol van die forensiese maatskaplike werker baie spesifiek. Indien die rolspelers in die veld van seksuele misdade teen kinders egter nie vertrou is met die aard van forensiese maatskaplike werk nie, kan dit die werk van die maatskaplike werkers bemoeilik, en beteken dat hulle diens nie optimaal en effektief gebruik word nie.

Die bevindinge van hierdie studie dui aan dat forensiese maatskaplike werkers 'n waardevolle bydrae lewer tot die suksesvolle ondersoek van seksuele misdade teen kinders. Indien toereikende, volgehoue opleiding, supervisie en konsultasie egter afwesig is, mag dit bekwame dienslewering belemmer.

Slutelwoorde:

Forensiese Maatskaplike werk, Eenheid van Gesinsgeweld, Kinderbeskerming en Seksuele Misdade, Seksuele misdade, Verantwoordelikhede, Rolle

SUMMARY

South Africa, notwithstanding her comprehensive legislation, has disturbingly high figures of child sexual violence. These crimes and the low conviction rates should put any role-player within the field of sexual violence to shame. Concerns are raised that, unless trained professionals deal with child sexual abuse victims, we will fail to protect children from abuse and fail in our quest for justice. The South African police, in its efforts to prioritize crimes against women and children, employed forensic social workers.

This article presents the results of an explorative study of the role and responsibilities of the forensic social worker in the SAPS. Data was collected from three groups of participants (forensic social workers, state prosecutors and police investigating officers) according to a mixed method approach. Both qualitative (semi-structured interviews) and quantitative (statistical data) methods were therefore employed.

The forensic process is designed to answer a question of relevance to the legal system, which makes the role of the forensic social worker very specific. If role-players in the field of child sexual offences, however, are not entirely familiar with what forensic social work entails, it could not only complicate matters for the forensic social workers, but it could also mean that their services are not used optimally and effectively.

The findings of the study indicate that forensic social workers make a valuable contribution to the successful investigation of child sexual offences; however, in the absence of adequate continuous training, supervision and consultation, they could fail in providing a proficient service.

Keywords: Forensic Social work, Family Violence, Child Protection and Sexual offences Unit (FCS), Sexual Offences, Responsibilities, Roles

FOREWORD

The article format was selected in accordance with Regulation A.7.2.3as stipulated in the yearbook of the North West University, Potchefstroom Campus for the degree MSW: Forensic Practice. The article will comply with the requirements of one of the journals in social work, entitled CARSA.

The article comprises 60 credits out of a total of 188 credits of the MSW in Forensic Practice course.

INSTRUCTIONS TO AUTHORS

CARSA is a national journal that promotes academic and professional discourse amongst professionals involved in child-care work in South Africa. It publishes high quality, peer-evaluated, applied, multidisciplinary articles focusing on the theoretical, empirical and methodological issues related to child abuse in the light of the current political, cultural and intellectual topics in South Africa. Authors of articles submitted for review will remain anonymous. The comments of the reviewers and peer evaluators should be constructive and helpful and designed to aid the authors to produce articles that can be published. The authors may then use these comments to revise their articles. However, the final decision on whether or not to publish an article rests with the editor. There should be an interval of at least two issues between articles published by the same author.

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The submitted articles should always conform to CARSA's house style. As the journal develops, it is envisaged that it will contain full-length articles, shorter debates, book reviews and software reviews. The following information is provided regarding the length of articles:

- full-length articles should not exceed a word count of 8000 (tables excluded)
- shorter articles (in the form of shorter debates) should not exceed a word count of 3000 (tables excluded)
- book reviews should not exceed a word count of 1000
- software reviews should not exceed a word count of 3000

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Empirical research should adhere to acceptable standards of descriptive and inferential statistics and empirical data should be manipulated statistically using an acceptable statistical program such as the Statistical Package for the Social

Sciences (SPSS) or SAS. The inferences regarding qualitative analysis should also be accompanied by an explanation of the techniques used or should utilize statistical packages such as SQR.NUD.IST which are recognized for this type of analysis.

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(A) MS Windows, Word (B) WordPerfect (C) Plain ASCII File format.

Figures, maps, and photographs should be submitted on disk in any standard format.

Authors should submit their work to [SAPSAC](#).

Authors who are unable to submit their work electronically should dispatch three copies to the postal address. Before submission, articles should have been corrected for errors, edited and should be accurate.

It is the responsibility of the author that articles should be language and technically edited, before submission.

Style

Main headings should be typed in upper case and begin at the left margin. No indentation is allowed. Dates should be written as follows: 9 January, 2000. Bold, italics and underscore should be formatted as such in the original document. The recommended style for reference purposes is the abbreviated Harvard technique, for example, "Child abuse is rising (Author 1999:10)" OR "According to Author (1999:10), child abuse is rising". In the case of legal articles, footnotes will be allowed.

To work toward uniformity in the alphabetical bibliography at the end of an article, the following examples of format are given:

Books:

Kuehnle, K. 1996. Assessing allegations of child sexual abuse. Sarasota: Professional Resource Press.

Articles:

Collings, SJ & Payne, MF. 1991. Attribution of causal and moral responsibility to victims of father-daughter incest: an exploratory examination of five factors. Child Abuse and Neglect (15)4:513-521.

Where applicable, contributors should indicate sources of funding. It is the duty of the author to clear copyright on empirical, visual or written data. Simultaneous submission to other electronic or printed journals is not allowed.

Non-sexist language

Gender specific nouns and pronouns should not be used to refer to people of both sexes. The guidelines on sexist, racist and other discriminatory language should be observed. The

following is intended to assist contributors to refrain from sexist language by suggesting non-sexist alternatives.

Sexist: Each respondent was asked whether he wanted to participate. The child should have enough time to familiarize himself with the test.

ROLES AND RESPONSIBILITIES OF FORENSIC SOCIAL WORKERS IN THE FAMILY VIOLENCE SEXUAL OFFENCES UNIT

Jonkers, G & Wessels, C.C

(Me Jonkers is a social worker and Prof Wessels is a professor in the School of Psychosocial Behavioral Sciences, Social Work division, Potchefstroom Campus of the North-West University).

ABSTRACT

One of the greatest threats to the future of this country is the continuing humiliation of women and children through acts of violence and abuse. Rape, domestic violence and child abuse require special attention because of their prevalence and negative effects and impact on the rights of women and children” (Saps, 1997:13). Forensic social work, it is believed, can play a formidable role in providing a much needed service within the field of sexual abuse, a service that could ultimately assist the South African Police in reaching its goal of providing an effective and efficient specialized service to child victims of sexual crimes.

The aim of this study is to explore the roles and responsibilities of forensic social workers in the family violence, child protection and sexual offences unit.

1 PROBLEM STATEMENT

The sexual abuse of a child is the most brutal form of child abuse. Unfortunately it is a reality that happens to children of every class, culture, race, religion and gender.

The sexual violation of a child results in extensive damage in many areas of his or her life and has the potential to destroy a child’s future (Spies, 2006:45-45). The alarming rate of child sexual abuse and rape in South Africa has led to an almost up-rise and an outcry for improved, more effective and efficient intervention by both government and the community at large.

Statistics reveal that an average of 60 children is raped daily in South Africa and that, most disturbingly, only six to seven per cent of the reported rape cases are successfully prosecuted (Reyneke & Kruger, 2006:31). Women and children constitute the most vulnerable groups in South Africa and are thus more likely to

become victims of sexual offences (Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007).

Over the last ten years there has been continual negative media coverage in respect of the South African Police Service (hereafter referred to as SAPS) investigative process and how they handle child victims of crime. Van Zyl and Sinclair (2000:4) reported that SAPS is not equipped to deal with the problem effectively; their investigation process is silencing the victim and leads to secondary trauma. The South African Law Commission (2007:57-60) found that not only are police investigation procedures insensitive to the emotional state of children during statement taking, but their understanding of the child's cognitive development is limited. In issue paper 10, Project 108, the South African Law Commission in their report on Sexual Offences against Children noted that "*services dealing with sexual offences are fragmented, under resourced or non-existent. Large parts of the country, especially the rural areas, are under-serviced.*" (South African Law Commission, Issue paper 10 project 108:1).

In terms of Article 28(2) of the Constitution (1996), a child's best interest is of paramount importance in every matter concerning the child (South African Constitution, 1996:15). The government of South Africa tried to uphold the "Best Interest Principle" of the child, as evident in the South African Child Care Act No 38 of 2005, The Criminal Law (Sexual Offences and Related Matters) Amendment Act No 32 of 2007, and The Child Justice Act No 75 of 2008. The SAPS has placed much emphasis on effective service delivery to victims of child sexual offences by implementing programs such as the Family Violence, Child Protection and Sexual Offences Detective Learning program, the SAPS Victim Empowerment program, the trauma and special assessment rooms, and national instructions and policies on the handling of victims. All of these programs intended to bring the SAPS closer to improving service delivery to victims of sexual offences.

From the SAPS National Instruction 22/1998 it is clear that the SAPS are serious about effective investigation and excellence in service delivery to victims of family violence and sexual offences. The last decade has seen a move towards specialization and the utilization of experts in the field of child sexual abuse. With the establishment of the forensic social work services, the SAPS are trying to act in

the best interest of the child. As the investigation of child sexual abuse cases is a challenging terrain that calls for specialized training, commitment and expertise, the researcher is of the opinion that forensic social work has a formidable role to play within this field.

The forensic social work service of the SAPS was established on 6 May 1997 became operational in November 1997 (Stutterheim & Weyers, 1999:16). In 2007 the SAPS in the Western Cape appointed 26 forensic social workers to assist the Family Violence, Child Protection and Sexual Offences Unit (hereafter referred to as FCS Unit) in effectively dealing with crimes against children. Captain Dampies, Provincial Coordinator of forensic social workers (personal communication 26 January 2012) stated that these social workers were carefully selected based on their skills and experience in child development, child sexual abuse management, child and family law (specifically compiling court reports) children's court enquiries, providing testimonies in court and probation services.

The forensic social workers were employed to assist the FCS detective and to provide a form of expertise. The employment of these skilled social workers provides those victims who otherwise could not afford specialist services access to this expert care.

Forensic Social Work Practice is a relatively new field of specialization in South Africa. With the establishment of forensic social work in the SAPS, the South African Council for Social Service Professions had no guidelines for the social worker specializing in the forensic field. Forensic practice calls for superior knowledge, skills and specific expertise and knowledge of the legal process and child development. No social worker can practice as a forensic social worker without specialist training, as specific expertise and adherence to specific guidelines and ethical standards are required.

Concerns are raised that, unless trained experts dealing with child sexual abuse victims inform the judicial officers of the common misunderstandings that exist when communicating with children, courts will often fail to converse effectively with child witnesses (Müller, 2003:1). As a result of the demand for skilled professionals, the University of the North West took the initiative to provide a masters' degree

specializing in forensic practice. Currently the North West University (Potchefstroom campus) is the only tertiary institution who developed and is providing specialist training in forensic social work practice.

The researcher is of the opinion that forensic social work could, if utilized optimally and effectively, play a fundamental role in the SAP's investigation of child sexual offences. The purpose of the current study is to critically assess the impact of social workers in the FCS Units. This study will furthermore explore the accessibility of specialized services to child victims of sexual offences and the effectiveness of social workers in the field of forensic social work, especially within the Boland Overberg Area of the Western Cape.

From the above the following research questions arise:

- *What are the roles and responsibilities of the forensic social workers in the family violence, sexual offences unit?*
- *Are the forensic social workers living up to their responsibility?*

2 AIM AND OBJECTIVES OF THE RESEARCH STUDY

2.1 Aim

The aim of the research study was to explore the roles and responsibilities of the forensic social worker within the SAPS by means of a literature study and empirical investigation.

2.2 Objectives

Specific objectives are:

- To explore the roles and responsibilities of the SAPS forensic social workers in the family violence, child protection and sexual offences unit.
- To determine if the forensic social workers are fulfilling their responsibility.

3 CENTRAL THEORETICAL ARGUMENT

It is believed that the correct utilization of the SAPS forensic social workers will lead to more effective and efficient service delivery to child victims of sexual offences. It will also emphasize the responsibilities of the forensic social worker (specifically of the forensic social worker in the judicial system) as a specialization.

4 RESEARCH METHODOLOGY

The research study constitute an exploratory study as it answers a “what” question and relates to understanding, exploring and evaluating the role of the forensic social worker in the family violence, sexual offences unit. The method of investigation included a literature study and empirical research.

4.1 Literature study

The literature analysis was seen as an important and integral part of the research study and was conducted throughout the study. In South Africa there are limited resources on forensic social work and therefore international books and articles, mainly from America and Australia, were used to ensure accurate and comprehensive information and findings.

A literature review provides insight into the dimensions and complexities of a subject (Fouché & Delpont, 2011:133). Forensic social work is a relatively new field in South Africa with no clear cut ethical guidelines, principles and protocols unique to South Africa. The literature review of international books and articles therefore served as a theoretical framework and was used to contextualize the study (Delpont, Fouché & Schurink, 2011:97-303). It furthermore contributes to a clear and deeper understanding of the nature and meaning of the identified problem (Fouché & Delpont, 2011:134).

The themes that were covered focused on forensic social work practice, the problem of child victims of sexual offences in South Africa, the availability and accessibility of specialist services to these victims and what the social worker practicing forensic social work can bring to the SAPS. Special focus was placed on the role and responsibility of the social worker practicing forensic social work within the criminal justice system.

Data Basis Consulted: EBSCO Host Web, CARSA, Research publications, South African Journals, South African Police Intranet, SAPS Annual Reports, SAPS Forensic Social Work Procedure Manual registers, South African Police Policies, South African Police National Instructions and the Family violence, child protection and sexual offences mandate and national policy.

4.2 Empirical research

The aim of this study was to explore the role and responsibilities of the forensic social worker. Forensic social work in the SAPS is a recent development that was introduced while there were no specific guidelines with regards to the specific specialization as a field of practice.

For the purpose of this study the exploratory design was consequently used to gain insight into and explore this field of specialization in the SAPS.

4.3 Research design

Research design refers to the plan, structure and strategies used to shape and obtain answers to a research question(Henn et al.,2006:46). To provide a better understanding of the research problem the researcher decided on a mixed method research design. Mixed method research provides strengths that offset the weaknesses of both quantitative and qualitative research, and therefore has the potential to provide better (stronger) inferences (Delpont & Fouchè, 2011:436).

The ultimate aim of using a combination of the two methods in this research study was to enhance the total strength of the study, to gain triangulation of data and to utilize a variety of research procedures supplementary to each other in order to gain better results (Creswell, 2003:208-216).

4.4 Participants

According to Strydom and Delpont (2011:391) a sample size depends on what we want to know, the purpose of the inquiry, what is at stake, what will be useful, what will have credibility, and what can be done with the available time and resources. The researcher took into consideration the available resources, accessibility, feasibility, and time constraints when selecting the sample.

The sample was purposefully selected. Purposive sampling is a type of non-probability sampling method – also referred to as a judgmental sample – in which the researcher uses his/her own judgment in the selection of sample members (Babbie & Mouton, 2008:202). The participants had to have certain elements and characteristics that would best serve the purpose of the study. The selected sample was therefore seen as the participants who could provide rich data and enhance the study. The forensic social workers from the Western Cape were then selected as the appropriate population.

The Western Cape Province has 26 forensic social workers. The population of forensic social workers was narrowed down to those in the Boland Overberg area, as the researcher resides in this area and would have quick and easy access to the different role players. The researcher is forensic social worker stationed at one of the SAPS cluster stations in the Overberg Area and has been rendering services for three different clusters in the Boland Overberg Area. After working in this area for more than five years, she is familiar with the different role players in the specific field, the investigative procedures and related services for the child sexual offences victim in the specific area.

The sample in this study was taken from the following cluster areas of the SAPS: Caledon, Ceres, Hermanus, Paarl, Stellenbosch and Worcester. They had to meet the following criteria:

- *The participants were to render services to victims of sexual offences in the Boland-Overberg area.*

The target sample were to come from three different groups, namely (forensic social workers of the SAPS, police investigating officers and state prosecutors) and was purposively determined on the basis of their working experience in the field of sexual offences

The forensic social workers in the SAPS render a service within the FCS but the court is their client, therefore it is important to include the investigating officers and the prosecutors in the research study.

The police investigating officers had to be senior investigating officers with at least seven years working experience in the field of sexual offences.

State prosecutors partaking in the study had to be in the field for at least ten years. The researcher selected senior state prosecutors, also case managers of other state prosecutors in the specific field, who had the necessary experience and knowledge about sexual offences cases.

All of the selected participants in the study are role players in the field of child sexual abuse and specifically reported cases investigated by the FCS. Participants included in this study were selected as follows:

Five forensic social workers were chosen to take part in the research study; each representing all the different police clusters in the Boland-Overberg. The Boland-Overberg area in total has six forensic social workers (including the researcher). One of the six is rendering services to the Xhosa speaking child victims. The researcher purposefully selected four state prosecutors (all handling cases of child sexual offences in these selected areas) whom the researcher believed could provide the most valuable and rich information.

The researcher first selected one investigating officer from each of the six cluster stations and then purposefully selected another three investigating officers based on their years of experience in the FCS. In order to enhance the total strength of the study and to optimize the richness of research data, the researcher selected the provincial coordinator for forensic social workers in the Western Cape as an additional participant.

4.5 Measuring instrument

The main method of data collection employed was semi-structured one to one interviews, constructed by the researcher. An interview is considered to be a powerful way to acquire insights into participants' experiences and is the predominant method of data collecting in qualitative research (Greeff, 2005:287). Interviews were considered the most functional and practical way of conducting the research as it allowed for personal contact and allowed an opportunity for participants to share their personal feelings, views and perceptions.

The researcher had three different interview schedules for the three groups of participants (see annexure 2, 3, 4). The main focus of the interviews was to get information about the participants' views and perceptions of the forensic social worker's role, interventions and their effectiveness within the SAPS.

The researcher used an audio tape recorder to record interviews. In addition to this, the researcher made field notes based on observations and the emergence of trends and new ideas. Field notes are a classic medium for data collecting in qualitative research(Flick, 2002:168).

A separate questionnaire (annexure 5) was given to FCS Unit Commanders within the Boland Overberg. Statistics that obtained from this questionnaire was used to compare the prevalence of reported cases of child sexual offences in different areas in the Boland Overberg area. The statistical information is presented in Fig...

4.6 Data analysis

The purpose of conducting any study is to produce findings, and in order to do so, the researcher needs to create a certain structure that organizes the collected data.

Data analysis is the process of bringing order, structure and meaning to the mass of collected data and at the same time conceptualizing and transforming the data into meaningful conclusions. The researcher analyzed qualitative questions manually into themes. Quantitative data was analyzed both manually and by means of a computer. All quantitative data presented were displayed in tables and graphs. For the purpose of this study the researcher used the following three steps to analyze the data (Schurink, Fouché & De Vos, 2011:403-423).

The nature of methods used for data capturing (what and how) was predetermined. Permission was obtained from participants to use an audio tape recorder during interviews. The researcher furthermore had to ensure that the interactions and interviews did not compromise the daily working activities of the participants, therefore appointments, venues and settings for the interviews were planned in advance.

According to Schurink, Fouché and De Vos (2011:405) data collection and preliminary analysis are seen as a two-folded approach. During data collection a

preliminary analysis process was conducted. The data was continually monitored throughout the process to identify emerging themes and ideas. The researcher made use of field notes and reflected on observations during the interview processes. She also shifted and modified interviews as new and relevant information unfolded.

To ensure the effective management of the data, all field notes were filed and recorded data was document on computer. According to Schurink, Fouché and De Vos, (2011:408) managing your data is the first step in data analysis away from the site.

Following the organization phase, data was reviewed by continually listening to recordings, reading field notes and transcripts. This process of exploring the data made it easier to reflect on the focal point and the conceptualization of the study (Schurink, Fouché & De Vos, 2011:409-410).

4.6.1 Reducing the data

In reducing the collected data the researcher identified salient themes, ideas and patterns. This was done by using Tesch's (1990:142-145) steps and by grouping raw data in literature derived themes and concepts guided by the semi-structured interview questions. The researcher interpreted the data on the basis of literature and the researcher's knowledge and insight. Main ideas were summarized; a list of the main themes that arose from the interviews compiled and recorded data categorized accordingly.

4.6.2 Visualizing, representing and displaying the data

The researcher constantly returned to the transcription, notes and the interview questions in order to find links, relationships and phenomena. At the end of the study the researcher evaluated and presented a visual image of the data.

The frequency of responses on quantitative questions was calculated and converted to percentages. Statistical data was displayed in tables, percentages and graphs.

Inferences were made and compiled data interpreted and verified with literature.

4.7 Procedures

The researcher followed the following process:

- Written consent to conduct the research within the South African Police was requested from the National Head Strategic Management Pretoria.
- The researcher only started with the research after written approval was received from the Provincial Commissioner of the Western Cape.
- The researcher adhered to ethical considerations of research methodology and recommendation of the SAPS, as was set out in the document of approval.
- After the identification and selection of the participants, the researcher personally contacted the participants to request their voluntary participation and brief them on the purpose of the study. Possible dates; times and venues for the interviews was also discussed. Interviews were then conducted on pre-determined dates, times and places.

4.8 Ethical aspects

It is very important that ethical issues should be recognized and managed when conducting research in the social science. According to Strydom (2011:113-129), a researcher is liable not only to the respondents participating in his study, but also towards the discipline of the study. The following prominent ethical issues (as highlighted by Strydom (2011:113-129)) were dealt with:

- **Avoidance of Harm**

According to Babbie (2007:27) no harm should come to any respondent in social research. The respondents were treated with respect and not coerced to discuss or answer any questions that made them feel uncomfortable. No cases or names of clients were discussed or made public. Respondents were protected from any form of physical and emotional discomfort and were given the opportunity to withdraw at any time.

- **Informed Consent**

All participants received, prior to data collection, an informed consent form describing the purpose, as well as possible risks and advantages of the research

study (Annexure 1). They were asked to sign the form to document their voluntary participation.

Nobody should ever be coerced into participating in a research project. When subjects are involved without their consent, their right to self-determination is impaired – this should be avoided at all cost (Strydom, 2011:117).

- **Deception of respondents**

The researcher did not withhold any information, offer incorrect information or deliberately misrepresented facts. Accurate and complete information regarding the purpose of the research study were given to participants. The researcher presented the participants with oral and written information on the purpose and main focus of the research study. The FCS Unit commanders, as well as the state prosecutors, were provided with documentation from the South African Police Service stating that the researcher had permission from the Western Cape Provincial Commissioner of Police to conduct the research study.

- **Violation of privacy/anonymity/confidentiality**

Once the guarantee of confidentiality is given, the researcher is under moral obligation to ensure that confidentiality prevails. Prior to the one on one interview with participants they were assured of confidentiality and anonymity (verbally and on paper). The researcher was obliged, as set out as conditions, not to discuss any cases that were still under investigation or to divulge information that would place any participant or client at risk.

Participants were also assured of the anonymous and confidential treatment of information revealed during the research process, especially regarding specific sensitive cases. This was conveyed verbally to participants. Their privacy, meaning to keep to oneself that which is not intended for others to observe or analyze (Strydom, 2011:119), was thus protected.

- **Actions and competence of the researcher**

According to Strydom (2011:124) an ethical obligation rest on researchers to ensure that they are competent and adequately skilled to undertake the intended investigation. The researcher of this study is a qualified social worker with 20 years'

experience in the field of child and family welfare. She has been practicing forensic social work within the SAPS for five years and was furthermore guided by a supervisor to ensure ethical principles were adhered to. (Ethical approval to conduct this study was given by the Ethics Committee of the Potchefstroom Campus of the University of the North West. Ethic number: NWU-00027-09-S1).

The researcher handed a written request to conduct the study within the SAPS to the National Head Strategic Management, Pretoria and only started with the research study after recommendation of and approval by the Western Cape Provincial Commissioner of SA Police was received. The researcher cooperated fully with the agreement and conditions of the SAPS with regards to conducting the research within the SAPS.

- **Publication of the findings**

A scientific investigation means nothing unless the findings are introduced to the public. The researcher continually endeavored to present the results as accurately and objectively as possible in order to prepare for broader publication.

Participants will receive a digital copy of findings of the study, while printed copies will be made available to regional courts who participated in the study, as well as the SAPS Western Cape Provincial office (as a form of recognition and to maintain future relationships).

5 DEFINITIONS OF KEY TERMS

5.1 Forensic Social Work

Forensic social work is the application of social work to questions and issues relating to law and legal systems. It is based on specialized knowledge drawn from established principles and their applications, familiarity with the law, painstaking evaluation, and objective criteria associated with treatment outcomes (American National Organization for Forensic Social Work (NOFSW, 2006:1).

The South African Council of Social Service Professions (SACSSP) defines forensic social work as a specialized field of social work that focuses on the interface between society's legal and human systems and is characterized by the social

worker's primary function of providing expert testimonies in courts of law with the primary client being the judiciary system (SACSSP, 2008:1).

Forensic social work is defined in the SAPS Forensic Social Work Procedure Manual (2011:1) as:

“..a specialized field of social work practice that is characterized by the social worker's primary function of providing expert testimony in courts of law. Its focus is on the interface between the legal system and the human service system by means of:

- assessments;
- court reports; and
- expert witness”.

Forensic social work, in the researcher's opinion, encapsulates much more than just interviewing clients. The social worker practicing forensic social work needs to draw on a specific knowledgebase and apply it within a legal context, for the specific purpose of (i) assisting the judicial system to understand psycho-social issues relating to a victim and or witness of crime; (ii) presenting all the facts to the court in a neutral and objective manner, thus enabling sound and just decision making.

The forensic social worker, for the purpose of this research study, conducts forensic assessments and provides scientific evidence based testimonies in courts of law.

5.2 Family Violence, Child Protection and Sexual Offences Unit (FCS)

FCS Unit stands for: Family Violence, Child Protection and Sexual Offences Unit, or where no such unit has been established, the Child Protection Unit. (SAPS National Instruction 22/1998:1). It is a specialized unit within the SAPS who works according to specific guidelines in order to provide a professional service to victims of sexual offences (SAPS National Instruction 22/1998:1).

From these definitions the researcher concludes that the FCS is a unit especially established by the South African Police to investigate all cases of sexual violence committed against a person. The investigating officers working within this unit are specifically trained to effectively and efficiently and in a professional manner, deal

with the investigation of sexual offences cases. According to the SAPS National instruction (22/1998:1) an investigating officer means a member of the SAPS designated to investigate a sexual offence case.

5.3 Sexual Offences

A sexual offence refers to any of the following acts: rape, incest, sexual assault, the contravention of any offence in terms of Chapters 2, 3, and 4 and sections 55 and 71(1), (2) and (6) of The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. "Sexual abuse or sexual offence for the purpose of this document includes a wide range of conduct: genital exposure, masturbation between adult and child, fondling breast, genitals, buttocks, and thighs, oral copulation, vaginal or anal penetration by finger, penis, or foreign objects, dry intercourse (rubbing penis between child's thighs or anal-genital area), and commercial exploitation through prostitution or the production of pornographic materials" (Strachan, Peterson & Durfee, 2003:253).

Calder (in Richter, Dawes & Higson-Smith, 2004:61) describes sexual abuse of children as the following: "Sexual abuse is a sexual act imposed on a child who lacks emotional, maturational and cognitive development. The ability to lure a child into a sexual relationship is based on the all powerful and dominant position of the adult or older adolescent perpetrator, which is in sharp contrast to the child's age, dependency and subordinate position. Authority and power enable the perpetrator implicitly or directly to coerce the child into sexual compliance."

From these definitions the researcher concludes that a sexual offence, and specifically child sexual offence, refers to any physical or non-physical sexual act, with or without consent, with a child, for the sexual gratification of the adult or older person.

5.4 Roles

Roles can be defined as actions and activities assigned to or required or expected of a person or group (On line dictionary thesaurus 2012/04/04).

According to the new dictionary of social work (1995:54) role refers to the expected or prescribed working method of a social worker in specified situation which develop during social work intervention.

With regard to this study, the word role refers to the expected activity assigned to the forensic social worker.

5.5 Responsibilities

A responsibility refers to a duty or obligation to satisfactorily perform or complete a task (activity) assigned by someone, or created by one's own promise or circumstances that one must fulfill, and which has a consequent penalty for failure (www.businessdictionary.com2012/04/14).

It is the opinion of the researcher that all tasks assume a certain liability or obligation. A social worker practicing forensic social work has an obligation not only to her client the court, but an obligation to the child victim, the accused and the community as a whole. The court relies on the forensic social worker to present objective, complete, accurate and relevant facts related to the case at hand. If the forensic social worker fails to perform satisfactorily, she will fail her client, thus failing to ensure that justice is served not only for the child victim, but also the accused.

6 LIMITATIONS OF THE STUDY

The following factors were seen as limitations:

- The present findings were obtained from SAPS forensic social workers in the Boland Overberg Area. The researcher acknowledges that the relatively small number of participants from one specific study area proves to be a limitation in so far as that generalization of the research results to all areas in South Africa is not possible.
- The study focused on interventions with child victims of sexual abuse in the Boland area and, in particular, cases reported to the SAPS Family Violence Child Protection and Sexual Offences Unit. Observed trends therefore may not be representative of trends in other areas of the Western Cape Province.

- Despite the limitations mentioned above, the researcher hopes that this study would initiate discussions about the value of forensic social work in all the Family Violence Child Abuse and Sexual Offences Units of the SAPS.

7 DISCUSSION OF RESEARCH RESULTS

The focus of the research study was on the service delivery of forensic social worker's within the South African Police Service. To enrich the research study and to increase reliability and validity, the researcher interviewed forensic social workers, as well as two other groups of participants. The researcher was of the opinion that these groups, state prosecutors and police investigating officers (as role-players within the field of child sexual offences) would be able to make a valuable contribution to the research study.

Quantitative and qualitative research results of the three different groups, namely *Group 1*: Investigating officers of the Family Violence, Child Protection and sexual offences unit; *Group 2*: State Prosecutors involved with the prosecution of cases of child sexual offences; and *Group 3*: forensic social workers) will be discussed separately. The quantitative data is presented in the form of tables and graphs. Qualitative data was categorized and organized according to categories, themes and subthemes identified in literature (Tesch 1990:142:145).

To place the research study in context, the researcher found it necessary to obtain the following statistical data: the prevalence of sexual offences cases in the Western Cape; reported cases of sexual offences in the Boland-Overberg area; and the extent of the utilization of forensic social work services in the Boland-Overberg area.

Sexual violation of young children is real; it can happen to any child irrespective of age, gender, race or social status. Children are abused behind closed doors, in secret and in many cases the children remain silent about their horrific ordeal. According to research done by Cox *et al.* (2007:952) 41% of the victims of all rape and attempted rapes reported in South Africa are children. They added that over 15% of all reported victims of rape are children under 11 and the remaining 26% are children between the ages of 12-17 years. The numerical data on reported cases of sexual offences is presented below and was compiled from data obtained from

Crime Research and statistics South African Police, as well as the Annual Report 2010/2011-South African Police.

FIGURE.1: TOTAL NUMBER OF SEXUAL OFFENCES CASES COMMITTED IN THE WESTERN CAPE: PERIOD 1 APRIL 2010 UNTIL 31 MARCH 2011

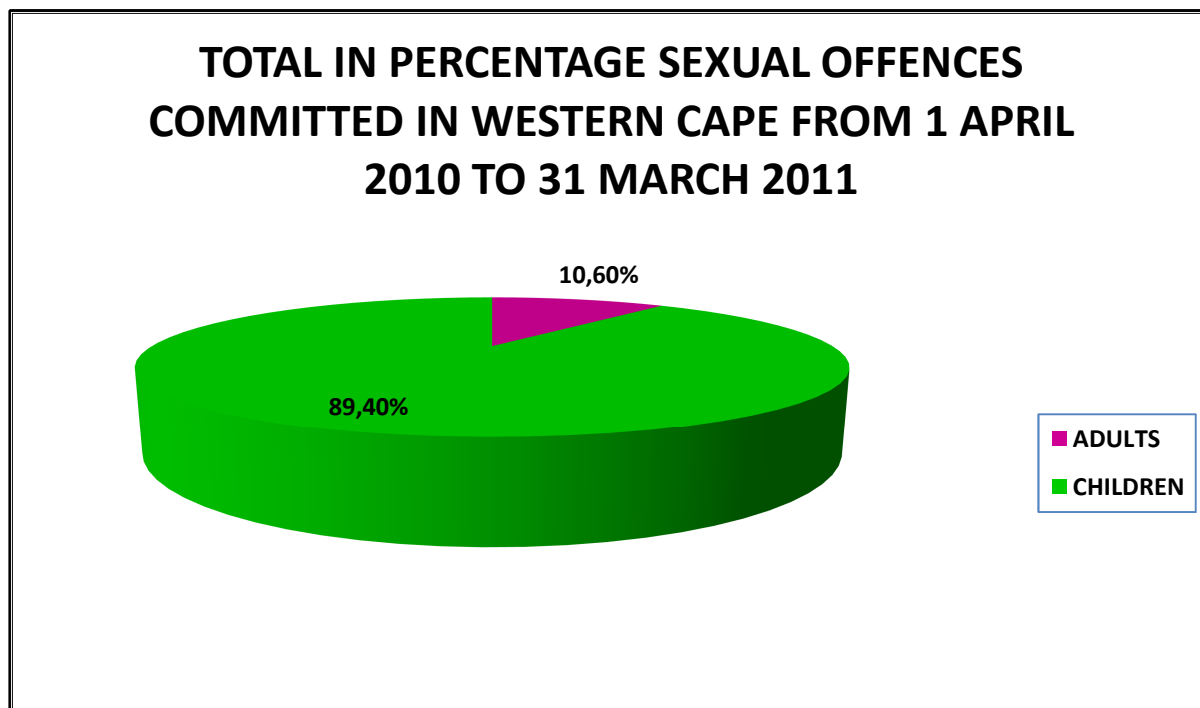


Figure 1 shows the sexual offences cases in the Western Cape between the period of 1 April 2010 to 31 March 2011. The total number of reported sexual offences cases in the Western Cape for the period 2010 to 2011 were 9299. Out of the 9299, the total number of sexual offences committed against children in the Western Cape was 8313 (89, 40%), while the total number of sexual offences committed against adults were 986 (10, 60%).

Richter and Dawes (2008:78) found in their study about child abuse in South Africa that South Africa is regarded as having an exemplary child's rights environment, yet the abuse and maltreatment of children are shockingly high. They also noted that children are victims in half of all reported cases of indecent assault, and close to half of all reported cases of rapes. This study indicates that more than 80% of sexual violation crimes in the Western Cape are committed against children. It further indicates that South Africa faces a serious problem as horrific and brutal attacks against its children still continue. In particular it should raise concern when more than half of the sexual offences crimes committed in the Western Cape are crimes committed against the weak and vulnerable in our society – the children. This

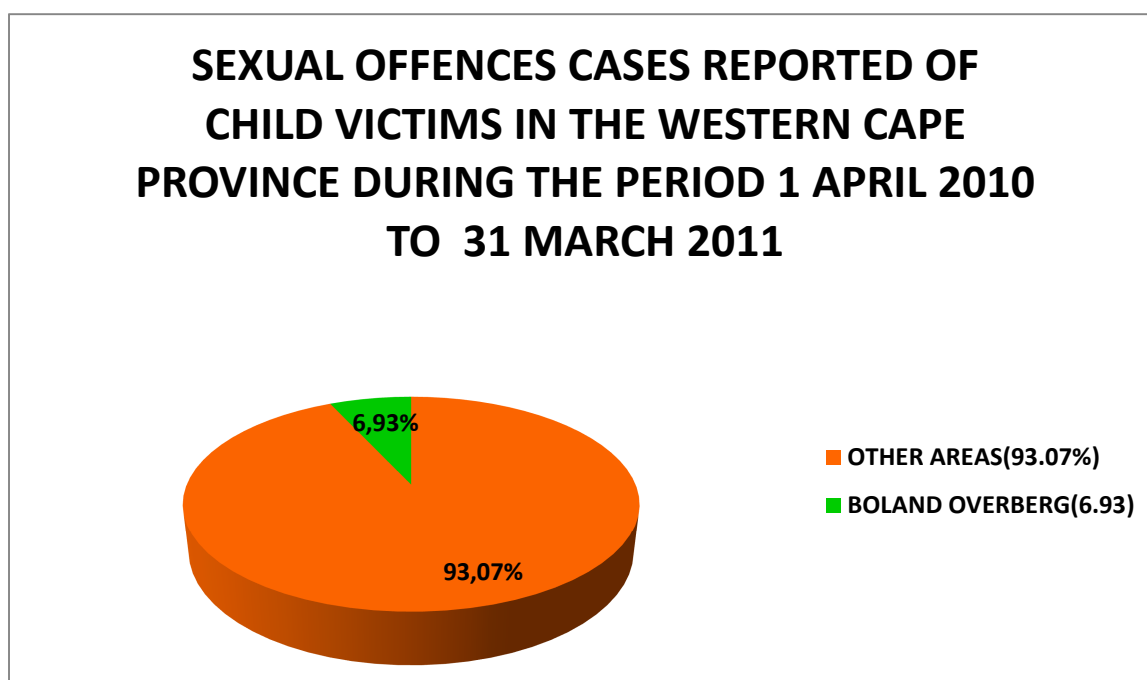
shows that there is indeed a need for serious intervention strategies to deal with the horrific sexual violation of its children.

7.1 Group One: Police Investigating Officers

The sample in this study was taken from the Boland Overberg area of the Western Cape. This included the following cluster areas of the South African Police Service: Caledon, Ceres, Hermanus, Paarl, Stellenbosch and Worcester. These areas all have unique characteristics and yet are similar in the sense that the majority of the victims, as indicated by the social workers, are from farms and small settlements.

The following are result of sexual offences committed against children in the Boland-Overberg area. Statistics were gathered from the 2010/2011 case registers of the family violence, child protection and sexual offences units in the Boland Overberg area.

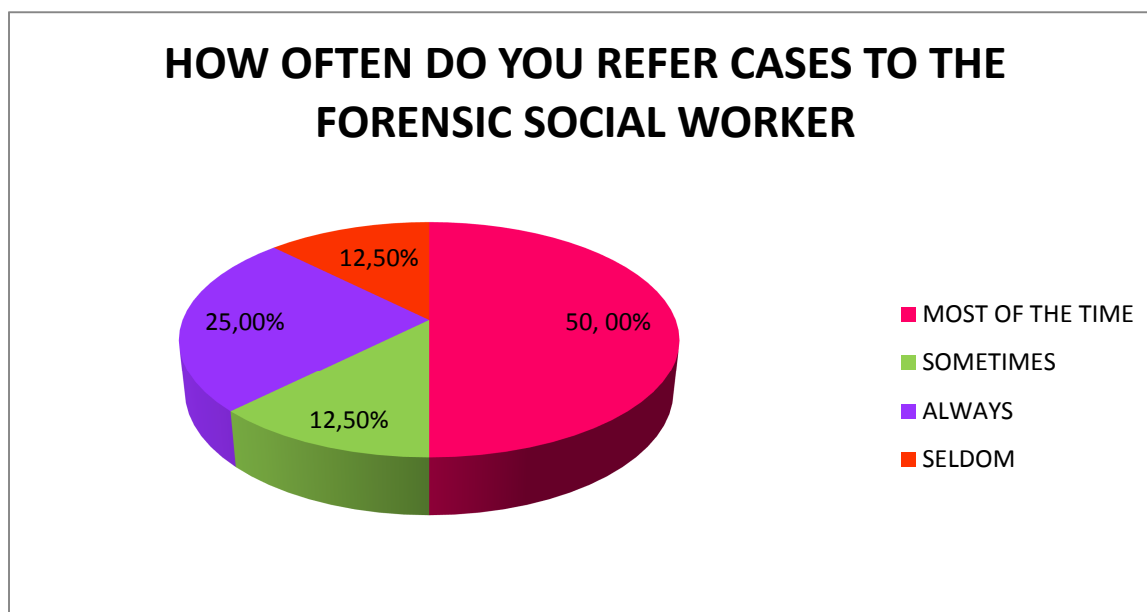
FIGURE 2: TOTAL NUMBER OF SEXUAL OFFENCES CASES REPORTED IN THE BOLAND-OVERBERG VS OTHER AREAS IN THE WESTERN CAPE PROVINCE BETWEEN 1 APRIL 2010 TO 31 MARCH 2011



Out of the 8313 cases of sexual abuse of children in the Western Cape, the total number of cases of children reported to the family violence, child protection and sexual offences units in the Boland Overberg area was 576 (6,93%). From the above it is clear that the incidence of child sexual abuse is also high in the rural

areas and not only in the urban areas. This indicates that even in the rural areas forensic social workers has a role to play because one case of child rape is one too many. No child should endure the abuse of power and the consequent loss and pain that will cause them to suffer well into their adult life (Richter & Higson-Smith 2004:3).

FIGURE 3: THE UTILIZATION OF THE FORENSIC SOCIAL WORKER



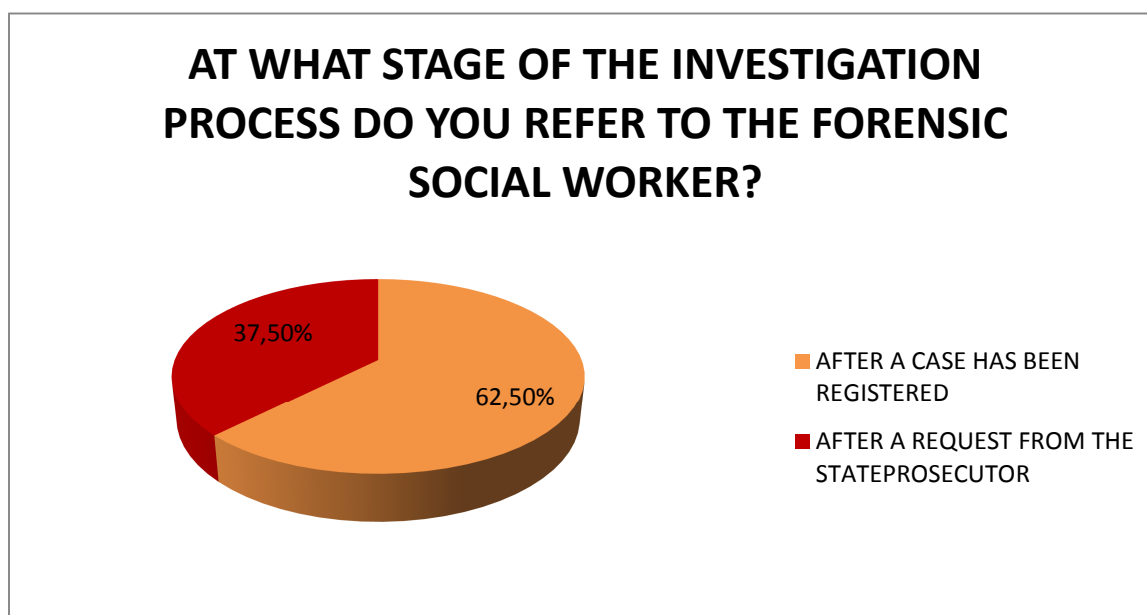
The management and prosecution of sexual violation cases of child victims are very complex and call for various forms of specialized services (Waterhouse, 2008:5). With the introduction of forensic social work in the South African Police Service, it was envisaged that forensic social workers will make a valuable contribution to the successful investigation of child sexual offences and that they would, by utilizing their specialized knowledge and skills and contributing to a higher conviction rate.

One of the key roles of the forensic social worker is to support both the Family Violence, Child Protection and Sexual Offences Unit and the Judicial System to investigate, gather and analyze all related evidence to ensure that complaints are sent to court; thereby increasing the detection and conviction rate.

This study revealed that investigating officers frequently make use of the services of the forensic social worker as they find it helpful. Four (50%) of the participants indicated that they referred cases to the forensic social worker most of the time. One

(12, 5%) indicated that they seldom referred cases. Two (25%) always referred cases to the forensic social worker. One (12, 5%) indicated that he sometimes made use of the forensic social worker. There were no participants that never made use of the forensic social worker. Participants indicated that there is a need for forensic social work intervention and that investigating officers should make use of the forensic social worker.

FIGURE 4: REFERRAL OF CASES TO THE FORENSIC SOCIAL WORKER



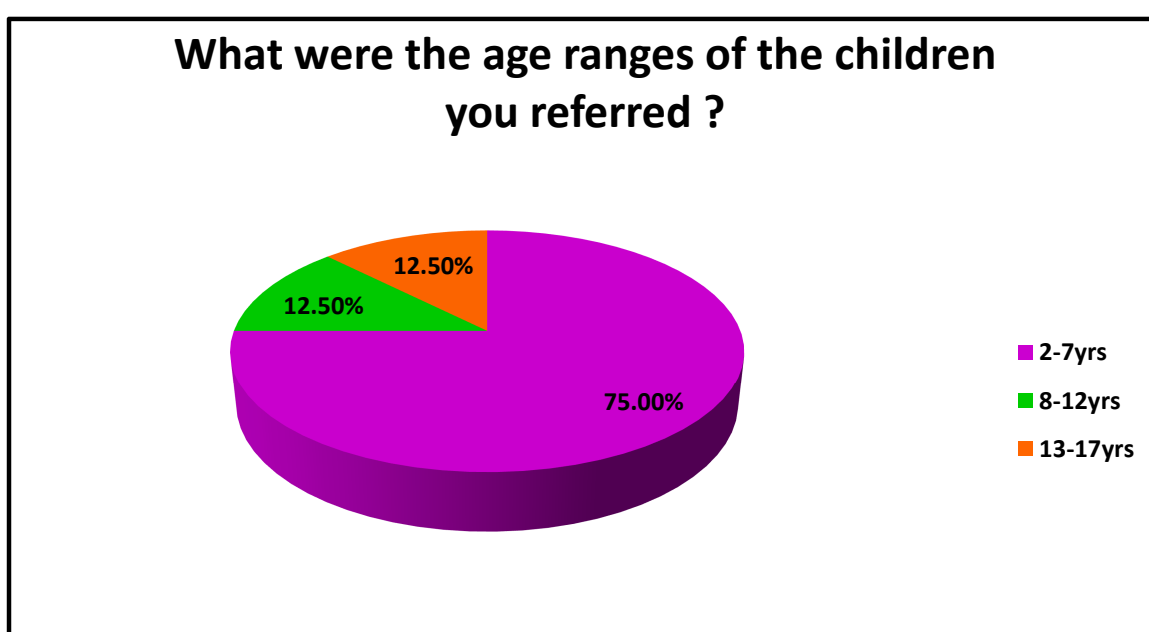
The results in the diagram indicate that in 62, 5% of the time (5 cases), cases were referred after registration thereof. Three participants (37, 5%) indicated that they only refer cases after a request from the state prosecutor. These participants indicated that the state prosecutors refer victims for forensic assessments in cases where there are certain discrepancies; either in the child's statement or other relevant information concerning the child's disclosure. Three of the participants indicated that they sometimes have a need to consult with or involve the forensic social worker before a decision is made to register a case. Four participants (50%) also indicated that involving the forensic social worker from an early stage will prevent child victims being interviewed repeatedly.

The researcher is of the opinion that if forensic social workers are consulted at the very early stages of the police investigation, it could prevent the development of

secondary trauma in the child and could speed up the police investigation and court process.

Another important aspect not to be ignored is the fact that exposure to sexual trauma can leave psychological imprints (Van der Merwe, 2009:25). These imprints can affect what a child victim discloses, how they disclose and how much detail they disclose. Only a trained professional, however, will be able to pick up on this while a police investigator or even a state prosecutor could view a child victim as being inconsistent and unreliable.

FIGURE 5: AGES OF CHILD VICTIMS



According to Richter and Higson-Smith (2004:23), sexual abuse of pre-pubertal children occurs with unacceptable frequency in South Africa. Over 15% of reported victims of rape are children under 11 years (Cox, Lungelow, Andrade, Schloetelburg, & Rode, 2007:952). Six (75%) of the participants indicated that the victims they referred were between the ages of 2 and 7 years. One (12, 5%) of the participants indicated that the victims he referred were between the ages of 8 and 12 years, while another one (12, 5%) indicated that the children she referred were between the ages of 13 and 17 years. The study indicates that the bulk of the referrals (75 %) are of the age group 2- 7 years.

In a study conducted in the Red Cross Children's hospital in Cape Town between the period 2003 and 2005 it was found that amongst 294 child victims, 54% of the

child victims were under five years of old (Cox *et al.*, 2007:951). This shows again that children in the age group 2 to 7 years are most vulnerable.

Six (75%) of the participants, however, also indicated that they often deal with child victims who are adolescents, but cannot read or write properly and who seemingly functioning at a lower level. They indicated that they work in areas where there are high levels of fetal alcohol syndrome and that they therefore struggle to communicate with these children effectively. Coulbourn-Faller (2007:142) found that “young children have less general and sex specific knowledge, they have less developed language with which to communicate, they have underdeveloped free recall memory and they are more suggestible than older children”. These specific cognitive characteristics of young children presents an enormous challenge to investigating officers and the court who are relying on children’s spoken word.

In the interview schedule of the police investigating officers there were also two qualitative questions that focused on the role and responsibility of the forensic social worker.

Police investigating officers were asked what they think forensic social work entails.

The theme that emerged from this question:

Investigating officers are not entirely familiar with what forensic social work entails, which could lead to forensic social workers not being utilized effectively.

Hulle praat met die kinders en help met verklarings.

Dit is om slagoffers voor te berei om in die hof te verskyn.

Dit is om ondersteuning te gee aan slagoffers.

Hulle doen tussengangersverslae en verwysings.

They do assessments and write reports for the court.

As seen from participants’ verbal accounts above, it seems that their understanding of forensic social work is poor. Their answers were vague and it seemed that there is in particular still confusion on the distinction between the roles of the clinical social worker, the statutory social worker and the forensic social worker. The answers of the participants reflected that they view the forensic social worker as equal to, but

more skilled than other practicing social worker. The latter, according to them, are also not informed with the specifics regarding forensic practice.

The researcher is of the opinion that forensic social workers can only be utilized effectively if role-players in the field are aware of the concept of forensic social work and if they are familiar with their service delivery methods or work protocol. If investigating officers are familiar with the scope of forensic social work practice they would know what type of cases to refer to them, as well as when to refer the case, thus working towards effective and efficient service delivery.

Professionals make clear distinctions between the forensic assessor and the clinical practitioner and it is evident that the one cannot be replaced by the other, but that each has its place within the social work arena and should be utilized accordingly. If forensic social workers remain within their ethical and professional boundaries, they would not be put in a position where they might compromise themselves, the client or the court case. Coulborn-Faller (in collaboration with Everson) made a clear distinction between the roles of the forensic versus the clinical interviewer as indicated in the following table (Coulborn-Faller 2007:4-9).

TABLE 1: FORENSIC VERSUS CLINICAL PRACTICE

Dimensions	Forensic	Clinical
Client	Court	Child
Context	Legal	Therapeutic
Stance	Neutral	Supportive
Type of data	Just the facts	Subjective experience
Structure	More structure	Less structure
Data-gathering method	Non- leading empirically scientific validated methods	Some leading, not necessarily scientifically based
Fantasy	Only real, avoid interviews that may result in fantasy	Some pretend play therapy methods
Documentation	Extensive; video, digital recordings, verbatim notes	Less extensive; written often summarized notes
Collateral Contacts	Extensive focus on collateral to test various hypothesis	Some contacts
Length of involvement	1-3 sessions	Involvement not time limited
Product	Long report	Short report

Investigating officers were asked if they think the interventions of the forensic social worker are in any way helpful to their investigation process.

The theme that emerged from this question:

Investigating officers rely on the assistance of the forensic social worker and therefore place high value on the intervention of the forensic social worker.

Yes, definitely yes. So many of us struggle to get statements out of victims.

Forensiese maatskaplike werkers doen baie moeite hulle gee vir jou baie keer agtergrond en insig wat jy andersins nie sou gehad het nie. Hulle slaag daarin om baie goeie, waardevolle inligting van die kinders te kry. Sake van baie jong kinders wat voorheen baie maklik teruggetrek sou word het nou 'n beter kans want ons kry verklarings van die kinders.

Hulle help ons baie want ons kan nie altyd verklarings by die kinders kry nie en dit maak die ondersoek moeilik.

Participants' answers reflected that they rely on the assistance of the forensic social worker. According to investigating officers they cannot proceed with an investigation if they do not have the child victim's information; they rely on the forensic social worker to assist them, especially in cases where the child is unable to provide them with a statement. "The spoken word is usually the greatest source of investigative evidence and often is the best evidence in any judicial or administrative forum. No investigation is complete until every important victim, witness, subject and, when possible, complainant, has been interviewed" (SAPS, 2009:1).

The participants in the study were of the opinion that the forensic social worker's interventions are of great value, that their interventions had made a tremendous impact, especially concerning the child victim's statement. They also noted that it is sometimes a difficult for them to get a statement from very young children and that the assistance of the forensic social worker makes their task much easier. The overall perception was that, due to the skilled interventions of forensic social workers, more cases of young child victims are placed on the court rolls than in the past.

7.2 Group Two: State Prosecutors

A number of key themes emerged from the interviews conducted with state prosecutors. These themes are outlined below.

They were asked how they perceive the role of the forensic social worker.

The theme that emerged from this question:

The forensic social worker must guide the court in effectively leading the child witness and help the courts in understanding the complexities surrounding child sexual abuse.

Dit is belangrik dat hulle vir ons moet sê hoe die hof die kind moet benader voor die kind gelei word om te getuig. Ons as aanklaers is nie op gelei om met die jong kinders te werk nie.

Ons het forensiese maatskaplike werkers nodig as ons sukkel om tot die kind deur te dring. Ons het hulle nodig om daardie inligting vir ons te kry.

Hulle moet ons kan help om die hof te lei. Stel dit duidelik aan die hof hoe die kind benade moet word. Ons sukkel met die baie jong kindertjies. Dit is hartseer om die kleintjies deur die sisteem te laat glip.

Ons wil weet: praat die kind die waarheid en hoekom, wat maak dat dit nie 'n storie is wat die kind opmaak nie.

Prosecutors placed great emphasis on the guidance of forensic social workers in leading the child witness to testify. [Leading evidence, or examination in chief, as it is known, is the process of placing the evidence of a witness before the court \(Muller 2005:32\).](#) The courts are interested in solving a legal problem and are not equipped to deal with the complexities surrounding a child witness. An expert view is in many instances crucial to the court's final decision and therefore forensic social workers need to be in a position to not only assist the courts, but to be able to explain phenomenon that falls outside the expertise of the court. In the findings of this study it is evident that the state prosecutors rely on forensic social workers' skill to elicit complete and accurate information from child victims and that they want forensic social workers to present the findings of the forensic intervention in an objective and

succinct way. They also expect them to provide answers with regard to inconsistencies in the child's testimony, as well as clarify pertinent issues with concerning the veracity of the child's statement and the child's abilities and competency to testify.

In child sexual abuse cases, skillful forensic interviews are important to ensure the protection of individuals and the conviction of perpetrators (Cronch, Viljoen & Hansen 2006:195). It seems that forensic social workers should, apart from doing their forensic social work assessments, also perform a more consultative and educational role within the judicial system. Forensic social workers are seen by the court as experts who can provide them with data that falls outside of the knowledge and expertise of the court. The researcher therefore wants to reiterate the importance of specialist training in the field of forensics. No social worker can present the court with information on child sexual abuse if they did not receive specialist training.

Another theme that was derived from the above question on the role of the forensic social worker was whether forensic social workers should fulfill an educative and supportive function.

Ons is in die platteland waar spesialiteit dienste beperk is, waar kinders deur die sisteem gefaal word. Daar word net nie genoegsaam gedoen om die kinders te ondersteun nie.

Die forensiese maatskaplike werker moenie vergeet dat sy 'n maatskaplike werker is nie; sy kan nie betrokke raak nie, sy moet nog steeds die beste belang van die kind op die hart dra.

Berei die kinders voor dat hulle nog weer by die hof moet kom praat. Lig die kinders in oor die proses, dit sal help dat hulle nie so bang is vir die hof en dan nie met ons wil praat nie.

The participants were of the opinion that there are more areas where the forensic social worker could become involved, like court preparation and proper referral of child victims to support services and therapeutic intervention. Research findings and experiences of professionals involved with children suggest that it is not enough

just to get the information from the child, but that the empowering and preparation of children for court are essential. Children need help to cope with anxieties and fears, they need to know what to expect, what is happening and what is expected of them at court (Müller & Holley, 2009: 250-257). Müller and Holley (2009:274) mention that there are a number of difficulties that testifying child witnesses are experiencing that need to be addressed. They state that it is essential that child witnesses is prepared for court, especially in South Africa where there is a diversity of cultures and where the law has so often been regarded with confusion, anger and suspicion by the vast majority of the population.

There seems to be a lack of support services to victims of sexual offences and a lack of support with regard to court preparation and this, according to the participants, directly impacts on the victim's competency and readiness to testify in court. According to the forensic social workers, many victims who are identified as being emotionally stressed or in some way or the other in need of professional supportive services are referred, but fail to receive these essential services because they are too far away. A child from a farm in the Bredasdorp area (for instance), needs to travel 450km to access the services offered at Tygerbear Unit at Tygerberg Hospital.

The researcher is of the opinion that, although it is the aim of the forensic social worker to collect the facts, she should understand that the quality of the child's evidence is depended not only on the child, but on other external factors. Factors like whether there is a support system in place, safety issues, family risk factors, and – in the case of interfamilial abuse – the possibility of intimidation and influence.

Participants were asked whether they think forensic social workers added value to the investigation process.

The theme derived from the above question:

South Africa has one of the highest numbers of rapes per capita worldwide, with children bearing the brunt of this violence. Forensic social work should therefore be seen as a valuable and essential service.

The study indicates that the forensic investigative interviews are of formidable value to the court as reflected in the following responses:

Ja, ek ondervind dat die forensiese maatskaplike werker baie meer volledige inligting van die kinders kry. Ek doen baie keer beslissings op grond van die forensiese verslag.

Ja, ek maak baie staat op die ervaring van die maatskaplike werker. Die impakverslae veral is van groot waarde – dit help die hof baie. Ja, hulle voeg definitief waarde toe tot die ondersoek, die ondersoek van die speurder is nie altyd volledig nie, dan maak jy maar staat op die insette van die forensiese maatskaplike werker.

Hulle het baie kennis en dit is baie waardevol vir ons, dit help geweldig baie veral met die slagoffersimpak ondersoeke. Ek het al 'n hele paar baie goeie vonnisse gekry.

Hulle doen goeie werk, maar ek dink daar is ruimte vir verbetering. Hulle is nou al 'n paar jaar met ons, ons moet nou al verandering kan sien. Daar is soveel potensiaal.

Ek is tevrede met die diens, ons het hulle definitief baie nodig. Dit is vir my 'n diens wat moet uitstaan, hulle moet 'n ligbaken wees.

Some participants were completely satisfied and even consulted with the forensic social worker about cases that was not referred. Feedback from the research study indicate that the participants place high value on the opinion of forensic social workers because of their experience, knowledge and their ability to elicit complete information from children. While most were satisfied, some were concerned that forensic social workers are not doing enough when it comes to interviewing the very young child (2 to 5 years), as reflected in the following response:

Die forensiese maatskaplike werkers het so baie potensiaal, maar daar is baie leemtes. Daar is net soveel meer wat hulle kan doen vir die jong kindertjies.

In one case mentioned during the interviews the forensic social worker's expert opinion indicated that the child was not a reliable and credible witness. When the child, however, went for a consultation to the court, she disclosed pertinent

information and was able to give a complete statement with consistent key elements. Another participant had a similar experience where a case was withdrawn from the court role based on the expert opinion indicating that the child's information is inconsistent and thus not reliable. The participant, however, felt that there were unanswered questions.

The forensic interview, according to Müller, K (2001:8), takes place within a legal framework and should always be based on establishing the truth. The role of the forensic social worker is not to prove or disprove guilt, but to produce accurate information. If forensic social workers are to assist the court in their decision making process, then they should: 1) make every effort to guard against false accusations of innocent persons; and 2) do everything in their power to detect actual abuse in order to protect children from future risk. According to Perona, Bottoms and Sorenson (2006:83), these two factors are the paramount goals of the forensic interview.

According to Walker (1999:2), even very young children can tell us what they know if we ask them the right questions in the right way. She further argues that even very young children can be competent witnesses in a court of law. The responsibility for obtaining information from children rests squarely on the adult and in particular on the language of the question, and not on the language of the answer (Walker, 1999:24). Saywitz and Camparo (1998:2) are of the opinion that children's statements can contain omissions, inconsistencies, and distortions that are more a function of the incompetence of the interviewer than the incompetence of the child. If this is the case, interviewers should make every effort to interpret children's statements accurately – keeping in mind age related differences with regard to memory, language, knowledge, experience, emotional maturity and suggestibility – when finalizing the forensic process and writing the court report.

It is of great concern if a prosecutor believes that the forensic social worker made an inaccurate conclusion or did not put in enough effort to elicit complete and accurate information from a child and cannot answer pertinent questions with regard to a child's language, linguistics and memory. The child's evidence might sometimes be the only available evidence that the court can rely on. Therefore the forensic expert plays a crucial role in both assisting the court in establishing factual findings and

understanding the significance of the facts. If the client, in this case the court, does not have full confidence in its service provider (the forensic social worker) then there is reason for concern.

Participants were asked to comment on the quality of the forensic social worker's court report.

The theme that emerged from this question:

The intervention process and final product (scientifically based court report) should portray advanced knowledge, skill and objectivity. It should be succinct and the social worker's expert testimony should withstand critical review from opposing parties.

Ek maak baie staat op die ervaring van die maatskaplikewerker. Die verslae is van grootwaarde – dit help die hof baie. Die verslae gee agtergrond en insig in wat jy andersins nie sou gehad het nie.

Hulle het baie ervaring en lewer baie goeie werk, maar jy kan dit nou nie van almal sê nie, sake val soms deur die mat oor leemtes in sommige se verslae.

Ek kry altyd goeie terugvoering, die verslae wat ek kry is baie goed en ek kan dit in my betoog gebruik. Die aanklaers gebruik baie die inligting van die forensiese maatskaplike werker.

Forensic social work, within the context of this study, involves a process of collecting facts related to a sexual offences case under investigation and providing the court with a legally sound professional opinion. Evidence or facts collected are presented in the form of a written report and the opinion of the professional, based on knowledge and experience, should be scientifically validated.

The answers of participants reflected that the forensic social workers' interventions and court reports are of a good quality and are objective and comprehensive. The results show that participants are depending on the forensic social workers' expert opinion and therefore they place great value on the court reports to assist them in their decision making. There was, however, a concern that there some reports are

incomplete and that forensic social workers may need more specific training in report writing.

From the participants' responses it seems that forensic social workers may be struggling with finalizing the information gathering process. It is important that a forensic social worker knows what information is relevant and what is not.

The theme that was derived from this is that forensic social work intervention is pertinent to the investigation process and that all cases with regard to child victims should take precedence.

Ek dink tog in terme van die diens wat hulle lewer moet die ingryping baie vroeër plaasvind, want ek wag baie lank op die verslae. Dit is vir my belangrik dat die kind se verklaring so goumoontlik op record geplaas moet word.

Ons verstaan hulle dek wye areas en die areas is baie groot plase is ver en wyd, maar ons sit baiekeer met die probleem dat kinders op plase 'n tweede of selfs 'n derde keer verkrag word, dan is die eerste saak nog nie eers afgehandel nie.

Gevalle word dalk nie vroeg genoeg verwys nie. Die maatskaplikewerker moet baie vroeër betrokke wees. Ek dink die kind moet binne die eerste week wanneer die saak aangemeld word verwys word.

Participants' answers reflected that there were still too many delays and that they wait very long for court reports. They were of the opinion that they would be in a better position to act in the best interest of the child victim if reasons for the delays are communicated, especially when it is crucial to the investigation. They furthermore thought that there is not enough communication and/or consultations between forensic social worker and prosecutor. It seems that there is sometimes very valuable information that comes out in the report, but that it reaches the court too late. By that time there are so many negative influences on the child's life that could have been prevented.

The overall opinion was that forensic social workers should be involved at a much early stage than is currently the case. According to participants, investigating officers sometimes fail to refer critical cases from the start which then leads to long delays and unnecessary complications. This was specifically mentioned in the cases

where intra-familial sexual abuse, limited support and specialized services in the rural areas, as well as external and social factors impacting on the child ultimately affects the court case.

7.3 Group 3: Forensic social workers

As South Africa has one of the highest numbers of rapes per capita worldwide, with children being the main victims (Cox *et al.*, 2007:950), forensic social work should be seen as an essential service. The views, opinions and current status of the social workers practicing forensic social work were therefore pertinent to this study.

Determining the number of years of experience of the social workers were seen as vital to this research study, as lack of experience and skill can place the social worker at a disadvantage and impact negatively on service delivery. The following numerical data reflects the forensic social workers' years of experience.

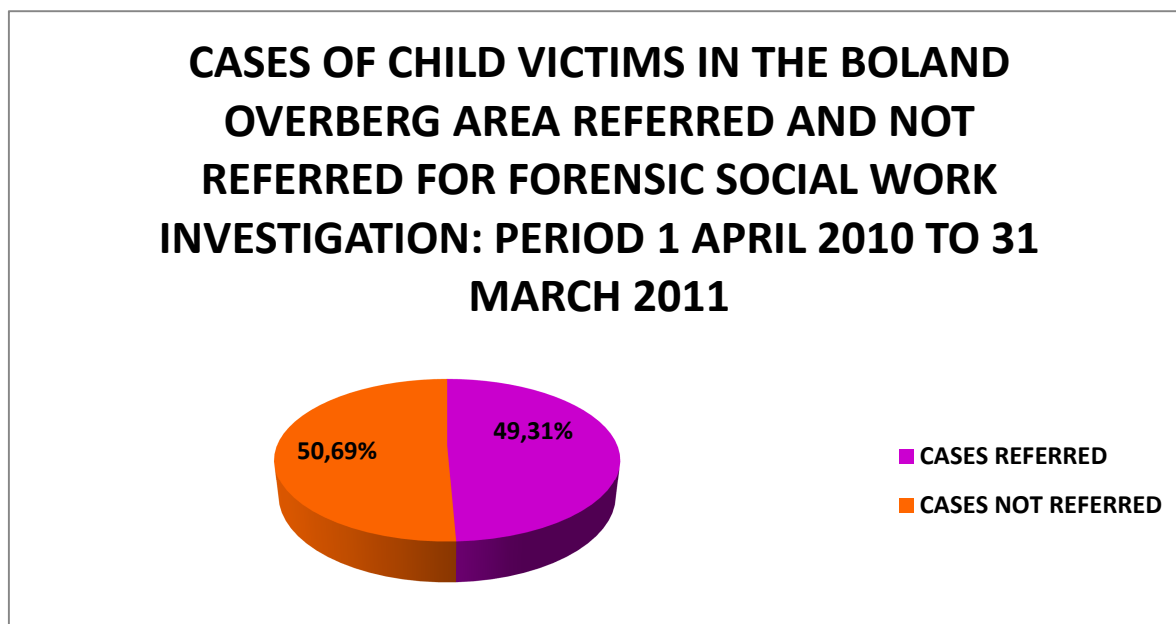
TABLE 2: YEARS OF EXPERIENCE OF FORENSIC SOCIAL WORKERS

Interval : Years	Persons	Years of experience in %
6-10yrs	1	20%
11-15yrs	3	60%
16-20yrs	1	20%
Total	5	100%

Child victims of sexual abuse have the right to be interviewed by a professional who has the necessary qualifications, knowledge and skill (Spies, 2006:185). The above table reflects that the majority of participants practicing forensic social work in SAPS Boland Overberg have between 11-15 years of experience as a social worker. One of the social workers has more than 17 years' experience.

To enrich the data of the research study, it was important to obtain data on the status of forensic social work delivery within the sample area. The following figures reflect information on cases referred to the forensic social workers.

FIGURE 6: CASES OF CHILD VICTIMS IN THE BOLAND OVERBERG AREA REFERRED AND NOT REFERRED TO THE FORENSIC SOCIAL WORKER FOR THE PERIOD OF 1 APRIL 2010 UNTIL 30TH MARCH 2011 OUT OF THE TOTAL OF CHILD SEXUAL OFFENCES CASES REPORTED TO THE FCS UNITS



According to data from the case registers of forensic social workers, out of the total of 576 cases of children that were reported to the FCS Units, a total amount of 284 (49,31%) were referred for forensic assessments, while 292 (50,69%) were not referred. This shows that almost half of the reported cases of child sexual abuse were seen by a forensic social worker and that the participants interviewed completed 284 forensic social work investigations for the period indicated.

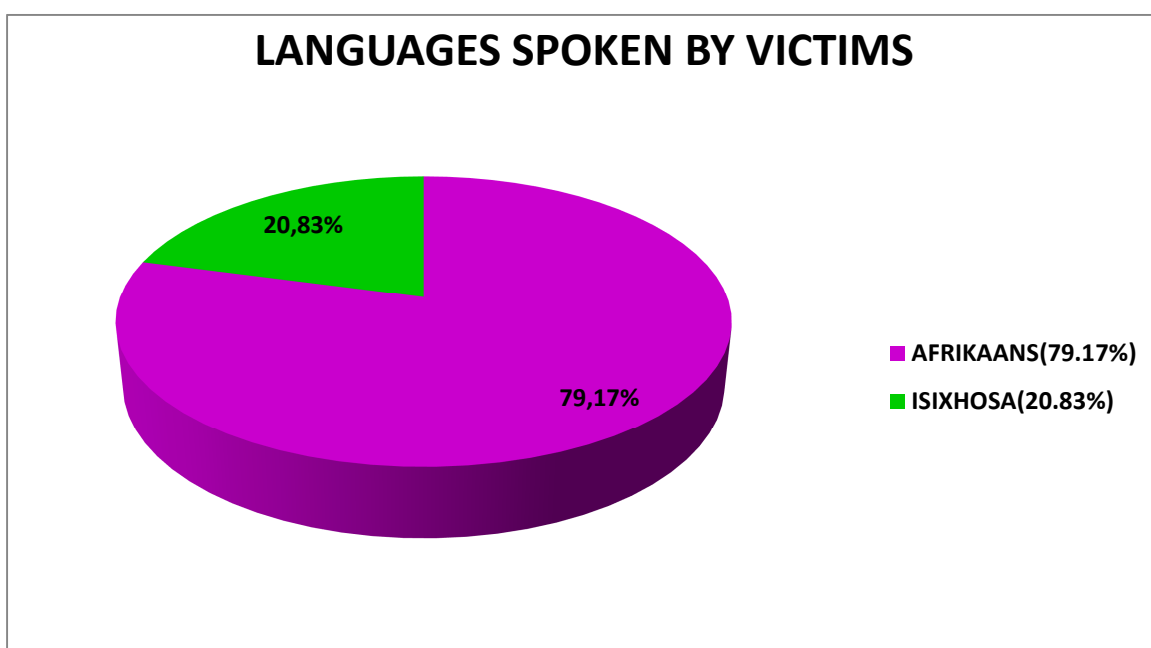
Forensic social workers indicated that they conduct forensic assessments of cases that have been preceded with a written request from the referral agents; in this case the FCS investigating officer and state prosecutor, and that they attend to 7 to 10 new cases on average per month. According to them, the timeframe they have for completing one forensic investigation process (including writing a court report) is 6-8 weeks. They furthermore indicated that they also receive requests from investigating officers for assistance with taking statements from very young children and victims who are developmentally challenged.

According to the forensic social workers performance plan and appraisal document (SAPS 55, 2010/2011:1) they must, in accordance with their work protocol, attend to two new referrals per week. Louise Aucamp, an expert in the field of forensic social work, is of the opinion that a forensic practitioner cannot attend to more than eight

cases per month. This, she adds, is due to the fact that the forensic investigation process needs to be thorough and should include four stages: i) forensic assessment; ii) collection of collateral information; finalization and evaluation of collected information; and writing of a court report which should include a review of literature.

The researcher could not find any other literature in South Africa indicating the norm concerning the optimal number of clients a forensic social worker can attend to per month.

FIGURE 7: LANGUAGE OF CHILD VICTIMS REPORTED TO FCS UNITS IN THE BOLAND OVERBERG AREA



The diagram above indicates the language spoken by the child victims who has been referred for forensic social work interventions. Out of a total of 576 reported cases, 284 were referred for forensic assessments, of which 224 (79, 17%) were Afrikaans speaking and 59 (20, 83%) were isiXhosa speaking. The communities within the specific area of service delivery are mainly Afrikaans speaking communities.

The forensic social work participants indicated that they do not make use of interpreters and that isiXhosa speaking victims can only be seen by a forensic social worker who knows the language. Sexual abuse takes place in all cultures and classes, thus the problem of language becomes evident in forensic investigations

(Poole & Lamb, 1998:9). Children are still in the process of linguistic and cognitive growth and a child victim who is not seen by a forensic social worker who can speak and understand the mother tongue of the child is at risk during the forensic interview (Walker, 1999:74). In this study there is an indication that provision is made for child victims of different languages and cultures.

Forensic social workers were asked if they make use of a specific referral criterion.

The following theme emerged:

Forensic social workers attend to cases only after a written request from a police investigating officer or a state prosecutor.

I only attend to cases that have been preceded with a written request for forensic assessment.

I only attend to cases where a criminal case has been registered.

I work according to a specific mandate. Investigating officers can indicate on the referral form what type of forensic intervention is needed.

Assessment by the forensic social worker will be performed if the referral takes place via the SAPS by means of a referral letter. Assessments referred by the public prosecutor, as well as the Director of public prosecutions, will be attended to when a written request is received (Forensic Social Work procedure manual, 2010:6). From the responses of the participants it is clear that they do not attend to all child sexual offences cases that are reported to their respective units.

The study reveals that the services of a forensic social worker are specifically requested either by the investigating officer of the case or the state prosecutor. Investigating officers complete a referral form, indicating the type of crime registered, name, age and contact details of the victim, as well as the type of intervention needed, for example the child is too young and could not give a statement to the investigating officer. Requests are also received from the state prosecutors who will indicate to the investigating officer whether the service of the forensic social worker is needed.

Referral for forensic assessment interviews may be done in the cases where (Spies, 2006:207):

- children are very young and cannot give a statement or testify in court;
- older children have learning difficulties or other developmental or communication problems;
- the J88 (medical report) does not confirm the child's statement;
- the alleged perpetrator cannot be linked to the crime;
- the prosecution needs assistance in reaching legally acceptable grounds for deciding whether to prosecute or not;
- there have been lengthy delays since the first allegation;
- the child is too traumatized to disclose intimate details of the abuse; and
- there is a moderate to high level of suspicion that sexual abuse has occurred, but there is no response to a primary investigative interview.

The South African Police Service forensic social workers also work according to the same criteria.

As was indicated earlier in this article, there is a very clear distinction between the role of the forensic social worker and that of the clinical social worker.

Participants were asked about their role as forensic social workers.

The theme that emerged from this question:

Forensic social workers' primary client is the court and they work within a legal setting, collecting and presenting facts.

To enrich the findings of the study, the verbal accounts of forensic social work participants are reflected:

I do assessments of children; getting information with regard to the alleged incident in terms of who, what, when, how, as well as the veracity of the child's statement.

I assist the investigating officer in getting statements from children.

I collect collateral information in order to test the information the child gave me.

I compile scientifically based court reports and provide expert testimony.

Ek sien my rol as om aan die hof inligting te verskaf oor die kind se psigo-sosiale funksionering en tree op as deskundige getuie.

Ek versamel feite en maak aanbevelings aan die hof oor of die seksuele misbruik plaasgevind het al dan nie, en verskaf inligting aan die hof oor die dinamika van kinderseksuelemisbruik.

According to the forensic social work participants, their main purpose is to collect information from the child victim. In order to do so, they need to review literature and collect corroborating information from other sources (such as medical records, school reports, and conduct interviews with relevant systems and significant others). The aim of this would be to again remain neutral and test multiple hypotheses that might explain an allegation. The successful investigation and prosecution of criminal offences hinges on obtaining reliable information from child victims and or witnesses (Perona, *et al.*, 2006:83). The forensic practitioner will act as an impartial scientist, thus maintaining a neutral stance with no vested interest in the outcome of his/her involvement, for e.g. whether the child is found to be sexually abused /not abused is of no relevance to the forensic practitioner, he or she should only establish the facts of the case under investigation. The role of the professional requires not only a commitment to objectivity, but the capacity to create unbiased assessment procedures (Clark 2009:72).

Barker and Branson (cited by Green, Thorpe & Traupmann 2005:144), summarized the forensic social work field in the United States into 10 core areas:

1. testifying in courts of law as expert witnesses;
2. systematically evaluating individuals so that the resulting information can be used in court or by legal authorities;
3. investigating cases where criminal conduct may have occurred and presenting the results to judges, juries and other law authorities;
4. recommending to courts of law ways to resolve, punish and rehabilitate those found guilty of criminal acts or negligence in civil actions;

5. facilitating the court ordered sentence of the convicted person, monitoring and reporting progress to courts;
6. mediating between individuals and groups involved in disputes or conflicts;
7. testifying about professional standards of social work to facilitate cases of possible malpractice or unethical conduct;
8. devoting considerable attention to educating their colleagues about the influence of the law on their profession;
9. facilitating development and enforcement of licensing laws to regulate professional practice; and
10. Maintaining the relationship with their own clients that uphold the letter and spirit of the law and ethical principles of their profession.

Forensic social work within the South African context is still in a developing stage. In this study, the forensic social worker field is limited to criminal investigation and criminal courts that entails the scientific investigation and forensic assessment of sexually abused children. According to the South African Police Service it is envisaged that social workers specializing in the field of forensic social work will be utilized to assist the Family Violence Child Protection and Sexual Offences Unit with the investigation of Family violence, child protection and sexual offences related crimes with the aim of influencing the conviction rate.

The following performance areas (Table 3 below) are seen as key roles of the forensic social workers: (SAPS, 2007:6).

TABLE 3: KEY ROLES OF THE SAPS FORENSIC SOCIAL WORKER

Deliverable	To assist the management of the Family Violence, Child Protection and Sexual offences Unit and Judicial System to gather, investigate and analyze all related evidence to ensure complaints are sent to court and the detection rate and conviction rate increased.
Actions	Conduct Forensic assessments of cases of alleged child abuse referred by the FCS and/or judicial system. Give feedback to the FCS members and the judicial system through scientifically based reports. Act as an Expert witness.

	Assist with statement taking of traumatized or young sexual abuse victims.
Outcome	Improved investigation of cases and expert evidence in court regarding offences against children (up to 18yrs) and contribute to the successful prosecution of crimes against children.

Participants were asked what acquired knowledge and skills enables them to practice forensic social work.

The following central theme emerged from this question:

Forensic social work practice is a specialist field which requires advanced, specialist training.

We received in-service training, and attended training workshops and short courses in forensic assessments and child abuse management; however, I still feel I need more specific training and guidance.

Yes, we had a lot of training and I feel that my post graduate training at the university equipped me with even more knowledge in the field especially when it comes to applying techniques and in my report writing.

Ja, dit is 'n moet dat jy oor spesiale vaardighede moet beskik en dat jy ook self pogings moet aanwend om jou vaardighede te verbeter.

The responses of the participants confirmed that forensic social workers received specialist training in order to equip them to deliver an effective service. Their answers reflect that they received additional training in the form of short courses and training workshops. The study furthermore reveals that participants attended training courses in child development, child sexual abuse dynamics as well as expert witnessing.

All the participants indicated that they attended the following training workshops presented by respected professionals in the field of child sexual abuse and forensic practice: assessment of child sexual abuse and the use of assessment media and tools; multi disciplinary forensic workshop on interviewing children and related dynamics; policy and legislation pertaining to sexual offences; forensic play related techniques; family violence divorce, law and forensic assessments; forensic

assessment of pre-school;primary school and adolescent child;introducing the child witness, assessment of child witnesses with cognitive handicaps-(basic and advance training);child forensic medical examination and expert witnessing course;and the use of anatomical correct dolls and other forensic assessment tools. Most of the training ,however, lasted between one and three days. In the researcher's opinion this is not sufficient as a social worker's conduct should be based on sound ethical standards, and their conclusions and recommendations should withstand critical review and rebuttal from opposing parties.

From the answers given by the participants, it is clear that training in forensic practice, especially in interviewing techniques, questioning and child sexual abuse dynamics, is essential. It is the opinion of the researcher that to just attend training courses is not enough – professionals need to be exposed to some sort of evaluation or monitoring system.

In cases of forensic assessments there is always the possibility that the professional may be called to perform the role of the expert witness. They may be asked about their assessment process, their results, their opinions, and details of the child, the competency of the child to testify and the veracity of the child's information. It is therefore required that practitioners in the field of forensic practice is skilled and competent (Clark, 2009:70). It is the opinion of the researcher that these skills and competence can only be acquired through structured training programs.

The researcher furthermore argues that specialist structured training courses puts the social worker in a better position, especially when it comes to the application of the forensic interview process and organization of data for court reports. An advanced training course not only enhances professionalism, but in the absence of professional guidance and supervision; empowers the social workers in the sense that they can confidently and successfully demonstrate that they are specialists in their field.

Particular training and specific competencies are especially important with respect to evaluating suspected child sexual abuse. According to Clark (2009:77) this includes not only appropriate graduate training and an advance degree in a mental health discipline, but also experience in evaluating and treating families, and

specialized training in child development and child sexual abuse. She also points out that the professional conducting forensic evaluations should be familiar with current developments in their subject field, including professional literature. Bourg (1999:10) highlights the following areas as critical: a review of literature on children's emotional, cognitive, and linguistic development; training in techniques for assessing children's legal and linguistic competence and for eliciting statements from children using non leading questions and interviewing tools; background information on the dynamics of child abuse and its impact on children; and continuing education in the form of peer consultation, literature updates, and legal updates.

Child victims of sexual abuse have the right, according to Spies (2006:185), to be interviewed by a professional who has the necessary qualifications, knowledge and skill. Forensic social work is seen as a specialization and for that reason it is the opinion of the researcher that social workers practicing forensic social work need to adhere to the academic requirements for forensic social work. Experience as a social worker and specialist training are the determining factors for practicing forensic social work. Green *et al.* (2005:150) are of the opinion that not all skills are transferable and that specialized training is better than "in-house" or worse, on the job training. A lack of experience and skill can place the forensic social worker at a disadvantage and impact negatively on service delivery.

Participants were asked what their investigation process entails

The central theme that emerged from this question was:

The forensic social workers follow a systematic assessment process based on interview protocols and structure.

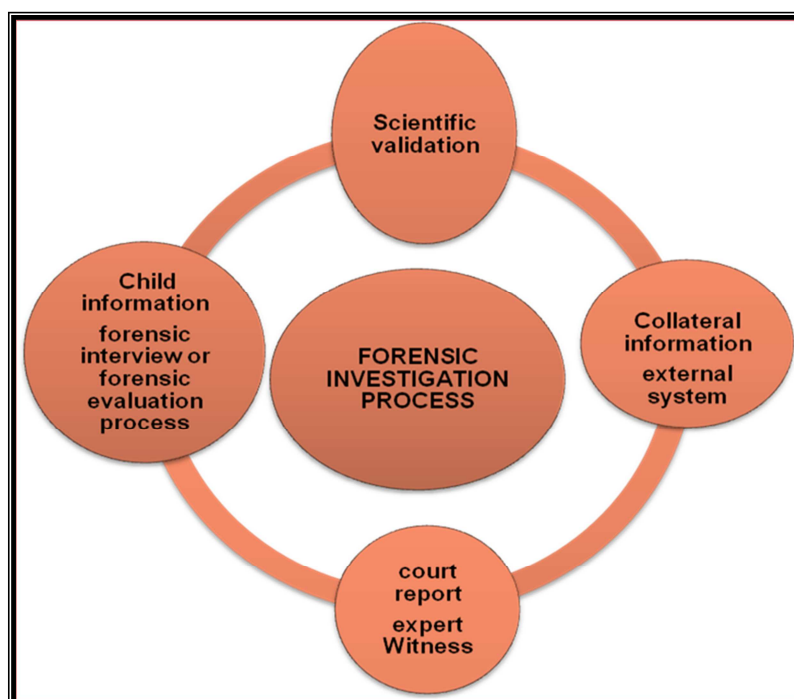
I follow a systematic process when I do my forensic interviews. The interview with the child has a specific structure and I will always make use of assessment tools. My main focus is to interview the child, but I also collect information from parents and the child's school.

My ondersoekproses behels onderhoude met die slagoffer, ouers, skool, opstel van 'n hofverslag en, indien nodig, verwysing vir ondersteuningsdienste.

Ek ondervind dat die rolspelers nie altyd verstaan wat die forensiese proses behels nie; hulle dink jy voer net 'n onderhoud met die kind en dit is dit. Dit is egter meer as dit; jy verkry kollaterale inligting en jy het opvolg onderhoude met die kind. Jy moet soms meer as 300km in een dag ry net om by een kind uit te kom.

From the responses of the participants it is evident that the interview with the child within the forensic context is conducted by means of a specific structure and process. They look at the child holistically, taking into account the various systems and social and child sexual abuse dynamics, in order to formulate conclusions that are legally defensible. According to the forensic social workers, the forensic investigation process is about finding and providing the court with objective information based on facts. It seems that the success of the forensic investigation process depends greatly on the person conducting the process.

SCHEMATIC PRESENTATION 1: THE FORENSIC SOCIAL WORK INVESTIGATION PROCESS



The above schematic presentation is a summary of the data collected from the forensic social workers. It shows that the forensic social work intervention is a process that is based on much more than just an interview with the child. The evaluation process within the forensic field is designed to answer a question of relevance to the legal system and therefore differs in structure, role and method from clinical investigation process. In child sexual abuse cases, skillful forensic interviews are important to ensure the protection of individuals and the conviction of

perpetrators (Cronch *et al.*, 2005:195). Forensic social workers collect information from the child by means of a forensic interview or forensic evaluation process. In order to test the child's information and to test various hypotheses, collateral information is collected. According to the forensic social workers the process is conducted within a theoretical framework as their assessment methods and expert opinion needs to be scientifically validated. Participants described their involvement as a full forensic investigation process; they see their assessment process as a process that is based on the application of scientific tools, objectively evaluating and testing the child's information. The participants stated that they assess child victims of FCS related crimes, compile court reports on information gathered and that they act as expert witnesses. The unavailability of resources, limited support and the distances they have to travel within the rural areas are obstacles that negatively impacts on their forensic investigation process.

The participants were asked if they make use of any guidelines and or work protocols.

The central theme that emerged from this question was:

Protocol and guidelines play a significant role in forensic social work practice.

We follow APSAC guidelines and apply the Comprehensive child assessment model.

Ja, ons het 'n werk protocol wat ons moet volg. Die informasie vervat in die protokol is volgens my outdated.

Ons het slegs 'n twee weke oriëntasie program gehad en temin tyd is spandeer aan die inskerping van riglyne, protokol en etiese waardes waarop die ondersoekproses baser moet word.

Jy moet spesifieke riglyne volg om jou kennisbasis korrek aan te wend. Ons volg riglyne van APSAC (American Professional Society on the Abuse of Children) en maak gebruik van 'n gestruktureerde assesserings proses.

The South African Police Service utilizes APSAC guidelines as their frame of reference, as identified by the participants. In spite of the fact that the participants

indicated that they follow these guidelines and work according to specific interview structures, this study further reveals that the forensic social workers received no official training in the APSAC guidelines. Some of the participants did not know what the acronym APSAC stand for and two of them were not familiar with certain information in their procedure manual. The South African Police Service forensic social work procedure manual quite clearly outlines the ethical standards, objectives, functions and the processes that forensic social workers should apply in their work, as well as the model the social worker must follow in her assessment process. The forensic social workers initially attended a two week orientation program. This was their first encounter with the field of forensics. It was also during this two week program that they received training in their procedure manual, together with specialized training in child sexual abuse management and forensic assessments.

Participants' lack of knowledge regarding the protocol they are suppose to follow is, in the opinion of the researcher, of great concern. Guidelines are intended as a framework for professionals and a specific structure can not only help to elicit accurate and complete information from young children, but it can reduce the anxiety of both the interviewer and the child. It is of utmost importance to ensure that the best methods are used to obtain children's reports (Perona, Bottoms, & Sorenson 2006:122).

The researcher is of the opinion that if forensic social workers do not keep abreast of the latest developments in the forensic field and do not familiarize themselves with their specific code of ethics, professional guidelines and work protocol, they are placing themselves at a disadvantage and are setting themselves up for failure. According to participants they attended a two week orientation program before starting their forensic social work practice. The use of a structured process provides guidance, compensates for insufficient professional training, provides you with the opportunity to defend your practice, and adds to your credibility. On-going supervision and feedback are, however, necessary components of any protocol or structure.

Participants were asked if they ever have been called to testify as expert witnesses.

The following theme emerged from this question:

Forensic social workers appear as expert witnesses in court.

Yes, I was called to testify a few times and it felt that I made a positive contribution.

Yes, and it felt good because I got positive feedback.

You have a lot of feelings before the time, but as an expert you bring so much more than just the child's report; what gave me that confidence is the fact that I can as a social worker not only report on a child victim's psychosocial functioning, but on how traumatic experiences like rape can impact on a victim's current and possible future behavior.

I was subpoenaed a few times but never asked to testify.

The main characteristic distinguishing social workers specializing in forensic social work from other social workers is that the social worker's function as an expert witness is emphasised. According to Stern (1997:21), an expert witness is someone with specialized knowledge, skill, experience, training or education that is able to explain to jurors something important about the litigation that they might not otherwise understand. He further states that the expert witness must be an educator, interpreter, explainer, smart, informed, thorough, articulate, savvy and attentive. The study indicates that forensic social workers in South African Police Service are accepted as and do appear as expert witnesses as can be seen from their responses. It further revealed that when the participants were called to testify as expert witnesses, the outcome was positive. The participants in this study indicated that their expert testimonies were focused on answering the following questions:

- Have the child been sexually abused?
- Why did this child behave this way?
- What happened in her background that could explain her behavior?
- In what way has this person been psychologically and socially damaged by the crime?
- Explain the impact of the trauma on the child as a witness.

- Explain inconsistencies in the testimony of the child.
- Answer questions relating to the child's competency to testify.

It is argued that child sexual abuse cases are often very difficult to prove in court. Abuse occurs in secret, and the child is usually the only eyewitness. Although many children are excellent witnesses, some are too young to testify, and others are ineffective on the witness stand. Because evidence of abuse is difficult to come by, expert testimony sometimes plays an important role in child abuse litigation, especially in sexual abuse cases (Meintjies-van der Walt, 2002:24)

Battin and Ceci (2003:4) argues that children present a special challenge when they become participants in the legal system. Adults have to accurately infer what the child meant from the words that the child used. The value of the forensic social worker as an expert lies in her ability to be of assistance to the court. The forensic social workers indicated that they produced expert testimony in order to assist the court in reaching a just and fair decision. In providing expert testimony they educate the court about the psychosocial functioning of the child, as well as the specific dynamics relating to child sexual abuse.

A lack of knowledge of children within the legal arena gives rise to serious injustices for children and highlights a major need for expert evidence (Müller, 2003:2-9). It is often difficult to determine whether sexual abuse indeed took place due to the fact that it occurs in private, with the child as the only witness. In many cases the perpetrator is a family member or trusted person, and perpetrators rarely leave physical evidence of their crime (Carstens, 2006:187).

Expert witness evidence may provide a context in which a victim's behavior can be rationalized and understood. The knowledge of an expert can be used to rebut defense assertions that delays or inconsistencies in a victim's story are indications of fabrications (Spies, 2006:188). Müller (2003:2) is of the opinion that greater use is being made of experts and that it is necessary that judicial officers should be made aware of the fact that children differ from adults in terms of cognitive and language development, as well as their perception and beliefs.

The role of an expert witness is to assist the court in making a just and fair decision in a particular case and is mainly based on probability rather than certainty.

Participants were asked about the methods they apply in eliciting information from child victims.

The central theme from this question:

Forensic social workers make use of interview tools and specific methods to elicit complete and accurate information from child victims.

Yes, I use tools. I make use of the competency assessment technique, body parts inventory.

Ja, ek gebruik tegnieke na gelang van die tipe kind en tipe geval. Die meeste van die tegnieke moet jy aanpas om by die kind se unieke omstandighede in te val.

We have the anatomically correct dolls. I make use of different methods to connect with the child. I will let them colour or draw pictures.

Many of our kids that we work with are not exposed to all these fancy pictures and puzzles, so you need to be creative and skilful.

I use media, tools and play techniques to interact with the child. I get down on the floor, build trust with the child.

All participants apply assessment tools and techniques to elicit information from children. Participants indicated that they received the necessary training and that they use techniques that they are trained in and comfortable with. They also indicated that their motivation for using interview tools and techniques are rapport building, clarification, to enhance recall of detail, to give the child the opportunity to document what he/she has experienced. Cronche, Viljoen and Hansen (2006:198) are of the opinion that while personal characteristic of the child and the interviewer may impact disclosure rates, specific interviewing techniques' often plays a greater role in disclosure.

It is critical that the forensic interview is conducted with skill and integrity and that only scientifically validated methods are applied. The forensic interview is a task

that requires an open, yet analytical and critical perspective. This perspective is necessary to avoid reaching inaccurate conclusions, such as concluding that an event has occurred when it has not or concluding that an event has not occurred when it has (Perona *et al.*, 2006:83).

It has become increasingly common among professionals in the forensic field to use investigative tools in order to maximise the amount and quality of information obtained from a child. A concern was raised by the participants that training in media, tools and techniques was limited to one or two days. According to the participants they did not receive sufficient training in the application of the essential techniques. Pipe and Salmon (2009:365-390) are of the opinion that in skilled hands the correct interviewing aid can be a useful tool; however, they may also cause detrimental effects if not utilized properly.

Literature on forensic practice clearly indicates that not any tool can be used in a forensic setting as some tools can lead to contamination and suggestibility. When using an interview technique, social workers should know who developed the technique and whether it is scientifically validated. They should also be trained in the correct application of the technique (Cronch *et al.* 2006, Faller, 1996; Poole & Lamb, 1998). By reviewing the protocol guidelines of the police it was clear that there are 36 media/assessment tools in the guidelines (SAPS, 2007:18-34). According to the participants they only use a few of these techniques, because they are not familiar with all of them. Participants only received training in 11 of the 36 assessment tools outlined in the participants' work protocol. A few of the participants are aware of the fact that there are only six empirically supported forensic techniques and seem to be applying it correctly in accordance with their post graduate training. They are allegation blind interviews; open-ended questions; cognitive interviewing; truth-lie discussions; touch survey and anatomical detailed dolls (Cronch *et.al*, 2005:196-200). A forensic social worker can only use material that is scientifically validated and not leading.

Participants were asked what value they thought they add to the investigation process.

The central theme derived from this question:

Forensic social workers have a significant impact on the investigation of child sexual abuse cases.

Forensic social work participants were of the opinion that they have the ability to elicit complete and accurate information from a child victim of abuse and that their skilled forensic interventions contribute to the successful investigation of child sexual abuse cases.

To enrich the findings of the study, the verbal accounts of the participants on their perceived significance are reflected below.

Sometimes the child don't want to talk to the investigating officer and with our knowledge of child development issues, we can better relate to the children, making it easier for a child victim to talk.

We ensure that the child victim is handled in a child sensitive way and reduce secondary traumatisation.

We are especially making an impact with regard to the investigation of cases of very young children. Previously, most of the cases of young victims were withdrawn because there were no statements from these children or just not enough evidence. Apart from assisting with statement taking, we also collect collateral information that in many instances are facts that can corroborate the child victim's statement. We follow up on collateral and test the child's information.

Investigating officers can bring child victims as young as two years old to us and we will assist them in the investigation process.

From the responses of the participants it seems as if forensic social workers greatly assist investigating officers in getting statements from young child victims and that their interventions contribute to the successful management and investigation of sexual offences crimes committed against children. Disclosure of sexual abuse is very traumatic for a victim, and children in particular are very vulnerable when it comes to disclosing the intimate details of a traumatic experience like rape. In most cases of child sexual abuse, the child is the only witness. These and other factors like threats and violence add to a child's trauma and necessitate the intervention by a forensic social worker. There are so many dynamics that can influence if, when

and how the child victim will disclose. The forensic social worker, with her knowledge of human development and behavior, is in an ideal position to connect and communicate effectively with a child victim.

From the data collected it seems that forensic social work service is accessible to all child victims of sexual offence which in the past was only available to the privileged few who could afford to pay for the service. In a meeting with forensic social workers on 10 November 2010, Dr. Stutterheim, national head, Police social work services stated that one of the reasons for initiating forensic social work within South African Police Service was to bring this specialized service to the poorest of the poor. The South African police service estimated that it could cost a victim R350 to R6000 for a forensic social work evaluation, excluding the cost of the court report and the professional's appearance as an expert (at least R12500); making it impossible for the underprivileged child to have access to these services (SAPS, 2011:2).

Participants were asked if they received any professional guidance and supervision and in what form.

The following theme emerged from this question:

Forensic social workers do not receive supervision and professional consultation, and guidance is limited to literature reviews and case consultations with their colleagues.

I do not have supervision; I do research and consult literature.

We have to rely on each other for professional support and guidance on our cases.

There is this expectation that you need to perform, but we do not receive any supervision. We are working independently and some of us are really struggling, we need support, you cannot just expect good results and there is no support.

We consult with colleagues and have case discussions.

From the responses of the participants it seems that they do not receive supervision and that the professional guidance they do receive, is in the form of in-service

training workshops. They indicated that the only guidance they currently rely on is literature reviews and case consultations with their colleagues. It is of great concern that these participants feel that they do not receive the necessary professional support and guidance. The Provincial Coordinator of forensic social work indicated that the social workers, since their appointment in 2007, had extensive training in forensic social work practice. The police even went so far as to train social workers in the forensic interviewing of children with developmental delays; they are therefore seen as competent. He indicated that they are monitored with regard to their case flow, court reports delivered and appearance as expert witness. Forensic social workers received extensive training from respected professionals in their field to equip them with the necessary skill to perform their functions. However, the researcher is of the opinion that forensic social workers in the South African Police Service should be exposed to a sound monitoring and evaluation system that includes ongoing consultation and supervision. According to the forensic social work procedure manual, forensic social work is a new field and the importance of supervision is highlighted. The protocol speaks about support in the form of guidance regarding the investigation of difficult forensic cases and expert witnessing, and more specifically guidance with regard to compiling information, writing reports and preparing for court. (SAPS, 2007:10; 16; 22; 28).

8 SUMMARY

The aim of this research study was to explore the role and responsibilities of forensic social workers in the Family violence, child protection and sexual offences unit in order to initiate discussion about the significant value that forensic social workers, specifically within the South Africa Police service could have. Respondents that took part in the study were all role-players within the field of child sexual abuse and directly involved with forensic social work services.

To enhance the validity and reliability of the research study, the researcher interviewed three groups of participants: forensic social workers, police investigating officers and state prosecutors. By documenting the views and perceptions of all three groups, the researcher was able to answer the research question.

This study was conducted from specific theoretical framework. The credibility of the study was furthermore strengthened by the extended social work experience of the researcher (twenty years of which more than eight years was specialized in the field of child sexual offences) and the guidance of an experienced supervisor.

The researcher is of the opinion that the research question was answered as the role and responsibilities of the forensic social worker were thoroughly explored and discussed. By making use of mostly international literature the researcher was able to make certain comparisons and evaluate whether the forensic social workers are living up to their responsibility. The literature review served as a basis for placing the research data into context and to reach conclusions. The researcher is of the opinion that the research document provides insight into the scope of forensic practice and can initiate discussions among role players concerning the value that forensic social work practice can bring to the South African Judicial System.

9 CONCLUSION

The findings revealed the following:

- Former president Nelson Mandela, in his speech at the launch of the children's fund in 1995, said that in building a new South Africa one of our highest priorities must be our children, yet the results in this study indicates that 89,4% of sexual violation crimes in the Western Cape are committed against children.
- It is unacceptable that (as indicated by the state prosecutors in this study) innocent children are not protected and that the guilty parties are free, nor can unfair accusations and punishment of adults be justified.
- With the employment of forensic social workers the South African Police has shown its commitment towards helping child victims of sexual crimes in so far that all South African children, even those in the rural areas, now have access to specialist high quality services.
- The South African Police envisaged that forensic social workers will, through their specialized knowledge and skill, make a valuable contribution to ensuring that justice is served.
- The South African Police Service is faced with an enormous challenge when it

comes to the investigation of child sexual abuse cases. Even after all the elements of a sexual crime are identified, it still remains a daunting task to collect and present all the facts in preparation for a successful prosecution. The Family violence, child protection and sexual offences unit investigating officers make use of the services of the forensic social worker on a regular basis. The South African police service and the judicial system seem to be aware of the value of forensic social workers within the field of child sexual offences. Forensic social workers, with their skill in communicating and interviewing children, clearly contribute to the successful investigation of sexual offences cases of very young children.

- The forensic evaluation process within the forensic field is designed to answer a question of relevance to the legal system, which makes the role of the forensic social worker very specific. Forensic social workers need to remain neutral and objective and should not compromise their forensic role, yet as social workers they have a responsibility to always act in the best interest of children by identifying risk and situations that might call for clinical treatment services and making appropriate recommendations. If role-players in the field of child sexual offences, however, are not entirely familiar with what forensic social work entails, it could not only complicate matters for the forensic social workers, but it could also mean that their services are not used optimally and effectively.
- It is clear that not any social worker can practice forensic social work. The demands of dealing with the child sexual offences field calls for a qualified professionals who can act as an impartial scientist, be supportive of the “Best Interest Principle” of the child, but refrain from developing a relationship that might unduly influence a child’s disclosure and jeopardize the legal process. The opinion of the forensic social worker should be based on experience and scientific knowledge – making it an absolute necessity that forensic social workers are adequately trained, that they have the necessary advanced knowledge and skill to competently fulfill their roles.
- The forensic social workers in this study had extensive experience in social work, demonstrated advanced knowledge and skill and received training within the field of forensic social work. This study, however, clearly indicated that, to just receive training especially in a new and unfamiliar field is not enough –

training need to be followed up with consultation, professional support and supervision. Forensic social workers are doing a sterling job, but could excel even more if they are exposed to continuous training to keep abreast with the latest developments in their field. Specialist training is the determining factor for practicing forensic social work. Three of the social workers in this study are currently busy with their masters' degrees in forensic practice.

- Even though the forensic social workers in this study were exposed to specialist training, gaps were identified with regard to the execution of their acquired skills. This could be the reason why some prosecutors in this study revealed a lack of confidence in the forensic social workers. Forensic social work is an emerging field of social work practice in South Africa and it is important to recognize the qualities and potential of forensic social work within the area of child sexual offences. However, without the necessary support –specifically in the areas of consultation and supervision – the social workers practicing forensic social work in the South African Police are at a disadvantage and will fail to live up to their responsibility.
- The South African courts are reliant on the forensic social worker's expert opinion, especially when it comes to the young child witness. The cardinal duty of the forensic social worker is to assist the court in making just and fair decisions. Forensic social workers, in their role as experts, need to educate the court on how to effectively lead the child witness. Social workers are the experts on human development and psychosocial issues and, if called upon as expert witnesses, they should confidently portray this. The lack of knowledge of children within the courts contributes to the low conviction rates and withdrawal of cases. According to Meintjies-Van der Walt (2002:24) expert views are often crucial to the final court decision.
- Working in the rural area of the Western Cape places a great responsibility on the forensic social workers as they need to take cognizance of the fact that support services for victims of rape in rural areas are limited and in some cases non-existent. The forensic social workers therefore, need to be aware of the social circumstances and risk factors like poverty, child neglect, family violence, alcohol abuse (mostly on the farms and small settlements), high prevalence of fetal alcohol syndrome and the consequent effects, and how these elements can

impact not only on the forensic evaluation process, but can also influence the functioning of the victim and ultimately the court process.

- Forensic social workers within the South African Police Service play a crucial role. For the first time the disadvantage and the poor who could never afford the services of a specialist now have access to forensic social work services. The forensic social worker realizes that her role as the social worker in the Family violence, child protection and sexual offences unit confers upon her special responsibility, a responsibility, not only to her client the court, but to the victim and the community as a whole. The forensic social worker is held accountable to the court to present facts, while the child victim relies on the social worker to be her voice and the community hopes to see that justice is served.
- The following were the most significant conclusions drawn from this study: the forensic social workers are highly valued among their employer, the South African Police Service, as well as their client, the court; and the potential of the South African Police Service forensic social work should not be underestimated. However, it is the responsibility of the forensic social workers and their employer to ensure that they develop and maintain the necessary expertise to produce a high quality service.

10 RECOMMENDATIONS

In the view of the information obtained from this study the following is recommended:

- The South African Police Service should to continue to prioritize the investigation of sexual offences against children and invest in making resources available in order to ensure adequate and efficient service delivery to child victims. Forensic social workers need to be assisted in terms of working conditions, transport, resources and tools in order to improve service delivery.
- Specialized training that forensic social workers received usually lasted one to three days with no follow up in terms of evaluations and supervised interventions. It is imperative that forensic social workers are adequately trained and skilled and the researcher recommends that supervision and consultation form an integral part of the training processes. The forensic social workers

should also be exposed to a system of continuous training that includes literature research and presentations of best practice models.

- A Revision of the current South African Police forensic social work protocol and guidelines is needed. Forensic social workers should be involved in generating ideas on how to improve their service delivery, especially with regards to specific training in the application of forensic tools and techniques, as well as adapting tools and skills to speak to the needs of the children they work with.
- Forensic social workers, in the light of the fact the forensic social work is a relatively new field in South Africa, should be exposed to a sound monitoring and evaluation system that would include ongoing consultation and supervision, as well as coaching and mentorship that would instill in the forensic social worker the desire to excel and become expert witnesses in their own right.
- SAPS Forensic Social Work Management needs to develop a system whereby they can constantly report on efficiency, effectiveness and impact. This will enhance quality, create opportunities for capacity building and develop the Best Practice Models within the field of child sexual offences in South Africa.
- It is furthermore recommended that the South African Police embark on a sound marketing system for forensic social work that would include multi-disciplinary networking and partnerships.
- All social workers have a pivotal role to play in ensuring that the best interest of the child is adhered to. Forensic social workers can translate this role in, not advocating children's right, but becoming involved in educating role-players and the community on issues relating to the care and protection of children.
- The role of forensic social workers should be extended to providing training and support services, and focusing on empowering and teaching coping skills to victims in rural areas. In this way, forensic social workers will ensure that child witnesses are empowered and supported. This could also address the problem of shortage of professional services to victims of sexual offences.
- Further research rose by participants but not explored in this research study is the forensic social workers role related to the young child sexual offender and this child's right to specialist services.

ANNEXURES

ANNEXURE 1: INFORMED CONSENT DOCUMENT

Title of study: Forensic Social Workers in the Family Violence, Child Protection and Sexual Offences Unit: Responsibilities and Roles towards Child Victims of Sexual Abuse

Researcher: Geraldine Jonkers, MA Social Work (Forensic Practice) Student

Supervisor: Professor Cornelia Wessels

Declaration:

I.....hereby declare that I was invited to voluntary participate in the above mentioned study and that I am at liberty to withdraw my participation at any time during the process.

I give my permission that the interview be recorded and understand that the recording will only be made available to the researcher and her study leader. The recorded interview will purely be used to assist in the interpretation and analyses of data and will be destroyed afterwards.

I was informed of the following aspects:

Purpose: To critically look at the role and responsibilities of the social worker in forensic practice and to establish whether the social worker in the FCS Unit, specifically those working in the rural areas of Boland Overberg, is rendering an efficient and effective service.

Procedures: Permission was obtained from the South African Police, Head Strategic Management Pretoria and Western Cape Provincial Office, to conduct the research in the environment of the Family Violence, Child Protection and Sexual Offences Unit. Information will be obtained by means of semi-structured one to one interviews.

Confidentiality and anonymity: The researcher stands under a stringent moral obligation to do whatever is required to ensure that confidentiality prevails. The results of this study may be published in professional journals and or presented at professional conferences, but identity of the participant will be concealed and is thus confidential when information is revealed.

Risk: None, participation is voluntary and you are allowed to withdraw from the interview at any stage.

Possible advantages:

The specific research will be in the interest of SAPS, as the correct utilization of the SAPS forensic social workers will lead to better, more effective and efficient service delivery to child victims of sexual offences. It will also place significance on forensic social work as a specialization and especially on the role of the forensic social worker in the judicial system.

SIGNATURES:

Participant:

Place _____ Date _____

Researcher:

Place _____ Date: _____

Witness:

Place _____ Date: _____

ANNEXURE 2:INTERVIEW SCHEDULE FOR STATE PROSECUTOR

INTRODUCTION

Geraldine Jonkers, as part of the requirements for the Master's Degree in Social Work (Forensic Practice) at North West University (Potchefstroom Campus) is launching a research project to evaluate the services of the social worker in the FCS Unit.

The significance of this study is that it will enable us to critically look at the role and responsibilities of the social worker in forensic practice and to establish whether the social worker in the FCS Unit, specifically those working in the rural areas of Boland Overberg, is rendering an efficient and effective service.

Your participation in this project is greatly appreciated.

Please answer the following questions as honest as possible. There is no right or wrong answers.

Question 1

How do you perceive the role of the forensic social worker?

Question 2

Would you say that the forensic social worker adds value to the investigation process? Explain.

Question 3

What are your views on the forensic social worker's court report?

Question 4

To what extent are you satisfied with the services of the forensic social worker? Explain.

ANNEXURE 3:INTERVIEW SCHEDULE FOR INVESTIGATING OFFICERS (FCS UNIT)

INTRODUCTION

Geraldine Jonkers, as part of the requirements for the Master's Degree in Social Work (Forensic Practice) at North West University (Potchefstroom Campus), is launching a research project to evaluate the services of the social worker in the FCS Unit.

The significance of this study is that it will enable us to critically look at the role and responsibilities of the social worker in forensic practice and to establish whether the social worker in the FCS Unit, specifically those working in the rural areas of Boland Overberg, is rendering an efficient and effective service.

Your participation in this project is greatly appreciated.

Please answer the following questions as honest as possible. There is no right or wrong answers.

Question 1

Name your FCS Unit.

Question 2

What do you think forensic social work entails?

Question 3

How often, during the period 1 April 2010 to 31 March 2011, did do you make use of the forensic social worker? Mark the appropriate box.

Most of the time	Sometimes	Always	Seldom
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Question 4

What were the ages of the children you referred during the period 1 April 2012 to 31 March 2011? Mark the appropriate box.

Mostly 2-7 years	Mostly 8-12 years	Mostly 13-17 years
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Question 5

At what stage of the investigation process does the social worker become involved? Indicate by marking the appropriate box.

Before a case has been opened	After a case has been opened	After a request from state prosecutor
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Question 6

Do you think that the interventions of the forensic social worker are in any way helpful to your investigation process? Explain.

ANNEXURE 4:INTERVIEW SCHEDULE FOR FORENSIC SOCIAL WORKER

INTRODUCTION

Geraldine Jonkers, as part of the requirements for the Master's Degree in Social Work (Forensic Practice) at North West University (Potchefstroom Campus), is launching a research project to evaluate the services of the social worker in the FCS Unit.

The significance of this study is that it will enable us to critically look at the role and responsibilities of the social worker in forensic practice and to establish whether the social worker in the FCS Unit, specifically those working in the rural areas of Boland Overberg, is rendering an efficient and effective service.

Knowledge gained from this research project could aid in assessing effectiveness of forensic social work interventions and capture lessons that can be used in future interventions.

Your participation in this project is greatly appreciated.

Please answer the following questions as honest as possible. There is no right or wrong answers.

Question 1

Name your FCS UNIT.

Question 2

How many years of experience do you have?

Years of experience as a social worker (mark the appropriate box)

0-3years	
3-5yrs.	
6-10yrs	

11-15yrs	
16-20yrs	
20+	

Question 3

What knowledge and skill do you have that qualifies you to be a forensic social worker? Explain.

Question 4

Have you ever been called to testify as an expert witness? Explain

Yes/no

If yes, explain?

Question 5

Do you make use of specific criteria? Explain.

Question 6

What does your investigation process entail?

Question 7

With regard to your forensic social work interventions: are there any guidelines or protocol that you follow? Explain

Question 8

How do you get children to disclose information? Are there any specific method or techniques that you apply? Explain.

Question 9

What value, if any, do you think you add to the investigation process of sexual offences cases?

Question 10

What supervision and or professional guidance do you receive?

ANNEXURE 5: QUESTIONNAIRE

Dear FCS Commander (Boland Overberg FCS Units)

Research on the role and responsibilities of forensic social workers

I, Geraldine Jonkers, am doing research in order to obtain a Master's Degree in Social Work (Forensic Practice) at North West University (Potchefstroom Campus). The sample population for this study was taken from the Boland-Overberg area. The aim of the research is to explore the role and responsibilities of the SAPS forensic social worker. Knowledge gained from this research project could aid in assessing the effectiveness of forensic social work interventions and capture lessons that can be used in future interventions.

Attached find documents with regard to written permission from the Western Cape Provincial Commissioner to conduct the research within the South African Police and a questionnaire that you are kindly requested to complete. All information will be treated with confidentiality.

Questionnaire

You are kindly requested to provide the researcher with the following statistical information reflecting on the period April 2010 to March 2011.

Question 1

Please indicate the total number of sexual offences cases of children under 18yrs reported to FCS Unit from 1 April 2010 to 31March 2011

Total number of cases

Question 2

What was the language spoken by the child victims you indicated above? Indicate your answer by putting down the total number in the applicable box.

Afrikaans/English	isiXhosa	Other

Thank you for the time you have devoted to complete this questionnaire.

Capt. Jonkers

ANNEXURE 6:DECLARATION

Hereby I, Geraldine Jonkers, declare that the work contained in this article is my own original work, and that all sources used has been recognized and acknowledged with reference.

.....

G. JONKERS

ANNEXURE 7: CONFIRMATION OF LANGUAGE EDITING

EDITING SA

✉ **PO Box 2189 Matieland 7602** · 📞 **082 681 6232 / 079 180 9627**

editingsa@gmail.com

Tuesday, 13 November 2012

To whom it may concern

Confirmation of language editing

I hereby declare that we completed a language edit of the thesis “Roles and responsibilities of forensic social workers in the family violence sexual offences unit”, by Geraldine Jonkers.

Sincerely,

H J van Niekerk (M Diac)

E V Viljoen (MA (Afr. /Ndl.), Hons BA Ling. (Translation Studies))

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