

CHAPTER SIX

A TRAINING PROGRAM FOR INTERMEDIARIES

6.1 INTRODUCTION

In the previous chapters a theoretical basis for the development of a training program for intermediaries was investigated as part of the first two phases of the intervention research, namely problem analysis, project planning and information gathering. In chapters two to five topics regarding the South African legal system, child developmental phases concerning the child's cognitive, linguistic, socio-emotional, and moral development, as well as communicating with the child were discussed. Aspects like court preparation, the intermediary, the parent, and the child as witness were investigated. In this chapter the knowledge gained from the literature study as well as from the magistrates and prosecutors (Section A of the research) was utilized for the development of the training program for intermediaries.

As described in chapters two and five, testifying in court is traumatic for a child. The working paper by the South African Law Commission, titled *Protecting the Child Witness*, was produced in 1989. As a result of its recommendations and the subsequent insertion of section 170A into the Criminal Procedure Act, 1997 (Act No. 51 of 1977) and described in 2.6.2, an intermediary can be appointed at the discretion of the presiding officer adjutting the case (Muller & Hollely, 2000:42). In this chapter the qualifications, training and the development of skills of the intermediary will be described. The old and new paradigm of training in South Africa, including specific aspects of outcomes-based education and training, will be discussed. The characteristics, advantages and disadvantages of outcomes-based education and training will be investigated. Finally, factors that were taken into account when compiling the training program, as well as the main aspects of the training program itself, as developed by the researcher, will be described.

Chapter six and seven focus on phase three to five of the intervention research model, namely: design, early development, pilot testing, evaluation and advanced development of the training program.

6.2 QUALIFICATIONS AND TRAINING OF THE INTERMEDIARY

In the proclamation in the *Government Gazette* no. 15024 of 30 July 1993, as amended by *Government Gazette* no. 17822 of 28 February 1997, it is clearly stated which categories of people qualify to act as intermediaries (see chapter 5.3.4). From this list of people who can be appointed as possible intermediaries, the emphasis appears to be on people who are presumed to be skilled at communicating with children such as social workers, educators, and child care workers (Muller & Hollely, 2000:43).

Although the *Government Gazette* no.17822 of 28 February 1997 sets out who may act as an intermediary (see 5.3.3), it does not specify any additional training or skills development that the categories of persons must undergo before being appointed as an intermediary.

This leads to the appointment of people to carry out the functions required by an intermediary who have had no training as an intermediary. The different categories of people who can act as intermediaries are often not trained or experienced in communicating with children, unless they have specialized in that specific field (Muller & Hollely, 2000:53). The researcher agrees with the above. In her experience as intermediary it was found that it is important that the intermediary must have knowledge of all aspects involving child development. A basic knowledge of court procedures and trauma are also needed.

As intermediaries do not receive any specialized training in acting as an intermediary, they have difficulty in performing the duties expected of them. Muller & Hollely (2000:53) is of the opinion that a uniform qualification should be introduced for intermediaries. The researcher agrees with this, as this will improve the quality of intermediaries assisting children at court, as the task of the intermediary is to help the court perform its duty. She must be well informed to do so properly. A court is not the arena of the social worker, psychologist, educationalist, or the childcare worker. Extra training is therefore needed to work in this specialized field.

The researcher compiled a training program based on some principles of outcome

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based education training, actively involvement learning and experiential learning as described in Fedler and Olckers (2001:180-186). As the course was presented at Justice College in Pretoria, certain guidelines set by the college had to be adhered to. This created certain limitations like:

- No contact was made with trainees before the start of the course as they come from all over South Africa. The department where they are employed nominates the trainees. Therefore no training material can be distributed beforehand.
- Justice College has a policy of not writing exams and they award the trainees with an attendance certificate only.
- The trainees' academic qualifications and working experience differ greatly. Each trainee therefore moves at his/her own pace.
- Time is limited. It influences the amount of information that can to be addressed. This makes the assessment of the trainees difficult.

6.3 TEACHING-LEARNING ENVIRONMENT CONDUCTIVE TO LEARNING

To achieve effective learning, a teaching-learning environment must be created (Law Society of South Africa, 2004:8). This can be achieved by providing trainees with the opportunity to participate in the components discussed hereafter. Modern learning theory recognises that methodology is critical to successful learning. How the trainee learns is fundamental to the impact of the learning experience (Fedler & Olckers, 2001:178).

6.3.1 Actively involved learning

According to the Law Society of South Africa (2004:8) (hereafter referred to as LSSA,) and Fedler and Olckers (2001:180), key characteristics that must be present in a training program for trainees to engage positively are:

- The activities should be challenging to promote and encourage trainees to actively participate in the tasks presented during the course;
- The activities can start by focussing on the trainees' experience and perspectives of the topic, for example, the trainees can initially focus and share

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their own experiences within a group about sexual abuse and children and then moving on to the child witness in court. The trainees can review their own experiences and apply their newly acquired knowledge. This will take the training full circle; and

- During the course, analytical problem solving, discussion making and communication skills should be promoted by analysing case studies, finding solutions to problems which children can experience in court, and participating in group work.

According to Swart (2004:2) flexibility should be achieved by providing the following:

- Individual work;
- Group work;
- Written work;
- Oral presentations;
- Trainees participation;
- Mock trial;
- Role plays;
- Meaningful discussions; and
- Self study.

Activity involved learning was developed by learning specialists to demonstrate the relationship between the success in learning, the different activities used in the learning process, and the different levels of involvement of the student. Passive listening is one of the least successful ways of learning. By contrast, the most successful learning experiences correspond with the highest degree of learner involvement. Activities that demand something from the student, such as group discussions, learner presentation, role-plays, moot debates or fieldwork, including actual intervention in the real setting, result in the optimum learning experience (Fedler & Olkers, 2001:180-181).

6.3.2 Trainees must apply what they have learnt

The emphasis is on achieving personal relevance in the work place (LSSA, 2004:8).

The trainee must make sense of what he has learnt and the training should also have relevance in the work environment of the intermediary. To achieve this, activities during the training should provide the opportunity to apply what the trainee has learned. To help with this, applicable case studies can be used. Theory and practice should be integrated and trainees must be given opportunities to utilize their knowledge (Wessels, 2005).

6.3.3 Experiential Learning

This is the preferred method of training and encourages participation, sharing reactions of the activity, and discussion of the dynamics (Miller, 2005:45; Fedler & Olckers, 2001:182).

Components of experiential learning, where applicable, were built into the program. Real life experiences were shared and interpreted in the light of the newly acquired knowledge of the roles of the intermediary. According to the LSSA (2004:9) the following activities can provide the opportunity for experiential learning:

- Sharing real life experiences in group work;
- Trainees participating in court cases as observers;
- Mock trials;
- Role plays;
- Meaningful discussions; and
- Self and peer group assessment.

6.3.4 Teaching objectives

Fedler and Olckers (2001:179) are of the opinion that teaching objectives should be included in a course. They listed these objectives as knowledge and skills outcomes. They further postulate that the goals of the course should be clear, direct and empowering.

6.3.5 Reflecting on learning

An important skill for the trainee to acquire is the ability to reflect on his learning. By making formative assessment methods part of the learning process, trainees will be able to get feedback on their process. To attain this, trainees can be asked to perform real world tasks during a mock trial that demonstrates meaningful application of essential knowledge, skills and values.

Trainees participating in structured group discussions with feedback sessions at the end can use formative assessment methods. The trainer can use oral work; role plays and mock trials to determine a trainee's progress. Feedback can then be given in order for the trainee to improve his future performances. At the end of the learning experience summative assessment in the form of formal written exams can be used (LSSA, 2004:9).

For the purpose of the training program developed by the researcher the aforementioned method of assessment was used. No assessment in the form of a written exam was used because of a time constraint.

6.4 DEVELOPMENT OF A TRAINING PROGRAM IN THE SOUTH AFRICAN CONTEXT

Any training program must equip the trainee with knowledge, skills, and values. The course compiler and trainer must explore the most creative and efficient way of helping learners gain knowledge (Van Niekerk, 2004:2).

For decades the method of teaching was characterised by the trainer delivering a speech whilst the trainee was a passive listener (LSSA, 2004:8; Fedler & Olckers, 2001:178). A problem that often arose from this method of training was confusion amongst the trainees due to large amounts of strange terminology used during such lecture sessions. Arguments against this method of training includes the following:

- Trainees lost interest as passive listeners;

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- Trainees were forced into surface learning instead of reflecting on the application to discuss personal experience (LSSA, 2004:8); and
- The one-way delivery of content did not allow sufficient opportunities to discuss personal experience (LSSA, 2004:8).

Education and training can be divided into two paradigms in the South African context; namely the old paradigm from before 1994 and the new paradigm after 1994, namely outcomes based education and training.

6.4.1 Old paradigm

According to Van Niekerk (2004:2), the old paradigm teaching was based on three dimensions, namely:

- Objectives, which include knowledge skills and attitude. Concepts like list, define, discuss, name, and write an essay, were used. Concepts like apply and problem solving were only occasionally used;
- Training included attainment of knowledge for the sake of knowledge. Transfer of knowledge was neglected. Achievement of skills was not the focus; and
- Assessment, which included norm references, such as measuring trainees against each other, grading and ranking of trainees and a standard of 100%, examinations, tests, assignments, and oral exams as methods of testing knowledge.

The disadvantages of the above method are:

- This method does not necessarily provide for a comprehensive, in-depth assessment of knowledge and skills that are indicative of mastery of a given subject's content; and
- Institutions often used the test scores to determine the fate of a trainee, assess the quality of a lecturer and quality of educational institution.

The above method of teaching came under attack from educational researchers and practitioners for decades. An alternative that would move towards competency and

skills training was sought (LSSA, 2004:8; van Niekerk, 2004:2; Fedler & Olckers, 2001:182).

6.4.2 The new paradigm

According to the Law Society of South Africa (2004:8) effective learning is determined by three crucial factors:

- Motivation and commitment to learning;
- Learning by practise, mistakes, and trial and error; and
- Making sense of what is being learned.

One of the key concepts in this learning environment is that of “whole person learning.” Heron (1999:4) postulated that:

“A learner is a whole person, and the whole person needs to be involved in learning. Learning is extended from it’s traditional restriction to the theoretical and applied intellect, into the domains of body awareness, emotions, and attitudes, interpersonal relations, social and political processes, psychic and spiritual awareness.”

The teaching-learning environment that is conducive to learning is aimed at developing the trainees’ mind set, knowledge, and skills. What has to be learned must be defined clearly, learning outcomes must be stated in detail and made known throughout the training, and focus must be on personal understanding of the development of the subject (Law Society of South Africa, 2004:9; Miller, 2005:45; Fedler & Olckers, 2001:180).

6.5 IMPLEMENTING OUTCOMES BASED TRAINING AND EDUCATION

6.5.1 What is outcomes-based education and training (OBET)

According to Wilson (1999:1-2) OBET focuses on student learning by:

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- Using learning outcome statements to make explicit what the student is expected to be able to know, understand, or do;
- Providing learning activities that will help the student to reach these outcomes; and
- Assessing the extent to which the student meets these outcomes through the use of assessment criteria.

According to Van der Horst and Mc Donald (1997:7) OBET is: “A learner-centred, results-orientated, and activity-based approach to teaching and learning.”

Van der Horst and Mc Donald (1997:8) further postulate that OBET is based on the following underlying principles:

- All individual trainees must be allowed to learn to their full potential. The trainee as well as the trainer must have high expectations for successful learning, regardless of background, age, sex, learning style, or other factors;
- Every success that a trainee experiences, builds his self-esteem and the motivation and willingness to strive for further success. Positive and constructive ongoing assessment is necessary to attain this success. All trainees may not achieve the same outcomes, but they must be granted opportunities to reach their full potential;
- Facilitators and trainers must create a learning environment, which is inviting, challenging, and motivating so that the trainee can achieve success. The atmosphere must be positive to encourage active learning; and
- It is important not only to build concrete experience into the learning process, but also to acknowledge the importance of extramural experience. This is particularly true in relation to adult learning (Fedler & Olckers, 2001:182).

Whilst developing the training program, the researcher kept two objectives in mind, namely a new level of knowledge, and skills and attitudinal change resulting in a commitment to apply the new skills. Some of the guidelines that had been developed by the Law, Race and Gender Research Unit, University of Cape Town (Fedler & Olckers, 2001:184) were used, namely:

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- Using a multi-disciplinary approach;
- Using both cognitive and experiential training techniques;
- Use of participatory training techniques such as small groups, role plays, scenarios and problem-solving techniques;
- A sympathetic and relaxed atmosphere with time for social exchange; and
- Diversity of race, gender and culture amongst the trainees.

Coetzee (2002:93) states that understanding and flexibility are as important as the content of the course when training trainees. Outcomes do not depend on the content, outcomes are the results of learning and can be measured and assessed.

They further state that OBET is:

- A trainee-centred process;
- Developmental and encompasses what the trainee has learnt and his abilities at the end of the training; and
- Designed to promote problem-solving and critical thinking.

In summary, outcomes are the end results, the goals to attainment, and the ideals to be demonstrated for mastery at the end of a specific unit, course, or program (Alexander, 2004:1).

According to Shipley (1995:18) most trainers have specific results in mind when they begin a course. The content of the course will therefore be structured around these outcomes.

6.5.2 Characteristics of OBET

According to Coetzee (2002:90) OBET requires learning facilitation and assessment opportunities. The following characteristics need to be discussed:

- **What a trainee needs to learn is stated clearly.**

The learning outcomes must be:

- Future-orientated;

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- Learner centred;
- Focussed on knowledge, skills and attitudes/values of learning; and
- Characterised by high expectations of all trainees.

The trainee is facilitated towards the achievement of the outcomes. He is an active and interested participant in the learning process.

▪ **The trainee's progress is based on demonstrated achievement.**

- The focus is on being able to use and apply learnt knowledge, skills and attitudes rather than just absorbing content; and
- The trainees must be able to demonstrate significant skills and be assessed during the learning program time.

▪ **Each trainee's needs are catered for by means of a variety of facilitation strategies and assessment tools.**

This includes that:

- The trainee's needs, such as foreknowledge, level of proficiency, and interest, must be assessed;
- Assessment is an ongoing process of observation, reflection, and analysis; and
- Continuous assessment is necessary for further facilitation decisions.

▪ **Each trainee is provided with the necessary time and assistance to fulfil his potential.**

To achieve this:

- All trainees have to be hard workers;
- All trainees have to be responsible for their own learning;
- All learners have to work to become more independent in their learning and thinking; and
- All learners are required to assess their own progress.

The researcher found that, as a result of the time constraints of the five-day program, it was not possible to attain the above as not all trainees work at the same pace.

6.5.3 Advantages of OBET

According to Coetzee (2002:91) there are many advantages in developing or using a program that clearly states outcomes. These are:

- Careful planning is vital for a successful training course. The learning outcomes guides the trainer's content selection, facilitation strategies, and assessment planning;
- Trainees know what is expected of them and can measure their own achievement. The trainee will learn to take ownership and control of his own learning; and
- Trainers can monitor the trainee's progress in terms of specific learning achievements.

6.6 COMPILATION OF THE TRAINING PROGRAM FOR INTERMEDIARIES UNDERTAKEN BY THE RESEARCHER

When compiling the training program, the researcher followed an approach based on a combination of OBET principles as well as actively involved learning and experiential learning approaches. Aspects of these approaches, as discussed in this chapter, were followed when presenting the course.

A skills program was compiled, consisting of smaller units that are occupational based and that render a trainee employable as an intermediary. It was done as follows:

6.6.1 Planning and designing

According to Coetzee (2002:107), a learning program can only be planned and designed after a thorough needs assessment exercise. This needs assessment was done during phase one and two of intervention research, namely the problem analysis and project planning phase and the information gathering and synthesis phase as described in 1.8.2.

6.6.2 Learning objectives

According to Coetzee (2002:108) learning objectives explain the overall intention or purpose of the learning program and its modules or courses. These learning objectives are closely related to the education and training itself.

The development of learning objectives was compiled from the intended result of the training. Phase 2 of the research process provided information regarding these objectives as stated under 1.8.2. Themes were identified and objectives were set. Procedures and activities were developed so that the program could lead to an effective learning experience. Outcomes were derived from these objectives by determining what action had to take place and what indicated the achieving of the outcome successfully. This was integrated in the course on a continuous basis as well as in a final questionnaire at the end of the course.

According to Coetzee (2002:108) learning outcomes are characterised by a knowledge component, observable actions, and a measurable assessment criteria. Case studies, role-plays, practical exercises, mock trial, video viewing, structured group discussions and observing a real court trial are used to achieve the above.

6.7 INTERMEDIARY TRAINING PROGRAM

From the literature study and other information gather from phase one, the following training program was developed. As a result of spatial constraints, only a summary of the course, as it is presented, will be described in this chapter.

The curriculum of the training program was compiled to consist of 12 units, which are presented over a period of five days. A certain amount of flexibility regarding the time spent on each unit was provided for. The time for the course is divided into the following:

- 30% of time is dedicated to theory;

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- 20% of time is dedicated for sharing practical experiences, mainly by trainer but also by trainees; and
- 50% of time is dedicated to group discussion, videos, role plays, practicing skills and court attendance.

Learning outcomes are characterised by a knowledge component, a measurable assessment criteria and observable actions. Case studies, role-plays, practical exercises, mock trials, video viewing, structured group discussions, lectures and observation of a real court case were used to achieve outcome-based training.

The 12 units, the overall outcomes, the assessment criteria of each unit, the practical component as well as handouts/material provided will be discussed hereafter.

6.7.1 Competence outcomes of the training program

To complete the training program all trainees will be able to demonstrate knowledge and understanding of the theory and practice of being an intermediary and within this framework demonstrate applied and integrated knowledge and skills of the duties of an intermediary.

After the training program the following outcomes will be achieved and the trainees will be able to:

- Identify and explain the concept and meaning of child abuse;
- Demonstrate a basic knowledge of the South African legal system;
- Analyse and discuss the role, requirements, duties and functions of the intermediary;
- Describe how to prepare a child witness for court;
- Analyse and describe the role of the parents of the witness;
- Demonstrate and discuss how to build rapport with the child witness
- Demonstrate and discuss a working understanding of child and linguistic development;
- Explain and demonstrate how to introduce and use the anatomically detailed dolls to the child witness;

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- Define and discuss trauma and secondary trauma and how to support and debrief the traumatised child;
- Compile and formulate a desirability report for an section 170A application;
- Practise and contribute to questions asked in court and participated in role play;
and
- Participate and attend a practical session either in a moot trial or a real trial.

6.8 CONTENTS OF THE INTERMEDIARY TRAINING PROGRAM

STUDY UNIT ONE: ORIENTATION

SPECIFIC OUTCOME:

To develop and demonstrate a basic knowledge of what child abuse is, and be able to define different concepts of child abuse.

ASSESSMENT CRITERIA:

The trainee will be competent to demonstrate an understanding if he can:

- Define and describe what child abuse is. This includes defining the following concepts.
 - Child abuse.
 - Physical abuse.
 - Sexual abuse.
 - Rape.
 - Sodomy.
 - Indecent assault.

PRACTICAL COMPONENT:

The following methods and tools are used to master the outcomes:

- Powerpoint presentation of theory;
- Oral presentation;
- Introduction of trainees;
- Big group discussion on expectations of the program;
- Practical example of discomfort when having to speak about sexual abuse;
- Group discussion on child abuse;
- Group discussion on the advantages and disadvantages of taking the child to court;

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- Use of flipchart during group feedback; and
- Questions from trainees were discussed.

HANDOUTS/MATERIAL PROVIDED

- Handout with the theory required for this theme; and
- Case study.

STUDY UNIT TWO: SOUTH AFRICAN LEGAL SYSTEM

SPECIFIC OUTCOME

To develop and demonstrate a basic knowledge of the South African accusatorial system.

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate an understanding of the South African legal system if he can:

- Define and discuss the accusatorial system, Criminal Procedure Act, the role of the magistrate, and the involvement of two parties is explained;
- Identify and discuss the role players in court, the different roles players and their functions;
- Analyse and discuss the legal process of sexual abuse, from reporting the crime up to the finalisation of trial;
- Identify and discuss the methods of testifying, Section 170A, section 158, and the screen; and
- Analyse and discuss aspects of the child taking of an oath.

PRACTICAL COMPONENT:

The following methods and tools are used to master the outcomes:

- Powerpoint presentation of theory;
- Oral presentation of aspects of the South African legal system;
- Visual material by means of a self compiled video of different role players;
- Small group discussions of problems trainees have experienced with the legal system as well as when reporting child abuse to police;
- Plenary feedback;
- Practical examples from experience;

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- Use of flipchart; and
- Questions from trainees are discussed.

HANDOUTS/MATERIAL PROVIDED:

:

- Theory in the form of a handout.

STUDY UNIT THREE: THE INTERMEDIARY

SPECIFIC OUTCOME

To develop and demonstrate a thorough knowledge of all aspects concerning the intermediary, including duties and functions of the intermediary

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate an understanding of the functions and duties of an intermediary if he can:

- Identify and discuss what an intermediary is;
- Analyse and discuss who can be appointed as an intermediary according to the *Government Gazette*;
- Identify and explain when an intermediary is appointed according to the Criminal Procedure Act, 1977;
- Identify and discuss the prerequisites and duties of an intermediary;
- Understand and discuss the use of the intermediary room and equipment; and
- Analyse and discuss the role of the intermediary before, during and after the child has to testify.

PRACTICAL COMPONENT

The following method and tools are used to master the outcomes:

- Powerpoint presentation of theory;
- Oral presentation;
- Analysing of case studies;
- Video presentation compiled by the intermediary;
- Small group discussions;
- Plenary feedback and discussions;
- Discussions of practical experiences of trainer;
- Discussions of practical experiences of trainees;

STUDY UNIT SIX: BUILDING RAPPORT WITH THE CHILD

SPECIFIC OUTCOME

To develop and demonstrate a basic knowledge of how to approach the child and know how to build a rapport with the child.

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate an understanding if he can:

- Identify and explain the basic principle of a child centred approach;
- Analyse and explain how to make contact with the child witness;
- Analyse and discuss how to approach the child in a child friendly manner;
- Analyse and demonstrate effective communication with the child on his developmental level;
- Analyse and demonstrate practical examples of building rapport;
- Analyse and explain how to become the child's friend; and
- Analyse and practically demonstrate how to build rapport with the child.

PRACTICAL COMPONENT

The following methods and tools are used to master the outcomes:

- Powerpoint presentation of theory;
- Oral presentation;
- Analysing of case studies;
- Small group discussions;
- Plenary feedback and discussions;
- Discussions of practical experiences of trainer;
- Discussions of practical experiences of trainees;
- Questions from trainees are discussed;

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- Questions from trainees are discussed;
- Use of flip chart;
- Role-play; and
- Discussion of solutions to problems concerning intermediaries.

HANDOUTS/MATERIAL PROVIDED:

- Theory in the form of a handout;
- Copy of section 107A of Criminal Procedure Act, 1977; and
- Copy of the relevant *Government Gazette*.

STUDY UNIT FOUR: COURT PREPARATION

SPECIFIC OUTCOME

To develop and demonstrate a sound knowledge of aspects of court preparation and the ability to do court preparation with the child witness as well as his parents/caregivers.

ASSESSMENT CRITERIA

The trainee will be able to demonstrate an understanding of what court preparation is if he can:

- Analyse and describe the functions of court preparation;
- Identify and explain who can do court preparation;
- Analyse and discuss how to prepare the child for court;
- Identify and discuss what the court looks like;
- Identify and discuss what the intermediary room looks like;
- Analyse and explain what happens in court;
- Identify and discuss the court role players and their functions;
- Analyse and discuss what an oath is;
- Analyse and discuss testifying, examination in chief and cross-examination;
- Identify and discuss the types of questions that can be asked;
- Identify and discuss behaviour during the trial;
- Analyse and explain reasons for possible delays;
- Analyse and discuss what happens after court;
- Identify and explain feelings regarding going to court; and
- Analyse and explore different cultures and beliefs – seeing the child in that context;
- Analyse and demonstrate stress reduction techniques.

PRACTICAL COMPONENT

The following methods and tools are used to master the outcomes:

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- Powerpoint presentation of theory;
- Oral presentation;
- Analysing of case studies;
- Small group discussions;
- Plenary feedback and discussions;
- Discussions of practical experiences of trainer;
- Discussions of practical experiences of trainees;
- Questions from trainees are discussed;
- Use of flip chart during feedback from group discussions;
- Role-plays; and
- Discussion of solutions to problems concerning court preparation.

HANDOUT/MATERIAL PROVIDED

- Theory in the form of a handout.

STUDY UNIT FIVE: THE ROLE OF THE PARENT

To develop and demonstrate an understanding of the supporting role of the parent during the court case.

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate an understanding of what the role of the parent is if he can:

- Analyse and describe ways to empower the intermediary to:
 - Make the parent aware of the importance of his/her positive support of the child;
 - Familiarise the parent with the court procedures;
 - Provide parents with basic knowledge of the legal process before the child testifies by involving them in the court preparation that is done by the intermediary;
 - Explain to the parent not to discuss the child's testimony with him/her until the case is over;
 - Provide support for the parent before, during and after the trial; and
 - Empower the parents to support their child before, during and after the court process.

PRACTICAL COMPONENT:

The following methods and tools are used to achieve the outcomes:

- Powerpoint presentation of theory regarding the parents role;
- Oral presentation;
- Analysing of case studies;
- Small group discussions;
- Plenary feedback and discussions;
- Discussions of practical experiences of trainer;
- Discussions of practical experiences of trainees;

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- Questions from trainees are discussed;
- Use of flip chart during the group feedback;
- Role-plays; and
- Discussion of solutions to problems concerning the parents/caregivers.

HANDOUTS/MATERIAL PROVIDED:

- Theory in the form of a handout.

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- Practical demonstration of play techniques;
- Use of flip chart during the group feedback;
- Role-plays; and
- Discussion of solutions to problems concerning building rapport with child.

HANDOUTS/MATERIAL PROVIDED:

- Theory in the form of a handout.

STUDY UNIT SEVEN: CHILD DEVELOPMENT

SPECIFIC OUTCOME

To develop and demonstrate a basic knowledge of the developmental stages of the child and to determine at what level the questions must be asked in court.

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate an understanding if he can:

- Identify and discuss the characteristics of the three developmental phases of a child, namely, early childhood, middle childhood and adolescence;
- Identify describe the three cognitive developmental phases, namely pre-operational, operational and concrete operational;
- Analyse and explain language development;
- Identify and explore problems children have with communication, especially in court;
- Identify and discuss language mistakes children make in the different developmental stages pertaining to the court situation; and
- Analyse and explain emotional development.

PRACTICAL COMPONENT:

The following methods and tools are used to master the outcomes:

- Powerpoint presentation of theory;
- Oral presentation;
- Analysing of case studies;
- Video presentation of self compiled video;
- Small group discussions;
- Plenary feedback and discussions;
- Discussions of practical experiences of trainer;
- Discussions of practical experiences of trainees;

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- Questions from trainees are discussed;
- Use of flip chart during group feedback;
- Role-plays; and
- Discussion of solutions to problems concerning child development aspects.

HANDOUTS/MATERIAL PROVIDED:

- Theory in the form of a handout;
- Practical notes; and
- Exercise examples

STUDY UNIT EIGHT: ANATOMICALLY DETAILED DOLLS

SPECIFIC OUTCOME

To develop and demonstrate a basic knowledge of anatomically detailed dolls and how to be comfortable with the dolls and be able to use them in a court situation when the child testifies.

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate an understanding if he can:

- Explore and discuss the anatomically detailed dolls;
- Analyse and explain the requirements of the dolls;
- Analyse and discuss the use of the dolls;
- Analyse and demonstrate how to use the dolls;
- Demonstrate how the child witness should identify the body parts;
- Analysing and explaining that the dolls are not ordinary toys;
- Exploring and demonstrate how to use the dolls; and
- Analyse and explain the use of other aids to testifying.

PRACTICAL COMPONENT

The following methods and tools are used to master the outcomes:

- Powerpoint presentation of theory;
- Oral presentation;
- Analysing of case studies;
- Anatomically detailed dolls;
- Interaction with anatomically detailed dolls;
- Other aids: Anatomical drawings;
- Small group discussions;
- Plenary feedback and discussions;
- Discussions of practical experiences of trainer;

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- Discussions of practical experiences of trainees;
- Questions from trainees concerning the dolls;
- Use of flip chart;
- Role-plays with the dolls; and
- Discussion of solutions to problems experienced when using the dolls and other aids.

HANDOUTS/MATERIAL PROVIDED:

- Article on anatomical dolls;
- Theory in the form of a handout

STUDY UNIT NINE: SUPPORTING AND DEBRIEFING

SPECIFIC OUTCOME

To develop and demonstrate a basic knowledge of the trauma and stress of the child witness and the ability to debrief the child.

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate an understanding if he can:

- Identify and discuss questions most frequently asked by the child witness;
- Identify and demonstrate supporting techniques;
- Classify and discuss what trauma is;
- Understand and explain preventing secondary trauma;
- Analyse and describe possible source of anxiety; and
- Motivate and discuss suggestions to help witnesses cope with anxiety.

PRACTICAL COMPONENT

The following methods and tools are used to master the outcomes:

- Powerpoint presentation of theory;
- Oral presentation;
- Analysing of case studies;
- Small group discussions;
- Plenary feedback and discussions;
- Discussions of practical experiences of trainer;
- Discussions of practical experiences of trainees;
- Questions from trainees;
- Use of flip chart during group feedback;
- Role-plays; and

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- Discussion of solutions to problems concerning trauma, supporting and debriefing.

HANDOUTS/MATERIAL PROVIDED:

- Case studies;
- Theory in the form of a handout; and
- Exercise for examples.

STUDY UNIT TEN: THE DESIRABILITY/ s170A APPLICATION REPORT

SPECIFIC OUTCOME

To develop and demonstrate applied knowledge and understanding of the assessment of the child witness and the compilation of the desirability report for court.

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate an understanding of compiling a desirability report if he can:

- Define and discuss undue mental stress and suffering;
- Classify and discuss factors that have to be considered when assessing the child;
- Identify and discuss the factors to be kept in mind when drawing up the desirability report before the trial;
- Explore and discuss who should be interviewed for the report;
- Identify and discuss various interviewing skills with children and adults.
- Analyse and discuss what the desirability report should consist of;
- Analyse and discuss the recommendations for the use of an intermediary (s170A application);
- Explore and discuss the recommendations for using the closed circuit television system (section 158 application);
- Analyse and discuss using the screen in court;
- Discuss and identify guidelines for compiling the desirability report;
- Understand and utilise the pro forma for the desirability report; and
- Demonstrate writing a desirability report.

PRACTICAL COMPONENT

The following methods and tools are used to master the outcomes:

- Powerpoint presentation of theory;
- Practicing of interviewing skill;
- Analysing of case study;
- Pro forma form;
- Small group discussions;
- Plenary feedback and discussions;
- Discussions of practical experiences of trainer and trainees;
- Questions from trainees are discussed;
- Use of flip chart;
- Role-plays of interviewing skills;
- Discussion of solutions to problems concerning the drawing up of desirability reports; and
- Practical draughting exercise.

HANDOUT/MATERIAL PROVIDED:

- Case study;
- Theory in form of handout;
- Group discussion questions;
- Pro forma form;
- Example of a desirability report used in court

STUDY UNIT ELEVEN: EXAMPLES OF QUESTIONS ASKED IN COURT

SPECIFIC OUTCOMES

To develop and demonstrate integrated knowledge and understanding of the types of question that could be asked during the trial and the ability to relay the questions to the child witness on his level of understanding.

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate an understanding if he can:

- Identify and change possible questions asked by the court, prosecutor, and the defence lawyer to the level of the child witness;
- Identify and formulate the “general purport” of the question; and
- Explore and discuss the difference between adult and child language use.

PRACTICAL COMPONENT

The following methods and tools are used to master the outcomes:

- A list of difficult questions frequently asked in court is distributed;
- Individual trainees will answer the above questions on their own;
- Answers are role-played in the big group;
- Oral presentation;
- Practicing of language and vocabulary skills;
- Analysing of case studies;
- Discussions of practical experiences of trainer;
- Discussions of practical experiences of trainees;
- Questions from trainees;
- Use of flip chart during the feedback of the group; and
- Discussion of solutions to problems concerning child friendly language.

HANDOUTS/MATERIAL PROVIDED:

- List of questions;
- Case studies for group discussions; and
- Moot court transcript.

STUDY UNIT TWELVE: EXPERIENCING LIVE COURT PROCEEDINGS

SPECIFIC OUTCOMES

To develop and demonstrate the integrated knowledge and understanding of all aspects needed to fulfil the tasks that are expected of an intermediary before, during and after the trial.

ASSESSMENT CRITERIA

The trainee will be competent to demonstrate and understanding if he can;

- Put knowledge into practice by attending a live court case with a child witness testifying with an intermediary in a separate room;
- Take a tour through the unit for sexual offences;
- Observing of court proceedings and court etiquette;
- Observe the competency test of a child;
- To observe how a child takes the oath or is admonished to tell the truth;
- To observe how the intermediary is sworn in;
- To observe a child being led to testify by the prosecutor;
- To observe how the child is being cross-examined by the lawyer;
- To observe how the intermediary assists the child in and out of court;
and
- Explore and practice skills in a mock trial situation.

PRACTICAL COMPONENT

The following methods and tools are used to master the outcomes:

- Attending and observing a live court trial with a child witness being assisted by an intermediary;
- Viewing the waiting room, intermediary room and the court with the closed circuit television system;
- Questions about the trial are discussed in the big group after the trial;

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- Practical participation in the mock trial; and
- Discussion of the feelings of trainees about the trial and experiences of mock trial.

HANDOUTS/MATERIAL PROVIDED:

- Notes taken by the trainees during the trial/ mock trial.

6.9 SUMMARY

In chapter 6 the historical background, origin of the intermediary and the provision of section 170A of the Criminal Procedure Act, 1977 (Act 51 of 1977), was discussed. The qualifications of the intermediary and the lack of guidance concerning the training of intermediaries were explored. Principles of the teaching-learning experience environment and more specifically actively involving learning, applying what the trainee has learnt, experiential learning, and reflecting on his/her learning were explored.

The development of a training course in the South African context with the emphasis on the difference between the old and the new paradigm was discussed. The advantages and disadvantages of each paradigm were also investigated. The outcomes-based education and training program was explored.

The implementation of such a program was described and the characteristic, advantages, and disadvantages of such a program were examined. The compilation of such an outcomes-based program, with specific mention of the planning, the design, and learning objectives that have to be taken into account, were discussed. Finally the training program that was compiled by the researcher was described. The overall outcomes were discussed. The course consists of 12 units, which were examined on the basis of specific outcome, assessment criteria, practical components and material provided.

It was concluded that a successful training program for intermediaries must include legal aspects, aspects relating to child development, linguistic and communicative abilities. The program must have a strong practical component with the relevant theoretical background.