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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:

Social worker	Educator	Child Care worker	Other (Stipulate)
---------------	----------	-------------------	-------------------

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?

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

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**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**b) Child friendly**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

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

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**d) Awareness of the child’s developmental level**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**e) Awareness of the child’s linguistic level**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**f) Knowledge of criminal court proceedings and etiquette**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

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?

.....  
.....

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?

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

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

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

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

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

**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:

Social worker	Educator	Child care workers	Other
---------------	----------	--------------------	-------

**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?**

Very Poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**b) Child friendly and empathic?**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

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

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**d) Awareness of the child’s developmental level?**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**e) Awareness of the child’s linguistic development?**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

f) **Knowledge of criminal proceedings and court etiquette?**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

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 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?

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

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
-----	----

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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?

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

18. Any other comments

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

**THANK YOU FOR YOUR TIME AND ASSISTANCE**

<b>RESPONDENT NUMBER</b> .....
--------------------------------

**APPENDIX 3: QUESTIONNAIRE FOR THE INTERMEDIARY TRAINING  
COURSE *BEFORE* TRAINING COMMENCES**

QUESTIONNAIRE: <b>3</b>
-------------------------

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?

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

2. Have you previously received training as an intermediary?

Yes	No
-----	----

**3. INFORMATION ON TRAINING COURSE/S ATTENDED**

<b>COURSE TYPE</b>	<b>PRESENTED BY:</b>	<b>DATE</b> (Month/year)	<b>DURATION</b>	<b>MAIN TOPICS</b>
ATTENDANCE COURSE				
IN DUTY TRAINING				
OTHER (SPECIFY)				

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

Yes	No
-----	----

If yes, in how many cases?

.....

5. What are your expectations of this course?

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

**SECTION B: KNOWLEDGE ABOUT 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?

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**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**b. CHILD LINGUISTIC DEVELOPMENT**

Very Poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**c. CHILD CENTERED APPROACH**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**d. CHILD COMMUNICATION SKILLS**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**e. CHILD ASSESSMENT TECHNIQUES**

Very Poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**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 COUNCELLING 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
-----------	------	---------	------	-----------

**p. PLAY THERAPY TECHNIQUES**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**q. PRACTICAL EXPERIENCE AS INTERMEDIARY**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**r. LANGUAGE USED DURING EXAMINATION  
AND CROSS EXAMINATION**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

9. What topics do you feel unsure about?

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

10. Any other comments?

.....  
.....  
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**THANK YOU FOR YOUR TIME AND ASSISTANCE**



**RESPONDENT NUMBER** .....

**APPENDIX 4: QUESTIONNAIRE FOR THE INTERMEDIARY  
TRAINING COURSE AFTER TRAINING COURSE WAS  
COMPLETED**

**QUESTIONNAIRE: 4**

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?

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Very practical	Practical	Average	Impractical	Very impractical
----------------	-----------	---------	-------------	------------------

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?

SA LEGAL SYSTEM	THE INTERMEDIARY	THE TRIAL	RELAYING QUESTIONS	CHILD COMMUNICATION	COURT PREPARATION
TRAUMA DEBRIEFING	ROLE OF PARENT	QUESTIONS IN COURT	CHILD DEVELOPMENT	ANATOMICAL DOLLS	DESIRIBILITY REPORT

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?

Totally disagree	Disagree	Impartial	Agree	Definitely agree
------------------	----------	-----------	-------	------------------

**SECTION B: KNOWLEDGE ON BEING AN INTERMEDIARY**

1. What is an Intermediary?

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

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**

Very Poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**b. CHILD LINGUISTIC DEVELOPMENT**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**c. CHILD CENTERED APPROACH**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**d. CHILD COMMUNICATION SKILLS**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**e. CHILD ASSESSMENT TECHNIQUES**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**f. DISABILITIES IN CHILDREN, E.G. ADHD,  
VISUAL, IMPAIRMENT, ETC.**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**g. DRAWING UP A DESIRIBLITY REPORT**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**h. COURT PROCEEDINGS AND COURT  
ETIQUETTE**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**i. TRAUMA COUNCELLING 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
-----------	------	---------	------	-----------

**p. PLAY THERAPY TECHNIQUES**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**q. PRACTICAL EXPERIENCE AS INTERMEDIARY**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

**r. LANGUAGE USED DURING EXAMINATION AND CROSS EXAMINATION**

Very poor	Poor	Average	Good	Excellent
-----------	------	---------	------	-----------

What topics presented in this course do you feel unsure about?

ABUSE	SA LEGAL SYSTEM	THE INTERMEDIARY	THE TRIAL	RELAYING QUESTIONS
BUILDING RAPPORT WITH CHILD	CHILD COMMUNICATION SKILLS	COURT PREPARATION	ANATOMICAL DOLLS	ROLE OF PARENT
TRAUMA DEBRIEFING	CHILD CEVELOPMENT	DESIRIBILITY REPORT	PRACTICAL QUESTIONS	PRACTICAL COURT EXPERIENCE

9. Any other comments:

.....

.....

.....

.....

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

**THANK YOU FOR YOUR TIME AND ASSISTANCE**

APPENDIX 5

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. **PRODEDURES:** 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](mailto: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

Date

.....  
Researcher's signature

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. **PRODEDURES:** I will be asked to complete a questionnaire on my experiences, feelings, knowledge, and needs with reference to intermediaries.
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 in this study, 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](mailto: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

Date

.....

Researcher's signature