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RSA. MINISTRY OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT.  

RSA. MINISTRY OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT.  
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S v L 1973(1) SA 344(C)
S v Mathebula 1996(2) SACR 231 (T)
S v S 1995(1) SACR 50 (ZS)
S v Staggie and Another 2003 (1) SACR 232 (CPD)
S v Stefaans 1999 (1) SACR 182 (E)
S v T 1973 (3) SA 794 (A)
Woji v Santam Insurance company Co Ltd 1981 (1) SA 1020 (A)
APPENDIX 1: QUESTIONNAIRE FOR MAGISTRATES WITH REFERENCE TO THE INTERMEDIARY

RESPONDENT NUMBER:

Number…………………………….

Questionnaire: 1

DATE......................................................

NAME OF MAGISTRATE COURT…………………………………………………..

SECTION A: WORKING EXPERIENCE

1. Does the Magistrate court named above have a Sexual Offences Unit?
   [ ] Yes [ ] No

2. Have you ever acted as Presiding Officer in a sexual offences case?
   [ ] Yes [ ] No

3. If yes, in approximately how many cases?
   ……………………………………………………………………………………………

4. How often or in how many of the cases that you have heard, was an intermediary used to assist the child witness during testimony (Article 170A)?
   ……………………………………………………………………………………………

5. What was the occupational background of the intermediaries? Mainly:
<table>
<thead>
<tr>
<th>Social worker</th>
<th>Educator</th>
<th>Child Care worker</th>
<th>Other (Stipulate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Social worker</td>
<td>[ ] Educator</td>
<td>[ ] Child Care worker</td>
<td>[ ] Other (Stipulate)</td>
</tr>
</tbody>
</table>

6. How often is an application for Article 170A for children under 18 years made?
   ……………………………………………………………………………………………
7. Was a desirability report for an intermediary usually drawn up?

   Yes  No

8. What was the quality of most of the reports?

   ………………………………………………………………………………………………………

9. What should be in this report?

   ………………………………………………………………………………………………………

   ………………………………………………………………………………………………………

SECTION B: EXPERIENCE AND TRAINING OF INTERMEDIARIES

10. What level of experience did the intermediaries used mainly have?

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

11. Did most of the intermediaries used have previous training as an intermediary?

   Yes  No

SECTION C: SKILLS ASSESSMENT OF INTERMEDIARIES

12. In cases where intermediaries were used, how would you rate them according to:

   a) Child communication skills

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

   b) Child friendly

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

   c) Awareness of the child’s needs, example when child was tired, sad or needed to go to toilet

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>
d) Awareness of the child’s developmental level

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>


e) Awareness of the child’s linguistic level

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

f) Knowledge of criminal court proceedings and etiquette

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

13. Did the intermediary usually stay with the child during breaks and lunch?

- [ ] Yes
- [ ] No

14. In your opinion should the intermediary:
   a. Receive training before acting as an intermediary?
      - [ ] Yes
      - [ ] No
   b. Assess the child concerning communications skills?
      - [ ] Yes
      - [ ] No
   c. Assess the child concerning developmental level?
      - [ ] Yes
      - [ ] No
   d. Do court preparation with the child witness before the court case?
      - [ ] Yes
      - [ ] No
   e. Have knowledge of the details of the case before the trial?
      - [ ] Yes
      - [ ] No
   f. Should the intermediary also do Article 170A assessments/desirability reports or should somebody else do the report?
      - [ ] Yes
      - [ ] No

……………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………

408
15. In your opinion, is the quality of the child witness’s testimony dependant on/influenced by the competence/lack of competence of the intermediary?

Yes  No

16. In your opinion, can the competence of the intermediary influence the rate of convictions?

Yes  No

17. When intermediaries are being trained, what aspects do you consider important and feel should be included in the training program?

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18. Do you have any other needs or expectations concerning the intermediary?

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19. Other perceptions of the roles and duties of an intermediary?

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……………………………………………………………………………………
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THANK YOU FOR YOUR TIME AND ASSISTANCE
APPENDIX 2: QUESTIONNAIRE FOR PROSECUTORS WITH REFERENCE TO INTERMEDIARIES

RESPONDENT NUMBER:

Number…………………………………………………..

Questionnaire version 2

DATE:………………………………………………………………………..

SECTION A: WORKING EXPERIENCE

POSITION (EG. PROSECUTOR, SENIOR PROSECUTOR, CHIEF PROSECUTOR):

……………………………………………………………………………………………

1. Have you ever acted as a prosecutor in a sexual offences case?

   Yes  No

2. If yes, in approximately how many cases?

   ………………………………………………………………………………………………..

3. How often is an application for Sect. 170A for children under 18 years made?

   ………………………………………………………………………………………………..

4. How often or in how many cases that you have acted as prosecutor, was an intermediary used to assist the child witness when testifying?

   ………………………………………………………………………………………………..

5. What was the occupational background of the intermediaries? Mainly:
SECTION B: EXPERIENCE AND TRAINING OF INTERMEDIARIES

6. What level of experience did the intermediaries have?

……………………………………………………………………………………………………………………………………………………………………
……………………………………………………………………………………………………………………………………………………………………

7. Did the intermediary have previous training as an intermediary?

Yes  No

SECTION C: SKILLS ASSESSMENT OF INTERMEDIARIES

8. In cases where intermediaries were used, how would you rate them according to:

a) Child communication skills?

<table>
<thead>
<tr>
<th>Very Poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

b) Child friendly and empathic?

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

c) Awareness of the child’s needs, example when child is tired, sad, or needed to go to the toilet?

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
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</thead>
</table>

d) Awareness of the child’s developmental level?

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
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</thead>
</table>

e) Awareness of the child’s linguistic development?
f) **Knowledge of criminal proceedings and court etiquette?**

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
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</thead>
</table>

9. Have you ever used an intermediary to assist you with the following:
   a) Advice on how to ask questions in a language that the child can understand?

   - Yes
   - No

   □ If yes, was it of any value to you?

   - Yes
   - No

b) Advice on the developmental phase of a child?

   - Yes
   - No

c) Advice on the linguistic development phase of the child

   - Yes
   - No

10. In your opinion, is it important for the intermediary to have knowledge of the above?

    - Yes
    - No

11. In your opinion, should all children under the age of 18 years testify with an intermediary?

    - Yes
    - No

12. If no, why?

    ………………………………………………………………………………………………………………………………………………………………
    ………………………………………………………………………………………………………………………………………………………………
    ………………………………………………………………………………………………………………………………………………………………
    …..
13. Did the intermediary stay with the child during lunch and tea breaks?

Yes  No

14. Do you think that the intermediary should remain with the child during breaks and lunch?

Yes  No

15. In your opinion, should the intermediary:

a) Receive training before acting as an intermediary?

Yes  No

☐ If yes, what should the training consist of?

...................................................................................................................................
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b) Assess the child to establish his/her developmental level?

Yes  No

c) Do court preparation with the child witness before the court case?

Yes  No

d) Have knowledge of the details/merits of the case before the trial?

Yes  No

e) Should the intermediary do Desirability reports for a Sect. 170A application?

Yes  No
16. In your opinion, does the quality of the child witness’s testimony depend on/is influenced by the competence of the intermediary?

Yes  No

17. When intermediaries are being trained, what aspects do you consider important and feel should be included in the training program?

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18. Any other comments

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THANK YOU FOR YOUR TIME AND ASSISTANCE
APPENDIX 3: QUESTIONNAIRE FOR THE INTERMEDIARY TRAINING COURSE *BEFORE* TRAINING COMMENCES

NAME OF TRAINEE (OPTIONAL)
…………………………………………………………………………………………
…..

HIGHEST ACADEMIC QUALIFICATION
…………………………………………………………………………………………
…..

CURRENT OCCUPATION
…………………………………………………………………………………………
…..

YEARS OF EXPERIENCE
…………………………………………………………………………………………
…..

DATE OF THIS COURSE
…………………………………………………………………………………………
…..

SECTION A: PREVIOUS EXPERIENCE

1. Main reason for attending this course?
…………………………………………………………………………………………
…………………………………………………………………………………………
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…………………………………………………………………………………………

2. Have you previously received training as an intermediary?
3. **INFORMATION ON TRAINING COURSE/S ATTENDED**

<table>
<thead>
<tr>
<th>COURSE TYPE</th>
<th>PRESENTED BY:</th>
<th>DATE (Month/year)</th>
<th>DURATION</th>
<th>MAIN TOPICS</th>
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<tbody>
<tr>
<td>ATTENDANCE COURSE</td>
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<td>IN DUTY TRAINING</td>
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<td>OTHER (SPECIFY)</td>
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</tbody>
</table>

4. Have you ever acted as an intermediary in a sexual offences court?

- [ ] Yes
- [ ] No

☐ If yes, in how many cases?

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416
5. What are your expectations of this course?
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SECTION B: KNOWLEDGE ABOUT BEING AN INTERMEDIARY

1. What is an intermediary?
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2. What are the duties of an Intermediary?
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3. Who qualifies to be an Intermediary?
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4. When is an Intermediary appointed?
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........................................................................................................................................
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........................................................................................................................................
........................................................................................................................................
5. In your opinion, is it important to attend a training course?
   Yes  No  Depending on course

6. Give a reason for your answer to Question 5.

........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

7. Do you feel sufficiently prepared to act as an intermediary at present?
   Yes  No

8. How would you rate your knowledge of the following:

SECTION C: SKILL SASSESMENT

a. CHILD DEVELOPMENTAL PHASES

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

b. CHILD LINGUISTIC DEVELOPMENT

<table>
<thead>
<tr>
<th>Very Poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

c. CHILD CENTERED APPROACH

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

d. CHILD COMMUNICATION SKILLS

<table>
<thead>
<tr>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

e. CHILD ASSESSMENT TECHNIQUES

<table>
<thead>
<tr>
<th>Very Poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>
f. DISABILITIES IN CHILDREN e.g. ADHD, VISUAL IMPAIRMENT, ETC.

|Very poor| Poor| Average| Good| Excellent|

g. DRAWING UP A DESIRIBILITY REPORT

|Very poor| Poor| Average| Good| Excellent|

h. COURT PROCEEDINGS AND COURT ETIQUETTE

|Very poor| Poor| Average| Good| Excellent|

i. TRAUMA COUNSELLING AND DEBRIEFING

|Very poor| Poor| Average| Good| Excellent|

j. ANATOMICAL DOLLS

|Very poor| Poor| Average| Good| Excellent|

k. SEXUAL ABUSE

|Very poor| Poor| Average| Good| Excellent|

l. DUTIES AND ROLE OF INTERMEDIARY

|Very Poor| Poor| Average| Good| Excellent|

m. TESTIFYING IN-CAMERA

|Very poor| Poor| Average| Good| Excellent|

n. COURT PREPARATION

|Very poor| Poor| Average| Good| Excellent|

o. FAMILY DYNAMICS

|Very Poor| Poor| Average| Good| Excellent|

419
p. PLAY THERAPY TECHNIQUES

<table>
<thead>
<tr>
<th></th>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

q. PRACTICAL EXPERIENCE AS INTERMEDIARY

<table>
<thead>
<tr>
<th></th>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

r. LANGUAGE USED DURING EXAMINATION AND CROSS EXAMINATION

<table>
<thead>
<tr>
<th></th>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

9. What topics do you feel unsure about?

   ………………………………………………………………………………………………………………………
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10. Any other comments?

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THANK YOU FOR YOUR TIME AND ASSISTANCE
APPENDIX 4: QUESTIONNAIRE FOR THE INTERMEDIARY TRAINING COURSE AFTER TRAINING COURSE WAS COMPLETED

NAME OF TRAINEE (OPTIONAL)

HIGHEST ACADEMIC QUALIFICATION

PRESENT OCCUPATION

YEARS OF EXPERIENCE

DATE OF THIS COURSE

SECTION A: HOW WAS COURSE EXPERIENCED?

1. Was the course easily understood?

   Very easy  |  Easy  |  Average  |  Difficult  |  Very difficult

2. Was the course practical?
3. Was the duration of the course long enough?  

Yes  No

4. Did you benefit from this course?  

Yes  No

5. If yes, how much?

A little  Average  A lot

6. Which topics (if any) could less time be devoted to?

<table>
<thead>
<tr>
<th>SA LEGAL SYSTEM</th>
<th>THE INTERMEDIARY</th>
<th>THE TRIAL</th>
<th>RELAYING QUESTIONS</th>
<th>CHILD COMMUNICATION</th>
<th>COURT PREPARATION</th>
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</thead>
<tbody>
<tr>
<td>TRAUMA DEBRIEFING</td>
<td>ROLE OF PARENT</td>
<td>QUESTIONS IN COURT</td>
<td>CHILD DEVELOPMENT</td>
<td>ANATOMICAL DOLLS</td>
<td>DESIRIBILITY REPORT</td>
</tr>
</tbody>
</table>

7. According to your opinion, which topic not dealt with in this course, should be included?

............................................................................................................................................................

............................................................................................................................................................

............................................................................................................................................................

8. Evaluate the course presenter:

Knowledgeable  Well prepared  Friendly  Clear  Professional

9. Were your expectations met?
SECTION B: KNOWLEDGE ON BEING AN INTERMEDIARY

1. What is an Intermediary?

2. What are the duties of an Intermediary?

3. Who qualifies to be an Intermediary?

4. When is an Intermediary appointed?

5. In your opinion, is it important to attend a training course for intermediaries?

   Yes   No
6. Give a reason for your answer to Question 5.

……………………………………………………………………………………
……………………………………………………………………………………
……………………………………………………………………………………

7. Do you feel sufficiently prepared to act as Intermediary at present?

Yes  No

SECTION C: SKILLS ASSESSMENT

8. How would you rate your knowledge of the following:

a. CHILD DEVELOPMENTAL PHASES

<table>
<thead>
<tr>
<th>Very Poor</th>
<th>Poor</th>
<th>Average</th>
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c. CHILD CENTERED APPROACH

<table>
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d. CHILD COMMUNICATION SKILLS

<table>
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<th>Very poor</th>
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e. CHILD ASSESSMENT TECHNIQUES

<table>
<thead>
<tr>
<th>Very poor</th>
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<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>
f. DISABILITIES IN CHILDREN, E.G. ADHD, VISUAL, IMPAIRMENT, ETC.

<table>
<thead>
<tr>
<th></th>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
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</table>

g. DRAWING UP A DESIRIBILITY REPORT

<table>
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<tr>
<th></th>
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<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
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</thead>
</table>

h. COURT PROCEEDINGS AND COURT ETIQUETTE

<table>
<thead>
<tr>
<th></th>
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<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
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</table>

i. TRAUMA COUNCELLING AND DEBRIEFING

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<tr>
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<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
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j. ANATOMICAL DOLLS

<table>
<thead>
<tr>
<th></th>
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<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
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k. SEXUAL ABUSE

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<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
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l. DUTIES AND ROLE OF INTERMEDIARY

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<tr>
<th></th>
<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
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</thead>
</table>

m. TESTIFYING IN-CAMERA

<table>
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<th>Very poor</th>
<th>Poor</th>
<th>Average</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
</table>

n. COURT PREPARATION
What topics presented in this course do you feel unsure about?

<table>
<thead>
<tr>
<th>ABUSE</th>
<th>SA LEGAL SYSTEM</th>
<th>THE INTERMEDIARY</th>
<th>THE TRIAL</th>
<th>RELAYING QUESTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING RAPPORT WITH CHILD</td>
<td>CHILD COMMUNICATION SKILLS</td>
<td>COURT PREPARATION</td>
<td>ANATOMICAL DOLLS</td>
<td>ROLE OF PARENT</td>
</tr>
<tr>
<td>TRAUMA DEBRIEFING</td>
<td>CHILD DEVELOPMENT</td>
<td>DESIRIBILITY REPORT</td>
<td>PRACTICAL QUESTIONS</td>
<td>PRACTICAL COURT EXPERIENCE</td>
</tr>
</tbody>
</table>

9. Any other comments:

.................................................................

.................................................................

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THANK YOU FOR YOUR TIME AND ASSISTANCE
INFORMED CONSENT FORM

DATE: ………………………………. 

PARTICIPANT NAME: ……………………………………………….. 

RESEARCHER: Riekie Schoeman, D. Phil (Social Work) student at the University of Pretoria. 

PROMOTOR: Dr. J.M.C. Joubert, Department of Social Work, University of Pretoria, 0002. 

INFORMED CONSENT:

1. **TITLE OF STUDY:** A Training Program for Intermediaries for the Child Witness in South African Courts. 

2. **PURPOSE OF THE STUDY:** The purpose of this study is to develop, implement and evaluate a standardized training program for prospective and existing intermediaries in South African Courts. 

3. **PROCEDURES:** I will be asked to complete a questionnaire on my experiences feelings, knowledge, and needs with reference to an intermediary training program before I start the training program and another questionnaire after I have completed the training program. The duration of the training program will be five days. 

4. **RISKS AND DISCOMFORTS:** There are no known risks or discomforts associated with this study. 

5. **BENEFITS:** I understand that there are no benefits to me for participating in this study. However, the results may help the researcher to produce a standardized training program for intermediaries in South Africa. 

6. **PARTICIPANTS RIGHTS:** I may withdraw from participating at any time.
7. **CONFIDENTIALITY:** I understand that the answers to the questions will be kept confidential and will only be used to analyze all the findings, without names being mentioned. The results of the entire questionnaire may be published in the dissertation of the study and in professional journals but my records or identity will not be revealed unless required by law.

I can obtain any further information by phoning 012-3194175, Cell No. 0828826688 or e-mail: uschoeman@justice.gov.za.

I understand my rights as research subject, and I voluntarily consent to participation in this study. I understand what the study is about and how and why it is being done. I will receive a signed copy of this consent form.

………………………………………………..
Subject’s signature

………………………………………………..
Researcher’s signature
DATE: .................................

PARTICIPANT NAME: ..............................................

RESEARCHER:  Riekie Schoeman, D. Phil (Social Work) student at the University of Pretoria.

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………………………………………..
…………………………
Subject’s signature        Date

…………………………………………………
Researcher’s signature