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Scaling Access to Justice Research Collaboration**

**BRIEF 2:  
COMMUNITY-BASED PARTICIPATORY RESEARCH  
METHODOLOGY**

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## ACRONYMS AND ABBREVIATIONS

ACQ	Case Study 2
AIDS	Auto-Immune Deficiency Syndrome
AULAI	Association of University Legal Aid Institutions
AWAT	Case Study 3
CAO	Community Advice Office
CAOSA	Centre for the Advancement for Community Advice Offices of South Africa
CBA	Cost-benefit Analysis
CBJS	Community-based Justice System
CBP	Community-based Paralegal
CBPR	Community-based Participatory Research
CCJD	Centre for Community Justice and Development
CCL	Case Study 9
CCMA	Commission for Conciliation, Mediation and Arbitration
CLAP	Case Study 1
CLRDC	Community Law and Rural Development Centre
COIDA	Compensation for Occupational Injuries and Diseases Act
DAO	Daliwe Advice Centre
DCS	Department of Correctional Services
DHA	Department of Home Affairs
DoH	Department of Health
DoJ&CD	Department of Justice and Constitutional Development
DoL	Department of Labour
DSD	Department of Social Development
E&SR	Economist and Senior Researcher
EPWP	Extended Public Works Program
FA	Finance Administrator
GBV	Gender-based Violence
ID	Identification Documents
IDRC	International Development Research Centre
IOM	International Organization for Migration

JRS	Jesuits Refugees Services
KZN	KwaZulu-Natal
LAOM	Case Study 6
LHR	Lawyers for Human Rights
MCAN	Case Study 10
MD	Managing Director
MSF	Médecins Sans Frontières
NADCAO	National Alliance for Development of CAOs
NGO	Non-governmental Organisation
NPO	Non-profit Organisation
OA1	Organisational Affiliate 1
OA2	Organisational Affiliate 2
OA3	Organisational Affiliate 3
OA4	Organisational Affiliate 4
OA5	Organisational Affiliate 5
OMO	Case Study 7
P4P	Pay for Performance
PBF	Performance based financing
PfR	Payment for Results
PI	Principal Investigator
RACB	Case Study 8
RBF	Results-based financing
RC	Research Coordinator
RCP	Refugee Child Project
RLT	Rural Legal Trust
RULAC	Rhodes University Law Clinic
SA	South Africa
SACC	South African Council of Churches
SANAC	South African National AIDS Council
SAPS	South African Police Services
SANCO	South African National Civic Organisation

SASSETA	Safety and Security Sector Education & Training Authority
SAULCA	South African University Law Clinic Association
SCAT	Social Change Assistance Trust
SCSA	Save the Children South Africa
SRCB	Case Study 4
SRCI	Case Study 5
SWEAT	Sex Worker Education and Advocacy Taskforce
UIF	Unemployment Insurance Fund
UKZN	University of KwaZulu-Natal
UK	United Kingdom
UN	United Nations
UNHRC	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development
VE	Village Enterprise

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## **1 Introduction**

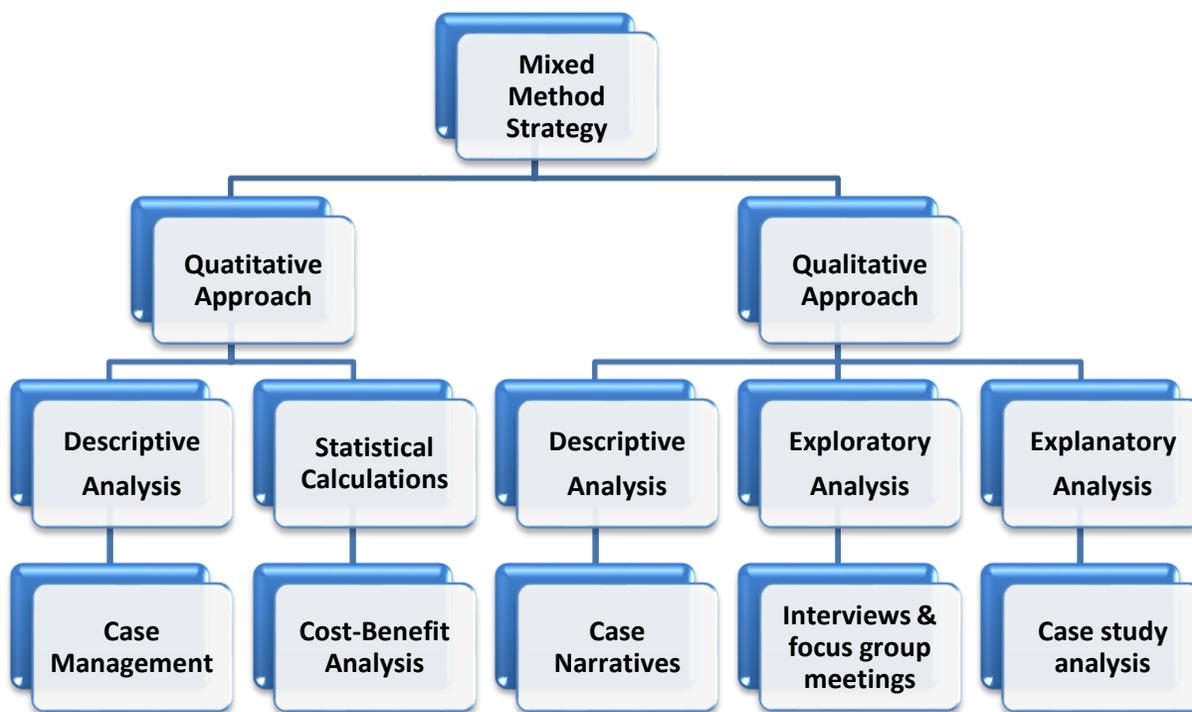
The study focuses on the models used by community advice offices in the South African provinces of Eastern Cape, Free State, KwaZulu-Natal, Limpopo and Mpumalanga during the period 2016 to 2018. Case management strategies were investigated, a cost-benefit analysis conducted and the perceptions of CBPs and service recipients on different aspects of community-based justice delivery were explored.

This brief describes the research design and strategy followed in this study, which was driven by the community-based participatory research (CBPR) approach. The methods used for sampling, data collection and data analysis are discussed. The reliability and validity of findings are considered in the context of the mixed-methods approach that was used. Ethical considerations and the possible limitations of the research design are discussed, as well as benefits that were found related to the use of the CBPR approach. The brief concludes with a summary.

## 2 Research Design

While research studies usually adopt either a qualitative or quantitative design (Creswell,2018), a mixed-methods design – which combines qualitative and quantitative approaches – can also be used. According to Lewis and Elam (2013), the basic consideration in deciding which research design is appropriate for a study is whether or not the required data exist, are available and accessible. Other questions to consider are whether the data sought will "shed more light on the research topic"; and "the feasibility from the point of view of both the researcher and participants" of carrying out in-depth interviews or focus groups (Lewis and Elam (2013).

Figure 1 presents a summary of the research design.



**Figure 1 Summary of Research Design**

In this study, as a **descriptive, exploratory** and (to some extent) **explanatory approach** was needed, a mixed methods design was chosen. The descriptive component was also used to analyse case management strategies and cost-benefit analysis. This component also provided general text on the role of community-advice offices (CAOs) and community-based paralegals (CBPs) in advancing African ways of knowing justice and governance in furthering sustainable development goal (SDG) 16 in rural areas. The exploratory component

provided an in-depth analysis of the experiences of community-based paralegals (CBPs) with network governance. The explanatory approach allowed for a preliminary understanding of the role of CBPs across plural legal systems when handling cases in the five provinces where the research sites are located.

## 2.1 Mixed-method Approach

The study used a mixed-method research design that combined quantitative and qualitative techniques to provide a more comprehensive analysis of interrelated social processes, drawing on the strengths of both quantitative and qualitative approaches.

Creswell (2018) advises that if a problem has not been investigated thoroughly before, or has never been explored with a particular group, a qualitative exploratory approach is useful. Stewart and Cole (2006) explain that qualitative methods are often used to unearth or identify issues or themes, while quantitative methods are used to answer questions relating to frequency and association that often cannot be addressed by qualitative methods.

According to Creswell (2018), mixed-methods research is "more than simply collecting and analysing both kinds of data; it also involves the use of both approaches in tandem so that the overall strength of a study is greater than either qualitative or quantitative research alone". Similarly, Yin (2018) observes that "mixed methods research enables investigators to address more complicated research questions and collect a richer and stronger array of evidence that can be accomplished by any single method". Creswell (2018) adds that a mixed methods design has the potential to "serve a larger, transformative purpose to advocate for marginalised groups such as women, indigenous people, or people with disabilities and others" and create a platform for marginalised groups to participate in the research.

**Application to this study.** While this research aims to determine the costs and benefits associated with the role that CBPs play in the community-based justice system, the types of work undertaken by CBPs and frequency of cases they handle needed to be established. There is a paucity of research on how CBPs manage network governance to solve the socio-legal problems encountered by their clients and very little research done to establish a cost-benefit analysis of their work.

In this context, the study used descriptive statistics on the number and types of cases handled by CBPs (quantitative data) in tandem with qualitative data collected on the social processes used by CAOs and CBPs to illuminate the interactions between cost-benefit analysis, recognition and regulation, network governance and the voice of CBPs. Hence, the secondary data obtained from the statistical data provided a framework for understanding the qualitative data and *vice versa*.

## 2.2 Advocacy Research and Community-based Participatory Research (CBPR) Approaches

**Advocacy research.** Creswell (2018) explains that an advocacy approach in research focuses on the "needs of groups and individuals in society that may be marginalised or disenfranchised. Advocacy research provides a voice for these groups or individuals, raising their consciousness or advancing an agenda for change to improve their lives". The advocacy approach holds that research must include "an action agenda for reform that may change the lives of the research participants" (Creswell, 2018).

**Community-based Participatory Research (CBPR).** At its core, Community-based Participatory Research (CBPR) means collaboration by researchers with those most affected by specific community issues to conduct research and co-create pragmatic strategies to resolve these issues (Tremblay et al., 2018, Belone et al., 2016). Although commonly used in public health studies, this approach is strongly recommended for studies in education, community, social and behavioural sciences, or when addressing power issues related to gender, ethnicity, race and disability (Chilisa, 2019). A key strength of CBPR is that it creates value not only for the researcher but also for the community and its members that are collaborating in the research (Viswanathan et al., 2004).

Satcher (2005) puts forward the following eight principles that underpin CBPR

- *CBPR acknowledges community as a unit of identity.* A community is an entity to which people are affiliated through social interactions, such as family, social network, or geographical neighbourhood. Members of a community are emotionally connected through shared values, norms or interests.
- *CBPR builds on the strengths and resources within the community.* The resources, individual skills and strengths, social networks and organisations are recognised and harnessed to address the issues that have been identified.
- *CBPR facilitates a collaborative, equitable partnership between researchers and subjects in all phases of research, involving an empowering and power-sharing process that addresses social inequalities.* CBPR addresses the power imbalance that typically exists between researchers and subjects by building a foundational relationship based on trust and mutual respect and employing an empowering process that promotes open communication and the sharing of information, decision making power and resources.
- *CBPR fosters co-learning and capacity building among all partners.* It involves a reciprocal exchange of skills, knowledge and capacity among all partners involved.
- *CBPR promotes balance and integration between knowledge generation and intervention for the mutual benefit of all partners.* It strikes a balance between the traditional focus on the knowledge that is gained in the study and a focus on action – initiating interventions and policies that will address the community's concerns.

- *CBPR focuses on the local relevance of issues and addresses these in partnership with the community.*
- *CBPR involves systems development using a cyclical and iterative process.* The competencies of each partner are harnessed in a cyclical and iterative process that includes all the stages of the research process (for example: community assessment, problem definition, research design, data collection and analysis, data interpretation, dissemination, determination of intervention and policy strategies and action-taking).
- *CBPR disseminates results to all partners and involves partners in the wider dissemination of results.* It involves a long-term process and commitment to sustainability to maintain the trust between partners. The long-term commitment extends beyond a single research or funding period.

Satcher (2005) identifies five phases in CBPR research: forming and maintaining partnerships; community assessment and diagnosis; definition of the issue; documentation and evaluation of, and feedback on, the partnership process and feedback; and interpretation, dissemination, and application of results.

**Application to this study.** The focus of this study on the perspectives of participants aligned well with the advocacy research and CBPR approaches. They provided a platform for CBPs and service recipients to articulate what worked at the level of the local community and what changes could be introduced to improve their case management system and network governance, as well as how they advanced the practice of indigenous knowledge systems. They also provided a framework to support the CBPs, going forward, to advance an action agenda for their role in providing access to justice in rural communities to be formally recognized and regulated – which it currently is not. Details of the advocacy and participatory elements of the study are highlighted in the subsequent sections.

### **3 Research strategy**

The research strategy used in this study was the case study strategy.

Creswell (2018) defines a case study as “a strategy used by a researcher to explore a programme, event, activity, process, or one or more individuals in-depth”. Haverland and Yanow (2012) state that, in interpretive research, a case study is often used as a synonym for 'site' or 'setting': the bounded location in which the research is conducted that is considered to have the potential to illustrate the focus of the researcher's interest.

As a strategy, a case study offers a number of advantages. According to Baxter and Jack (2008), a case study is an excellent opportunity to gain deep insight into a case. It enables the researcher to gather data from a variety of sources and to triangulate data to illuminate the case. Yin (2018) notes that a case study allows investigators to retain the holistic and meaningful characteristic of real-life events when a real-life phenomenon is studied in-depth, or an intervention and its real-life context are described.

To allow us to answer the questions above, this study used a case study strategy.

**Type of case study.** Baxter and Jack (2008) advise that once a case study has been determined to be the best strategy for answering the research question and the scope of the case has been decided, the specific type of case study design must be chosen, guided by the overall purpose of the study. The case may be explanatory, exploratory, descriptive, multiple case studies, intrinsic, instrumental, or collective (ibid). To determine the appropriate type of case study, Baxter and Jack (2008) propose asking whether the aim is to describe a case, explore a case, or compare cases.

**Single or multiple case study.** Once the type of case has been decided, Baxter and Jack (2008) advise that the researcher consider if the best understanding of the phenomenon will be gained through a single or multiple case study. A multiple case study provides the opportunity for investigation and analysis both in within each selected setting and across all selected settings. According to Yin (2018), evidence from multiple cases is often considered more compelling, and the overall study is therefore regarded as being more robust. Baxter and Jack (2008) point out that overall, the evidence generated by this type of study is considered robust and reliable, but it can also be extremely time consuming and expensive. Multiple cases can be used to draw a single set of cross-case conclusions (Yin, 2018).

Yin (2018) explains that individual cases within multiple case study designs may be either holistic or embedded. When an embedded design is used, each individual case study may include the collection and

analysis of quantitative data, including the use of surveys within each case. The case study is embedded if it involves more than one unit of analysis (Yin, 2018) and/or a mixed research design. Yin (2018) explains that an embedded case study provides a more holistic data collection strategy for studying the main case but then calls upon other quantitative techniques to collect data about embedded units of analysis. Different research methods may thus be embedded within a case study.

Yin (2018) identifies five key components of case study research: the study's questions; the propositions (if any); the units of analysis; the logic that links data to the propositions; and the criteria used to interpret the findings. In this study we used the unit of analysis component.

**Unit of analysis.** Baxter and Jack (2008) advise that when considering what one's research question will be, one must also consider the case (the unit of analysis). They propose asking the following questions to determine what the case is: Do I want to analyse an individual? Do I want to analyse a program? Do I want to analyse a process? Do I want to analyse different organisations?

**Application to this study.** For this study, a descriptive, exploratory, and (to a lesser extent) explanatory case study strategy was adopted. An embedded, multiple case design was used, with ten CAOs selected as the research sites in the Eastern Cape, Free State, KwaZulu-Natal, Limpopo and Mpumalanga. Including multiple enabled comparative analysis of data across the ten cases. The case study included three primary units of analysis, the individuals providing legal services (CBPs); the individuals receiving the services (stakeholders); and the individual managers of the CAOs. These were embedded in the organization (CAO) as a secondary unit of analysis. The collection of quantitative data, such as descriptive statistics from the cases handled by the CBPs, was embedded in the qualitative approach to strengthen and deepen the findings (Yin 2018). The same data collection methods were employed across all ten case studies in alignment with replication logic (Yin, 2018).

## 4 Sampling Methods

The type of information produced by a qualitative study is usually rich in detail. Lewis and Elam (2013) explain that it is adequate for samples for qualitative studies to be small where it is unlikely that substantially greater evidence will be gained from more extensive fieldwork. Richie *et al.* (2003:84) observe that it would not be possible to conduct "hundreds of interviews, observations or focus groups unless the researcher intends to spend several years doing so".

Sampling methods were developed for selecting the following: the provinces and CAOs that would be included in the study; the CBPs and CAO managers who would be interviewed; service recipients who would participate in focus groups; and case narratives that were to be surveyed for the study. Conducting research in remote rural areas brings with it many practical constraints. These constraints are discussed in the context of the sampling methods used in this study (see Table 1 below).

### 4.1 Sampling of the Provinces and CAOs

The initial plan was to target eight research sites that exemplified the three different structural models that had been identified, as follows:

- **Stand-alone CAO model:** 2 CAOs in Gauteng and 2 CAOs in Mpumalanga provinces
- **University law clinic CAO model:** 2 CAOs in Northwest province
- **Umbrella/supportive CAO model:** 2 CAOs in KwaZulu-Natal province

The partnership phase of the CBPR involved consultations with the managers of the eight CAOs about the financing strategies they used prior to collection of data. During this process, it was discovered that there were six structural/financing models in the sector, rather than three: the intermediary, public financing and CAO collaboration models were identified in addition to the stand-alone, law clinic and umbrella models. In light of this, the sample size was revised from eight to eleven CAOs.

Table 1 indicates the planned and actual CAO samples drawn using non-probability purposive sampling. Gauteng and North West were eliminated because the sampling process needed to align with the six funding models. Secondly, the study focused on peri-urban and rural CAOs only; urban CAOs were not considered for the study. Thirdly only functional CAOs were picked.

As Table 1 depicts, multiple structural/financing models were studied in various provinces to enable a cross-case analysis. By selecting CAOs from different provinces, findings could shed light on how local and

provincial governments could yield support to CAOs as a matter of intergovernmental relations. The organisational affiliates identified in column three of Table 1 were interviewed to give an institutional voice in the study.

**Table 1 Planned and actual sample of CAOs**

South African Province	Type of Structural Models that may exist	Organisational Affiliates	Proposed Number of CAOs	Actual Number of CAOs Sampled	Name of CAO
<b>Eastern Cape</b>	Intermediary	Social Change and Assistance Trust (SCAT)	2	1	Case Study 1 (CLAP)
	Law Clinic	Rhodes Law Clinic Association of University Law Clinics (AULAI)			Case Study 11 (DAC)*
<b>Free State</b>	Intermediary	Rural Legal Trust	2	2	Case Study 2 (ACQ)
	Stand-alone	CAOSA			Case Study 3 (AWAT)
<b>KwaZulu-Natal</b>	Umbrella	CCJD		2	Case Study 4 (SRCB)
					Case Study 5 (SRCI)
<b>Limpopo</b>	Stand Alone	CAOSA	2	2	Case Study 6 (LAOM)
					Case Study 7 (OMO)
<b>Mpumalanga</b>	Law Clinic	Association of University Law Clinics (AULAI)	3	3	Case Study 8 (RACB)
					Case Study 9 (CCL)
					Case Study 10 (MCAN)
<b>Northwest</b>		North West Law Clinic	2	Nil**	
<b>Total</b>			<b>11</b>	<b>10</b>	

**Impact of COVID-19 on the study**

\*The Director DAC passed away during the first wave of COVID-19. The centre participated in the online interview but could not complete the tasks and pulled out during the field visit. It was subsequently dropped from the study because of non-participation.

\*\* The one and only AULAI Director passed away. The National Director will be interviewed

## 4.2 Sampling of CBPs (for interviews) and service recipients (for focus groups)

For the selection of participants for the qualitative component of this study, purposive and convenience sampling were used.

According to Richie *et al.* (2003), purposive sampling is "precisely what the name suggests. Members of a sample are chosen with a purpose". They note that the sample units are chosen because they have certain characteristics that the researcher wants to explore "to gain a deeper understanding of the subject of the study". This enables the researcher to cover all the key elements relevant to the study and diversity. While some researchers refer to this as 'judgment' or 'criterion' sampling, the term 'purposive sampling' is commonly used in the literature (*ibid*). Purposive sampling was used in case narrative sampling to illustrate relevance to the research objectives.

On the other hand, convenience sampling involves selecting sample based on convenience of either location, availability, among other things. Richie *et al.* (2003) argue that convenience sampling is the most common form of qualitative sampling because it lacks any clear sampling strategy. Yin (2018) observes that a researcher must accommodate the availability of key participants, rather than imposing their own schedule. Convenience sampling was used to select the CBPs and focus group participants based upon who was available and willing to participate in the study.

### 4.2.1 Sampling of CBPs (for interviews)

The CBPs working for rural CAOs are an important individual unit of analysis as they hold knowledge on how individual in rural areas seek and obtain justice. Twenty-four CBPs were purposively selected to be interviewed: three from the Eastern Cape, six from Free State, two from KwaZulu-Natal, five from Limpopo and seven from Mpumalanga, as shown in Table 2 below.

**Table 2 Number and provinces of CBPs selected for interviews**

<b>Province</b>	<b>Number of CBPs selected</b>
<b>Eastern Cape</b>	3
<b>Free State</b>	6
<b>KwaZulu-Natal</b>	5
<b>Limpopo</b>	3
<b>Mpumalanga</b>	7
<b>TOTAL</b>	<b>24</b>

#### 4.2.2 Sampling of service recipients (for focus groups)

The unit of analysis were the service recipients. Hancock *et al.* (2021) and Finch and Lewis (2013) recommend including six to ten people in a focus group who share a similar characteristic or issue relevant to the research question.

At the beginning of the project, it was planned that focus group participants would be selected randomly from the databases of the various CAOs. During preliminary visits to the CAOs, however, it became evident that only the CAOs in KwaZulu-Natal had functioning electronic databases. The research team then developed an instrument to help the nine other CAOs organize their paper-based administrative data in an electronic form. The data that this yielded was still too limited to allow random sampling, however. Random sampling thus proved to be possible at only the two CAOs in KwaZulu-Natal, where each participant's details were linked to a file in the database. At the other CAOs, purposive / convenient sampling was used. The criteria for participation were discussed with the CBPs who were participating in the study and they helped to identify focus group participants who had been involved in cases relevant to the subject of the study. Richie *et al* (2003:94) caution that when participant sampling is done by other study participants “there is danger that the diversity of the sample frame is compromised”.

The CBPs met with potential focus group participants and gave them an overview of the study. Pre-interviews were conducted with CBPs to discuss the research project, answer any questions regarding the study, and sign the consent form.

A sample of at least 2 groups of six to ten focus group participants were drawn at each of the ten sites, with a total sample size of 202 focus group participants in the study, as shown in Table 3.

**Table 3 Interviews and focus group participants**

Name of CAO	Number of Paralegals		Focus Groups		Total
	Females	Males	Females	Males	
Case Study 1 (CLAP)	3		24	7	34
Case Study 2 (ACQ)	4		11	19	34
Case Study 3 (AWAT)	2		18	2	22
Case Study 4 (SRCB)	1		13	6	20
Case Study 5 (SRCI)	1		10	3	14
Case Study 6(LAOM)	1	2	14	12	29
Case Study 7(OCO)	1	1	19	1	22
Case Study 8 (RACB)	1	1	11	7	20
Case Study 9 (CCL)	2	2	3	7	14
Case Study 10 (MCAN)		2	12	3	17
<b>Total</b>	<b>16</b>	<b>8</b>	<b>135</b>	<b>67</b>	<b>226</b>

### 4.3 Sampling of the CAO affiliates

The CAO affiliates were sampled according to the structural/financing model identified during the proposal stage. For a stand-alone structure an affiliate CAOSA; intermediary SCAT & RLT; law clinic Rhodes Law Clinic & RULAC; and for umbrella structure CCJD were identified.

### 4.4 Sampling of Case Narratives

Patton (2021) talks of purposeful sampling of cases involving "*selecting information-rich cases to study, cases that by their nature and substance will illuminate the inquiry question being investigated*". They identify several approaches to purposeful sampling strategies for qualitative inquiry. This research study used '*criterion-based case selection*' to bring out the themes of significance in community-based justice systems.

Case narrative sampling used purposive and judgemental techniques. Cases were selected on the basis of their relevance to the research objectives. The sampling guide included the following:

- Focus on closed cases (to the extent possible)
- Level of difficulty in handling a case
- Diversity of cases handled and tasks performed by CBPs
- Application of indigenous knowledge
- Collective cases handled by a CBP

- Cases that affect a group of people
- Cases that inform policy change
- Cases that show sites of impact
- Cases that reveal social impacts

Cases were selected that aligned with these criteria and themes showed substance and depth to the extent possible given the limited case documentation available at the eight most rural CAOs. Most of the case records did not have sufficient documentation for the researchers to meet all the guidelines. Due to the disparity in terms of the number of records available at the different offices, it was decided that an equal number should be selected per CAO. Two cases were chosen from each CAO. based on completed cases with outcomes and sufficient details for the researchers to gauge what actions were taken and the results achieved.

## 5 Data Collection Methods

Four major factors have bearing on data collection in mixed methods research: (1) the theoretical or conceptual perspective that guides the study; (2) the weighting or priority given to quantitative and qualitative research (3) the mixing of quantitative and qualitative data in the data collection process, and (4) timing. We consider the application of each of these to this study before considering the specific data collection methods that were selected.

**Theoretical perspective.** In mixed methods research (Creswell, 2018:), theories shape the type of questions asked, who participates in the study, how data are collected, and the conclusions reached. This study adopted a two-pronged conceptual framework that revolves around the problems and benefits associated with CAOs and CBPs work.

**Weighting or priority.** A mixed methods research design may emphasise either quantitative or qualitative research, giving it more weighting and priority, with the other type of method playing a supportive role. According to Creswell (2018:208), the researcher's primary aim might be to collect one form of data with the other form providing supportive information. For example, quantitative data may be collected to aid the interpretation of qualitative findings (Creswell, 2018).

Exploring, describing or explaining events requires the collection of qualitative data. Yin (2018) argues that quantitative data can also be relevant for two reasons: "First, the data may cover the behaviour or events that the case study is trying to explain - typically, the outcomes in an evaluative case study. Second, the data may be related to an embedded unit of analysis within the broader case study".

In this study, the secondary database data (quantitative), which was collected before the qualitative data, supported the primary (qualitative) data. Interviews and focus groups were used to obtain qualitative data. The secondary data consisted of archival statistics on the type of cases and the number of cases handled by CBPs at the respective CAOs. Documentary evidence, archival records, observation, and statutory (proposed) law form additional parts of the secondary data.

**Mixing of data types.** The third factor is the mixing of qualitative and quantitative data during collection. Creswell (2018) states that the secondary method is embedded or nested within the primary method. The quantitative data address the number, types of cases and outcome of cases could not be determined due to poor record-keeping. The qualitative data explore approaches conducted by CBPs and experienced by service recipients. The data are not compared but reside side by side as two different pictures that provide an overall composite assessment of the CAOs and CBPs work.

Richie *et al.* (2003) notes that researchers question whether combining the two methods is a good idea: "Some argue that the two approaches are so different in their philosophical and methodological origins that they cannot be effectively blended". Other researchers, have conceded that there is value in bringing these types of data together. Richie *et al.* (2003) argue that each approach provides a distinctive kind of evidence and, used together, they offer a powerful resource to inform and illuminate policy or practice.

According to Richie *et al.* (2003), while the mixed methods approach is often discussed in the context of combining qualitative and quantitative methods, the same principles apply to using more than one qualitative method to investigate since each brings a particular kind of insight to a study. This study used interviews and focus groups on collecting data. Richie *et al.* (2003) argue that a focus group might be used as an initial stage to raise and begin to explore relevant issues, which will then be taken forward in in-depth interviews or the other way around. To meet the objectives of this research, two qualitative approaches were adopted. A survey could not be conducted due to Covid-19 restrictions.

**Timing.** Creswell (2018) notes that when using mixed methods, the researcher needs to consider whether the qualitative and quantitative data will be collected sequentially (where either the qualitative or the quantitative data is collected first) or concurrently (where the qualitative and quantitative data are gathered simultaneously).

This research used a sequential and transformative strategy for data collection. According to Creswell (2018), in using a sequential strategy, "the researcher seeks to elaborate or expand on the findings of one method using another method". This may involve beginning with a qualitative interview for exploratory purposes and following up with a quantitative method so that the researcher can generalise the results to a population. Alternatively, the study may begin with a quantitative method of testing a theory or concept, followed by a qualitative method involving detailed exploration with a few cases or individuals. In this study, primary qualitative data were collected after secondary quantitative data were collected. Interviews and focus groups were used to obtain qualitative data. The secondary data consisted of archival statistics on the type of cases and the number of cases handled by CBPs at the respective CAOs. Documentary evidence, archival records, observation, and statutory (proposed) law form additional parts of the secondary data.

## **5.1 Data collection process**

The researchers visited each research site (CAO) to collect data. They first conducted a survey of past case narratives obtained from the CAO's archives and collected other documentary evidence relevant to the study. The researchers then divided into two groups. One group interviewed the CBPs while another group conducted the focus groups. At some research sites, interviews and focus groups were

conducted on the same day. Follow-up interviews were conducted with CBPs by telephone to investigate aspects of the data obtained from the interview during the site visit.

### **5.1.1 Interviews**

According to Richie (2003), the most common data collection method used in qualitative research is the interview. Interviews enable the researcher to conduct a "detailed investigation of people's perspectives and gain an in-depth understanding of the personal context within which the research subject is located, and provide very detailed coverage of the research topic". Yin (2018) sees interviews as conversations rather than structured queries and considers them one of the most important sources of data in a case study. Yin (2018) points out, however, that a case study requires the researcher to operate on two levels simultaneously: while the researcher must stay focussed on pursuing a strategic line of inquiry they must simultaneously facilitate an open-ended interview approach using 'friendly' and 'nonthreatening' questions.

Interviews may be in-depth – taking place over an extended period – or focussed, in which a person is interviewed for a short period of time – for example, an hour (Yin, 2018). While interviews may remain open-ended and assume a conversational manner, a set of questions or questionnaire is usually prepared to guide the interview. The purpose is not to restrict the researcher; rather, according to Hancock *et al.* (2021), the interview needs to be conducted with sensitivity and be sufficiently flexible to allow follow up of points of interest with the interviewee. The researcher is required to ask the participant to sign an informed consent form before the interview in order to ensure that participation is voluntary. The researcher must also ask the participant's permission if they wish to capture an audio or audio-visual recording of the interview.

In this study, in-depth interviews were conducted with the CBPs to obtain evidence of the processes and procedures followed by the CAOs. Interviews averaged two hours in length. Informed consent to conduct and audio record the interview was obtained from each participant. It was explained that the tapes would not be transcribed verbatim and that some of the content would be used in the final analysis and report.

Follow-up interviews were conducted with each CBP by telephone to investigate similarities and differences between the CAOS in the process and procedures used to handle cases. Twenty-four CBPs were interviewed: three from the Eastern Cape, six from Free State, two from KwaZulu-Natal, five from Limpopo and seven from Mpumalanga.

This study focuses on the experiences of the CBPs working with various networks, their perspectives on the recognition and regulation of their work, their role in advancing African ways of knowing and their application of case management systems (interview instruments are attached). The interviews gathered data on the views of the CPS on the following topics:

- Case management and the structural and financial model of the CAO
- The recognition, regulation and institutionalisation of the CAO and CBPs sector.
- The application of African ways of knowing in their work
- Their role in network governance, the constraints they experience, and the value and benefits of working with networks in rural communities.
- A female voice towards advocacy and reform within the sector.

This approach allowed for a cross-case comparison of the experiences and perceptions of the CBP participants.

Yin (2018) cautions that data obtained through interviews is vulnerable to bias and should be corroborated with data from other sources. The data collected during the interviews were corroborated by descriptive statistics from the organised case database.

### **5.1.2 Focus groups**

Focus groups are used where group process may best illuminate the research question. Richie *et al.* (2003) indicate that focus groups provide a social context for research and thus can be an effective way to explore how people think and talk about the topic. Focus groups are considered to be most effective when approximately six to eight participants are included (Hancock *et al.*, 2021; Richie *et al.*, 2003).

A focus group guide is useful to promote interaction between participants. Finch and Lewis (2013) explain: "Participants present their views and experience, but they also hear from other people. They listen, reflect on what is said, and reconsider their standpoint". Additional information is thus triggered as participants respond to what they hear. Participants may ask one another questions, seek clarification, and comment on what they have heard, prompting others to reveal more.

A focus group guide was developed to provide researchers with topics to generate discussion. The topics were aligned to the interview questions used with the CBPs.

In most focus groups, ten clients participated in a focus group at each research site, and in one or two sites, there were six to seven other research sites. The participants were split into focus groups, making a total of 202. The aim was to obtain a wide cross-section of views, perceptions and experiences regarding the restorative justice services rendered by paralegals. The participants were from the nearby communities and as the focus groups were conducted at the CAOs the venues were familiar to participants and easily accessible to them. The focus groups were conducted in the home language of participants; across the focus groups the languages isiZulu, isiXhosa, isiSwati, isiNdebele, Tshivenda, Xitsonga, Sepedi, Sesotho, Sepulana, French, Kirundi, and Shona.

According to Hancock *et al.* (2021), serving refreshments before the focus group may help participants relax and begin to feel comfortable with each other. It was decided to serve refreshments after the focus group, however. It was dependent on the circumstances of the meeting, such as time of day, weather, how far the participants had travelled, among others.

Researchers observed that participants shared their experiences more freely while having refreshments informally after the focus group than in the more formal setting of the focus group. All discussions were captured as part of the focus group.

Informed consent was obtained from participants as well as permission to audiotape the discussions. It was explained that the tapes would be transcribed verbatim and that some of the content would be used in the final analysis and report. The focus groups averaged three hours in length. They took longer than had been anticipated, partly because it took time to get the group to relax and speak about their experiences.

The focus group participants tended to be hesitant to talk freely at first. While the researchers had explained that data obtained from the focus group would be used to benefit the CBPs in their work, the researchers found that the participants believed that their comments would be used to evaluate the CBP's work and were very protective of the CBPs. In many cases, it took the researcher around fifteen minutes to establish an atmosphere of trust. This was made more difficult by the fact that the only way the researcher could explain the CBP's work was to discuss cases, which were often sensitive. The participants did not know one another, which might have added to their discomfort in answering questions. They were assured that names would never be revealed in any published report.

As the discussion progressed, however, the participants relaxed, as evidenced by robust debate and laughter. This also suggested that participants did not find it traumatic to share the difficult experiences that had led them to seek the services of the CAO.

The laughter made it difficult to understand the audio recording during data capture. A video recording would have worked better. Alternatively, a voice recorder that recognised the languages spoken and translated and transcribed automatically would have been helpful.

### **5.1.3 Survey of archived case documentation**

In many case studies, archival records take the form of digital files and records. Yin (2018) identifies the following types of archival records:

- Public use files (for example, census and other statistical data collected by the government);
- Service records (for example, records of number of clients served over a defined period of time);
- Organisational records (for example, budgets and personnel records);
- Maps and charts providing geographical information about a place; and
- Survey data (for example, data that has been collected previously about employees, residents or participants).

Yin (2018:106) cautions that when archival evidence "has been deemed relevant, an investigator must be careful to ascertain the conditions under which it was produced as well as its accuracy". The researcher should understand the conditions under which the archival records were produced and appreciate that they were produced for a specific purpose and audience other than the case study investigation (ibid).

Creswell (2018) notes that survey data can be used to generate a quantitative or numeric description of trends and attitudes.

This study included a survey of the case records kept by the CBPs at the ten CAOs. The survey collected data for the purpose of determining the types of cases handled by the CAOs, assessing the level of competence demonstrated by the CAO in its handling of cases, conducting a cost-benefit analysis, and identifying patterns and trends in the cases. This data is presented in Briefs 4 to 10.

### **5.1.4 Review of strategies used for case management from 2016 to 2018**

We recognise that neither the NGO and law school affiliates nor the CAOs under study may provide an electronic administrative database similar to CCJD and the 15 CAOs it oversees. This is one of the reasons that several CAO experts pointed out at a meeting of a working group of experts in August 2018 that CAO models, other than the umbrella model, should be studied in terms of case management

strategies and CBAs. Therefore, this is where CBPR came into play in this research by teaching the CAOs to capture and organise their data into a researchable format.

The research team review documents to identify the strategies the CAOs had used to manage cases from intake to outcome to closure. The team showed the CBPs how they can improve their case management system and reporting strategies to strengthen CAOs sector. CBPR facilitated CAOs/CBPs to create their solutions based on their operational needs.

#### **5.1.5 Review of documents to establish costs and benefits of CAO services**

A cost-benefit analysis is a tool used to analyse potential tangible and intangible benefits and costs in order to rank different options or decide whether a project is financially viable and financially sustainable. it is often used in funding decisions (Department of Environment , Affairs and Tourism, 2014). The analysis is based on existing or expected costs and benefits, following the principle that a project should only be funded if expected financial benefits exceed all expected costs over the lifetime of the project.

Following the CBA research methodology applied in the CCJD OSJI project in Ruffin (2019), this study combined quantitative and qualitative methods to analyse the direct and indirect tangible and intangible costs and benefits of the services rendered by the CAOs, as shown in Table 4.

**Table 4 Direct and indirect tangible and intangible costs and benefits**

<b>Direct costs and benefits</b> (applicable to CAO and organisational affiliates)	<b>Indirect costs and benefits</b> (applicable to service recipients)
Direct tangible costs	Indirect tangible costs
Direct intangible costs	Indirect intangible costs
Direct tangible benefits	Indirect tangible benefits
Direct intangible benefits	Indirect intangible benefits

Entries in the first column of Table 4 apply to CAOs and supporting institutions in front-line service delivery. Entries in the second column apply to service recipients regarding the costs and benefits associated with the services they received from the CAOs.

Data was collected from the financial records and case reports of the ten CAOs for the purpose of assessing direct tangible costs and benefits. Understanding the direct costs and benefits experienced by organisational affiliates would help inform sustainable funding models.

Direct intangible service delivery costing was determined using market rates for professionals delivering services similar to the CBPs. A google search was done to ascertain the private and public sectors professional rates for the different services.

Data was also collected from case reports to supplement primary data collected through interviews and focus groups for the purpose of determining the tangible and intangible costs and benefits to service recipients and CBPs. Recipients of services were asked to list the tangible and intangible costs accrued and benefits incurred as a result of the services they had received from the CAOs.

#### **5.1.6 Case Narratives**

The two CAOs in KwaZulu-Natal supplied narrative case records that had been captured into a database by the CBPs. The remaining eight CAOs in the Eastern Cape, Free State, Limpopo and Mpumalanga provinces had not collected their case records in the form of an electronic database. Accessing the case narratives of these CAOs in a form that could be used for this study proved extremely challenging. Eventually it was decided to train data capturers to transfer the handwritten case narratives to a digital format that could be used. The data that was captured in this manner was limited; it was aligned to the extent possible to the data collected by the KwaZulu-Natal CAOs to enable a comparative analysis.

### 5.1.7 Documentary evidence

Yin (2018) notes that documentary evidence can take many forms, but that the following three are key to consider:

- Administrative documents – proposals, progress reports, and other internal records;
- Formal studies or evaluations of the same ‘case’ that is selected for the study; and
- Agendas, announcements and minutes of meetings, and other written reports of events.

Reviewing the documents or other written information, such as reports and evaluations, generated by the CAOs under study yielded information that would not have been easily obtained by other means. The data obtained on the work of the CAOs and CBPs in South Africa from the documentary review proved crucial to the study, and provided a platform from which to conduct the interviews and focus groups.

### 5.1.8 Observation

According to Yin (2018), if the case study is conducted “in the natural setting of the case”, this creates an opportunity for direct observation. Observational evidence is useful in providing additional information about the research site and the topic under study, and adds a "new dimension for understanding either the context or the phenomenon being studied" (Yin, 2018). Richie *et al.* (2003) argue that observation offers the researcher an opportunity to record and analyse behaviour and interaction as they occur. This enables events and actions to be 'seen' through the researcher's eyes.

In this study, the researchers visited each case study research site to conduct interviews and focus group discussions. Their observations were documented as a profile of each site following their visit and are discussed in Brief 4.

### 5.1.9 Statutory/ Policy Review

As mentioned in the section on archival records, draft policy on the recognition and regulation of CAO and CBPs in South Africa was used as another source of evidence. Bottom-up socio-legal studies are concerned with the law at the micro-level and explore how community members perceive, use and experience black letter law and the formal legal system (Banakar, 2014). Banakar (2014) explains that socio-legal studies can dislodge law from its narrow legal context and reconstruct it in its socio-cultural or historical context.

In this socio-legal study, a bottom-up approach was employed. The study aimed to deconstruct the narrow bounds of policy and instead allow study participants to contextualise their perceptions of the

policy and pending legislation in the relevant socio-cultural context. The researchers thus did not analyse the draft policies until after they had conducted interviews and focus groups with the recipients of the services provided by the CBPs. This allowed a narrative to develop from the perceptions expressed by study participants which described the socio-cultural context through which the draft legislation could be properly understood. Excerpts from the narrative were subjected to matrix analysis to allow the narrative to tell a story through the matrix and about the various sub-headings in the case study briefs. The researcher's narrative was then applied to advance story-telling through matrix analysis.

## **5.2 Benefits and drawbacks resulting from using multiple data collection methods**

The aim of collecting data using multiple methods is to ensure that the findings of the case study are supported by more than one source of evidence. Yin (2018) observes that "the most important advantage of using multiple sources of evidence is the development of converging lines of inquiry, the process of triangulation". In this study, several themes emerged across the different data methods and sources. These themes are discussed in the section on data analysis, which follows brief 8&9.

Hancock *et al.* (2021) caution that "although the opportunity to gather data from various sources is attractive because of the rigour associated with this approach, there are dangers". One is that the amount of data generated can be overwhelming to manage and analyse. Yin (2018) notes that the amount of data generated may take longer than the time provided by the study timeframe.

In this study, the amount of data generated by the use of multiple data collection method was, indeed, overwhelming, and it was time-consuming to bring the data from the ten research sites together. Ultimately it did, however, enable comparison and triangulation of the evidence.

## 6 Data Analysis

Data analysis is the process a researcher uses to reduce data to a story and its interpretation. It involves reducing large amounts of collected data to make sense of them. The first step is to code the transcribed data from the interviews and field notes to identify patterns and themes. Most analytical approaches to data analysis involve choosing themes under which the data will be labelled, sorted and compared (Richie *et al.*, 2013).

In this study, transcripts of audio-recorded data were analysed to identify overlapping themes and sub-themes. Codes were developed and applied to the textual data (Kawulich, 2004). However, the narrative from the participants was preserved as reflected in the various matrices in Briefs 7-9.

The mixed methods research design assisted the researchers in investigating the role of CBPs in the community-based justice system in rural areas of the Eastern Cape, Free State, KwaZulu-Natal, Limpopo and Mpumalanga provinces of South Africa. By combining the mixed methods design with a doctrinal legal research design (Draft Policy DoJ, 2020), a socio-legal approach enabled a comprehensive view of the topic under investigation (Yin, 2018).

### 6.1 Data analysis strategy for mixed methods research

Data triangulation uses multiple data sources to help understand a phenomenon (Yin, 2018). The qualitative and quantitative data and draft policy review were triangulated in this research.

A range of strategies and techniques are available for data analysis and a selection should be made based on the type of case study that has been conducted.

Yin (2018) identifies four general approaches that are frequently used for data analysis. The first approach is to use the theoretical propositions that framed the case study to frame the analysis. The second is to develop a descriptive framework to organise the case study. The third strategy is to combine both qualitative and quantitative data. A fourth strategy is to define and test alternative explanations. Yin (2018) also identifies five analytical techniques: pattern matching, explanation building, time-series analysis, logic models, and cross-case synthesis (Yin, 2018). Discussion of each of these strategies and technique is beyond the scope of this study; only the general and specific analytical techniques used in this study are discussed.

## **6.2 General strategies**

This study employed three data analysis techniques that are appropriate for mixed-methods research: matrix (or logical) analysis, interpretive phenomenological analysis (IPA) and specific analytical techniques.

### **6.2.1 Matrix/logical analysis**

Yin (2018) explains that matrix/logical analysis is a logical reasoning process based on the categorisation and organisation of qualitative data using word tables and matrices to highlight similarities and differences in the data across standard categories. This facilitates comparisons (often across cases) and the construction of hypotheses. The examination of word tables for cross-case patterns relies on argumentative interpretation rather than numeric tallies (Yin, 2018).

Qualitative data is transformed by creating qualitative codes and themes and counting the number of times they occur in the text data (Creswell, 2018). The researcher uses statements as themes to create an instrument grounded in the views of the participants. The researcher then unifies the themes and ideas into a practical, comprehensive interpretation of the topic (ibid).

In this study, however, matrix analysis was combined with narrative analysis: the narrative developed from study participants formulate stories in relation to the sub-headings in the case studies.

### **6.2.2 Interpretive phenomenological analysis (IPA)**

This data analysis approach focusses on understanding how participants make sense of their experiences and the meaning this holds for them. This approach is suited to qualitative methodology; most IPA work has been conducted using semi-structured interviews, which enable the participants to provide a fuller, richer account than would be possible with a standard quantitative instrument and allow the researcher considerable flexibility in probing interesting areas which emerge. Interviews are taped and transcribed verbatim and then subjected to detailed qualitative analysis to elicit key themes (Creswell, 2018).

**Defining and testing alternative explanations** was combined with the specific analytic technique of explanation-building. This study used the narrative provided by study participants and draft policy to help explain the role of CBPs in the community-based justice system in South Africa.

### **6.2.3 Specific analytical techniques**

#### **6.2.3.1 Analysis of interview data**

After each interview, notes were made on both the content and process of the meeting. Each participant was identified with a code symbol. Emerging themes and the researcher's impressions based on observation were documented. In addition to the notes, after each interview, the transcript was reviewed. Similar ideas and themes were grouped and given conceptual labels. Constant comparison was used to identify the themes in the interviews and focus groups using colour codes. This contributed to explanation-building as an analytic technique (Yin, 2018)

#### **6.2.3.2 Analysis of focus group data**

Focus group data was translated and transcribed by the researchers. This proved challenging and time-consuming. Hancock *et al.* (2021) note that, in contrast to the data derived from individual interviews, transcripts of focus group discussions "can be analysed to explore how the participants interact with and influence one another's ideas". In some focus group this interaction was captured under comments by other participants.

#### **6.2.3.3 Analysis of SA draft policy on recognition and regulation of CAOs/CBPs**

The perspectives of study participants were compared with the positions articulated in draft policy related to the regulation and recognition of CAOs and CBPs and with judicial reasoning identified in case reports to evaluate the extent to which the perceptions of the participants aligned with the draft policy that has been put forward. Data was disaggregated to facilitate the achievement of the research objectives; for example, to illustrate how African 'ways of knowing' are important to clients and instinctively understood by CBPs.

#### **6.2.3.4 Analysis of quantitative data**

In terms of quantitative data, in mixed methods studies researchers interpret the statistical results and the themes or patterns that emerge from the qualitative data (Creswell, 2018). In this study, the quantitative data were analysed by importing the organised database for 2016 to 2018 to Excel software. The total cases handled, types and outcomes of cases handled by the CBPs and services offered could be analysed and represented visually in graphs.

Second part of qualitative analysis involved quantifying the costs and benefits into a CBA. The valuation techniques and algorithms used for this cost-benefit analysis were consistent with those used in other studies (Daly *et al.*, 2017; Yeroshenko & Semigina, 2017; Domingo & Neil, 2014; Murphy & Simon, 2002).

The study applied the premise of the economics of utility maximisation to make proxies for the intangible direct and indirect costs and benefits tangible. This premise assumes that service recipients will consume CAO/CBP services as long as they find satisfaction with access to justice and legal empowerment services rendered. For example, each benefit would be linked to the hours spent on the services offered by CBPs. Each cost would be linked to another activity that manages that cost: for example, emotional stress is managed through counselling.

To convert the proxies into actual figures, the study used market and cost approaches (Murphy & Simon, 2002; Reilly, 1998). A market approach involves investigating the benefits and costs of comparable projects run by other organisations. The cost approach estimates the benefits and costs of achieving the same functionality using alternative technologies, processes or human resources. In the CCJD OSJI project, the cost approach was used to quantify intangible benefits, and the market approach was used to quantify intangible costs. This process was followed in this study.

This study applied selected elements of cost-benefit analysis methodology that draw on the method used by Coopers (2009) in its study on legal aid provision in Queensland, Australia. This study used figures and estimates for the legal and related services offered by paralegals through the CAOs. While the Coopers (2009) study was unable to use real case outcomes, this study uses actual case outcomes as demonstrated by the ten CAOs through their case reports to the extent that this information is available through existing evidence and case management strategies.

The following measures, from the period 2016 to 2018, were estimated for the purpose of the cost-benefit analysis:

- Costs avoided by the South African government due to the delivery of legal services by CAOs.
- Costs saved by service recipients.
- Socio-legal and socio-economic benefits (monetary and non-monetary) accrued to individuals served by the CAOs and CBPs.

Given that the delivery of justice is more than just a commodity, in addition to a purely quantitative analysis of costs and benefits, the study was also concerned with understanding the benefits of qualitative impacts and identifying the sites where these impacts were experienced. This qualitative data also then served to inform the cost benefit analysis.

#### **6.2.3.5 Analysis per research objective**

The interview questions and focus group guide were separated into categories consistent with the research objectives and research questions. The researcher reviewed the transcripts from the interviews and focus groups and undertook the following:

- a) Placed interview responses underneath the research questions to which they applied;
- b) Placed focus group responses opposite interview responses to show where there was agreement and where there was disagreement on the same question.

#### **6.2.3.6 Cross-case synthesis**

This technique is most useful if the study involves two or more cases – whether in the same study, or where a case is compared with at least one case from a previous study. This research involved ten case studies, each focusing on the same intervention strategy undertaken by different CBPs. A cross-case analysis was conducted in which the evidence from the ten cases was sorted into word tables.

## **7 Reliability and Validity in Mixed-Methods Research**

Quantitative and qualitative research designs serve different aims, use different approaches, and reflect different ontological and epistemological outlooks that impact how reliability and validity can be ensured in the research design. Glesne and Peshkin (1992) state that quantitative research is grounded in the positivist worldview whereby facts are observed and measured to substantiate an objective reality.

Validity relates to whether the methods used to measure a phenomenon are accurate and whether they are actually measuring what they are intended to measure (Golafshani, 2003). Reliability relates to whether the research findings could be replicated if the study was repeated using the same, or similar, methods (Lewis and Richie, 2013). It could be argued that it is neither possible, nor always desirable, to replicate a study, however.

For the quantitative component of this study, pre-existing statistical records were used to ensure reliability and validity. Rather than seeking to replicate the study or generalise the findings through the collection of primary data by means of a survey, secondary statistics on the number, type and disposition of cases handled by CBPs at each CAO during the years 2009 to 2011 were used.

For the qualitative component of the study, the researcher used the measures that have been described to ensure trustworthiness.

## **8 Ethical Considerations**

According to Lewis (2013), any research study raises ethical considerations and it is important to consider how participation might be harmful to the respondents, address this, and give participants the opportunity to consent to participate, or refuse to participate, explicitly. The risk of harm is needs careful consideration particularly in studies which address sensitive topics where participants may share information that is painful and which they have not shared freely before (ibid). Even the archiving some forms of data, such as audio recordings, could compromise anonymity and confidentiality (Lewis, 2013).

In this study, participants were given information on the study topic, the purpose of the study and how the findings of the study would be used. Participants were informed at the beginning of the interviews and focus groups that for ethical reasons informants would need to sign a form indicating that they consented to participate in the study before they could participate.

Consent forms were read aloud and explained to participants. The consent form included a clause addressing confidentiality and anonymity. Anonymity refers to ensuring that the identity of participants in the study would not be made known by the research team to anyone outside of the research team. While this was applicable to group participants in this study, the anonymity of interview participants could not be guaranteed because their names were linked to their institutions. The CBPs that participated in this study indicated that they consented for their names to be used as they wanted their voices to be heard. However, this study used a coding system to avoid the attribution of comments to participants who have been identified, in reports or presentations. As the institutions represented one of the units of analysis in this study, their names were not mentioned.

Participants were further informed of their right to withdraw from participation in the study at any time during the research process.

Ethical clearance was obtained from the Humanities & Social Sciences Research Ethics Committee at the University of KwaZulu-Natal - Ethical Clearance No: HSSREC/00002561/2021.

## 9 Limitations of the Study

This section discusses the potential limitations of this study and, in some cases, how these can be mitigated.

### *Research design and methodology*

Hancock *et al.* (2021) note that the process of choosing a research focus and methodology brings with it limitations. Creswell (2018) observes that collecting data using mixed methods can also result in particular limitations, along with the benefits to be gained; in particular, the evidence produced can be “unequal” which may complicate the interpretation of results.

### *Small sample size and generalizability*

Hancock *et al.* (2021) observe that one of the limitations of qualitative studies is that findings may not be generalisable to a larger population if the sample is small and the participants are not randomly selected. Yin (2018) argues, however, that theoretical propositions derived from comparative case studies allow for analytical generalisation

In this study, the research design enabled rich data to be collected on the experiences of rural individuals in five provinces. The sample size was limited, however, with 24 CBPs and 200 service recipients participating in total. The decision to restrict the study to five provinces and to only those CAOs using one of the four selected structural models restricted the sample size.

Due to the small sample size, the value of the study is more strongly focused on gaining a nuanced understanding of the experiences and perceptions of participants than on generalizing findings to other CBPs. The findings may, however, be transferable to other CAOs in the region.

### *Heavy resource requirements of conducting multiple case studies*

Yin (2017) cautions that a study involving multiple cases can require extensive resources and time; researchers should thus not choose to include multiple cases unless they are sure they have adequate resources.

In this study, the volume of data generated through the multiple cases made analysis and interpretation time-consuming and overwhelming.

### ***Researcher bias***

Yin (2017) also warns that a researcher might be tempted to select a case study that supports their particular interests. This may have occurred in this study because CBPs have an interest in their work gaining statutory recognition and regulation, which was the focus of the study. Yin (2017) suggests that one test of such bias is the degree to which the researcher is open to contrary findings. In this study, the researchers were open to contrary findings.

While a key strength of this study is the understanding and insight that emerged concerning rural peoples' experience with CAOs and CBPs in the context of the community-based justice system, two of the researchers have been involved in the CAO sector for more than 25 years and had interacted with the CBPs prior to the research. It is possible that their personal investment in the sector biased their views or involvement in this study. To offset this potential bias, the researchers committed to preserving the narrative of CBPs and of service recipients.

### ***Bias of participants***

During the gathering of data, the researcher's presence may have affected the participants' responses. This is often unavoidable in qualitative research. For example, Creswell (2018) points out that a limitation of mixed-method research is that it provides indirect information filtered through interviewees' views and that the researcher's presence in a focus group may give rise to biased responses.

To mitigate this risk, the researcher spent time explaining to the CBPs and focus group participants that the purpose of the study was to enhance recognition of the work of CAOs and not to measure the performance of the CBPs. The researcher also tried to generate a relaxed environment for study participants so that they would feel free to 'speak their minds'. Multiple sources of evidence and triangulation also helped to minimise any impact of the researcher's presence on the findings.

There was also the possibility that when the CBPs publicized this study in order to recruit focus group participants that they focussed on potential participants who were likely to describe the work of the CBPs in a positive light. To mitigate against this risk, data from the focus groups was compared with the quantitative data to establish whether or not they corresponded.

A preliminary study was conducted with some of the CAOs to establish a relationship of trust between the researchers and the CBPs before data collection commenced.

### ***Transferability of archival records to research context***

While archival records can be used in conjunction with other sources of information to produce a case study, Yin (2017) notes that caution should be exercised as any form of documentation not generated within the study will have been produced for a different purpose and audience and thus may not be relevant to the study, or may undermine the validity of the study if the data is not used appropriately.

### ***Exclusion of stakeholders that work directly with CBPs***

The study did not consider stakeholders' experiences working with the CAOs and their opinions on the role of CBPs in network governance and access to justice. The inclusion of stakeholders would have provided a balance to the research findings.

### ***Limited literature available on the research topic***

The existing literature deals primarily with the general work of CBPs and does not specifically investigate the interaction between CAOs, CBPs and the impact of their work in the South African context. While this limited the benefits that the study could gain from previous research, the findings of this research may help to address this gap in the literature.

### ***Limited archival and documentary data***

Administrative data was scanty and not recorded in a methodological manner. Data capture had to dig through the files and counter books with minimal information and often no action of the paralegals or outcome of the case captured.

### ***Language barriers***

Only one research team member spoke multiple languages, hence was responsible for convening all focus group meetings. The data transcription process took longer than intended as it was also difficult to find multilingual transcribers. Interviews were conducted in English as the interviewer was only fluent in English. One CBP struggled to speak English, and the audio was indecipherable. Data was thus lost in this case.

### ***Impact of COVID-19***

**Delays.** The research was conducted during the first two years of the COVID-19 epidemic. The study was delayed during lockdown periods and times at which inter-provincial travel was banned.

**Restrictions to data collection procedures.** It was too risky for the research team and participants to conduct interviews or focus groups in rooms lacking ventilation. It was mandatory for everyone to wear a mask during the interviews.

**Sickness and death of participants and researchers.** The directors of two of the CAOs and one institution – MCAN, Daliwe CAO and AULAI – died due to COVID-related illnesses. These three had been long-standing role players in the CAO/CBP sector for many years, and their views would have enriched the study. The three paralegals from MCAN could not be interviewed as they were in quarantine during the researchers' visit. The Director of PCLAC was also in quarantine.

## 10 Benefits of using a Community-Based Participatory Research (CBPR) Approach

A number of benefits were evident from using a community-based participatory research approach, as follows:

- Participants at sites to which researchers made a preliminary visit embraced the research process more fully than participants who participated only through online interviews, evidenced in the following ways:
  - they were better prepared for the data collection phase.
  - There was better organisation for focus group participation, such as transporting them bringing them to the central location.
  - Participants at one of these sites (CCL) have gone on to take the initiative to look for funding and have hired a permanent data capture.
  - The staff at these sites have implemented improved data capturing strategies for their organisation.
  - Staff at some of the sites (ACQ, LAOM, AWAT, MCAN, RACB) took the initiative to ask the research team for assistance in developing a database for their programs.
- Focus group interviews were conducted in the participants' language, enabling more robust participation.
- The research team advised participants (CBPs) on some of the issues that they were struggling with that needed immediate resolution. These cases were also discussed during focus group meetings.
- The research team was not rigid in their use of the focus group or interview questions but allowed participants to bring other issues into the discussion and discuss solutions. Questions were raised by both CBPs and service recipients.
- The research team recommended that the functional CBPs enrol in the accredited training offered by CCJD (which is funded by Old Mutual Foundation in partnership with Black Sash and CAOSA). 6 CBPs managed to enrol and complete the paralegal training during the course of the research (AWAT (2), ACQ (2), RACB (1), LAOM (1)). Others expressed interest and may be trained in the future.
- The skills and capacity of managers and CBPs was developed.
- A strong working relationship was developed between the research team and the staff of the participating COAs, which will benefit their interactions in future.

## **11 Conclusion**

The study employed a mixed-methods research design that combined quantitative and qualitative data to better describe access to justice. A descriptive, exploratory and explanatory embedded multiple case study strategy was used. Ten case studies (research sites) were identified across five provinces. The use of multiple cases allowed for a comparison of the experiences and perceptions of the CBPs and service recipients across the ten sites. This brief has covered the methods used for sampling, data collection and data analysis used in the study. Ethical considerations, limitations and benefits arising from the methodology, and issues of reliability and validity were discussed.

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