Social Work/Maatskaplike Werk
An international journal rooted in South Africa
IJenali kazwelonke engcambu zayo ziseMzantsi Afrika
Vol. 62, No. 2, 2026, DOI: https://doi.org/10.15270/62-2-1390

Perspectives of presiding officers and state prosecutors on the expected quality of forensic social workers' court reports

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Article received: 05/12/2024; Article accepted: 29/08/2025; Article published: 20/06/2026

ABSTRACT

The Sexual Offences and Related Matters Amendment Act, 32 of 2007, stipulates in Section 54 that individuals with knowledge of sexual offences committed against children must report this information to authorities (Republic of South Africa [RSA], 2007). As a result of limited corroborative evidence in many cases of child sexual violence (CSV), forensic social workers often conduct investigations and serve as expert witnesses in court. The court is the primary client of forensic social workers, who provide expert testimony, often presented in a report containing their findings. Such a report must be clear and useful for ruling in the child's best interest. However, concerns have been raised about the quality of these reports, which can impede judicial decision-making. This study explored the perspectives of presiding officers and state prosecutors regarding the quality of forensic social work (FSW) court reports, using a qualitative research approach with face-to-face, semi-structured interviews to gather data. The study found challenges such as the lack of standardised guidelines, varied understanding of FSW roles, and gaps between formal requirements and practical implementation. However, legal professionals still deemed these reports as crucial expert evidence in CSV cases. The study also found that collaboration between forensic social workers and legal professionals can be beneficial in FSW report writing.

Keywords: court report; forensic social work; perspectives of presiding officers; presiding officers; state prosecutors

INTRODUCTION

Child sexual violence (CSV) is a global issue affecting individuals across all cultures and socio-economic backgrounds (Chauke & Smith, 2021). In South Africa, despite the prevalence of CSV being widely acknowledged (Artz et al., 2018; Venketsamy & Kinear, 2020), its exact extent remains uncertain because of varying definitions and measures used in empirical studies (Bougard & Hesselink, 2022). South African law, particularly the Criminal Law (Sexual Offences and Related Matters) Amendment Act, mandates the reporting of suspected CSV to the South African Police Service (SAPS). Once reported, cases are managed by the Family Violence, Child Protection and Sexual Offences (FCS) units, and the decision to prosecute rests with the state prosecutor (Fouché & Fouché, 2015; RSA, 2007).

Given the scarcity of corroborative evidence in many CSV cases (Chetty, 2006; Connolly et al., 2008), expert input from forensic social workers has become vital. These professionals, equipped with specialised knowledge and skills, assist courts by assessing and reporting on the veracity of abuse claims. FSW, though relatively new in South Africa, requires a deep understanding of both social work principles and legal processes (Lattas et al., 2024; Sheehan, 2016).

Central to forensic social workers' contribution is the FSW report, which serves as the primary medium of testimony. However, these reports often lack a standardised format or guidelines (Joubert & Van Wyk, 2014), and information on their frequency and content remains limited. While Paul and Elder (2008) propose criteria for critical report writing, including clarity of purpose, evidence, assumptions and implications, these are not uniformly applied in FSW practice. Reports vary in quality, which can have serious legal consequences, especially in cases as complex as CSV.

PROBLEM STATEMENT

Section 54 of the Sexual Offences and Related Matters Amendment Act 32 of 2007 stipulates that all South Africans have a statutory obligation to report any suspicion of CSV to the South African Police Services (SAPS) (RSA, 2007). During 2023/2024 at total of 53 285 sexual crimes were reported to SAPS (South African Police Service [SAPS], 2024). After a report has been presented to SAPS, the case is allocated to an investigating officer employed by the Family Violence, Child Abuse and Sexual offences unit (FCS) of SAPS, who will in turn, after completing their investigation, hand the docket over to the State Prosecutor (Fouché & Fouché, 2015). A state prosecutor is an individual responsible for representing the state in prosecuting accused individuals in magistrates' courts. They present evidence through state witnesses and cross-examine the witnesses for the defence (South African Government, 2024). It is thus the duty of the state prosecutor to decide if any further investigation is required and whether the matter will be enrolled. Should a case be prosecuted, other court personnel or legal practitioners such as presiding officers, and private and state attorneys will also be involved (Joubert & Van Wyk, 2014).

FSW is a relatively new field of specialisation in South Africa and requires effective training and skills (Mangezi, 2014), and even the global definition is still evolving (Lattas et al., 2024). Forensic social work involves providing support and intervention to individuals involved with

the legal and criminal justice systems (Lattas & Davis, 2024). This is a specialised area of practice (Maschi et al., 2019; Sheehan, 2016), and because of its high-performance demands, specific knowledge and advanced skills that extend beyond generalist practice (Sheehan, 2016), it also necessitates understanding the law and its procedures (Lattas et al., 2024). The court is the primary client of the forensic social worker, who often appears before court to provide expert testimony of relevance to the final decision regarding abuse (Fouché & Fouché, 2015; Jonkers, 2012; Joubert & Van Wyk, 2014). The Social Service Professions Act 110 of 1978, as amended on 1 September 2017, defines a forensic social worker as a "social worker possessing scientific and specialised knowledge, skills, training, education, and experience in forensic social work, who offers the court unbiased and factual expert testimony, either in written or oral form" (RSA, 1978).

Testimony by the forensic social worker on the results of the forensic assessment is given primarily by means of a report compiled by the forensic social worker (Fouché & Fouché, 2015). FSW report writing is a complex process that requires careful and meticulous attention to provide a report of good quality (Joubert & Van Wyk, 2014). Information pertaining to the number of FSW court reports written annually is also scarce; and the latest statistics in this regard indicated that during April 2018 and March 2019 a total of 4 307 FSW assessment reports pertaining to CSV complaints against persons under the age of 18 years were compiled for courts by SAPS forensic social workers (SAPS, 2019). The number of reports mentioned include only reports compiled by FSWs in SAPS and not those employed by other organisations or in private practice. Paul and Elder (2008) identified the following eight criteria to take into account in the writing of FSW reports in a critical and evaluative way;

a) Purpose: Explain the purpose of the writing. This aspect will be addressed in the introduction of the report.
b) Questions we are trying to answer: The social worker writing the forensic report must set the problem statement in the form of questions such as "Was the child a victim of sexual abuse?" and "Are there alternative explanations?"
c) Information needed to answer the question: The information refers to facts, evidence and/or experience that the writer of the report uses to come to an answer to the above-mentioned questions. Social workers gather information, for instance, by doing social work forensic assessments, and applying different theories, protocols and techniques. This criterion of critical writing can be discussed under the headings "Collateral Information" and/or "Assessment Protocol".
d) Conclusions: After gathering the necessary information and completing the social work forensic assessment, the social worker has to make inferences in order to ascribe value to the information obtained and to make sense of it. This will usually appear in the part of the report headed "Findings".
e) Assumptions: This refers to beliefs we do not question. Therefore, the social worker must question and deconstruct every assumption (Hills, 2011).
f) Concepts or key ideas: To understand things and to know how to behave in a certain situation, we make use of concepts and ideas. Good critical writers will be aware of the main ideas they utilise during their thinking process (Paul & Elder, 2008).

g) Points of view: Critical writing requires the writer to look deeper than the surface to be able to provide underlying principles, theories and concepts that can, in turn, provide mainstream and alternative explanations for general practices, processes and procedures.
h) Implications and consequences: The last element of critical thinking is to scrutinise the conclusions we have reached based on our thinking and what their possible consequences are (Paul & Elder, 2008).

Fouché and Fouché (2015) pointed out that South African case law has until recently been silent about matters relating to the requirements for evidence presented by a forensic social worker in CSV investigations. During an analysis of the process of communication between courts and expert witnesses in cases of CSV, Gumpert and Lindblad (2001) found that written reports varied in length, language use and level of critical analysis. Ernberg et al. (2016) state that CSV cases are notoriously difficult to investigate, and less than 10% of cases are prosecuted. One of the causes for this may be incomplete documentation (Cussons, 2011; Faller, 2007; Ntlatleng, 2011). Zinn (2016) states that factors such as poorly written FSW reports can influence the local decision to decline or prosecute CSV cases. Helm (2016) and Munro (2008) found that practitioners in general tend to overlook relevant information, attach too much importance to irrelevant details, are prone to tunnel vision, and tend to be biased towards accepting information that confirms their assumptions. These critical areas that are part of data interpretation in assessment also significantly impact on social work court reports and social workers' expertise as witnesses in court.

Some studies also show that social workers' reports are frequently unfit for use in the legal context. FSW reports are further described as speculative and unfounded as a result of *inter alia*, inadequate explanation of the reasoning behind professional opinions or conclusions, and failure to use forensically relevant assessment tools (Joubert & Van Wyk, 2014; Malatji, 2012; Mnisi, 2012; Robinson, 2015; Roestenburg & Van Breda, 2003; Smith, 2014). Many legal practitioners also complain that social workers are inadequate as witnesses, and that their lack of competence in court adversely affects case decisions (Joubert & van Wyk, 2014; Malatji, 2012; Roestenburg & Van Breda, 2003). Case reports that are poorly structured, written in vague language, or omit essential information may fail to effectively communicate the findings and conclusions of the assessment. As a result, such reports may have little or no influence on procedural or judicial decision-making. In some instances, inadequately formulated reports can create confusion, lead to misinterpretation of evidence, and ultimately compromise the integrity and quality of the legal process (Pelisoli et al., 2015). Consequently, legal practitioners are of the opinion that there might be limitations in FSW reports.

Joubert and Van Wyk (2014) state that for an FSW to write admissible reports that are relevant in a court of law, it is important to understand the interrelationship between criminal law and social work as well as to take into account the characteristics of legal discourse mentioned. Criminal law also stipulates the rules regarding the investigation of a suspected offence and the process that should be followed in court (Kleyn & Viljoen, 2002). To succeed in responding adequately to this, FSW reports must be written according to the principles of the Law of Evidence and the FSW must always understand the mandate of the information or evidence

required (Joubert & Van Wyk, 2014). These authors further state that for the forensic report to adhere to legal practitioners' expectations, the FSW needs to ensure that the information in the report will assist the court in making a fair and just decision (Joubert & Van Wyk, 2014).

From the points raised above, it is evident that although the forensic social worker may be regarded as an expert in a Court of Law, there are certain limitations evident in their reports. The researchers identified a scarcity of both international and national literature on guidelines for FSW report writing. Similarly, Joubert and Van Wyk (2014) note the absence of a standardised format or formal guidelines for the preparation of FSW reports. This is problematic, as CSV is difficult to prove in any event (Myers, 2011). Because of this, prosecutors and defence attorneys depend on social work experts as their most trusted professional allies to assist in matter of CSV litigation (Butters & Vaughan-Eden, 2011). One must bear in mind that the NPA only prosecutes prima facie cases or cases that have a reasonable chance of succeeding (Rademeyer, 2013). It is thus clear that if the quality of a forensic social work report is substandard, this will have a negative impact on the possibility of prosecution for CSV.

In this study the researchers focused on the perspectives of presiding officers and state prosecutors regarding the quality of FSW reports, as they are the ones who mostly make use of the FSW reports, and they are in the service of the court. During testimony, state prosecutors would sometimes express their frustration at the limitations of forensic social work reports. Yet forensic social workers write the reports as they deem fit. It is within this context that the researcher wanted to answer the following research question; "What are the perspectives of presiding officers and state prosecutors on the quality of forensic social work court reports?"

Understanding the perspectives of presiding officers and state prosecutors regarding the quality of FSW court reports may assist with the construction of guidelines for FSW report writing. Hence the data from this study may assist a forensic social worker to compile more effective and meaningful court reports.

THEORETICAL FRAMEWORK

The ecological systems theory, originally developed by Bronfenbrenner (1979), provides a valuable framework for understanding the complex, multilayered influences on the quality and utility of FSW reports in court. The ecological systems theory is central to social work as it enables social workers to explain and understand the interactions of individuals and the interrelated systems within their environments (Bronfenbrenner, 1979; Crawford, 2020). It posits that a true understand of a person should be embedded in an understanding of their relationships and environments (Crawford, 2020; Doughty & Moore, 2021). This theory is particularly pertinent in elucidating the interrelated processes that influence the formation, quality and assessment of FSW reports in CSV cases. From the ecological systems perspective, social challenges are comprehensive and include societal systems that can either address or aggravate such challenges. The theory addresses the intricacies of these challenges and impels social workers to find solutions or identify situations when societies place severe limitations on people (Langer & Lietz, 2015). It is based on three significant ideas: (a) people evolve by actively influencing their environments, which in this context can be the training of the FSW

or legal professionals, or their approach to report writing; (b) an exchange takes place between people and their environments which requires some kind of compromise such as collaboration between forensic social workers and legal professionals to express their needs; and (c) there is more than one influential system such as limited access to resources and the absence of standardised guidelines for FSW report writing which may also influence how court reports are constructed.

Using the ecological systems theory allows for a comprehensive, systems-based understanding of the factors that influence the quality and usefulness of FSW reports. It highlights the point that report quality is not only a function of the individual forensic social worker's skill, but also of broader systemic interactions which include legal, organisational and societal dynamics. This theoretical lens underlies the study's goal of developing guidelines for FSW report writing practices.

RESEARCH METHODOLOGY

This study was grounded in the interpretivist/constructivist paradigm, which emphasises the role of interpretation in understanding reality. According to this paradigm, the focus is not on reality as a single objective entity, but rather on understanding as shaped by experiences (Tuli, 2010). Knowledge, therefore, cannot be objectively measured or quantified, but is constructed through interactions with others (Tuli, 2010). The researchers conducted interviews and analysed the data to identify patterns and derive meaning from presiding officers' and state prosecutors' responses (Muzari et al., 2022). This approach helped the researchers understand the perspectives of presiding officers and state prosecutors on the quality of forensic social workers' court reports.

A qualitative research approach was employed to explore and gain insights into the perspectives of presiding officers and state prosecutors regarding the quality of FSW reports in cases of CSV. The rationale for using a qualitative research approach with a qualitative descriptive design was that it allowed for a description of the phenomenon within the frame of reference of the participants. This type of design prioritises an in-depth portrayal of participants' experiences or opinions, especially when research questions are crafted to explore areas where limited information is available (Ayton et al., 2023; Hall & Liebenberg, 2024).

Casteel and Bridier (2021) describe a research population as forming the central focus of a study, comprised of individuals, dyads, groups, organisations or other entities to whom the research findings can be generalised or applied. It represents the main group that the research aims to investigate. The population for this research study was purposefully selected. Data were collected from a sample of 17 participants who deals with CSV cases, namely three presiding officers and 14 state prosecutors from the Department of Justice and Constitutional Development (DOJ & CD) in the Capricorn District of the Limpopo province. Participants were eligible for the study specifically if they were a presiding officer or state prosecutor with experience in dealing with cases of CSV, where a forensic social worker was involved, as they are then knowledgeable about FSW court reports. Participants were selected based on their relevance to the study and sampling continued until data saturation was reached.

The researcher obtained formal authorisation from the Head of DOJ and CD to conduct the study. An invitational letter outlining the purpose and nature of the research was compiled and distributed to presiding officers and state prosecutors by means of an email sent by an independent person. It allowed recipients adequate time to consider their involvement. Individuals who expressed an interest in participating contacted the independent person, who then provided them with a detailed explanation of the study, along with a written informed consent form containing all pertinent information. The researcher subsequently scheduled interviews with those participants who had provided written informed consent to take part in the study.

For the purposes of this study, face-to-face semi structured interviews, lasting between 45 – 60 minutes, were utilised to collect data from the participants. According to Ruslin et al. (2022), semi-structured interviews enable researchers to explore topics in depth to effectively address the research question. This method was chosen because it involves pre-formulated questions while still allowing the flexibility to pose follow-up questions, allowing for a more nuanced understanding of the participants' perspectives on the quality of FSW reports in cases of CSV. The interview schedule consisted of five open-ended questions.

The first author employed an iterative approach to data analysis, coding the data immediately after each interview to determine the point of data saturation (Braun & Clarke, 2013). To enhance credibility, both the first author and a co-coder (Busetto et al., 2020) manually coded the data concurrently (O'Connor & Joffe, 2020). Authors adhered to the method of thematic analysis outlined by Tesch (2013). The first author listened to the audio recordings, transcribed them and reviewed the transcripts thoroughly multiple times. Open coding was carried out collaboratively by the first author and co-coder. The resulting codes were clustered together, and themes were developed by grouping related codes around central ideas. These themes were then refined and assessed with reference to the questions from the semi-structured interview schedule.

Trustworthiness of the data was assured through employing four general criteria as described by Lincoln and Guba (1985):

a) Credibility was enhanced through member checking. The final transcripts were taken to the participants to ensure their accuracy and that no information was misinterpreted;
b) Detailed descriptions of the findings with text quoted verbatim were provided to assist transferability;
c) Dependability was ensured by using the same semi-structured interview schedule for each participant. These interviews were audio recorded and data were transcribed after each interview;
d) Confirmability was ensured by triangulation of all data during the research. Records of the research path was kept throughout the research process.

The researcher worked with human participants and hence devoted attention to ethical considerations. Confidentiality was maintained by allocating pseudonyms instead of using identifying particulars. The researcher ensured that the interviewing environment was suitable for private interviews and ensured that the participants would not be disturbed during the

interview process. In the event of any emotional discomfort, the researcher had an independent professional on standby that could offer debriefing sessions free of charge. No participant experienced any emotional discomfort during this research and no one made use of a debriefing session. The researcher did not deceive any participants in the study and communicated the aim as well as all procedures involved in the research. Participation in the study was voluntary, and participants could withdraw at any time without any consequences. This was communicated to the participants by means of a written, informed consent form, which all participants had to sign prior the commencement of the research.

The study adhered to the ethical guidelines as approved by the Health and Research Ethics Committee (HREC) of the Potchefstroom Campus of the North-West University (NWU-00437-19-A1**)**. Once ethical approval was obtained from the HREC, written consent to conduct the research within the Department of Justice and Constitutional Development (DOJ&CD) was obtained.

EMPIRICAL FINDINGS AND DISCUSSIONS

Demographic details

The demographic details of the participants are illustrated in Table 1.

***Table 1*: Demographic details of participants**

Participants	Occupation	Years of experience
P1	Prosecutor	12 years
P2	Prosecutor	16 years
P3	Prosecutor	10 years
P4	Prosecutor	20 years
P5	Prosecutor	21 years
P6	Prosecutor	8 years
P7	Prosecutor	14 years
P8	Prosecutor	9 years
P9	Chief Prosecutor	7 years
P10	Prosecutor	13 years
P11	Prosecutor	20 years
P12	Prosecutor	19 years
P13	Prosecutor	21 years
P14	Prosecutor	18 years
P15	Presiding Officer	19 years
P16	Presiding Officer	25 years
P17	Presiding Officer	26 years

Table 1 indicates that of the 17 participants participating in this study, three were presiding officers and 14 were state prosecutors from DOJ & CD in Limpopo province of South Africa.

The years of experience ranged between 7 years and 26 years. One can conclude that the participants had adequate experience in cases of CSV.

The research findings are structured into three primary themes, each containing sub-themes that emerged from the thematic analysis. The summary of the findings is presented in Table 2 below.

***Table 2*: Themes and sub-themes**

THEMES	SUB-THEMES
Theme 1: Views on the purpose of the FSW report	**Sub-theme 1.1:** FSW reports to motivate the use of intermediary services
	Sub-theme 1.2: Misconceptions regarding the distinct roles of forensic social workers and clinical psychologists
Theme 2: The role of FSW reports in a court of law	**Sub-theme 2.1:** Utilisation of reports compiled by experts as expert witnesses
	Sub-theme 2.2: Reports are used to assist the court
	Sub-theme 2.3: Limitations of a FSW court report
Theme 3: Views on the improvement of the quality of a FSW court report	**Sub-theme 3.1**: Structure of FSW report
	Sub-theme 3.2: Need for standardisation and improved report writing in FSW

Theme 1: Views on the purpose of FSW report

The study found that the participants have diverse perspectives on the purpose of forensic social worker's court reports. In FSW, the focus is on information gathering, assessment and report writing, within the legal parameters (Sheehan, 2016). Additionally, Lattas et al. (2024) highlight that FSWs contribute by delivering expert testimony and formulating informed recommendations for judicial proceedings. The theme included the following sub-themes: (i) FSW reports to motivate the use of intermediary services and (ii) misconceptions regarding the distinct roles of forensic social workers and clinical psychologists

Subtheme 1.1: FSW reports to motivate the use of intermediary services

Some participants believed the purpose of a forensic social work report is to assess if the child would require the assistance of intermediary services when testifying in court. An intermediary can be seen as a facilitator who assists a child witness to testify and give evidence. As a result, all communications exchanged between the child and the court takes place through the intermediary; from examination-in-chief, cross-examination to re-examination (Fambasayi & Koraan, 2018). Some of the accounts from the participants are as follows:

> *The forensic social worker must establish that this child will testify through the help of the intermediary in a Court of Law.* (P1)

It also assists with regard to Section 170(A) of the Criminal Procedure Act to tell the court to whether this child will be able to testify in an open court or whether this child should be assisted by an intermediary during trial. (P3)

Another name given to it is intermediary report, because most of the time it recommends the use of [an] intermediary especially for children under the age of 18. (P7)

The research indicates that participants are of the opinion that the purpose of the FSW court report is to indicate to the court if the child witness needs intermediary services or not. These findings correlate with the scope of practice for forensic social work as stated in the Social Service Professions Act explaining the role of the FSW (RSA, 1978). This includes, among other things, applying relevant legislation; applying forensic social work techniques to interpret data used in the compilation of the forensic social work report; compiling and submitting evidence-based information to primary clients; and providing expert testimony on relevant matters in a Court of Law. Lattas and Davis (2024) concur that FSWs operate across a wide range of justice-related contexts, while Lattas et al. (2024) explain that the FSW's role within the justice system can be played before, during or after the engagement. Although participants accurately identified the purpose of the FSW court report as determining whether a child witness requires an intermediary, the role of the FSW extends beyond this function. Increased awareness of the broader scope of the FSW's responsibilities may enable participants to make more comprehensive and effective use of their services.

Subtheme 1.2: Misconceptions regarding the distinct roles of the forensic social worker and clinical psychologists

Participants noted that while forensic social workers can provide valuable support during court proceedings, their availability is often limited. As a result, they are of the opinion that these services can sometimes be rendered by clinical psychologists as an alternative. The following accounts from the participants can be regarded as representative of the subtheme indicated above:

We used to refer this to the psychological, I mean the clinical psychologist, she was the one who intervened in the place of the Forensic Social Worker. (P4)

We have been using a psychologist and after I heard that a Forensic Social Worker might be available through arrangement I think it will be very useful and helpful for court. (P8)

*So, the Forensic Social Worker to me it works like a psychologis*t. (P9)

From the above responses, it seems that some participants have an understanding that the forensic social worker and a clinical psychologist render the same services. A clinical psychologist focuses on clinical assessment and therapeutic intervention, using different techniques; they may be more flexible and may adopt a less neutral and more actively supportive approach towards the child (Themeli & Panagiotaki, 2014). Clinical services consist of assessment, diagnosis and treatment including psychotherapy and counselling, client centred advocacy, consultation and evaluation (Dorfman, 2014). On the other hand, Smith et al. (2018) state that the FSW is always a neutral and objective fact finder, which is in contrast to the roles of the clinical psychologist. Forensic social work is a specialised area of practice (Maschi et

al., 2019; Sheehan, 2016), recognised as a distinct field because of its demanding performance standards, specialised knowledge and advanced skill set that extend beyond or complement those of generalist practice (Sheehan, 2016).

Theme 2: The role of FSW reports in a court of law

Three subthemes emerged from the participants' responses.

Subtheme 2.1: Utilisation of reports compiled by the forensic social worker as an expert witness

In most cases of CSV, the only evidence of abuse is the minor's verbal statement and testimony, and therefore the court is mandated to depend on FSW investigations to get this direct verbal testimony from the minor (Herman, 2020). In some cases, the forensic social worker must appear as an expert witness in court on the case they investigated (Fouché & Fouché, 2015). Participants stated that they make use of FSW reports as the forensic social worker is an expert witness. Participants had the following to say:

> *As the expert, the forensic social worker possesses knowledge that neither the court nor the prosecutor or attorney or police official possess, and as such leaving us completely reliant on this specific skill and knowledge of the forensic social worker.* (P10)

> I*n my view, a well-constructed, well thought through and informed forensic social work report presented by a confident forensic social worker's value cannot be overstated as it will often be the deciding factor as to whether a child witness or child's evidence will be accepted by court or not.* (P8)

> *They are specialised officers that are able to go deeper in obtaining information. They are able to elicit information that is not likely to be brought before the court by the victim herself.* (P14)

The participants responses are confirmed by the Social Service Professions Act, which defines the FSW as "a social worker with scientific and specialised knowledge, skills, training and education and experience in forensic social work, who provides the court with written or oral impartial and factual expert testimony" (RSA, 1978). Smith et al. (2018) also explain that forensic social work is a field of speciality in social work and that courts frequently rely on the testimony of expert witnesses to assess allegations of CSV (Bow et al., 2002; Fouché & Joubert, 2009; Lattas et al., 2024).

The responses underscore the critical role of forensic social workers in cases of CSV, especially when the child's verbal account is the primary evidence. The participants acknowledged the FSW as an essential expert witness whose specialised knowledge and skills are indispensable to the court process. Their ability to elicit reliable, factual and developmentally appropriate testimony from children is viewed as a decisive factor in judicial outcomes.

Subtheme 2.2: Reports are used to assist the court

Some participants believed the content of the forensic social work report assists the courts with evidence that the child was abused. The following responses derived from the interviews with participants:

> *It is mainly to assist the court in getting evidence as adduced by the child.* (P8)

> *The forensic social worker's report provides a platform for consultation with the witnesses, and the report provides a diagnosis of a particular social issue.* (P10)

A FSW conducts a forensic assessment that is part of the larger investigative process, which intends to obtain the child's account of CSV. This information can be used to further law enforcement and child protection investigations (Hewitt, 2012; Lattas et al., 2024; Steele, 2012). Courts often rely on the testimony of expert witnesses such as the FSW to assess allegations of CSV (Bow et al., 2002; Fouché & Joubert, 2009). Mnguni (2017) mentioned in his study that forensic social workers have the responsibility to educate the court about sexual abuse matters, whilst Reamer (2023) states that lawyers and judges may turn to social workers to share their professional opinion. The participants responses also correlate with the Social Service Professions Act (RSA, 1978), which outlines the scope of activity for forensic social workers such as, amongst other things, to compile and submit evidence-based FSW reports to their primary clients and to provide expert testimony on applicable matters in a court of law as follows (RSA, 1978). From the responses received from the participants, it is concluded that they are of the opinion that forensic social workers can assist the court while making decisions regarding CSV.

Subtheme 2.3: Limitations of a FSW court report

Criminal law prescribes how people who have presumably committed an offence must be prosecuted. It is the responsibility of the state to prosecute and punish offenders. Criminal law stipulates the rules regarding the investigation of a suspected offence and the process that should be followed in court (Joubert & Van Wyk, 2014). The participants mentioned that the final decision to accept a report or not lies with the presiding officer. On closer analysis of the answers given by the participants to the question regarding their views regarding the limitations of an FSW court report, it emerged that the courts have the final decision even after experts presented their reports.

> *The only thing that the court needs, is to assess what the child has said in court and that which the perpetrator said to court and then together the court will make a decision.* (P8)

> *It depends entirely on the judge whether he regards what value he is going to attach to the report.* (P11)

> *The report itself carries what we can describe as a persuasive effect. You know it can persuade the court, but it does not have a binding effect.* (P12)

According to chapter eight section 165 of The Constitution of the Republic of South Africa, (RSA, 1996), the court's powers are described as follows:

a) The courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice;
b) No person or organ of the State may interfere with the functioning of the courts;
c) Organs of the State, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts; and
d) An order or decision issued by a court binds all persons to whom and organs of State to which it applies.

However, the evidence can be admissible based on its relevance. If the expert witness is in a better position than the court to form an opinion, the expert may be called from time to time to testify in person (Joubert & Van Wyk, 2014). The evidence that is presented to the court must be relevant and reliable to be admissible in court. Fouché and Fouché (2015) also explain that the opinion provided by an expert witness is useful to the court only if it meets the criteria of demonstrating sound rational reasoning behind the expert's conclusions. Testimony presented in court by an FSW is considered opinion evidence. Therefore, for it to be admissible, it must adhere to the applicable standards.

Theme 3: Views regarding improvement of the quality of a FSW court report

The FSW may make use of the correct procedure and conduct a thorough investigation, but a poorly written report could damage the work of the FSW and its reliability (Pepiton et al., 2014). Participants were asked for their suggestions on what could be done to improve the quality of FSW court reports. The following subthemes emerged from the participants' responses: (i) structure of FSW report and (ii) the need for standardisation and improved report writing in FSW.

Subtheme 3.1: Structure of FSW report

> *You know so far, I do not have issues with their reports, but I think maybe if they can put it in a way that it is, you know, we all have our own terms but sometimes if it can be in a simple term that any other person can understand. Not use those serious terms, because sometimes even prosecutors themselves when they read it, they will not understand, then they will need you to come and explain. It is better if it is just in a simple term that anyone can understand what really is said, what is the problem here, or what needs to happen.* (P9)

> *The report should be written in a simple format and another thing the report should contain indebt information.* (P13)

> *In general, I think a report must just provide the court with the things that the court cannot see.* (P11)

Joubert and Van Wyk (2014) state that there is no specific format or guideline for writing a forensic social work report. The researchers are of the opinion that forensic social workers must educate presiding officers and state prosecutors about their roles, responsibilities and expertise,

to meet their expectations about FSW report writing. Joubert and Van Wyk (2014) mention that FSW reports must be written according to principles of the Law of Evidence. Social workers must always have a clear understanding of the purpose, scope, and mandate of the information or evidence they are required to provide. This understanding enables them to gather, analyse, and present relevant information that addresses the specific issues before the court or decision-making body, thereby ensuring that their contributions are both appropriate and useful to the legal process. These same authors also conducted a study where court personnel expressed the need to know the social workers working in their court jurisdiction and to develop a professional relationship with them. They stated that if court personnel were to know the FSW from whom they request a court report, they will be more motivated to request a court report (Joubert & Van Wyk, 2014). The researchers are of the opinion that forensic social workers can invite state prosecutors for an information-sharing session and in this session, state prosecutors can also be granted the opportunity to express their needs regarding report writing. The researchers are also of the opinion that a court report should be written in such a manner that the court, which is not an expert in the field of FSW, can easily understand the report.

Subtheme 3.2: Need for standardisation and improved report writing in FSW

During the interviews, participants shared the perspective that forensic social workers do not have standardised training and mentioned the following in that regard;

> *At least if it can be made to be a standard thing that all the aspects of the child must be covered in the report.* (P3)

> *But I should ask that you sometimes come and observe court proceedings to hear how the children that you said could talk, if they can indeed talk in the court language and in a court set up.* (P1)

> *Report writing can be improved by implementing more control measures and by constant and intensive training.* (P10)

Participants mentioned that there is a need for on-going training and workshops for FSWs, especially to build more awareness about the nature of FSW court reports and what is needed in the court setting. The literature indicates that FSW is still a developing field of practice in South Africa (Smith et al., 2018) and FSW practitioners require effective training to practise competently (Mangezi, 2014). FSW is a regulated specialisation in South Africa, and it is recognised by the South African Council for Social Service Professions (SACSSP); the professional requirements are set out in the Social Service Professions Act 1978 as follows:

a) an appropriate Master's degree in FSW approved by the SACSSP, plus at least two years appropriate and evidence-based practical experience within the scope of FSW; or
b) five years appropriate and evidence-based practical experience within the scope of FSW; and

c) demonstrate expertise in FSW by meeting the FSW assessment criteria of the SACSSP for determining whether the social worker concerned is competent to practice FSW.

Maschi et al. (2019) and Sheehan (2016) also state that FSW is a speciality area of practice. Lattas et al. (2023) explain that there is currently only one specific FSW avenue for education available in South Africa, which is at the North-West University. The programme includes units on trauma, assessments and investigations, sexual and physical abuse, the law, working within a court setting and a research component. This course engages with simulation, using simulated court trials to expose and build court appearance skills. However, the formal recognition of FSW as a specialisation in South Africa came into effect only in 2017, implying that some forensic social workers are practising in this field without the appropriate qualifications (Kaliski, 2006). This can lead to problems as identified by the participants such as incomplete or inaccurate reports. Therefore, it is important that forensic social workers and legal professionals must engage in dialogue with each other on how to improve the quality of FSW court reports.

CONCLUSION AND RECOMMENDATIONS

This study explored the perspectives of presiding officers and state prosecutors on the requirements of FSW court reports in CSV cases within the Capricorn District of Limpopo province, South African. The findings affirm that FSW court reports are a valuable tool in the legal system, particularly in their role as providing expert evidence in cases involving vulnerable child witnesses. However, significant gaps were identified in the understanding of the scope of FSW, with some legal professionals equating the role of FSWs to that of clinical psychologists, or limiting their function to intermediary recommendations.

Participants acknowledged both the strengths and limitations of FSW reports. While these reports are often pivotal in shaping judicial outcomes, their effectiveness is diminished when inconsistently structured, overly technical or lacking in clarity. Additionally, the final authority of the presiding officer to accept or reject expert reports underscores the need for FSWs to produce clear, concise and legally sound documentation that meets evidentiary standards.

The study also highlighted the need for improved training and communication across disciplines, such as between social work and psychology. Participants called for ongoing education for both forensic social workers and legal professionals to ensure mutual understanding of roles, expectations and the value of FSW reports. Enhanced collaboration, applying standardised reporting guidelines and using simplified language are essential steps toward strengthening the credibility and utility of FSW within the justice system.

A significant finding was the absence of standardised guidelines for FSW report writing, leading to inconsistencies in report quality and structure. This lack of standardisation poses challenges for legal professionals who must interpret and utilise these reports in court proceedings. No standardised guidelines could be found for FSW report writing; however, the researchers are also of the opinion that it will be difficult to standardise such guidelines, as each case will differ from the others. Although it will be difficult to formulate standardised guidelines for report writing it is recommended that forensic social workers should strive for

continuous professional development, and that forensic social workers and legal professionals must collaborate with each other and establish communication channels to give feedback that will assist the forensic social workers to enhance the quality of their reports.

In conclusion, while FSW court reports are an important part of prosecuting CSV cases, their impact depends on the quality of report writing, clarity of role delineation and sustained professional development for all stakeholders involved. Addressing these areas will enhance the effectiveness of forensic social workers upholding justice for all implicated in cases of CSV and upholding justice.

The researchers suggest that effective collaboration between legal professionals and forensic social workers must take place, to enhance the quality of FSW report writing. Through such partnerships, forensic social workers can inform legal professionals about their professional roles, scope of practice and areas of expertise. In turn, legal professionals can articulate their expectations and requirements for court reports. This mutual engagement can also strengthen interprofessional relationships.

Additionally, it is crucial for forensic social workers to develop advanced skills in report writing such as clear role definition, shared understanding of purpose, standardised reporting structures, specialised forensic training, and adherence to legal evidentiary principles, expert witness testimony and to remain informed about changes in legal practices. Participation in court proceedings should be encouraged, as it offers valuable firsthand experience of the legal system.

LIMITATIONS OF THE STUDY

This study was limited to a sample of 17 participants exclusively from the Capricorn District in the Limpopo province of South Africa. Inclusion of a larger sample from multiple provinces could have allowed for a broader exploration of presiding officers' and state prosecutors' perceptions regarding the expected quality of forensic social workers' court reports. Given the small scale and the qualitative nature of the study, the findings are not generalisable. It is therefore recommended that similar research be conducted across various regions of South Africa to enhance the scope and applicability of the results.

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