

CHAPTER 4: Findings

The preceding chapter has presented the methodological process and paradigms informing the study. This chapter, however, presents, interprets, analyses and discusses the study's major findings (in line with the key objectives and questions of the study). Since the study's key aim was to explore the hurdles constraining effective participation of social workers in implementing the PTD Programme, an explorative case study design was therefore adopted. Being underpinned by its qualitative attributes therefore, the general in-depth, key informant interviews coupled with FGDs were utilised to gather data from the participants. The study's main objectives were firstly, to assess the nature of PTD programme as a tool to promote restorative juvenile justice among young offenders. Secondly, it sought to establish the factors constraining the effective participation of social workers in implementing the PTD programme. The key argument being that, as long as social workers' full and effective participation in PTD programmes' implementation process is not comprehensively ensured, many juvenile offenders will remain entangled within the harsh criminal justice system. As such, their access to protective, restorative, rehabilitative and reformatory juvenile justice will be highly problematic. Lastly, the study endeavour to suggest (in the same context) possible intervention measures (in form of a model) to enhance social workers' participation in diversion programmes implementation process. These measures are meant to increase young offenders' access to restorative juvenile justice. To this end, as informed by the interpretivist perspective, participants' words were presented the exact way these participants delivered their views or opinions concerning the phenomena under study. That is, the researcher presented quotations of verbatim in English language as all the participants were highly intellectual, literate and experienced enough to respond to all questions in English Language.

Figure 4.1.1: Social Workers/Diversion Officers Demographic Data

CODE	SEX	EDUCATIONAL LEVEL	YEARS OF EXPERIENCE
P1	Female	Master's Degree	10 years
P2	Female	Honours Degree	5 years
P3	Female	Honours Degree	5 years
P4	Female	Honours Degree	5 years
P5	Female	Honours Degree	5 years
P6	Female	Honours Degree	5 years
P7	Male	Master's Degree	8 years
P8	Male	Honours Degree	3 years
P9	Male	Honours Degree	3 years

Table 4.1.2: Key Informants (KI) Demographic Data

CODE	SEX	EDUCATIONAL LEVEL	YEARS OF EXPERIENCE
KI 1	Female	Master's Degree	8 years
KI 2	Female	Master's Degree	8 years
KI 3	Female	Honours Degree	8 years
KI 4	Male	Honours Degree	10 years
KI 5	Male	Master's Degree	10 years

Table 4.1.3: Focus Group Demographic Data.

CODE	SEX	EDUCATIONAL LEVEL	YEARS OF EXPERIENCE
P1	Male	Master's Degree	8 years
P2	Male	Honours Degree	5 years
P3	Male	Honours Degree	5 years
P4	Female	Honours Degree	5 years
P5	Female	Honours Degree	5 years
P6	Female	Master's Degree	10 years
P7	Female	Honours Degree	5 years

From the above presented figures, it can be observed that, there were three categories (each for a particular data collection method) of participants from whence data was collected. The first category (**Figure 4.1.1**) presents nine (9) social workers (diversion officers) who were purposively selected for general in-depth interviews. Among these 9

participants, 6 were female diversion officers while the remaining 3 were male diversion officers. Accordingly, out of the 6 female officers, it was recorded that, 5 of them (all holding an Honours degree) had five years of experience while the other one had 10 years of experience. The latter held a Master's degree in a relevant field. Then, out of the 3 male officers, 2 had three (3) years of experience while the remaining 1 had 8 years of experience. The second category (**Figure 4.1.2**) constituted five key informants; inclusive of the PTD programme's National Coordinator (NC) and public prosecutor (Ministry of Justice), Police diversion officer (VFU, Ministry of Home Affairs, child protection officer (DSD) and the child rights advocate (Justice for Children). Three (3) of them were female informants, with two of them possessing an Honours degree while the other one held a Master's degree. In the same light, the first 3 possessed about 8 years of experience while the other 2 had 10 years of experience. The last category (**Figure 4.1.3**) is made up of social workers (diversion officers) purposively selected for FGD. Four (4) were female diversion officers while three (3) others were male officers. Among these 4 female officers, 3 had an Honours Degree while the other one held a Master's Degree. More so, these 4 female officers had about 5 years of experience with the remaining 2 and 1 male officers having 3 and 10 years of experience respectively.

Upon data analysis, various themes emerged on the nature of the PTD Programme as a tool to promote juvenile offenders' access to restorative juvenile justice. It has been shown through literature review that, various PTD Programmes have been developed to ensure and promote access to restorative juvenile justice among young offenders across Africa among other continental regions. Submissions made by participants nonetheless, pointed to context-specific nature and scope of the PTD Programme as shown hereunder.

Submissions from the participants clearly reveals that, the PTD Programme constitutes almost eight (8) functional diversion options or alternatives. These programmes generally included counseling,

reparation, victim-offender mediation, group conferencing, community service, vocational training, police cautions and use of leisure time. All these latter programmes are meant to divert juvenile offenders from the formal retributive and punitive criminal justice system to a more child-friendly separate juvenile justice process (that best suits their unique needs). One diversion officer (social worker) stated that:

All I can say is, there are about 8 diversion options functional in Zimbabwe. These alternatives can sometimes go hand-in-glove depending on the gravity and nature of the offense committed by the juvenile. These options include counselling, reparation, victim-offender mediation, group conferencing, community service, vocational training, police cautions and use of leisure time.

One of the key informants augmented the above sentiments:

Generally speaking, there are various diversion services and programmes operational in Zimbabwe. I cannot really say they precisely add up to this or that number as they are constantly going under reviews. But I can practically say, these available options range from reparation, counselling, vocational and entrepreneurial programmes, victim-offender mediation, family group conferencing, police cautions, constructive use of leisure time coupled with community service. The former options (reparation and counselling) however, can overlap or be integrated within other latter options if need be. The latter one (community service) does not usually apply especially among those below 15 years. That's all I can say young man.

These above-given findings lucidly show that Zimbabwe has made significant strides in promoting young offenders' access to restorative juvenile justice through the establishment of a child-needs and rights-sensitive programme (PTD). Nyazema (2018) corroborate with Justice for Children Trust (2017) as indicated through literature review that, these diversion alternatives are elementary in realizing these juveniles' rights to protection from punitive, vindictive, retrogressive, retributive and harsh criminal justice system. These diversion alternatives (options) appear to logically add up to eighteen alternatives (that are more like those adopted by South Africa) and they are underpinned by the ethos and pathos of restorative justice. These principles encompass reintegration, rehabilitation, protection, reformation and reconciliation (Zehr, 2002; Munzie, 2004; UNICEF, 2013). The latter principles are also

in tandem with the dictates of international law (UNCRC, 1989; ACRWC, 1999) and the welfarist approach. That is, the social welfare approach to justice coupled with the international law collectively emphasise on the need to consider the protection rights and welfare of juveniles from any form of harm during the process of establishing justice (Harvagovan, 2013; United Nations, 2016; Wilson *et al.*, 2017). This is also clearly evidenced in the diversion programmes practised in other foreign and neighboring countries such as UK, USA, Australia and Hungary among others. All diversion programmes seem highly sensitive to children's welfare and unique needs (Kleinhans, 2013; Clancey and Howard, 2006; Walsh and Russel, 2010). Nonetheless, Zimbabwe's PTD programme seems partly limited in scope as compared to that of South Africa and Singapore that include a well-resourced and context-based community service (Monyatsi, 2008:35; Steyn, 2005; Chen Zhang *et al.*, 2009:139). More still, USA also seems to have a more comprehensive PTD programme that includes Drug Courts and Wilderness or Adventure Therapy that is a 21-day diversion process meant to deal with more challenging behavioural and addiction-linked or traceable offenses unlike Zimbabwe (Ellis, 2005:378; Sithole, 2021). Submissions from the social workers (diversion officers) and the key informant interviewees reveal that, for one to qualify for the PTD programme in general, there is a specific eligibility criterion used by the members of the diversion committee. All offenders would have to strictly fall within that framework; and the latter is informed by some particular legal provisions. One diversion officer (social worker) stated that:

When it comes to diversion processes, there is a particular formula used. That is, all juvenile offenders qualified under this programme should be minors who might have committed non-serious offenses. Secondly, they should also be willing to take responsibility of their offense and reform. All this is done to protect these juveniles from having a criminal record that would later interfere with their progress in the life among other challenges that come as a result of having gone through a formal criminal justice system.

To further support and cement this sentiment, one of the key informants alluded that:

Most specifically, this programme deals with young offenders (both children and youths) who are 21 years-old and below. Here is a crucial point to note: these offenders should have committed non-serious offences that logically, do not attract a sentence of more than 12 months (according to Criminal Procedure and Evidence Act). That is, these cases may encompass shop lifting and theft, truancy, bullying, public fighting, loitering and drug and substance abuse. In the same light, the offender must not have been repeated the offence or denied responsibility of the crime. All I am reiterating is that, even if the offender is willing to undertake the diversion activities, if the offender denies responsibility, then, that juvenile would be entitled to due process.

The above presented information from the social worker (diversion officer) and key informant interviewees portrays that the PTD Programme particularly in Zimbabwe targets a particular group of young offenders (below 21 years). To qualify for this programme like any other country, there is a specific eligibility criterion used in Zimbabwe. All these aspects as revealed through literature review, do correspond with those of Australia, South Africa and the USA among others (Steyn, 2010; Smit, 2010a; Kleinhans, 2013). Just like in Zimbabwe, Clancey and Howard (2006:377) supports that, for one to qualify for the diversion programmes in Australia and South Africa, he or she should be a first-time young offender. This offender should also have a non-serious offence and he or she must be ready to undergo diversion processes. Nonetheless, in terms of age group targeted, there is a disparity between Zimbabwe and other countries like Singapore, Hong Kong and Australia itself as these countries mainly consider children below the age of 18 (Ellis, 2005:378). Nonetheless, besides a slight difference in terms of age groups, an undisputable fact is that, all diversion programmes do acknowledge children's unique needs that should be addressed in a more child-friendly manner as emphasised by the welfarist and restorative justice approaches (Wilson et al., 2017; Mangwiro and Chitereka, 2021). This is highly essential as these juveniles' protection is dependent on the state (as stipulated by the '*parens patriae*' rule). In the same context, recognition of their lack of capacity to commit some crimes (as endorsed in the *doli incapax doctrine*)

is also key in protecting them from prosecution and incarceration. Thus, Zimbabwe by pegging the target age limit at 21 years unlike other countries (except South Africa), seems to be a step ahead in realizing the need to prevent criminal records among persons that may later interfere with their future progress in the context of participation in formal and public spheres where one may not be embraced if he or she bears a criminal record (Sithole, 2021; Mangwiwo and Chitereka, 2021).

As part of its nature, it was observed and recorded from the participants that, the PTD programme generally, is dependent on some international, regional and local legislative blueprints or frameworks. In this regard, it borrows from a fragmented set of child-focused laws without its own specific legal framework to inform and guide its operationalization. That is, Zimbabwe currently, has no distinct legislative blueprint particularly meant to guide the operationalization of the PTD programme or restorative juvenile justice administration. To confirm this observation, one of the social workers remarked that:

Umm, we really have to consult various pieces of legislative frameworks before and during the diversion programme's implementation process as there has been any specific law meant to inform its operationalization. We can take the whole day trying to explore and explain them young man, but they are many including the Children's Amendment Act that was recently enacted.

To cement the latter view, one key informant supported that:

Basically, what I can tell you is that, the PTD programme in Zimbabwe practically and logically leans on various legal frameworks and instruments. That is, at international level, there is the UNCRC (1989) and the Beijing Rules (1985) among others. At regional level, we have the ACRWC (1999). Then at national level, there is the national Constitution of Zimbabwe of 2013, the Children's Act, the currently enacted Children's Amendment (No.8) Act of 2023 (formerly the Children's Act), Criminal Procedure and Evidence Act and the Patriotic Act (formerly the Criminal Law or Codification and Reform Act). These are the most central legal instruments that inform the PTD programme. Meanwhile, from the look of things, Zimbabwe currently, doesn't have a distinct legal framework for the juvenile justice system. It remains fragmented and that's how I can put it. Anyway, there are some significant efforts to develop a Child Justice Bill that will then inform and guide the establishment of a separate juvenile justice system.

The established information from participants indicates that, PTD Programme's operationalization is practically underpinned by various legislative instruments. The Government of Zimbabwe as postulated by Rugaranganda and Rugaranganda (2016), has made significant strides in domesticating the provisions of the international laws (UNCRC and ACRWC) towards the promotion of juvenile's access to restorative justice. That is, Zimbabwe in practice, has no specific and distinct legal framework meant to ensure the smooth implementation of the PTD programme (Kaseke, 1993; Sithole, 2021). This is opposite to South Africa and Singapore where there is a separate piece of legislative frameworks: Child Justice Act of 2008 and the Children's Young Persons Act respectively in place to inform diversion processes (Chen Zhang *et al.*, 2009:139; Steyn, 2010:112). Nonetheless, some studies that were conducted outside Zimbabwe reveal that there are some countries (Hong Kong in China and Budapest in Hungary) that have been implementing diversion programmes and curbing recidivism without a separate legal framework (Wong Lo *et al.*, 2010:8; Kleinhans, 2013). The latter however, seldom suffices to approve the absence of such a framework. As such, failure to have such a distinct legal framework may hinder the smooth implementation of the diversion programmes thereby grossly violating these juveniles' right to life, survival and development coupled with protection from any form of harm and inhuman treatment in the name of justice. This is clearly emphasised by the welfarist and restorative justice approaches that establish for the development of a child-needs and rights-sensitive juvenile justice system. A system that respects and places children's welfare and protection at the position of eminence.

Submissions from participants particularly the key informants indicates that, the implementation of the PTD programme is hinged on the collective efforts of various professional from different fields. These professionals include the police, prosecutor, magistrate, social worker, psychologist and/or medical practitioner. They all work with the

juveniles and the parties concerned. One of the participants had this to say:

We work as an interdisciplinary team; meaning all the key professionals who have a significant bearing on restorative juvenile justice and juveniles' welfare are all involved. These professionals also make up the Diversion Committee: Lawyer, prosecutor and the magistrate. We also work with medical doctors and psychologists depending on the circumstances surrounding the juvenile and the offense to be addressed.

In confirmation of the above, one of the key informants buttressed the fact that:

Diversion process is a sophisticated and complex process requiring specific expertise and knowledge about child welfare, policy and practice including all the complex factors at play in influencing juveniles' behaviours. As such, parents and/or significant others, local leadership (where necessary), teachers coupled with the Diversion Committee collectively engage and contribute (at different levels) towards the implementation of the PTD programme.

This presented information shows that, many professionals from various fields of specialisation work hand in glove for effective implementation of the PTD programme. Steyn (2010:114) supported that these stakeholders collaborate towards the promotion of restorative juvenile justice. Just like in South Africa among other countries, as shown in the reviewed literature, these professionals include police officers, residing magistrate, area public prosecutor and the diversion officers (Kleinhans, 2013; Steyn, 2010; UNICEF, 2013). Their roles generally include arresting and cautioning (for police officers), then assessing and report writing to inform the diversion committee on the circumstances of the juvenile and recommendation for diversion (for diversion officers). For prosecutors and magistrates, they focus on making final decisions regarding the plight of the juvenile while informed by diversion officers' report (JCT, 2017; Nyazema, 2018). Nonetheless, Vengesai (2014) postulates that, there is also a probation officer (social worker) from the DSD who may also assist the diversion officer (social worker under the PTD programme) with the assessments and inquiry report writing. This 'de-confirms' and contradicts the studies conducted (outside) in Budapest, Hungary that indicates that, there is no formal diversion. As such,

parents, relatives, care givers, religious leaders and community leaders become the main players (Vandi, 2007:37; Kratcoski and Edelbacher, 2009:211). To this end, collective engagement of these professionals from different fields firmly contributes to holistic or comprehensive assessment and well-informed interventions. This is in line with the welfarist and restorative approaches that, children's needs are unique and diverse; hence, well-informed and effective interventions can only be realised if various stakeholders with different expertise from diverse fields collectively work together. Zehr (2002:114) further cements that, plenary or collective involvement of an enlarged circle of parties who have a stake to the offence in question immensely aids the effective implementation of the PTD programme.

Regarding the programme's source of support in terms of resources (financial, technical and material), the participants revealed that there are many organisations (both local and international) that seek to enhance and promote smooth implementation of the PTD programme. All collaboratively work (at different levels) with the Ministry of Justice, Legal and Parliamentary Affairs under that the PTD programme lies. One key informant summarized and pointed it out clearly that:

The main partners backing this programme (I mean technically, materially and financially) are mainly, UNICEF and Save the Children. That is, at national level, while working with the mainline ministry (Ministry of Justice I mean), these two organisations have been consistently allocating resources towards the successful and effective implementation of this programme in various districts. Locally, there is also CATCH, JCT, Legal Aid Directorate, Leonard Cheshire, ZHRC, government ministries like that of Education, Home Affairs and the Department of Social Development (DSD) among other rehabilitation institutions. All these are the other key players in promoting access to restorative justice in our country.

From the above given information, it can be observed that the Government of Zimbabwe is the main source of support for the PTD programme. To aid the effective implementation of this programme thus, the government also tap its funding and resources from some

partners in a bid to allow a successful implementation of this programme (Nyazema, 2018; Tembo, 2018; UNICEF, 2020; Vengesai, 2014). In this context, adequate resource allocation should be ensured. Taking South Africa as an example, diversion programmes are also supported by the government and the National Institute for Crime Prevention and Re-integration of offenders (NICRO) that was formed in 1990 (Steyn, 2010:113). To this end, CSOs can play a critical role towards the implementation of the programme since the government may face resource constraints; hence CSOs always spearheaded policy advocacy work and champion child rights promotion.

Upon interviewing the participants and data analysis, context-specific themes emerged on the hurdles constraining social workers from effectively participating in the PTD programme's implementation process. These factors or barriers (as lucidly shown hereunder) consequently and negatively influence young offenders' access to restorative juvenile justice in Zimbabwe.

The participants reported that, the lack of a distinct legislative framework (compounded by lack of political will) is one of the key hurdles impeding their effective participation in implementing the PTD programme in Zimbabwe. This is so because, it is this policy blueprint that empowers, legitimizes and provides the parameters within that their work and functions take place. To this end, one of the participants [participant 2, Focus Group Discussion] posited that:

The situation in practice is very pathetic, imagine a scenario whereby this pertinent programme just relies on fragmented laws without a specific policy or law that guides and informs its operationalization just like with probation officers who are empowered by Section 46 of the Children's Act (Chapter 5:06) that is currently named, the Children's Amendment (No.8) Act of 2023. This programme is under the Ministry of Justice and no law currently that seeks to establish restorative juvenile justice (in form of diversion services) in Zimbabwe as we see in other African countries like South Africa, our own neighbour.

In confirmation of this view, one of the key informants reiterated that:

Fellow social worker, you will see it when you get an opportunity to work with juvenile offenders under this programme. Imagine having a programme whose implementation and operationalization process merely depends on gathering various legislative instruments including the Constitution itself, the Children's Amendment Act, The Criminal Procedure and Evidence Act, the Criminal (Codification and Reform) Act and the ACRWC and the UNCRC. In short, I can say, the current juvenile justice system still suffers from identity crisis; it remains fragmented with the efforts of developing a Child Justice Bill taking too long to be enacted than necessary.

The presented information (as also shown through literature review) indicates that, the effective implementation of the PTD programme (with active involvement of social workers) is deeply rooted in the fragmentation of the juvenile justice system. This situation is evident in inconsistencies and disharmonies that exist among various legislative instruments that govern and inform juvenile justice administration. This was revealed by Chen Zhang et al (2009:139) who alluded that, paucity of policy consistency and a distinctive legal framework in many countries including Singapore, Hong Kong, Hungary and Japan (including those in some parts of Africa) has heavily impeded social workers' effective participation in implementing the diversion programme. Lack of this distinctive legal framework in most countries has been aggravated by lack of political will that in JCT's (2021) words manifests in a delayed stance in harmonising, aligning and enactment of key children-related Bills (the Child Justice Bill in particular). Zimbabwe in this regard, has never been spared. From a perspective of the welfarist and restorative justice models, restorative justice can only be a practical reality if practitioners (social workers in this context) are fully empowered and mandated by law to assume the position of eminence in diversion processes (UNICEF, 2013; Nyazema, 2018; Mangwiro and Chitereka, 2021). More so, restorative justice can only be realised if children's needs are also considered in law by establishing a separate legislative framework that govern the juvenile justice system administration process (Vengesai, 2014). Nyazema (2018) revealed that

Zimbabwe's PTD programme has a nostalgia of South Africa yet Zimbabwe has not yet fully managed to put in place a distinctive legal framework that inform the PTD. South Africa enacted the Child Justice Bill in 2008 like USA that put in place the Children and Young Persons Act. These countries consequently, have made significant progress towards plenary realization of juveniles' right to restorative justice through effective implementation of the diversion programmes (Hansen, 2006:1). It can therefore be deduced that, as long as Zimbabwe does not urgently consider the need to enact the Child Justice Bill like the aforementioned countries, it will continue to witness a rise in cases of children incarceration, abuse and deprivation of their rights to welfare and protection. Effective participation of social workers in implementing the programme will remain daydreaming.

During the process of interviewing the participants, it was discovered that, dominance by other professionals within the diversion committee (magistrates, prosecutors, lawyers and police officers) is another key barrier to effective social workers' participation in PTD programme implementation process. This might be due to lack of professional recognition of who and what social work as a professional is all about. Many even associated the profession with mere socialization and counselling of clients. Again, most social workers are viewed or seem to be void of legal knowledge and technicalities of the law. Some even underestimate themselves or feel ashamed of their profession in the presence of the appealing and confident legal team within the diversion committee. This then influence limited involvement of social workers in diversion process as they are just ritually involved for formality's sake. In validation of this view, one participant [participant 3, Focused Group Discussion] exclaimed that:

Honestly speaking, in as much as there has a massive demand and clarion call for the inclusion and involvement of many social workers in juvenile justice processes, the opposite is being experienced in real practice. Do you know even police officers think they possess better know-how about the law and how to handle juvenile cases! I cannot talk of the magistrates and prosecutors (who are lawyers by profession); young man, you cannot tell them anything.

They mean business. When we say justice, they mean it. So, at the end, the only think you can do as a social worker is to let them take the front city in determining these children's fate without much controversy.

To further augment the above sentiments, one key informant hinted that:

I think social workers (besides them being few in this programme) lack sufficient knowledge of the law and juvenile justice (diversion) processes. Technicalities of and within the juvenile justice system requires optimal balance between juveniles' protection needs and justice needs. A line that balances the two is sometimes too thin to detect. That's where many social workers fail. So, they end up playing the back-seat kind of roles.

From the provided information, it can be noted that, poor recognition of social workers within the diversion system coupled with dominance by other professionals is another key factor constraining the effective participation of social workers in PTD Programme implementation process. Participants revealed that, the professionals within the diversion committee particularly the magistrate and prosecutors and even the diversion officer from the Victim-Friendly Unit (VFU) practically seem to assume the front-line roles. As shown in the literature review, this is the same scenario with Budapest (Hungary) and Hong Kong (China) where the police lead and dominant in diversion processes (Steyn, 2005; Steyn, 2010; Kleinhans, 2013). In Australia and the UK and USA though there are some significant efforts to incorporate and promote active participation of social workers, magistrates and the police usually dominant. This scenario firstly, has been attributed to mainly poor professional recognition. That is, there is limited awareness among stakeholders within the diversion committee with regards to the importance and influence of social workers in promoting restorative juvenile justice among young offenders. This so because professionally, they are highly sensitized on children's protection needs and welfare rights among other developmental concerns (doliincapax rule). These rights, needs and aspects are central in determining these young

offenders' fate as emphasised by the social welfare and restorative justice approaches.

In this context, poor inclusion of these professionals renders the whole diversion programme anti-restorative, devoid and void of the critical aspects (reformation, protection and reintegration) that underpin its implementation (United Nations, 2016; Wilson *et al.*, 2017; Mangwiro and Chitereka, 2021). This is in as far as the main goals of the programme are concerned. This is so because, other professionals might be that sensitive to protection, developmental and welfare needs of these young offenders as compared to social workers. Nonetheless, it should be noted that, this poor recognition of social workers in diversion process has also been influenced by lack of knowledge with regards to laws and policies that inform juvenile justice administration or processes in general. As such, due to fear of contempt, cross-examination and further questioning by the diversion committee, social workers end up playing the observation role while letting the police diversion officers and the diversion committee doing all the work.

Participants also highlighted, that lack of resources (logistical, financial, human and material) compounded by donor dependency, has seriously impeded social workers' effective participation in implementing the PTD programme in Zimbabwe. In other words, resource misappropriation, misallocation, mismanagement and budget constraints, is a major barrier to social workers' effective participation. The Ministry receives a very limited budget from the government with the hopeful expectation that, donors such as UNICEF and Save the Children would support as usual. This dependency syndrome is on its own, a virus that has impeded the smooth running of the PTD programme in Zimbabwe. Lack of resources also manifests in poor infrastructure to accommodate even those offenders with disabilities. Besides, the offices used for diversion are sometimes switched with and for other government multiple tasks or events; while very few (faulted)

printers exist to cover many offenders. More so, there is the shortage of skilled professionals (diversion officers) who are competent enough to handle the diversion processes due to brain drain, poor remuneration and poor employment behaviour. All these factors altogether, have led to poor programme coordination, huge caseloads, decreased morale at work and logistical constraints (transportation of juveniles to their diversion centres or rehabilitation centres). This was confirmed by one of the participants who lamented that:

Imagine a whole lot of young offenders flocking for diversion against a single or two (with some few inexperienced social work attachees) diversion officers. How would you deal with such huge caseloads! Look at the peanuts (as salary) we are receiving, I am many times demoralised and overwhelmed. Look at our offices, so dilapidated, no meaningful and functional printers here, everything is centralised in one or two office(s). Fellow social worker, I pray you don't find yourself working under such circumstances one day. It's so pathetic that our work is hindered thereby leaving many of these young offenders eventually falling prey of prosecution, incarceration and abuse." [Participant 5, FGD)

To further confirm the above sentiments, one key informant reiterated that:

The budget channelled towards child protection particularly this programme is not that feasible. I was trying to even consider the 2024 budget previously presented by the finance minister, ummmm! maybe it's because of the current hostile economic climate. But I can tell you that, dependency syndrome has crippled this programme's capacity to meet its set mandate. Much support is coming from donors, mainly UNICEF and Save the Children and I can guarantee you that, if these donors wake up one day and say we are withdrawing haaaaa, that's will be the end of it all.

From the above expressed concerns, it can be established that, the effective participation of social workers in implementing the PTD programme is hindered by lack of resources and overdependence on donors by the government. The provided findings also present a 'chain of causation' and that is, lack of prioritisation and misuse of funds or resources coupled with corruption has led to incapacitation. This further results in poor programme implementation and outcomes in terms justice service delivery (Lee and Conigrave, 2008:437; UNICEF, 2020;

Vengesai, 2014). As revealed in literature review, resource limitation and shortage of skilled labour due to brain drain in most African and Asian countries including Malawi and Zimbabwe and Japan and Hong Kong respectively, has greatly affected the coordination and implementation of this Programme. In the context of Zimbabwe, Justice for Children Trust (2021) further supports that, the budget that is allocated towards juvenile justice in general and PTD in particular may not be sufficient enough to ensure effective implementation and coordination of the programme. To this end, when the programme is poorly implemented, delivery of services is therefore compromised; and this may finally affect social workers' participation in PTD programme implementation process. From the perspective of the welfarist and restorative justice approaches therefore, one may observe how reintegration, rehabilitation and restoration of these offenders may not be easily achieved unless adequate budget and resources are channelled towards the programme. That is, diversion as a process requires the state to assume the 'parens patriae' (state as a custodian) position through adequate commitment of resources (financial, material and human) for effective implementation. This will eventually see many young offenders being effectively and successfully diverted from the criminal justice system with better outcomes.

The submissions made by participants established that, lack of comprehensive or robust referral system and limited diversion options is another binding factor constraining the effective participation of social workers in implementing the PTD programme in Zimbabwe. Below is what one of the participants [Participant 6, FGD) expressed:

PTD as a programme has a lot of gaps in terms of referral pathways; they are not clearly demarcated and established. For instance, you could find a juvenile being referred to a counsellor or for vocational training yet having many other disorders like memory loss or serious addiction that may require extra attention and special diagnosis from medical doctors or psychiatrists. Unlike in other countries like SA, the programme is limited when it comes to addressing the plight of offenses that are triggered by the underlying factors such as excessive drug and substance abuse.

In cementing the latter expressed sentiments, one of the key informants revealed that:

Sir, honestly, we have a serious challenge with our PTD programme. For instance, some of the juvenile or young offenders referred for this programme could have many other underlying problems (mental, intellectual challenges, traumatic and behavioural disorders) that require special diagnosis (medical and psycho-mental) from specialised professionals. But, in most cases, most of these offenders may be just attended by one stakeholder like the probation or diversion officers for counselling among other things. Many have further failed to access diversion services due to the limited diversion options; hence, the PTD programme has limited options.

From the above presented findings, it can be established that, lack of an effective or comprehensive referral system and decentralised (and expanded) PTD options has also hindered social workers' effective and substantive participation in implementing the PTD programme in Zimbabwe. This is so because, once there lacks such a robust referral system and expanded options, social workers' flexibility in handling juveniles' offenses in their diversity and complexity is hampered. Thus, lack of a clear referral pathway coupled with the dormant state of community service in Zimbabwe have betrayed the aspirations of the welfarist and restorative justice approaches. According to these approaches, a straight-jacket or one-size-fits-approach to juvenile justice administration is an anathema to practice, hence unique and context-based options with holistic referral systems should be ensured and enhanced (Sithole, 2021; Mangwiro and Chitereka, 2021). As shown by Wood (2003:01), studies conducted in the USA and SA revealed that, PTD nature and scope is diversely and comprehensively structured in a way that can also address serious addictive and behavioural disorders: Wilderness Adventure is a good example. In South Africa, community service is playing a key role in addressing 'a bit serious yet minor offences and these offences may include those that are prompted by general aggression (Steyn, 2010:54). Limited PTD options also manifests in criterion used for selection that have discriminated many offenders, leaving them exposed to the formal criminal justice system. As

supported by Wood (2003:02), criteria used like that of accepting responsibility first, seems incompatible as many offenders are burdened with challenges such as family violence, substance abuse, financial problems in their households that contribute to their behaviour and motivation. Therefore, limited options and the lack of engagement of other professionals (doctors, psychiatrists and psychologists) outside the diversion system is a key hindering factor to effective social workers' participation in diversion processes.

The findings from participants also indicated that, lack of support, involvement, engagement and participation of parents/guardians or significant others is another hurdle behind social workers' ineffective participation in implementing the PTD programme. In confirmation, one participant [Participant 1, FGD) revealed that:

Working with young offenders without their support care units or systems (in the name of guardians, parents or significant others) is very problematic. You see, these parties are key influencing either positive or negative behavioural outcomes in the juvenile's life. So, that is our main challenge; most of them do not cooperate or come for their children especially when they are referred for mediation or reparation among others. Some also fail to catch up with deadlines due to other pressing commitments and sometimes, they might have gone outside the city fending for us to live.

In support of this, another key informant divulged that:

Effective social inquiry reports by diversion necessitate effective implementation and outcomes of the diversion processes yet poor parental cooperation have been the main challenge. Most of these care givers seem to care less or not at all; they often trivialize their children's acts. They don't even meet deadlines and attend the determined options. That's a serious problem.

As provided above, lack of support and involvement of parents among the significant others is also another key factor behind ineffective social workers' participation in PTD Programme implementation process. Studies conducted in Budapest, Hungary reveal that parental support and cooperation is key in ensuring effective implementation of the diversion programmes. In this context, although there is no formal diversion in Budapest, parents, care givers, religious leaders, and other

community leaders are collectively engaged though depending with the nature of the case and age (Vandi, 2007:37). For years, Hungary has successfully managed to not only divert cases but prevent juvenile offending than many other countries (Kleinhans, 2013; Sithole, 2021). From this view, one may clearly observe that, juvenile offenders' access to diversion services through social workers' participation is also strongly dependent upon parental support and involvement of care givers and significant others. The Welfarist model views these stakeholders as primary agents of socialization whose active involvement in any matter concerning a child positively contribute towards an improved situation (Harvagovan, 2013; Nyazema, 2018). To this end, it can be noted that in Zimbabwe, many juvenile offenders due to orphanhood and pressing commitments confronting their parents and guardians, many children may face serious challenges in trying to access the programme especially if the child is referred to family group conferencing, reparation or mediation. Thus, most social workers end up struggling to effectively deal with such offenders whose significant others could have failed to cooperate or come for the referred diversion option. Eventually, this scenario might result in re-offending or referred to the formal criminal justice system (Sithole, 2023; Nyazema, 2018). Absence of these stakeholders thus, from the restorative justice perspective presents itself as a tragic betrayal of the aspirations of restorative justice. The latter include reconciliation, reintegration, reformation and restoration. All this can only be achieved through ensured collective participation of all stakeholders who have a say to the stake in question.

Having discovered many hurdles constraining the effective participation of social workers in implementing the PTD Programme, submissions were made by the participants in a bid to address them. This pertained to the possible measures (that informed the proposed model in the proceeding chapter) that can enhance social workers' effective participation for more desirable outcomes in as far as young offenders'

access to restorative justice is concerned. From those submissions, the following interventions were drawn:

The participants (key informants included), cautioned that, effective participation of social workers in implementing the PTD programme for better outcomes will remain a mere dream. This is as long as there is lack of political will and failure by the Civil Society Organisations to push for the expedition of the Child Justice Bill enactment process. In the same context, this Bill should also stipulate and empower social workers (diversion officers) to take the position of eminence in the diversion process for restorative justice to be realised among young offenders. Thus, as a suggested intervention measure, hereunder is what one of the key informants remarked:

Honestly speaking, let me reiterate that, this is the opportune time the government needs to expedite the alignment and harmonization of laws influencing juvenile justice. By this I particularly refer to the Child Justice Bill that should be enacted into law as soon as yesterday. The pertinent bill is urgently necessary for providing an allowance towards the establishment of a separate child-friendly juvenile justice system with a sound legislative framework that would soundly inform diversion processes.

As suggested above, Ruparanganda and Ruparanganda (2016) confirms with the CSOs Report (2019) that in as much as the government has made significant efforts in developing the Child Justice Bill, that should not be the end; an extra mile should be taken towards its enactment into law for effective and efficient administration of restorative juvenile justice. This position is also in tandem with the welfarist and restorative justice approaches that advocate for the establishment of distinct, robust and child-needs and sensitive justice system for sustainable better outcomes. Zimbabwe in this light should follow-suit to what SA, UK and Australia have done in terms of their policy refocusing for improved children's (those in conflict with the law) plight.

To fully address the problem of poor professional recognition coupled with improved and balanced participation of social workers in PTD

implementation process, the participants spotlighted the need for increased awareness on restorative justice and advocacy for better professional recognition. This could greatly contribute towards effective performance and neutralized power shows and dominance coupled with conflict of interests at the expense of juveniles' welfare and protection. To this end, one key participant posits that:

The contribution of social workers and the concept of restorative justice is very unpopular across the professional divide, hence, there is need for advocacy and increased awareness raising on this programme and social workers' functions. More training (sensitisation) on laws and the juvenile justice processes and applicable terminology is also needed among social workers for improved competence. This could help in avoiding their ritual involvement in diversion processes without much say or participation.

From this latter expressed view, it can deduce that the government has so done is not enough. This is mainly with regards to the recognition of social workers in juvenile justice administration. That is, much emphasis has been on justice promotion to an extent that, the PTD programme itself was placed under the Ministry of Justice and not the Department of Social Development under the Ministry Public Service, Labour and Social Welfare. As such, dominance by the diversion committee members is easy as they might see social workers as 'foreign' and unknowledgeable professionals who are yet to understand the diversion processes from the perspective of justice and not restoration, reformation, rehabilitation and reintegration (United Nations, 2016; Kleinhans, 2013; Wilson *et al.*, 2017).

Since there is understaffing and shortage of skilled labour (social workers in particular) under the PTD programme and resource constraints, the participants recommended the need for more increased task force and adequate budget allocation towards child protection. This could eventually ease the burden of caseloads, coordination and implementation process of the programme for better outcomes. One participant had to summarise it this way:

The government should see it fit that, more registered and licensed social workers (diversion officers) are employed to avoid unnecessary delays and caseloads. In terms of resources, I think it's now high time the government should stop overly depending on donor funding especially given the currently prevailing hostile political and economic climate. The child protection sector should be highly prioritised as this is the most vulnerable group of the society yet the future of the nation.' [Participant 4, FGD)

One key participant also supported that:

Prioritisation in terms of resources (human, financial, material) allocation is the only way out if this programme should be effectively implemented towards boosted access to restorative justice among young offenders. In short, all things need money; evading that fact is applying for failure.

Securing sufficient budget towards an effective implementation of this programme as suggested above by the participants, may greatly help towards increasing access to PTD services amongst the juvenile offenders. Sithole (2023) confirms that failure to allocate proper budget by the government towards infrastructural and logistical costs among other expenses may hinder effective implementation of diversion programmes thereby hindering juveniles' access to restorative justice. Though support from the external players is essential, it should also be noted that, donor overdependence may also have strong bearing on diversion performance, hence should be avoided. Nonetheless, to UNICEF (2019), resource allocation can only be a solution if it is underpinned and informed by sustainable M&E systems and the enhancement of transparent, accountable and consistent use of funds. More so, Save the Children (2019) also supported the need to establish a community-based approach in raising awareness; and that is, the community itself should take a front role through the use of CCWs among other local leadership systems. This is in line with the demands and prescriptions of the welfarist and restorative justice approaches that wholly appreciate and recommends collective and multi-stakeholder approach in addressing the plight of juveniles for better diversion outcomes.

After it was discovered that effective participation of social workers in PTD implementation process was also hampered by lack of robust referral pathways and systems coupled with limited options for PTD in communities due to centralisation issues; participants collectively agreed on the suggestion that there is need for PTD programme expansion to other communities and strengthening of the programme's referral systems. Below is how the other participant [Participant 6, FGD] summarised and presented it:

The PTD programme I think should also be extended to other communities or locations than centralised. In my respectful opinion, I also suggest that, there should be a comprehensive referral pathway meant for those with mental and intellectual disorders.

To further cement the above suggestion, one key informant hinted that:

For effective implementation of the programme remember no profession can deal with the totality of a human being without referrals in one or the other. Even social workers need others for holistic practice. As such, referral system for juvenile offenders with behavioural and intellectual challenges should be developed, strengthened and ensured through a collaborative effort between the stakeholders in the juvenile justice system and those in the clinical and psychiatric setting for effective screening and assessment. I also further suggest that since Chitungwiza is very big, there might be a need to further expand and spread the programme to other communities for easy access and cut costs. All I'm saying young man is simple: decentralisation is the only way out.

As provided above, a need to strengthen and expand the PTD programme will not only help in boosting easy access to diversion services, but to allow effective coordination and implementation of the programme. Thembo (2018) revealed that, as long as centralisation and lack of a robust referral system still shadows the PTD Programme, then effective participation of social workers in diversion processes will always remain a mere dream. Thus, participatory community-based approach to diversion service delivery should be promoted if these children are to fully enjoy their rights to protection and welfare in the context of restorative justice and rehabilitation.

During interviews, it had been registered that, absenteeism by parents or significant others due to poor cooperation and lack of involvement in diversion processes was one of the key factors affecting social workers' effective participation in PTD programme implementation process. As such, participants later suggested that there is need to engage or involve the parents or significant others in diversion processes. This would then help to ensure smooth programme coordination, implementation and progress. To substantiate this suggestion, one of the participants recommended that:

We aware that, most times parents, guardians or significant others of these young offenders might be busy with other life commitments, but diversion processes are highly crucial for peaceful and health development of a child. Hence, their presence, commitment and cooperation become central without doubt or excuse. They cooperation through collective engagement and participation is indispensable; hence should accordingly be ensured for the benefit of the juvenile, the community and the nation at large.

To further support these sentiments, one of the key informants also remarked that:

It should be known that, for effective diversion processes, all stakeholders capitalise on the availability and cooperation of those children's guardians or care givers. Unfortunately, most of these juvenile offenders are orphans and they often come from extended families. As such, they may fail to access diversion services if their significant others are not involved. Therefore, there is need to engage and involve them in all diversion processes.

From the above presented suggestion, it can be upheld that, involvement of parents and/or significant others throughout diversion processes should be secured or ensured. This is key in aiding the effective participation of social workers in implementing these diversion programmes (Steyn, 2010; Kleinhans, 2013). Dealing with a minor without involving the significant others from that the juvenile borrows much of his or her behaviour from might be highly problematic. Thus, for better and improved diversion outcomes, these significant others should be involved and engaged. Eventually, this might help to establish these juveniles' access to PTD programme without prejudices, discrimination and stigma. In this light, restorative justice and welfarist

approaches confirm the centrality of the collective participation of these stakeholders in diversion processes for holistic and comprehensive outcomes. This is in relation to effective rehabilitation, reformation and reintegration of that particular juvenile in need of care.

The chapter has sought to present, analyse, interpret and discuss the study's key findings (through in-depth interviews, FGD and documentary review) from the participants. The findings have established the nature of the PTD Programme as a tool for restorative justice promotion among young offenders. Their findings also show that underlying hurdles constraining social workers' effective participation in implementing the PTD programme in Zimbabwe. Submissions from the study therefore revealed that these factors encompassed but not confined to resource constraints, overdependence on donor funding, lack of cooperation or involvement of parents or guardians, limited diversion option and lack of a robust referral pathway coupled with the paucity of a distinct legislative framework to guide and inform the PTD Programme among others. Failure to ensure these social workers' effective and full participation therefore, is tantamount to denying their right to protection and welfare as stipulated by the welfarist and restorative justice approaches. Thus, as suggested measures to these challenges, it was suggested that, the government needs to allocate adequate resources towards the implementation of the PTD programme, ensure capacity building among key stakeholders, expedite the harmonisation and alignment of laws, engage the parents in diversion processes and raise awareness among the community members and families about the PTD Programme and children's rights. The following chapter however, will provide the study's summary, conclusion, areas for further research, implications for social work practice and general recommendations.