

**The Social worker, as an expert witness in sexual offences committed against  
children**

BY

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STATEMENT

I, Hlamalane Queen Malatji, hereby state that this manuscript with the title:

“The social worker, as an expert witness in sexual offences committed against children”

is my own work.

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H.Q Malatji

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## **SUMMARY**

**KEYWORDS:** Expert witness, Children, Sexual offences

Sexual offence against children is a complex issue and a major problem in South Africa. Trained and skilled social workers as expert witnesses are needed to help the courts deal with this problem in our courts. A specialised knowledge in the field of forensic expert witnessing in sexual offence cases is a must. Since a University degree in Social Work does not adequately prepare social workers to be effective expert witnesses the Social Work Profession receives much criticism in this regard.

Probation Officers, Forensic Social Workers from SAPS and Forensic Social workers in private practice were included in the study in an attempt to investigate the problem and suggest possible solutions. The problem is a lack of skilled, trained and knowledgeable professionals in certain areas of the spectrum, e.g. sexual abuse in a child's case.

## **OPSOMMING**

**SLEUTELWOORDE:** spesiale getuie, kinders, seksuele misdaad

Seksuele misdaad teenoor kinders is 'n ingewikkelde aangeleentheid en 'n groot probleem in Suid-Afrika. Wanneer hofsake in hierdie verband plaasvind, word opgeleide en toegeruste maatskaplike werkers dikwels benodig om as spesiale getuies op te tree. Gespesialiseerde kennis op die gebied van forensiese getuielewering, soos wat dit in hofprosedures van toepassing is, is dan 'n vereiste. Aangesien die algemene universiteitsgraad vir Maatskaplike Werk nie die maatskaplike werkers spesifiek vir sodanige getuielewering voorberei nie, ontvang die persone sowel as die professie dikwels in hierdie verband negatiewe kritiek.

Proefbeamptes (uitplasing van kinders), SAP Forensiese Maatskaplike Werkers en Forensiese Maatskaplike Werkers in privaatpraktyke is in die navorsing ingesluit om sodoende die probleem te ondersoek en tot moontlike oplossings te kom. Maatskaplike werkers is opgelei en toegerus om hulle daaglikse taak te verrig, maar ondervind probleme met spesiale getuielewering tydens hofsake. Die probleem is 'n gebrek aan maatskaplike werkers wat voldoende opgelei en toegerus is om juis die taak van spesiale getuielewering in 'n hof te hanteer.

## **FOREWORD**

The article format has been chosen in accordance with Regulations A.7.2.3 as stipulated in the 2008 yearbook of the North-West University, Potchefstroom Campus, for the degree MA Social Work: Forensic Practice. The article will comply with the requirements of one of the journals in social work, titled *Social Work/Maatskaplike Werk*.

This article comprises 60 credits out of a total of 188 credits of the MA Social Work in Forensic Practice course.



## INSTRUCTIONS TO THE AUTHORS

The article will be submitted to the *Social Work/Maatskaplike Werk* journal for potential publication in the journal

### EDITORIAL POLICY: SOCIAL WORK/MAATSKAPLIKE WERK

The journal publishes articles, brief communications, book reviews and commentary articles already published from the field of Social Work. Contributions may be written in English or Afrikaans. All contributions will be critically reviewed by at least two referees on whose advice contributions will be accepted or rejected by the editorial committee. All refereeing is strictly confidential. Manuscripts may be returned to the authors if extensive revision is required or if the style of presentation does not conform to the practice. Commentary on articles already published in the journal must be submitted with appropriate captions, the name(s) and address(es) of the author(s), preferably not exceeding 5 pages. The entire manuscript must be submitted, plus one clear copy as well as a diskette with all the text, preferably in MS Word (Word Perfect) or ACSII. Manuscripts must be typed, double spaced on the side of the A4 paper only. Use the Harvard system for references. Short references in the text: When word-for-word quotations, facts or arguments from other sources are cited, the surname(s), year of publication and the page number(s) must appear in parenthesis in the text. More details concerning sources referred to in the text should appear at the end of the manuscript under the caption "References". The sources must be arranged alphabetically according to the surnames of the authors. Note the use of capitals and punctuation marks in the following examples.

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## **The social worker, as an expert witness in sexual offences committed against children**

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### **ABSTRACT**

This article discusses empirical data obtained from a questionnaire to investigate and assess the specific skills, knowledge and protocols that the social worker would need as an expert witness in sexual abuse cases. The investigation was conducted in order to identify areas for improvement with regard to study material for social workers in their service delivery to sexually abused children in court, as well as to highlight the training needs that exist in the social services profession.

### **1. PROBLEM STATEMENT**

The increase of sexual offence cases has brought social workers into the courtroom as expert witnesses (Mason, 1992:30). Social workers are frequently called to explain to the court the dynamics of sexual abuse cases. Social workers are increasingly seen as experts in this area because they work with abused children more regularly than other professions. However, the courts and most particularly the defence, are inclined to criticise the nature of social workers' testimonies as well as their qualifications.

Apart from their desire to do so, social workers are trained to care for and protect their clients. They are trained to be therapeutic and more empathetic to their clients. Naturally social workers take a believing stance when approaching child sexual abuse allegations. This approach has posed many challenges to them as expert witnesses (Grobbelaar, 2009:47). Social workers are trained to work with feelings and emotions, whereas those in the legal profession and in court are interested in factual information only. The social workers find themselves in a foreign setting in court with role players having different perspectives from theirs. Their opinions are

often criticised and their skills and knowledge are sometimes challenged by their legal counterparts. Testifying in court remains a stressful event to social workers.

An expert witness is someone with a specialised experience, training, or knowledge that enables him/her to explain something to judges (Stern, 1997: 6). Grobler (2007:11) further clarified the concept by stating that those skills should permit the expert witness to testify to an opinion that will aid a judge in resolving a question that is beyond the understanding or competence of a layperson. Such a witness is a person who can help the court understand the issues of a case and reach a sound decision. Both Grobler (2007:11) and Stern (1997:6) hold a similar view that an expert witness should offer opinions and interpretations of the evidence. The expert witness is allowed to provide an opinion as to the meaning of what was seen, heard, and felt. The Law deems that the expert's training and experience is very important in courts. Van der Hoven (2006:153) derived the term forensic expert to exactly explain expert witness. She refers to forensic experts as persons who are called to testify in court on a regular basis; due to the fact that they are better qualified than the court to express an opinion on certain matters in a particular field. They are also seen as persons who had acquired specific skills and knowledge on a specific subject and which the court might lack.

The researcher's motivation was based on her personal experiences on how social workers are treated in South African courts. Most social workers are expected to master everything in their field. They are doing generic social work and at the same time expected to present expert testimony in court, a task that requires a certain speciality. Ludwig (2007: iv) also regarded forensic social work as a specialised field, and that there is a need for post-graduate forensic training.

Social workers who practice as Probation Officers also face challenges in courts since they are more experienced in dealing with the offender than the victim. They are not trained as forensic social workers doing assessments of the child and are not in a position to act as an expert in court although the court sometimes expects it from them. In research done by Modise (2008:28-29) it was found that social workers in the Madibeng municipality and other service points were "inexperienced in terms of assessing sexually abused children because of lack of skills and knowledge". This

has an influence in the finalisation of cases. The Social workers' reports are labelled as "cut and paste" since they are perceived to be generalising each and every case. Their reports are believed not to be helping the court because they are of poor quality. Most courts complained about the quality of social workers' reports and have discredited most social workers' testimonies. These social workers have been criticised for not being objective and always taking sides with the victims. They have also been criticised for ignoring facts and focusing on the emotions. They have sometimes also been accused of leading victims with their un-researched techniques. Although they have the skills about expert witnessing they are not trained nor have the skills and knowledge to assess children for the court. They then use techniques that in court have been criticised for lacking a literature back-up and their testimonies have also been perceived as not being scientifically founded. The courts are frustrated by inexperienced social workers as expert witnesses in courts. The defence takes advantage of their weakness to withdraw or win the cases. The court itself often doubts social workers' credibility and reliability as expert witnesses in child sexual abuse cases. The problem is that it also gives the defence a liberty to be in control of the expert witness and to exploit him/her. That situation frustrates the expert witness and makes him/her appear incompetent.

Cross-examination has also been viewed as a frightening experience by expert witnesses and the cross-examining attorney will try his utmost best to diminish the witness's opinion and credibility in the court (Grobler, 2007:11-14). Stern (1997:78) is of the opinion that an expert witness should be presentable and that personal appearance does count. One makes a first impression only once and this is very true in the courtroom. The expert witness must therefore not only sound and behave like an expert, but must also look like an expert. This means that the expert witness should dress appropriately for court. The witness should also appear as calm and courteous as possible, because if the witness appears nervous, the court might interpret it as confusion, uncertainty or dishonesty. While giving testimony the expert witness should speak with confidence and clarity. It is difficult for the court to have confidence in the opinion of an expert witness when the expert witness himself/herself shows lack of confidence and appears in doubt. Stern (1997:78) further emphasises that the expert witness should be prepared at all times. It is indefensible for an expert to come to court without intimate familiarity with the facts

of the case. Expert witnesses must appear professional and organised and they should know their field of practice very well.

Van der Hoven (2006:169) shares a similar view, *i.e.* that the expert witness should remember the limits of his/her competence and field of expertise. In practice the social worker who acts as a probation officer is not an expert in assessing children for the court because that is not his/her field of expertise. If they present themselves as experts they lose credibility in court by making statements they are not qualified to make. The social work profession has expanded its field in addressing the issue of inadequately trained personnel dealing with sexual offence cases. The South African Council for Social Services Professions (SACSSP) is in the process of finalising the process of making the Forensic social work a specialty in areas of sexual offences and other court-related matters. Forensic social work was developed as a master's course at North-West University with the aim of helping the courts with sexual offence cases and also bridging the learning gaps in the social work profession. The skills, knowledge, techniques and protocols which social workers should employ as expert witnesses were also addressed.

## **RESEARCH QUESTIONS**

- Which specific skills, knowledge, techniques and protocols do social workers need with regard to child sexual offence cases?
- What learning gaps do social workers experience in their service delivery as expert witnesses to sexually abused children in court?

## **2. AIM OF THE STUDY**

- To identify learning gaps or shortcomings in the training courses of social workers in order to improve on their service delivery as expert witnesses in child sexual offences.

## **3. OBJECTIVES**

- To investigate the specific skills, knowledge and protocols that the social worker needs as an expert witness in sexual abuse cases. To assess and evaluate such skills, knowledge, techniques and experiences of social workers as expert witnesses.

- To investigate the learning gaps of social workers as these manifest and emerge in their service delivery to sexually abused children in court.

#### **4. CENTRAL THEORITICAL ASSUMPTION**

If social workers gain more knowledge and skills in the specific field of expert witnesses it will increase their awareness of court procedures and expectations and will at the same time improve their performance, their confidence and their profession's image. This will bring about change of perspective in the legal profession and would also have the positive result of addressing the problem of the low prosecution rate in sexual offence cases in younger children.

#### **5. RESEARCH METHODOLOGY**

The research was conducted by means of a literature and empirical study.

##### **5.1 Literature study**

According to Mouton (2001:48) literature study provides evidence of some preliminary reading on the topic, proof that the initial ideas have been developed. It also provides, where necessary, information concerning the theoretical literature or the topic. Unrau *et al.* (2007:96) define literature review as an extensive search of the information available on a topic which produces a list of references to books, periodicals, and other materials on the topic. It is a professional responsibility and that ignoring evidence-based studies is breaching the SACSSP code of ethics. Neuman (2000:446) also emphasised that the goal of literature review is to demonstrate the researcher's familiarity with a body of knowledge in order to establish credibility to show a path of prior knowledge, to integrate and summarise what is known in the area of study, and to learn from others while creating new ideas.

Literature for the research study was obtained from Social Work, Psychology, Justice and Criminology articles. Articles in professional journals, research reports and dissertations and the internet were used to gain information. The database utilised for a systematic library search included Social Work Abstracts, Social Science Abstracts, EBSCO HOST WEB, NEXUS, Scholarly journals, ERIC, Government documents.

## 5.2 EMPIRICAL INVESTIGATION

For this study both qualitative and quantitative approaches were used for data collection. Flick (2006:37) refers to this manner of using both approaches as “triangulation”. For the purpose of this study, “methodological triangulation” was applied which is explained as the use of two or more methods of data collection within a single study. The researcher analysed such data as were obtained by making use of both approaches. Attention was paid to statistical and thematic analysis and included interviews and observational data. The qualitative approach was, however, more dominant in this study. The researcher more frequently used a qualitative approach since it was an in-depth study of a few subjects.

The researcher utilised an interview schedule which mainly consisted of open-ended questions. Babbie and Mouton (2001:270) are of the opinion that the primary goal of qualitative research is to describe the role of the social workers as expert witnesses and the challenges they encounter when giving expert testimony in court.

The type of research that was used for the purpose of this investigation is referred to as applied research. Monette *et al.* (2005:6) mention that applied research is designed with a practical outcome in mind and with the assumption that some group or society as a whole will gain specific benefits from it. It is a research with findings that can be applied to solve social problems of immediate concern.

Monette *et al.* (2005:6) further came with a term “explanatory research” which involves an explanation, or endeavours to determine why or how something had occurred. Grinnell (2001:535) explains that explanatory research is ideal when the research studies undertake to infer cause-effect and directional relationships in areas where a number of substantial research findings are already in place; situated at the top end of the knowledge continuum. Monette *et al.* (2005:6) express the notion that it seeks work done in this perspective as aiming to make qualitative research more humanistic and relevant to the lives of people and that some sort of social change is usually intended.

Given the fact that child sexual offence is widely a social problem that needs social change, this research on expert witnessing will also help in solving this social problem that needs immediate attention. It will also provide an explanation about the issues surrounding the challenges, such as negativity and criticism of the court



towards social workers. The study will also help to protect the social work profession against such challenges.

### **5.2.1 PARTICIPANTS**

Participants are the experimental subjects; people who will be engaged in the study. The participants form a population of the study. Mc Burney (2001:248) and Unrau *et al.* (2007:213) define population as the total number of persons, events, organisation units, case records or other sampling where the research problem is concerned. Bless and Higgson-Smith (2006:85) perceive population as the set of elements that the research focuses upon and to which the obtained result should be generalised.

According to Bless *et al.* (2006:106) purposive sampling is based on the judgement of the researcher regarding the characteristics of a representative sample. However, in conducting a research, not all people in the population can be used to participate in the study. A sample drawn moreover represents the study population (Unrau *et al.* 2007:396). Unrau *et al.* (2007:396) further described sample as a subset of a population of individuals, objects or events chosen to participate in or to be considered in an evaluation. A group chosen by unbiased sample selection from which inferences about the entire population of people or events can be drawn. In this study, the population or sample included Mpumalanga Social Development Department social workers (seven Probation officers) one Mpumalanga SAPS Forensic social worker and two Forensic social workers in private practice also based in Mpumalanga and who have been exposed to expert witnessing in court. The strategy was aimed at producing quality first-hand data from respondents that share something in common.

The above target group was selected based on the same characteristics that they are all dealing with children and they have testified in court in child sexual offence cases. The researcher used a non-probability sampling technique because not all social workers and probation officers were included in the study. De Vos *et al.* (2005:194) are also of the opinion that sampling is best for its feasibility and accurateness. According to De Vos *et al.* (2005:194) it is impossible to study the larger population due to size, money and time needed to undertake the study. The researcher agrees with De Vos *et al.* (2005:194) in a sense that social workers have a tight schedule and a high caseload; it will also be impossible to include them all

based on limited resources to reach scattered offices around the province. In this study the researcher included only three Forensic social workers and seven Probation Officers. The researcher used a snowball sampling method that introduced her to other respondents to be included in the study. This technique was helpful because the forensic social workers are fewer in the Province. This might not be obvious to the researcher and it saved her time to find, screen or sample potential participants. The researcher was mindful of the possibility that the participants might also be reluctant to participate in the study if approached by the researcher herself without the assistance or referral of other colleagues. Neuman and Kreuger (2003:212) also call this sampling method a network, chain referral or reputation sampling. It is based on an analogy to a snowball which begins small but grows larger as it is rolled on wet snow and picks up additional snow.

### **5.2.2 RESEARCH DESIGN**

Grinnell (2001:547) defines research design as the entire plan of a quantitative and/ or qualitative research study from problem conceptualisation to the dissemination of findings. The author, Grinnell (2001:224) further emphasised that the most important factors in determining what design to use in a specific study are knowing what the research question is, and how much knowledge about the problem area is available. The author explains that if there is already a substantial knowledge base in the area, then the results or answers pertaining to the research questions should add to the explanations or findings of previously gathered data. If less is known about the problem area, our research questions will have to be more general and descriptive in nature. If very little is known about the problem area, our research question will have to be more general, at an explanatory level. Since the researcher knows little about the field of study, she needed an exploratory design with the purpose of exploring and gathering data or facts. Social workers' experiences and perspectives were explored to gain insight in this study.

While much has been said broadly about sexual abuse, very little is available about social workers as expert witnesses and the accompanying challenges. The data collection method in this study included observational and structured interviews. The researcher visited various Social Development offices in Mpumalanga, and she was also helped by workshops she attended with other respondents, e.g. Probation

Officers. The researcher interviewed the target group by using an interview schedule.

### **5.2.3 MEASURING INSTRUMENT**

According to Unrau *et al.* (2007:99) measuring instruments are instruments such as questionnaires or rating scales used to obtain a measure, usually an outcome measure for a particular client or client group. Measurement is needed to assess the validity, reliability, utility and applicability of the study (Greef, 2005:286). The survey used to collect data in this study was a one-to-one interview. A questionnaire was used as a tool to collect data. The questionnaire contained both open- ended and close-ended questions, such as yes/no with a follow-up question. The pre-test was conducted with few of the researcher's colleagues and it was revised with the study leader for final use.

### **5.2.4 DATA COLLECTION AND ANALYSIS**

Flick (2006: 212) is of the opinion that a researcher can collect data from participants by telephone, mail or in person. According to Flick collecting data in person is expensive, but it is important to look at the feasibility for any data collection method. The researcher realised that time and resources would have an impact in collecting data, but she nevertheless chose personal interviewing since she believed it was the method that would be representative or one that would provide most meaningful data. She, however, had difficulty in accessing Forensic Social Workers in private practice and she had no choice but to email the questionnaire due to their tight schedules.

The researcher utilised a self-administered questionnaire as a measuring instrument to obtain raw data from the respondents and to derive meaning from such responses. The questionnaires were also handed to other respondents, and interviews were conducted by making use of the same questionnaire. The researcher also completed them by herself for better understanding and interpretation. The researcher was available to clarify some questions in the questionnaire. She was also able to encourage the respondents with a few words to continue with their contribution, and she also included prompting questions relevant to the topic.

The researcher gathered raw material by capturing field notes and undertaking structured interviews with the participants. Additional information could be gathered by observation. She also emailed some questionnaires to the Forensic social workers who could not be interviewed personally due to their unavailability and tight schedule. The logs and diary were utilised to track all data collected for analysis. The quantitative data were organised so that occurrences could be counted and transformed into statistics. Frequencies of the occurrences were reported as percentages (Unrau *et al.*, 2007:143). The researcher made use of tables and graphs to present and analyse data. The researcher also asked open-ended questions to obtain qualitative data. Data were usually expressed in words. Themes were also derived from the schedule to analyse data. There is no one neat and tidy approach to qualitative data analysis, nor even one approach to each specific type of qualitative data analysis. Tesch (in Barbie & Mouton, 2001:490) explained that it is necessary to have some idea of what it is you want to know and to choose a paradigm from which to work. According to Tesch the following research interests exist:

- The characteristics of language, as communication with regard to its content and its process
- The discovery of regularities as the identification of categories of elements and the establishment of their connections and as the identification of patterns
- The comprehension of meaning of text or action through the discovery of themes and through interpretation
- The reflection

De Vos *et al.* (2005:338) are of the opinion that the tough intellectual work of analysis is generating categories and themes. The researcher has to apply some coding scheme to those categories and themes, and to diligently and thoroughly mark passages in the data by using the codes. Codes may take several forms, e.g. abbreviations of key words, coloured dots, numbers and others. The choice is up to the researcher.

## **6. ETHICAL ISSUES**

Flick (2006:49) is of the opinion that all aspects of the research process, from deciding upon the topic to identifying a sample, conducting the research and

disseminating the findings, have ethical implications. The way the researcher enters a field and addresses and selects participants raises the issue of how the researcher should convey information about the research, its purposes, and the expectations.

- The researcher started by negotiating for an entry and permission was granted by the different office managers to undertake a study.
- The respondents' privacy was respected since no names of the participants have been revealed. The importance of confidentiality was highly regarded (Babbie, 2004:63-72; Van Zyl-Eideling & Pretorius, 2005:107-113). The researcher is a Probation officer registered as a social worker with the South African Council for Service Professions and she is practising as a Probation Officer.
- The researcher ensured that respondents were protected against any form of physical and emotional harm. Although emotional harm may be difficult to predict, that was also carefully looked at. She emphasised that they were at liberty to withdraw at any time and they could not be forced to answer questions they might find uncomfortable. Flick (2006:49) emphasised that the dignity and rights of the participants were important, that a researcher would need to assure participants that information about them would only be used in a way which would make it impossible for other persons to identify the participants, or for any institution to use them against the interest of the participants.
- The respondents were given a written and signed agreement to obtain Informed Consent. Detailed information on the goal of the investigation, the procedures, advantages and disadvantages or dangers and the credibility of the researcher were communicated to the respondents.
- The respondents were informed that their participation was voluntary and that they were at liberty to withdraw at any time.
- The study leader was appointed for the researcher for supervision of the project and even for guidance.
- The findings have been documented in the form of a mini dissertation and this was communicated with the respondents. In De Vos *et al.* (2005:65) Strydom expresses the opinion that the findings of a study must be introduced to the

reading public in a written format otherwise even a highly scientific and investigated topic will mean very little and will not be viewed as research.

- The researcher ensured that all sources consulted were acknowledged. Plagiarism is a serious ethical offence and it was avoided at all cost. All due recognition is given to sources consulted.
- The final report is available in simpler and clearer language so that the respondents and public users will understand and share the information.

De Vos *et al.* (2005:66) conclude that participation is a learning process for all concerned, not only the researcher will gain more knowledge; the participants will also become aware of their strengths and weaknesses.

Written permission (NWU-0027-09-51) was obtained from the Ethics Committee of the Potchefstroom Campus of the North-West University.

## **7. LIMITATIONS OF THE STUDY**

The researcher found it difficult to get hold of the respondents, especially Forensic social workers in the private sector as they are always busy. The researcher was forced to email the questionnaires to them to include them in the study. Most Probation Officers were also reluctant, but the fact that the researcher is their colleague and had a good relationship with them served as an advantage. The responses given reflect the respondents' own opinions. Their opinions were not proven to evaluate their validity. Most of the literature that was reviewed was from abroad as there is currently little literature on the topic in South Africa due to the fact that forensic social work is a relatively new field.

## **8. DEFINITIONS OF KEYWORDS**

### **8.1 Expert witness**

Expert witness in forensic social work is a social worker with scientific and specialised knowledge, skills, training and education and/ or experience in forensic social work, who provides the court with impartial and factual evidence, as well as objective and professional opinions based upon appropriate assessment methods on a specific psycho-social-legal matter in order to assist the court in making a fair and just decision ( Regulations relating to the registration of a speciality in forensic social work, 2009:1)

Expert witness is also defined by the Wikipedia, free dictionary as a witness who has knowledge not normally possessed by the average person concerning the topic that he is to testify about (Wikipedia, 2012:1).

## **8.2 Children**

Child is described by the Criminal Law (Sexual offences and related matters) Amendment Act No 32/2007 and Children's Act, No 35/2005 as a person under the age of 18 years.

## **8.3 Sexual offences**

Sexual offences refer to any offence in terms of chapters 2, 3 and sections 55 and 71 (1), (2) and (6) of Criminal Law (Sexual offences and related matters) Amendment Act N0.32/2007, which is rape, compelled rape, sexual assault, compelled sexual assault, compelled self-sexual assault. Chapter 3, part 1 of the same Act further listed the sexual offences against children as consensual sexual acts with certain child (statutory rape) and acts of consensual violation with certain child (statutory sexual assault). Part 2 emphasised sexual exploitation and sexual grooming of children, exposure or display of or causing exposure or display of child pornography or pornography to children as well as using children for pornographic purposes. Chapter 4 also added sexual exploitation of persons who are mentally disabled. Section 55 of the same Act expanded the definition to attempts, conspiracy, incitement or inducing another person to commit sexual offence. Trafficking in persons for sexual purpose was also included in the meaning of sexual offences (Criminal Law, sexual offences and related matters Amendment Act N0. 32/2007).

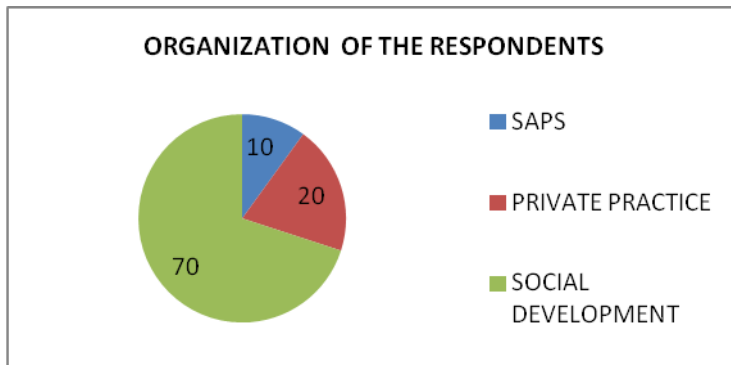
## **9. DISCUSSION OF RESULTS**

Data obtained from the questionnaires will be discussed. (Addendum, B is attached)

## **10. ORGANISATION OF THE RESPONDENTS**

The ten respondents were employees of the following organizations:

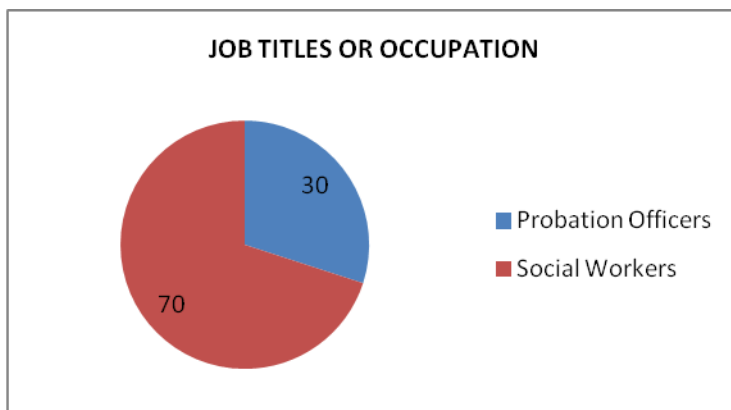
## GRAPH 1 ORGANISATION OF THE RESPONDENTS



The graph indicates that seven (70%) of the respondents were from Mpumalanga Department of social development, two (20%) from the private practice in Mpumalanga, while only one (10%) was from the South African Police Service, also in Mpumalanga. The reason for only these respondents is that there were only few respondents relevant for this particular study. Very few Social workers have been exposed to expert witnessing, most of the Social workers focus on foster care cases and community work. There are also fewer Forensic social workers in the Province since forensic social work is still a new field.

## 11. RESPONDENTS' JOB TITLES OR OCCUPATIONS

### GRAPH 2: JOB TITLES OR OCCUPATION



The graph above indicates that seven (70%) of the respondents were Probation Officers while three (30%) were Forensic Social Workers. Both Social workers and Probation officers have the basic University training for Social work, which is a four-year Bachelor's degree in Social Work or Social Sciences. It also includes the workshops and practical sessions. The curriculum comprises, inter alia, modules in Social welfare law, Social work, psychology, sociology and or computer literacy.



Both Probation Officers and Social workers have to register with the South African Council for Social Service Profession (SACSSP) in order to practise in terms of the Social Service Profession Act 110 of 1978 as amended. Ludwig, (2007:iv) emphasised that there was a growing need to utilise social workers as expert witnesses in South African courts. She further explained that the existing training offered by Universities at pre-graduate level did not prepare social workers for effective services to the courts. Forensic Social work is regarded as a specialised field, but has not been registered as such by the South African Council for Social Service Professions.

## **12. THE CORE FUNCTIONS OR DUTIES OF RESPONDENTS**

The question asked was on the core functions or duties of respondents, and the responses were as recorded below:

The Probation Officers responded by mentioning the following:

“Assessment of children in conflict with the law”

“Assessing children for competency to testify and intermediary”

“Assessments of children and adults”

“Compiling and presenting reports in courts”

“Therapy and counselling to individuals and families”

“Conducting diversion programmes and Crime prevention campaigns”

The Forensic social workers, both in SAPS and Private sector responded as follows:

“Scientifically assess referrals received from the Family violence, child abuse & sexual offences unit, or the judicial system”

“Compile scientifically based reports and give expert testimony in court”

“Counselling and support to victims and offender’s [c] families”

“Network with other professionals and organisations to ensure a multi-disciplinary service”

“Provide training to various stakeholders”

The responses indicate different duties or functions of the respondents. Probation Services Act, 116 of 1991 describes the Probation Officer as any person who

complies with the prescribed requirements and who has been appointed under section 2 of the Probation Services Act as amended. Roberts *et al.* (2007:69) confirms that the role of the Probation Officers is expanded to include diversionary programmes and support for convict reintegration into their Communities. Boezaart (2009:66) adds that one of the roles of the Probation Officers is to compile sentencing recommendations for pre-sentence report. Nicholas *et al.* (2010:264) further emphasises that the Probation Officer is responsible for recommending diversions. From the above it is clear that it is not their role to assess sexually abused children for the court.

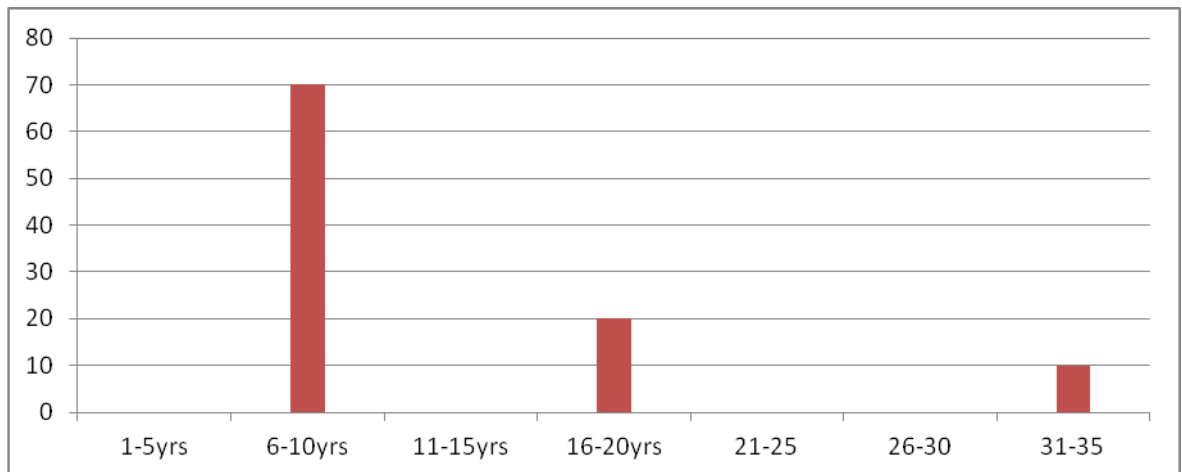
All Probation Officers interviewed reported that their roles included assessment of both the victim and the accused persons but it did not include assessment of sexually abused children. They also indicated that they provided expert testimonies in their field of expertise in the various courts. Due to the lack of Social workers they also provided counselling and support to both the victims and families of the accused person or divertees. It was evident that Probation Officers assumed both the probation and clinical role. In the case of forensic social work the social workers are not allowed to fulfil different roles. Such a worker is either involved in the assessment or in doing the therapy. The APA (American Psychological Association) cautioned against assuming multiple roles in the same case. Kuehnle, and the AACAP (American Academy of Child and Adolescent Psychiatry) (in Grobbelaar, 2007:11) agree that the evaluator, who should testify in court, should not be the child therapist. They cautioned against blurring of roles because of many differences between probation and clinical work and conflict of interests may emerge when engaging in both roles.

The Social Worker from SAPS indicated that her roles or duties revolved around forensic work only. In the responses of the social worker from SAPS and the social workers in private practice it was clearly indicated that their main duties were assessment of sexual abuse children, compiling reports to courts and acting as an expert witness. The respondent only deals with the victims of crime, mainly sexual abuse cases, and does not involve the offenders or accused persons. They also network with other professionals to enhance multi-disciplinary services. They added that they also provide training to Social workers in Social Development and other NGOs.

### 13. EMPLOYMENT EXPERIENCES IN THE FIELD OF SOCIAL WORK

The respondents were asked about their employment experiences in the field of Social work, and the following graph illustrates the responses received.

**Figure 1: EMPLOYMENT EXPERIENCE**

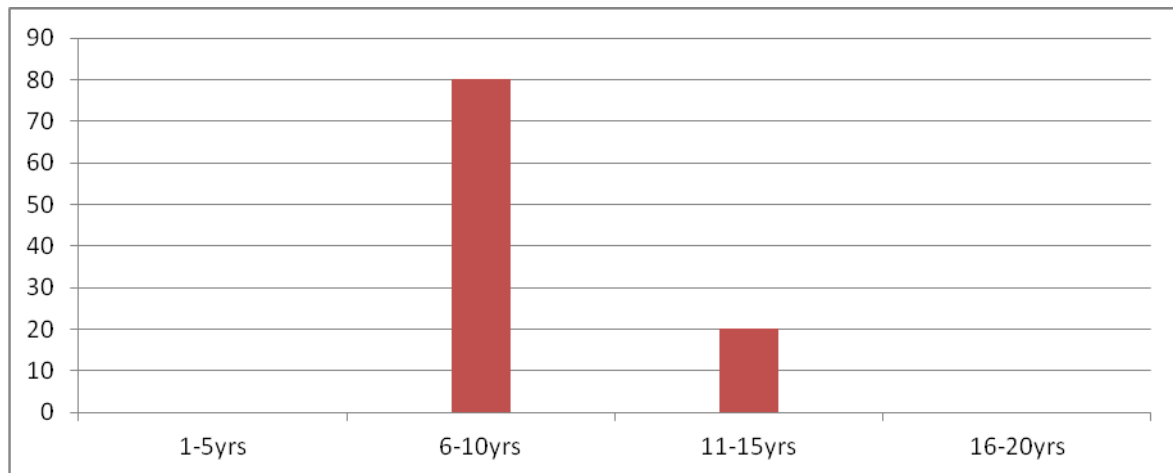


The above figure shows that the majority of respondents, seven (70%), had experience that ranged from six to ten years in the organisation. Only two (20 %) had an experience of 16-20 years, and one (10%) had an experience of more than 30 years. Schmidt and Rademeyer (2000:463) pointed out that there was a necessity for expert witnesses who were better qualified and equipped for court-related activities in order to be better able to express their opinion regarding certain matters. The experience of the expert is particularly important, because judges give considerable weight to the testimony of experts. Furthermore, inaccurate testimony can result in a faulty case outcome, and if that can be proved, the expert can be held liable for malpractice because actual harm resulted from the act (Natural Institute of Justice, American Academy for state courts, Federal Judicial Center and National Academy of Sciences, 1999).

### 14. THE RESPONDENTS' EXPERIENCE IN GIVING EXPERT TESTIMONY IN SEXUAL OFFENCE CASES AGAINST CHILDREN.

The question asked was what the respondents' experience had been in giving expert testimony in sexual offence cases against children.

**Figure 2: EXPERIENCE IN GIVING EXPERT TESTIMONY IN SEXUAL OFFENCE CASES AGAINST CHILDREN**



Most of the respondents had an adequate experience in giving expert testimony in sexual offence cases against children. The figure shows that eighty per cent of the respondents had an experience of 6-10 years in the field. Twenty per cent of the respondents had an experience of more than 10 years. Massengale (2007:3) is of the opinion that for any professional involved in the investigation or prosecution of an allegation of child abuse, understanding of basic child development and monitoring word usage and expectations accordingly can make the difference in whether or not the judge views the child as a competent and credible witness. Gallinetti (2005:219) is also of the opinion that many defendants are acquitted because of incorrect and inadequate techniques for taking statements used by police or forensic social workers. Vieth (2007:1) concludes that there is no substitute for comprehensive training of child interviewers. Experience is also not a substitute for training. Most of the poorest interviews that were observed in his research were done by workers who had been interviewing children for years.

## **15. DEFINITION OF AN EXPERT WITNESS**

The respondents were asked how they would define the concept 'expert witness'. Their responses are listed below:

“Within the SAPS, an expert witness is seen as the person who acts as an impartial scientist who provide [c] an objective professional opinion based upon appropriate evaluation methods”

“A role of an expert witness is to assist the court in making a just and fair decision in a particular case”

“A professional with an advanced knowledge, skills and training in a specific field of topic”

“A person who has a specialized training and knowledge on a particular field”

“A person who assess [c] the child, compile [c] a report and give [c] evidence in court”

“A person giving information with regard to a person in conflict with the law”

“A person who is familiar with a specific field of service; who is more knowledgeable on a particular field of service”

Stern (1997:6) defines an expert witness as someone with specialised experience, training or knowledge who is able to explain something to the court. Grobler (2007:11) further clarifies the concept by adding that those skills should permit the expert witness to testifying to an opinion that will aid the judges in resolving a question that is beyond the understanding or competence of a layperson. People who can help the court understand the issues of a case and reach a sound and just decision. Both Grobler (2007:11) and Stern (1997:6) hold a similar view that an expert witness should offer opinions and interpretations of the evidence.

Walker (1988:37) pointed out that in trials involving charges of child sexual assault, professionals are sometimes asked to serve as expert witnesses. Trial courts are now allowing testimony on behavioural observations to be admitted at trial, sometimes even in the absence of physical corroboration. This trend is starting to receive recognition and approval on the appellate level and it demonstrates the impact of legal and psychological collaboration in creating change.

Sections 112(3) and 274 of the Criminal Procedure Act 51 of 1977 permit the state and the accused to present evidence regarding any matter in order to place the court in a better position to arrive at a just and proper sentence. In terms of section 274(1) of the Criminal Procedure Act, 51/1977 a court may, before passing a sentence, receive such evidence as it thinks fit in order to inform itself as to the proper sentence to be passed and to weigh the impact of crime on the victims. As a general rule, opinion evidence is inadmissible because it is usually the function of the court to

form an opinion. A witness may only give evidence about facts he/she has witnessed. One exception of this rule is when the expert witness voices an opinion on facts which fall within the scope of his/her expertise. The reason for this exception is that the knowledge and/or expertise of the expert on the specific subject qualifies him/her to form a better opinion of the facts concerned, than the court (Naude, 2004:251).

Walker (1988:138) mentioned that different courts vary considerably in their willingness and standards for permitting expert testimony. Before an expert is permitted to testify, a "voir dire" will take place, in which the expert will be interviewed about his/her credentials and what information he/she can offer that is relevant to the case. In the case of Probation officers they will be the experts in child therapy and the evaluation of children because they were the child's therapist or someone who has conducted an evaluation on the child. In the case of the forensic social worker they will be the expert specialists in child development, child sexual assault and abuse. All experts should have an advanced graduate degree in their relevant field, have conducted research in their field and have published at least some of their work in a professional peer-reviewed journal. Walker (1988:138) further emphasised that the judge will typically consider whether the expert testimony will provide information that is beyond the common knowledge of the judges. The probative value of the testimony should outweigh the prejudicial effect. On a practical level, experts must be prepared to present this testimony concisely and in terms that the judges can understand. Walker (1988:138) is also of the opinion that no matter how much experience a professional had had in court, it would remain important for experts and attorneys to work together before the trial to ensure that the expert witness would be fully informed about the case and would understand the types of questions that might be asked.

Allan and Meintjes-Van Der Walt (2006:303) pointed out that while South African courts are not explicit about what the specific criteria are that a person must satisfy before they will be regarded as an expert, it is clear that they must have both theoretical and practical knowledge. The Presiding Officer must be convinced that the witness is qualified to testify as an expert witness on the subject concerned. Therefore, it is essential for the expert witness to provide the court with a written curriculum vitae in order to convince the court of his/her expertise.

## **16. SKILLS, KNOWLEDGE AND TRAINING IN DEALING WITH SEXUALLY ABUSED CHILDREN**

The respondents were interviewed on the skills, knowledge and training that they currently have with regard to dealing with sexually abused children. Their responses were recorded as follows:

The Probation Officers' responses:

"Child sexual abuse"

"Child development"

"Assessing sexually abused children"

"Intermediary and competency assessment on sexually abused children"

"Child therapy"

"Communication and interviewing skills"

"Assessment skills"

"Legislations and policies relating to sexually [c] abuse cases, e.g. Children's Act and Child Justice Act"

The Forensic social workers' responses:

"Knowledge on sexual abuse matters"

"Protocols and guidelines for assessment and evaluation of child sexual abuse"

"Training on child protection and sexual offences"

"Child therapy"

"Child development"

"Assessing sexually abused children"

The respondents above indicated that they had training, skills and knowledge with regard to dealing with sexually abused children. The probation officers may have knowledge about child development and child sexual abuse but they have no in-depth knowledge or skills to assess a child who has been sexually abused. They also have no training in using media to assess a child or make use of any protocol in

their assessment. The respondents acting as Forensic social workers in private practice also indicated that they had received training and knowledge on protocols and guidelines for assessment and evaluation of child sexual abuse. This is very important. The Probation Officers also have received training in dealing with sexually abused children, intermediary and competency assessment on sexually abused children but that is not part of forensic work and does not make them experts in court about sexually abused children. The Regulations relating to a speciality in probation social work (2011:2) listed some of the aspects of the Probation Officer's scope of practice as follows:

- Services pertaining to the rendering of advocacy and educational programmes to individuals, families and communities.
- The provision of expert assessment regarding the needs, risks and resilience of offenders and victims to assist courts on individualised interventions and sentencing options.
- Acting as an expert witness in court regarding the appropriate sentencing of children and adults.
- The reintegration of children who have been discharged from reform schools and secure care facilities as well as providing home-based supervision.

Their scope of practice suggests that Probation Officers are not qualified to practise as forensic social workers.

The Regulations relating to the registration for specialising in forensic social work (2009:2) also listed the forensic social work scope of practice as pre-conviction assessment that includes the following:

- Forensic social work assessment
- Assessment of competency as a witness
- Motivation for testifying through an intermediary
- Forensic social work report based on facts gained through assessment of child and a systematic investigation
- Research
- Forensic social work expert evidence in court cases prior to conviction



The forensic social work scope of practice suggests that the Forensic social workers are also not allowed to do generic or clinical assessments and neither are they qualified to provide any therapeutic intervention or even act as intermediaries.

Louw (2005:27) believes that the onus is on the interviewer to have adequate knowledge on language development, memory function and the child's development level as well as tools that can be utilised to obtain reliable information from the child. The research conducted by Modise (2008:29) made it evident that the social workers in the Madibeng municipality were inexperienced in terms of assessing sexually abused children because of lack of skills and knowledge. Ottoman (2010:127) explained that the value of evidence may also be compromised by improper collection, handling or identification, and that the investigator's evidence processing skills are extremely important. Because of the high number of sexually abused children it sometimes happens that probation officers are forced to assess sexually abused children without the skills and the knowledge. If one looked at their scope of practice it is also not forming part of their work.

Probation Officers are not at all equipped in dealing with child sexual offence cases and it does not form part of the scope of practice. Social workers who act as forensic social workers are better equipped because they have the specialised knowledge and skills in their field of expertise.

## **17. SKILLS, KNOWLEDGE AND TRAINING IN EXPERT WITNESSING**

The respondents were interviewed on the skills; knowledge and training they currently have with regard to expert witnessing in sexual offences against children. Their responses were recorded as follows:

"Training on expert witnessing in sexually abused cases and undue mental stress assessment"

"Court etiquettes and knowledge on dealing with cross-examinations"

"Communication, forensic interviewing and investigative skills"

"The knowledge I obtained in doing both my masters degrees help me to act as an expert witness"

"The experience I obtained every time I testify helps me to change and improve my ability to testify in court"

"I talk to magistrates and Prosecutors for feedback on how I can improve my testifying"

"I have knowledge and training in legal aspects, such as relevant legislations"

"Experience and knowledge through courses and self study"

The above responses show the skills, training and knowledge the respondents have with regard to expert witnessing in their specific fields of practice. It seems that all the respondents have a fair knowledge and skills with regard to expert witnessing since they all indicate that they have been trained in expert witnessing. Interviewers require information from both the social sciences and law as well as information on legal standards for assessing admissibility of interview evidence. Interviewing skills such as communication as well as investigative interviewing are important in expert witnessing. Helping Professionals are called on to make decisions that require knowledge about cognitive and language development, and normative sexual abuse behaviour (Poole & Lamb, 2007:7). The authors are of the opinion that practitioners who interview children are expected to adjust their procedures continually to accommodate change in social circumstances and rapid increase in knowledge.

Investigative interviewing in cases of alleged abuse requires specialised knowledge. Such knowledge can be acquired in a variety of ways, e.g. formal course work, individual reading, workshops and conferences, professional experience and supervision. It should include familiarity of basic concepts of child development, communication abilities of children, dynamics of abuse and categories of information necessary for an investigation (Poole & Lamb, 2007:7). If one takes these aspects in to account Probation Officers are not in a position to act as expert witnesses in court when dealing with a sexually abused child.

Walker (2002:159) is of the opinion that although a great deal is known today about best practices in conducting forensic interviews with children, a challenge that continues to perplex researchers and practitioners alike, the question still remains of how to train interviewers to consistently use empirically-based forensic techniques for obtaining the most complete and accurate reports possible.

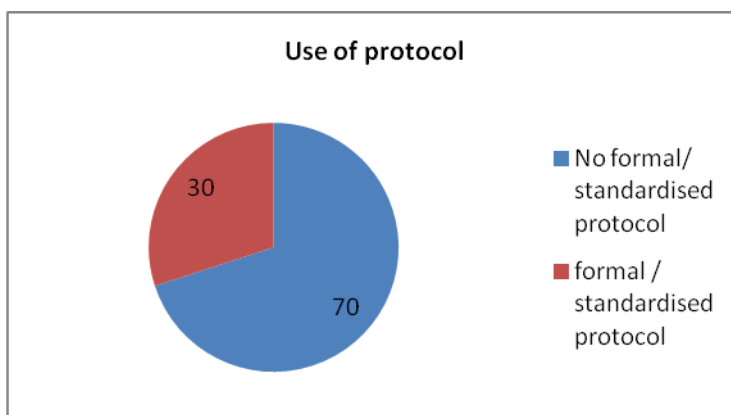
From the findings it is evident that all the respondents, Probation Officers and Forensic social workers from the private sector and SAPS have skills, knowledge and training in expert witnessing in their specific fields of expertise. They also

become more experienced as they frequently testify in courts. There is, however, scope for improvement in terms of basic knowledge as would be necessary in practice when acting as expert witness in child sexual abuse cases. The views of the respondents in the matter indicate towards the same call and if given attention to, it should move the integrity of the social work profession to a more respectful position among its counterparts such as justice personnel, attorneys and prosecutors.

## **18. THE PROTOCOLS AND GUIDELINES IN ASSESSING AND EVALUATING CHILD SEXUAL ABUSE**

The respondents were interviewed on the protocols and guidelines they followed in assessing and evaluating child sexual abuse.

### **GRAPH 5: THE USE OF PROTOCOLS AND GUIDELINES IN ASSESSING AND EVALUATING CHILD SEXUAL ABUSE**



The graph above indicates that only three (30%) of the respondents, Forensic Social Workers from the SAPS and those in private practice use a protocol known as the Michigan state protocol on abuse of children. It was also indicated that there is a forensic social work procedure manual within the SAPS. Seven respondents (70%) are Probation Officers and they do not use any standardised protocol. This might be because it does not form part of their scope of practice and one cannot expect of them to assess a child for court if they have no training in protocols and interviewing techniques.

The Probation Officers indicated that they merely utilised their own creativity. They created their own guidelines to help them with gathering information from the child. Some of the Probation Officers followed a Departmental format on report writing,

such as assessment forms, while others indicated that they did not have a specific protocol or guideline to follow. They are merely guided by the court's referral or request. This might be one of the reasons why so many cases of child sexual abuse are thrown out of courts. According to Richer *et al.* (2005:176) many defendants are acquitted because of incorrect interviewing techniques.

Poole and Lamb (2007:81) simply describe a protocol as the standard of practice that guides people on how to approach the relevant matters in practice. Poole and Lamb (2007:81) are of the opinion that using structured protocols had more success in abuse. Poole in Walker, (2002:159) also suggested the use of Michigan's state protocol for forensic interviewing of children. The author also emphasised that the availability of the formal protocol provided more structure and specific interviewing tips. The protocols are designed to increase the quality and quantity of information that interviewers elicit from children. The author advises that the organisations should construct interview protocols that would eliminate techniques that could be suggestive or that could impair accuracy. They should also avoid leading and developmentally inappropriate language.

Poole and Lamb (2007:75) are of the opinion that interviewers affect children by their choices of the physical environment for conducting interviews, their demeanour and behaviour, and their selection of questioning strategies. These facts have created a sense of urgency about the need to develop and implement formal protocols for investigative interviews. The authors further suggested that investigative interviews must learn and adopt a linguistic style that differs from the one adults normally use when interacting with children if they are to elicit useful and accurate accounts. It would be problematic if interviewers simply talked as they normally would speak to any child.

According to Poole and Lamb (2007:76) there is little evidence that most interviewers spontaneously follow the general guidelines or protocols. The interviewers often direct their conversations by using a high proportion of yes-no questions, filling in pauses with conversations of their own, and fielding guesses to keep the conversation going. The authors cautioned that when these strategies monopolise an interview, it becomes impossible to separate the child's testimony from the adult's influence and the information gathered can easily be discredited by claiming that the child was simply following the interviewer's lead. They propose that protocols should

provide interviewers with alternative ways of structuring conversations with children without dramatically reducing the amount of legally relevant information that children volunteer (Poole & Lamb, 2007:79).

Poole and Lamb (2007:81) conclude that the literature on evaluating child sexual allegations is the richest source on how to interview children. APSAC guidelines cited in Poole and Lamb (2007:102) also recommend that interviewers should prepare by interviewing the primary caretaker to obtain background information and by collecting collateral information necessary. The preferred practice is to see the child alone whenever possible.

Walker, (2002:160) also suggested another protocol, the National Institute of Child Health and Human Development (NICHD) for investigative interviews of alleged sexual abuse victims. This protocol provides strategies for preparing children to be information providers, creating a supportive environment, adapting interview practices to children's developmental levels and capabilities and maximising interviewer reliance on questioning approaches that tap children's free recall memory. The author also concluded that the Michigan forensic interview protocol is helpful for the purpose of obtaining a statement from a child in a developmentally sensitive, unbiased and truth-seeking manner that will support accurate and fair decision making in the criminal justice and child welfare system.

As a result the researcher appreciates the fact that apparently in other countries, such as the United States of America, reasonable ground has been covered in order to address the issue of protocols and guidelines in cases of child sexual abuse. It would make the job of a forensic social worker easier, focused and easily acceptable to his/her counterparts. If such tools were to be developed or made available for use in South Africa positive improvements in these areas can be expected. Currently forensic social workers make use of the American protocols but they are not always culture sensitive or suitable for use on all children in South Africa.

## **19. THE TECHNIQUES AND MEDIA UTILISED FOR ASSESSMENT AND EVALUATION OF CHILD SEXUAL ABUSE**

The respondents were asked about the techniques and media they utilised for the assessment and evaluation of child sexual abuse. The responses listed below were recorded:

"Within the SAPS, we use forensic interview techniques as developed by Poole and Lamb, as well as the techniques and media researched in South African context, like anatomical drawings, play therapy techniques and media such as world map, genograms, and systematic touch explorations"

"Projection techniques, Touch survey body touch, doll play and sand play"

"General drawings and feelings charts"

"Forensic interviewing and video or audio-taping"

"Play therapy and interviews learned from social work course and workshops"

"We don't have resources as Probation Officers, such as interview rooms and dolls provided by the department"

The above responses indicate that the Probation Officers utilise non-forensic interview techniques and media to assess and evaluate child sexual abuse cases. Their responses revealed that Probation Officers are not adequately provided with resources by their organisations. They indicated that they only interviewed children and also used techniques from play therapy to gather information from the children. They also indicated that they were aware of forensic interview media such as anatomical dolls and drawings, but their organisation did not provide such items. This indicates that their findings were not forensically-based or even empirically-based or evidence-based. The fact that probation officers do not have the media might also be because the specialised interviewing is not within their scope of practice.

The results furthermore indicated that a Forensic Social worker from SAPS and Forensic social workers in private practice utilised forensic interview techniques and media. These Social workers also have adequate resources to do their work effectively.

The specific interview techniques employed by the interviewer have a direct effect on the quality of the report obtained and their testifying in court as an expert witness. There is a causal link between the use of highly suggestive interviews and children's flawed memories. Poole and Lamb (2007:106) hold a view that procedures that might make sense in therapeutic settings (e.g. playroom and play therapy) are not necessarily appropriate for forensic purposes. Furthermore, the underlying

assumptions of therapeutic interviews often undermine or contradict those that guide investigative interviews, and thus the authors warn against assuming dual roles with the individual clients. Fisher, (in Grobbelaar, 2009:7) shares a similar view and also emphasised that ethical problems often emerge when the helping professionals confuse abuse validation with child advocacy. Information collected in clinical settings is not intended specifically for legal purposes. Clinical interviewing is often aided by techniques that lack scientific validation (e.g. free play and drawings) and that require subjective interpretation. In contrast forensic interviewing is characterised by skeptical neutrality on the part of the interviewer, techniques that are grounded in research on the development of memory and language, concern about possibility of interviewer influence, and the collection of data that require minimal interpretation.

Videotaping, transcribed interviews and anatomical dolls or drawings are also acceptable and mostly used in forensic settings. Poole and Lamb (2007:102), however, cautioned against use of interview aids such as anatomical dolls and drawings. The authors advise that they should only be used for demonstration and clarity, and not as a means to find a disclosure from a child.

It is the conclusion of the researcher, therefore, that some professionals in some settings do have access to the techniques and media utilised for assessment and evaluation of child sexual abuse. However, these are limited and exclusive to certain settings such as SAPS and those in private practice. As for the Probation Officers, who do not have the media, the reason might be because this issue is not part of their scope of practice.

This is emphasised by the fact that only 30 per cent of the interviewees responded positively to the question and they were all from the SAPS and private practice. In other words SAPS is by far ahead of Social Development who are viewed as the custodians of child welfare in general.

## **20. CHALLENGES ENCOUNTERED BY THE EXPERT WITNESSES IN COURTS**

The respondents were interviewed on the challenges they encounter as expert witnesses in our courts with regard to child sexual abuse. They responded by mentioning the following:

"Numerous Magistrates and Public Prosecutors do not understand to what extent forensic social workers can assist them in court"- "there is a need for a continuous marketing of services and awareness"

"Stereotypical behaviour in courts"

"Adjusting to every court requirement since officials differ in handling cases, others do not know what they want"

"Children not adequately prepared hence there are inconsistencies in their testimonies"

"Courts bully and traumatise children with cross exam questioning"

"Children appear incompetent witness or lying"

"Defense [c] who want to change recommendations to suit theirs"

"Strange language used in court to confuse the witnesses"

"Lack of apparatus/ child friendly environment including intermediary rooms in some courts"

"Postponements of cases and incompetent prosecutors"

The responses above indicate challenges experienced by respondents with regard to expert witnessing in child sexual offence cases. Stern (1997:78) advises that the expert witnesses should know their field and scope of practice very well. Van der Hoven (2006:169) also advised that the expert should remember the limits of his/her competence in court by avoiding statements he/she is not qualified to make. The function of the witness is to answer questions. The lawyer has to ask questions and has to object to the opposing lawyer's questions. The lawyer cannot be the witness, and the expert witness should not try to be the lawyer. A question may indeed be improper or may fall within some exception to an evidence rule, or may be objectionable, but for tactical reasons the opposing attorney may elect not to object. The witness must let the lawyers decide on such issues. The expert has enough to do by merely being the witness (Stern, 1997:92).

It appears that petty issues such as attitude do hamper the expert witness's relations with the courts and his/her duty in the court. This, however, should not be the expert witness's job or area of focus as that may jeopardise his/her work in court. The



expert witness has to remember that probation officers are there to make recommendations to the court and not the final decisions. As such she/he must prepare and work in earnest before she/he enters the court room. This would lessen the anxiety and worry of how she/he will be treated in the court. The focus should at all cost be in the best interest of the child and the expert must not be involved in any way other than testifying based on the available information as gathered through the use of the tools as mentioned above.

The findings reveal that there are still some challenges experienced by social workers as expert witnesses in courts. There are still misconceptions or misunderstandings between the social workers and the court officials. This is not a healthy state of affairs and should, especially in the interest of the young victims, be addressed.

Lack of resources for social workers to do their work and sometimes to fight for basic needs also appeared as identified problems.

## **21. DEALING WITH CHALLENGES/PROBLEMS**

The question asked was how the respondents deal with those challenges and problems outlined above. The responses included the following:

“Creating relationship with court preparatory officers for good preparation of children”

“By continuous liaison with Court personnel and on-going marketing of services”

“Attending justice meetings to explain our duties, roles and challenges”

"Try and talk to relevant people"

“Fair and responsible testimony”

“Advise the court about appropriate questioning for child’s cognitive development”

“Just adapt since other magistrates are not easily accessible and approachable”

“When I have an opportunity to assess for intermediary and undue mental stress, make sure that I prepare the child thoroughly”

“Stick to my recommendations”

“Show confidence and prepare so that I know my work”

“Discuss about [c] the challenges in workshops that include both Social Workers and court officials”

Cooper and Ball (1987:82) advise that Social workers should not isolate themselves within their field. They should have a good relationship and share cases with colleagues and other professionals. Legal Professionals should also be their best sources of information when they need to enquire about legal aspects or language. A good relationship with court officials such as Magistrates and Prosecutors is highly recommended. The researcher also believes that an expert witness should not pretend that he/she knows everything and the researcher advises that it is better to ask for clarity before responding to any legal jargon used in court.

Walker (1988:138) is also of the opinion that experts must be prepared to present their testimonies concisely and in terms that are understood by the judges. The author further concludes that no matter how much experience a professional had had in court, it is important for experts and attorneys to work together before the trial to ensure that the expert is fully informed about the case and understands the types of questions that may be asked.

Barker and Branson (2000:15-17) emphasise that social workers have the right and the obligation to act as witnesses, including expert witnessing, when appropriate to do so. Legal as well as ethical factors must both be taken into account to ensure that social workers obey law and are at the same time bent on protecting their clients. They should avoid the risk of malpractice charges in the process. Court testimony is one of the most powerful tools available to social workers. As such it incorporates inherent dangers as well as benefits and must be used wisely.

The respondents indicated that they have coping mechanisms to deal with the challenges and problems they face in court. It therefore would be appreciated if they would spread the best practices among themselves. This would help all in the profession to get less anxious about court and feel more competent in their field of expertise.

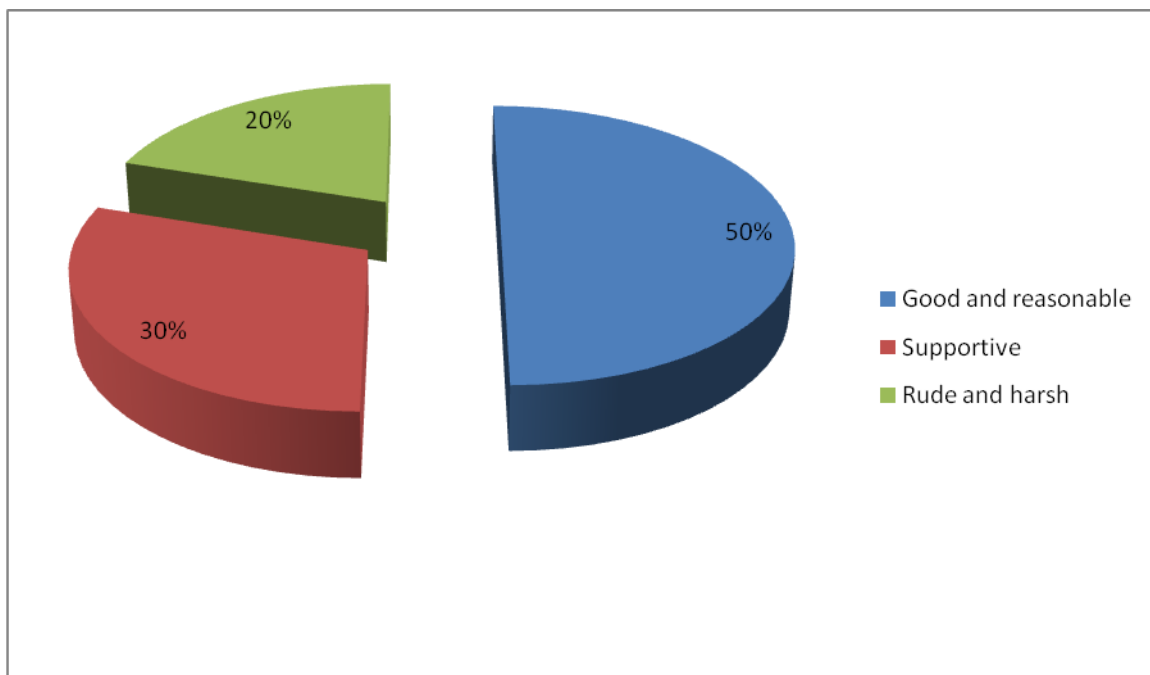
From the findings it appears that respondents know how to deal with the challenges they experience since they indicated that they try to maintain a good relationship, discuss their duties, roles and challenges with relevant stakeholders in the stakeholder meetings. On the other hand it is not in the best interest of the Social

Work profession if one expects of social workers to be experts in court since it is not in the first place in their scope of practice. There is also the possibility that their own coping mechanisms in court might not be adequate or effective enough.

## 22. EXPERIENCES IN WORKING WITH OTHER ROLE PLAYERS IN COURT

The respondents were interviewed on their experiences in working with other role players in court such as Magistrates, and their responses are demonstrated by the following graph:

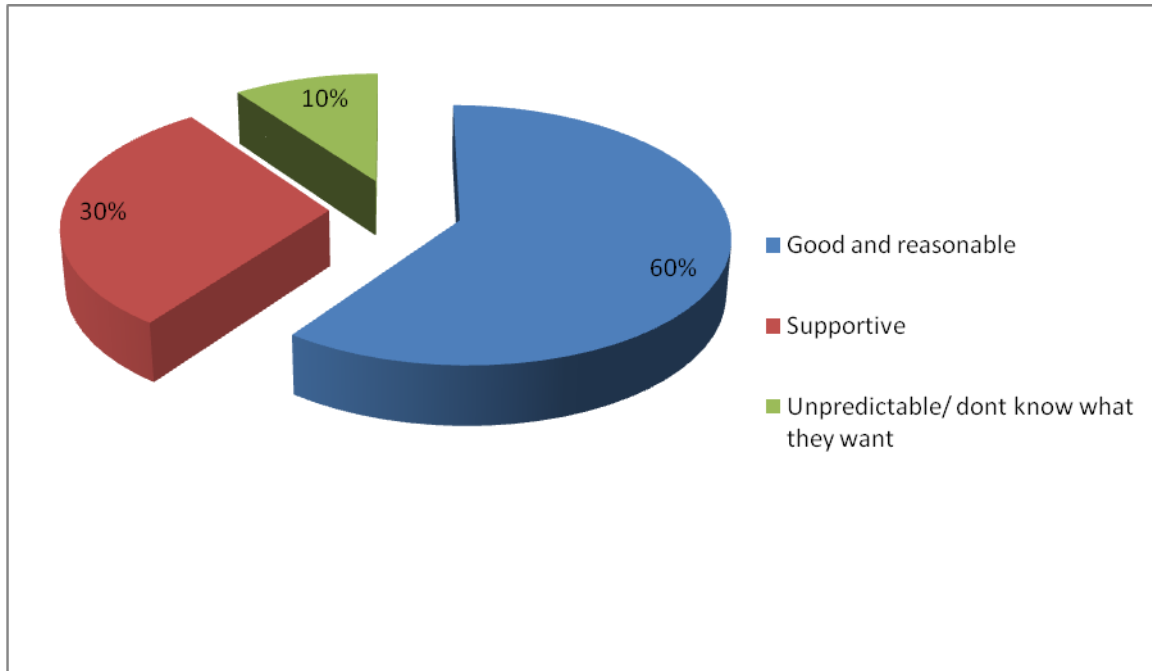
**GRAPH 8: EXPERIENCE IN WORKING WITH MAGISTRATES**



The above graph demonstrates that most respondents have a good and a positive working relationship with Magistrates. Only two (20%) of the respondents reported them as rude and harsh. Five respondents (50%) reported that they had a good and reasonable experience with the Magistrates. Three of them (30%) perceived magistrates as supportive towards them. Labuschagne (2003:3) points out that Presiding Officers easily lose confidence in the merits of the social worker's report when they find that the report is not properly researched, objective and well-motivated. A hastily written report will not survive rigorous testing under cross-examination. In court the expert's evidence is vigorously tested and it remains the prerogative of the court to make a decision regarding the validity thereof.

The respondents were also interviewed on their experiences in working with other role players in court such as Prosecutors, and their responses are demonstrated by the following graph:

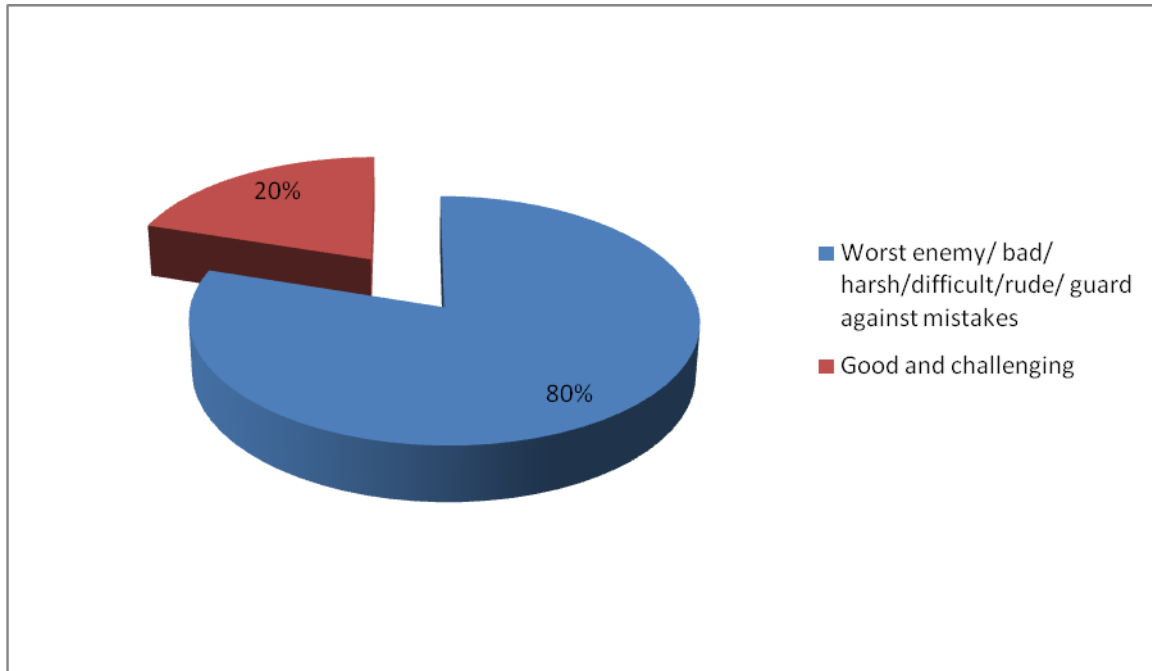
**GRAPH 9: EXPERIENCE IN WORKING WITH PROSECUTORS**



The graph above demonstrates that the respondents received adequate support from the Prosecutors. A satisfactory relationship exists between the social workers and the prosecutors. Only one of the respondents indicated that the prosecutors were sometimes unpredictable and appeared not to know what they wanted. Another problem identified by Allan and Meintjies-Van der Walt (2006:347) was a lack of regulation in South Africa regarding financial compensation to the expert witnesses. Some experts have been criticised for charging a fee for their services. Many experts have acquired a reputation for being “hired guns” because they are prepared to provide opinions that serve the party paying their fee. However, reimbursement should not have any bearing on or relevance to the expert’s opinion. An expert witness must give independent and objective opinions, regardless of whether they are being paid or not. Meintjies-Van der Walt (2006:29) further warns that attempts by the state prosecutor or advocate to annoy or provoke the witness should be ignored by the expert, who should remain tactful and avoid arguments. The author further advises that should a mistake be made by the expert witness during testimony, he/she should admit it.

The respondents were again interviewed on their experiences in working with other role players in court such as Defence, and their responses are demonstrated by the following graph:

**GRAPH 10: EXPERIENCE IN WORKING WITH DEFENCE**



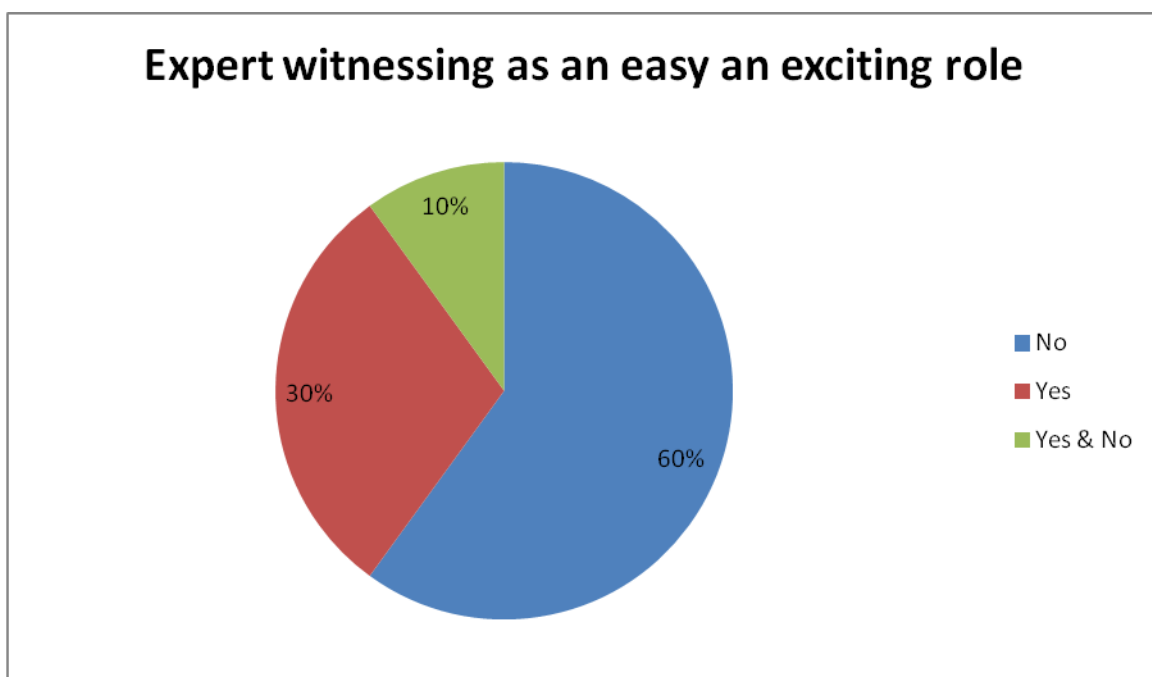
The above graph indicates the respondents' experience in working with defence as role players in courts. It shows that eight (80%) of the respondents have had a bad experience in working with defence. The defence appeared to be viewed as the social workers' worst enemy. They were perceived as difficult and rude. Only a few respondents regarded the experience as good and challenging. Stern (1997:78) supports the respondents' responses by adding that experts are frustrated and nervous in our courts. Cross examination is another frightening experience to the expert witnesses. In by far the majority of cases the cross examining attorney, who happens to be especially schooled for dealing with court activities, will deliberately make efforts to diminish the witness's opinion and credibility in the eyes of the court. In the case of probation officers doing forensic work that is not actually within their scope of practice it stands to reason that they might not possess the necessary skills and knowledge. This serves as an example to illustrate how uncomplicated it might be to destroy the credibility of the witness in the eyes of the court. The attorney's job is to win the case and he/she would do it on facts. Stern (1997: 78) further advises that witnesses should appear as calm and courteous as possible. They should

speak with confidence and clarity when giving testimony. The author concludes that the expert witnesses must be prepared at all times. They need to come to court with an intimate familiarity with the facts of the case. They also need to appear professional and organised. The findings reveal that it is still challenging to most social workers to work with the defence in courts. The expert witness needs to be upbeat in his/her role in the court and not rely on any other professional to do him/her any favours. The lawyer has a role and objective to achieve. The expert witness must also have the same and be determined to present himself/herself in the best manner possible that takes into account his/her personal and professional dignity. The expert witness is not in court to win the case but to give evidence.

### **23. EXPERT WITNESSING IN CHILD SEXUAL OFFENCES AS AN EASY AND EXCITING ROLE**

The respondents were asked whether they found expert witnessing in child sexual offences as an easy and exciting role. They responded by mentioning the following:

**GRAPH 11: EXPERT WITNESSING AS AN EASY AN EXCITING ROLE**



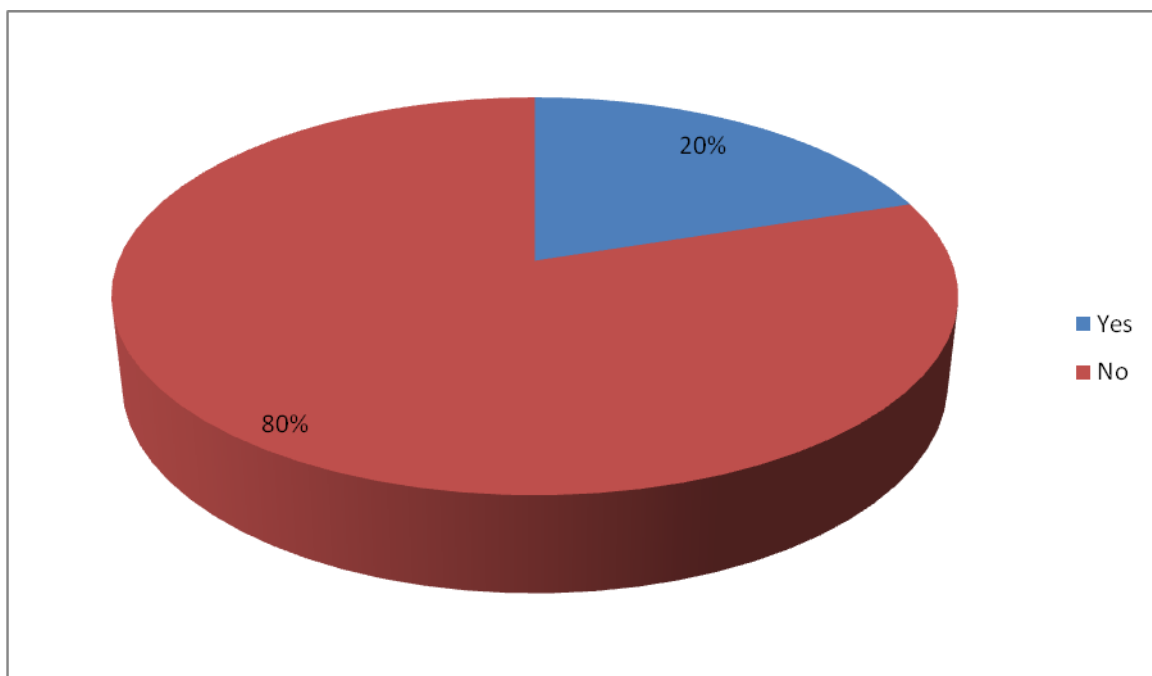
The graph above indicates that six (60%) of the respondents did not find expert witnessing in child sexual offences as an easy and exciting role. Three only (30%) said they found it easy and exciting and only one (10%) explained that it was experienced as simultaneously difficult but still exciting. This means a total of seven (70%) regarded expert witnessing in child sexual offence cases as a difficult role.

Most respondents explained that expert witnessing is a learning experience where one has to learn from every court experience. One should be abreast with information and research in your field and understand what you have to testify about. A need to grow a "thick" skin is necessary as many lawyers will attack you personally and professionally. Barker and Branson (2000:4) are also of the opinion that regardless of how many times a social worker has testified in court, each case offers the opposing attorney and the judge the right to accept or reject the expert anew. Not only do the judges and court jurisdictions vary in the degree of expertise they require, but a social worker who is an expert in one subject area may not have the expertise to testify about another. That is the problem when social workers go to court as experts in child sexual abuse cases and it is not their scope of practice and not their expertise.

#### **24. ADEQUATE SUPPORT FROM SUPERVISORS**

The respondents were asked whether they received adequate support from their supervisors. Their responses are reflected in Graph 12 below:

**GRAPH 12: ADEQUATE SUPPORT FROM THE SUPERVISORS**



The graph indicates that only two (20%) of the respondents viewed the support from their supervisors as adequate, while eight (80%) of them reported that they experienced a lack of adequate support. It appears that most social workers are not receiving supervision and support from their supervisors. It is worth remembering

and noting that the task of expert witnessing is very different from the normal and usual presentation of cases of foster care placement, to name but one example. It is highly probable that supervisors themselves do not have enough experience in the field. These people have to live up to the demands of a task with which they are not basically familiar and it would, therefore, be rather unfair to pass criticism on them. They, too, are not in the position to give support in a territory that they also need guidance on. A supervisor who has never been through the court's cross examination process is not in a position to render adequate advice or support.

A follow-up question focused on possible reasons for the above-mentioned responses.

Those who answered "yes" offered the following explanations:

"We receive guidance, support and assistance from our supervisors."

"Supervisors do canalize [c] our reports before going to courts for presentation"

Those who answered "no" revealed the following:

"Most supervisors are not trained and work in the same field and thus make it difficult to understand the pressure and stress associated with this field of work"

"One supervisor supervises the whole district. Some offices are +150 km far [c] from the supervisor's office"

"There is a lack of human resources, meaning that we are under-staffed"

"13 courts are serviced by only five Probation Officers, which force [c] the Chief Probation Officer, a supervisor in Nkangala district (Mpumalanga) to step in as a Probation Officer."

"We consult one another when dealing with difficult cases"

Cooper and Ball (1987:82) hold a view that Social Workers need support and should feel confident to approach their supervisors for advice and direction. They also emphasised the qualities of supervisors. It is evident from the respondents that their supervisors are distant and inaccessible to their staff. From the respondents it became clear that social workers, especially Probation Officers, supervise their own work. The supervisor does not do his/her work as a supervisor, instead he/she acts as a Probation Officer since there is a crisis due to a lack of Probation Officers in the

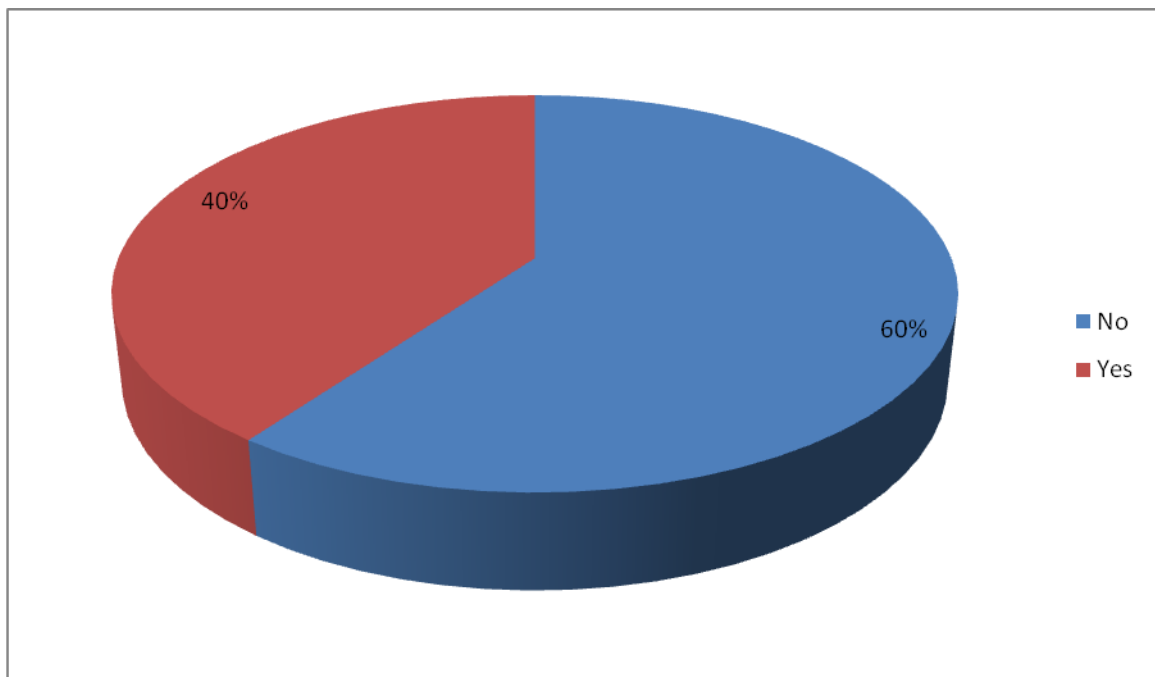


district. Deficiency in supervision, monitoring and failure of inter-professional communication are also concerns.

## **25. ALL SOCIAL WORKERS AS EXPERT WITNESSES IN CHILD SEXUAL OFFENCES**

The question asked was whether any social worker could be an expert witness in child sexual offences. According to the responses it would appear that not all social workers could be expert witnesses in child sexual offences since six (60%) of the respondents selected “no” and only four (40%) chose “yes”. The graph below demonstrates the results:

**GRAPH 13: ALL SOCIAL WORKERS AS EXPERT WITNESSES IN CHILD SEXUAL OFFENCES**



Responses to the follow-up question on possible reasons for their choices were recorded.

Those who chose “no” offered the explanations listed below:

“Advanced training, skills and knowledge is [c] necessary”

“It needs experience and specialized training in expert witnessing”

“Forensic social work course is needed for social workers to be efficient in this type of work”

“Professional and personal feelings are difficult to keep apart in sensitive cases of sexual abuse and not all Social workers can do that”

Those who selected “yes” substantiated their choice in the following way:

“If social workers keep up to date with resources, have received training and have gained experience in this field they will be a valuable asset to the court”.

Grobbelaar (2007:119) pointed out that allegations of child abuse flooded the social service system and overwhelmed available resources. Professionals who had little relevant experience suddenly found themselves investigating claims of physical and sexual abuse, claims that sometimes involved bizarre forms of abuse and often involved pre-scholars caught up in a system designed for older children and adults. Experienced professionals also faced changing demands and expectations. By the early 1990's experts had divided themselves into two opposing groups, *i.e.* child advocates who believed that children never told lies and skeptics who warned that children were highly suggestible. Professionals who had dedicated their lives to protecting children were accused of eliciting false allegations of abuse by using coercive and suggestive procedures. The stress on experts or evaluators was enormous leaving some professionals virtually paralysed, reluctant to ask any question for fear of ruining a case. Conversely researchers who hoped to improve the quality of investigations by stating the facts of the case were often accused of defending perpetrators. Two vastly different positions that children accurately report abuse and that children are highly suggestible were honed by an adversarial legal system that discourages, compromises and qualified conclusions. Hence helping professionals is called on to make decisions that require an enormous amount of technical knowledge about children, knowledge about cognitive and language development, and normative sexual behaviour. The compiler is of the opinion that practitioners who interview children are expected to adjust their procedures continually to accommodate change in social circumstances and rapid increases in knowledge.

The person should have familiarity with the basic concepts of child development, communication abilities of children, dynamics of abuse and offender categories of information necessary for a thorough investigation, interviewing aids. APSAC (in Grobelaar, 2007:7) also emphasised specialised knowledge as important especially

when interviewing young children. A need for continuing education beyond initial training was isolated as a very important step to implement.

Aldridge and Wood (2002:22) support Walker's views by also emphasising that there is a need for a refresher course since information on recent legislations and modification of good practice and recent research findings might be constantly updated. Not all Social Workers have the skill and the professional maturity to be expert witnesses in court. As indicated in some of the responses there are a few who understood the dynamics of being an expert witness and who felt confident enough to do so, but on the other hand there were those who regarded themselves as inadequately equipped for the task and its accompanying responsibilities.

## **26. SKILLS, KNOWLEDGE AND TRAINING IN EXPERT WITNESSING FOR CHILD SEXUAL OFFENCES**

The respondents were asked about the skills, knowledge and training they would need in order to be more efficient in their role as expert witnesses in child sexual offence cases. The following responses were obtained:

"Training and skills in handling and dealing with physically and mentally challenged children who are sexually abused"

"Interviewing and investigative skills"

"Training in forensic social work and expert witnessing"

"A constant exposure on new legislation and report writing"

"Training in dealing with child sexual abuse"

"Advanced course in intermediary"

The above responses indicate the skills, training and knowledge the respondents deemed necessary for operating more efficiently in their roles as expert witnesses in child sexual offences. It shows that the respondents placed emphasis on a need for additional training and development of skills in dealing with physically and mentally challenged children who had been sexually abused. They pointed out that they needed interviewing and investigative skills, training in forensic social work and expert witnessing, and a constant exposure to new legislation and report writing. They also indicated a need for training in dealing with child sexual abuse and suggested an advanced course in intermediary-related activities.

Muller (2003:2) emphasised that children were perceived by the courts to be miniature adults and their evidence was evaluated on this basis, often resulting in an injustice to the child. Cognizance needs to be taken of the fact that children differ dramatically from adults with respect to cognitive development, language development, and perceptions and beliefs they hold. In order for courts to communicate more effectively with child witnesses, it is necessary that experts inform the judicial system of the common misunderstandings involved in communicating with children. Raulinga (2002:27) is also of the opinion that expert evidence in sexual offence courts involving minor witnesses is not negotiable, but a must.

## **27. OBSERVATION OF THE RESEARCHER**

The researcher managed to interview the respondents although most Probation Officers were reluctant to participate in the study. They explained that they found the questionnaire difficult. After they had been assured and reminded that it was not a test that one should pass and that they only had to answer what they knew or were currently doing within their work scope. The respondents also participated in the study since the researcher was a colleague. Some of the interviews took place during the workshops they had because the topic was relevant.

It was also evident from the discussions that indeed all the respondents knew what was expected of them as expert witnesses, but they were not skilled enough or confident with their skills with regard to forensic investigations, except for the Forensic social worker from SAPS and those in private practice. Most Probation Officers used therapy in forensic cases which is not acceptable in legal and forensic settings. Most of them also explained that they did not have resources such as interviewing media or aids when dealing with forensic cases. They simply used their own creativity and intuition to conduct forensic interviews. Supervision was also a concern since most respondents indicated that they supervised themselves as a result of lack of human resource or staff. The supervisor is stationed far from those who need the supervision and hence monitoring and supervision becomes a problem.

## **28. CONCLUSIONS AND RECOMMENDATIONS**

The research study that was undertaken included seven Probation Officers from Social development, one Forensic social worker from SAPS and two Forensic social workers from Private practice. All the respondents were employed within the Mpumalanga Province. They all completed a questionnaire anonymously.

### **CONCLUSIONS**

- For the whole of the Mpumalanga Province, there is currently one Forensic social worker within the SAPS and only a few in private practices. A conclusion can be drawn that there is a need for forensic social workers as expert witnesses in the province.
- In Mpumalanga Province, Probation Officers which comprise 70% of the respondents are utilised as expert witnesses in child sexual offences in Mpumalanga courts, while it is not their scope of practise.
- Probation Officers assume dual roles; that of a probation officer and a forensic social worker. Social workers in the SAPS and private sector are primarily involved in forensic work, but they are also doing clinical assessments. A document on the area of specialisation in probation social work and forensic social work has been completed and will most probably serve before the PBSW and the Council in June/ July 2012, respectively (SACSSP 2012:11). This simply means the roles will be kept distinct and that not any social worker will be qualified to practise as either a probation officer or a forensic social worker without necessary requirements set out by the Council. Regulation 8 relating to the registration of a speciality in forensic social work (2009:3) made provisions that no person may call himself/herself a forensic social worker without having registered a speciality in forensic social work with the SACSSP, and that a registered social worker as a forensic social worker should affix the designation "Specialist in Forensic Social Work (FSW)" after his/her name.
- The vast majority of the study seven (70%) respondents have only 6-10 years experience in the field of social work. The respondents' experience is reasonable which may indicate that they have acquired the necessary experience and skills in social work.

- The respondents also have reasonable experience in giving expert testimony in sexual offence against children. Eighty per cent of the respondents have an experience of 6-10 years, but it was realised from the literature study that experience is not a substitute for training since most of the poorest interviews that had been observed were done by workers who had been interviewing children for many years. Giving expert testimony is always accompanied by new experiences, and one should not be comfortable in one's role due to the changing demands and expectations.
- There is a gap between Probation Officers and Forensic social workers with regard to skills, knowledge and training in dealing with sexually abused children. From the literature study training on child development and child sexual abuse should be regarded as the most urgent prerequisite for dealing with sexually abused children.
- From the literature study it was realised that interviewers who acted as expert witnesses would require information from the social sciences and law as well as standards for assessing admissibility of interview evidence, and from the findings it was evident that respondents were more knowledgeable in their field than in legal field.
- Interview protocols provide structure, guidance and tips when needed. They also enhance both uniformity and quality of interviews. A lack of standardised or formal protocols affects the effectiveness of interviewers as expert witnesses in sexual offence cases against children.
- The use of therapeutic interviewing aids such as play therapy is also a concern since most researchers warns against wearing two different hats (forensic and non-forensic) in the same case. The expert witness should not advocate on behalf of the child but provide the court with factual information, since her/his client is a court not a child.
- Testifying in courts is still stressful to many social workers. Their skills and knowledge are sometimes challenged by their legal counterparts. Maintaining a good relationship with all the stakeholders in the legal arena is very important.

- Fortunately, most respondents have a platform for expressing the challenges they have in courts. Their engagement in the stakeholders/ inter-departmental meetings is helping them to voice their concerns and challenges or problems.
- A majority (70%) of the respondents do not find expert witnessing in child sexual offences as an easy and exciting experience. Most of them indicated that they considered it to be a complex task.
- Deficiency in supervision, monitoring and failure of inter-professional communication are concerns. Other respondents also indicated that they were supervised by seniors who were not knowledgeable in their field of work.
- The Social workers as expert witnesses need skills, knowledge and training in assessing and evaluating physically and mentally challenged or traumatised children who have been sexually abused. The majority of the respondents (60%) indicated a training need with regard to assessing children with disabilities. A training need in forensic social work was also identified for expert witnesses to be efficient in their work.

## **RECOMMENDATIONS**

According to the findings of the study the following recommendations may be ventured:

- Similar research should be undertaken in other provinces since the respondents represented social workers as expert witnesses in Mpumalanga Province only.
- It is also recommended that further studies be undertaken to investigate the reason or reasons for a shortage of forensic social workers in the province.
- The Social Department should employ more staff and train them in dealing with child sexual offences. The employment of forensic social workers is highly recommended since Probation Officers are expected to deal with both the victim and the sexual offender hence objectivity is sometimes a concern.
- A refresher course, self-study and continuous training are needed for social workers as expert witnesses and dealing with child sexual offences.

- Additional training on law-related aspects and relevant court procedures as well as standards for assessing admissibility of interview evidence would appear to be required.
- The cross-examining attorney will always try to diminish expert opinion and credibility in the eyes of the court, but one should appear as calm and courteous as possible. A good preparation and an intimate familiarity with the case are highly recommended.
- More case-flow management meetings or inter-departmental meetings are encouraged to deal with challenges and problems of each and every professional or role-player in the court. Establishing as well as maintaining a healthy and a good relationship with relevant stakeholders is important to enhance a multi-discipline team and efficient service delivery.
- No matter how much experience the expert witness has had in court, it is important for experts and attorneys to work together before a trial to ensure that the expert witnesses are fully informed about the case and understand the types of questions that may be asked.
- Social workers should not isolate themselves within their field. They should reach out and build sound relationships with colleagues and other professionals. Legal professionals should also be their best sources of information when they need to acquire or broaden knowledge pertaining to legal aspects or language.
- Employment of a greater number of trained supervisors in forensic social work should certainly be considered since one district of more than five subordinates/supervisees operates with only one supervisor and they all have to face the problem of being far apart geographically.
- Specialised training in expert witnessing as well as a course in forensic social work cannot but be strongly recommended. Social workers need to be properly equipped and skilled in order to deliver efficient and credible service and support, e.g. in the event of expert witnessing in sexual offence cases committed against children.
- Continued training including peer-review or in-service training is necessary for advice and support.



- A joint training or informal workshops is also important for role-players to clarify their roles in sexual offence cases against children.
- Involvement of other relevant professionals such as speech-language pathologists and psychiatrists or psychologists would be recommended in order to acquire additional knowledge, skills and education with regard to relevant aspects and specifically so the relevant legal aspects. Much work is needed in this area to enhance increased reciprocal accommodation and support among these professionals. Judges and attorneys need to be engaged in training programmes for greater acceptance of communication, including augmentative and alternative communication systems and other strategies. This simply requires cross-training in many disciplines.

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**CONSENT FORM**

**SOCIAL WORKER AS AN EXPERT WITNESS IN SEXUAL OFFENCE CASES AGAINST CHILDREN**

**RESEACHER:** H.Q MALATJI- MA (FORENSIC SOCIAL WORK) STUDENT

**STUDY LEADER:** DR. C. WESSELS- SUBJECT GROUP SOCIAL WORK

**DATE:** \_\_\_\_\_

**PARTICIPANT'S NAME:** \_\_\_\_\_

~~I hereby declare that I was informed about the aim of this study and the procedures that will be followed. I understand that it will be expected of me to voluntarily participate in answering the research questions as honest and true as possible. I take note that the services rendered by Ms. Malatji are free of charge. I am also at liberty to withdraw from the research at anytime. I understand that there is no financial gain from participating in this study and the researcher will cover my transport costs if necessary.~~

I understand that the results of the interview will be kept confidential unless I ask that it be released. The results of this study may be published in professional journals or presented at professional conferences, but all my confidential information will be used anonymously.

**SIGNATURE OF PARTICIPANT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**RESEARCHERS SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**WITNESS 1:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## ADDENDUM B

### QUESTIONNAIRE

This research requires voluntary participation. As a participant feel free to give your true and honest inputs as information will be treated with confidentiality and anonymity of participants will be exercised. Your participation will help in improving service delivery in your profession, and it will also help to restore the image of social workers as expert witnesses in courts.

1. Office: .....
2. Job Title: .....
3. Core functions or duties: .....  
.....  
.....  
.....
4. Years of experience: .....
5. How do you define expert witness? .....
6. What is your experience in giving expert testimony in sexual offence cases against children?.....  
.....  
.....
7. Which skills, knowledge and training do you have in handling sexually abused children? .....  
.....  
.....
8. Which skills, knowledge and training do you have with regard to expert witnessing in sexual offences against children?  
.....  
.....  
.....
9. Which protocols and guidelines do you follow for the assessment and evaluation of child sexual abuse? .....
10. Which techniques and media do you utilise for the assessment and evaluation of child sexual abuse? .....
11. What challenges do you encounter as an expert witness in our courts with regard to child sexual abuse? .....



- .....  
 .....  
 12. How do you deal with those challenges? .....  
 .....  
 .....
13. What is your experience in working with other role-players in court?  
 Magistrates .....  
 .....  
 Prosecutors.....  
 .....  
 Defense.....  
 .....
14. Do you find expert witnessing in child sexual offences as an easy and exciting role?  
 Yes/ No.....  
 If yes, why?.....  
 If no, why?.....
15. Do you have adequate support from supervisor? .....  
 Yes/ No.....  
 If yes, why?.....  
 If no, why?.....
16. Do you think any social worker can be an expert witness in child sexual offences?  
 Yes/ No.....  
 If yes, why?.....  
 If no, why?.....
17. Which skills, knowledge and training do you need to be more efficient in your role as  
 an expert witness in child sexual offences? .....  
 .....  
 .....

THANK YOU FOR YOUR TIME AND PARTICIPATION.