URhulumente weNtshona Koloni

EzeMfundo

ICandelo loQuquzelelo lweMigaqo-nkqubo

UMGAQO-NKQUBO WESEBE LEMFUNDO LENTSHONA KOLONI ONGOKUTSHEKISHWA NOKUNGQINISISWA KWEENKCUKACHA NEZIMO ZABANTU ABADIBANA NABAFUNDI OKANYE NAMAGOSA KWISIKOLO SIKARHULUMENTE KUMASANGO ASO OKANYE KUMSEBENZI WESIKOLO

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1. Iingcaciso-magama

Kulo mgaqo-nkqubo naliphi na igama okanye ibinzana-gama (*expression)* elinikwe intsingiselo, linaloo ntsingiselo liyinikiweyo, ngaphandle kokuba umxholo walatha okunye:

"**IRejista i-*National Child Protection Register*"** kuthetha irekhodi yazo zonke iingxelo zezenzo zokuhlukunyezwa okanye zokungakhathalelwa ngabom komntwana, zonke iingxelo ngokugwetywa kwabo bonke abantu abamangalelwe ngezenzo zokuhlukunyezwa okanye zokungakhathalelwa ngabom komntwana nazo zonke iziphumo zophando *(findings)* zenkundla yabantwana zokuba umntwana unayo imfuno yokukhathalelwa nokhuseleka ngenxa yokuhlukunyezwa nokungakhathalelwa ngabom komntwana kwakunye nerekhodi yabantu abangafanelekanga ukusebenza nabantwana;

"**IRejista yaBaphuli-mthetho bezeSondo i-*National Register for Sex Offenders***" kuthetha iziko ledatha elineenkcukacha zabantu ababekhe babanjelwa naziphi na izenzo zohlukunyezo ngokwesondo ezenziwe emntwaneni okanye kumntu okhubazekileyo ngokwasengqondweni;

“imibutho engekho phantsi kukarhulumente” kuthetha imibutho engenzi nzuzo eququzelelwe kwinqanaba lephondo, elikazwelonke nakwelamazwe jikelele nelisebenza ngokuzimeleyo kurhulumente, nelinenjongo yokubonelela ngezakhono, okanye izibonelelo kwisikolo sikarhulumente ukwenzela iinjongo zokuphucula imfundo kwiphondo;

“**umbutho ongenzi nzuzo**” kuthetha itrasti, inkampani okanye omnye umbutho wabantu—
(a) osekelwe injongo emalunga noluntu ngokubanzi; kunye
(b) nengeniso nepropati ezingenako ukwabelwa amalungu awo okanye amalungu asezikhundleni ngaphandle kokuba oko kuyimbuyiselo yeenkonzo ezenziweyo;

“**umbutho**” kuthetha iqela labantu elihlangeneyo elinenjongo ethile, efana neshishini okanye isebe likarhulumente;

“**amasango esikolo sikarhulumente**” kuthetha isakhiwo, isitraktsha, iholo, igumbi, i-ofisi, isakhiwo esinezindlu zangasese, umhlaba, indawo evaliweyo esetyenziswa luluntu, nelawula libhunga lolawulo lesikolo sikarhulumente, apho umntu wonke afikelelayo okanye ekuqheleke ukuba amkelwe kuyo, okanye anokwamkelwa kuyo;

‘umsebenzi wesikolo’ kuthetha nawuphi na umsebenzi wezemfundo osemthethweni, wezenkcubeko, wokuzonwabisa okanye wezentlalo wesikolo ngaphakathi okanye ngaphandle kwamasango esikolo;

“umntu ongafanelekanga” kuthetha umntu okhe wabanjwa, wamangalelwa okanye wagwetywa ngenxa yokwaphula umthetho njengoko kuchatshazelwe kulo mgaqo-nkqubo;

“**ukutshekishwa nokungqinisiswa kweenkcukacha nesimo somntu**” kuthetha inkqubo yokutshekisha nokungqinisiswa kweenkcukacha nesimo somntu yinkampani/ngumbutho, yiNtloko yeSebe, yinqununu, libhunga lolawulo okanye ngabanye abanegunya, ngokwalo meko kuyiyo, phambi kokumqesha okanye kokumnika imvume yokudibana nabafundi kunye/okanye namagosa kwisikolo sikarhulumente.

2. Isikhokelo semithetho esebenzayo

2.1 Isikhokelo semithetho esebenzayo kulo mgaqo-nkqubo yile:
(a) UMthetho i-*Children’s Act*, 2005 (Act 38 of 2005)
(b) UMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996;
(c) I-Criminal Procedure Act, 1977 (*Act* 51 of 1977)
(d) UMthetho i-*Criminal Law (Sexual Offences and Related Matters) Amendment Act*, 2007 (*Act* 32 of 2007),
(e) UMthetho wezeNgqesho yooTitshala (uMthetho 76 ka-1998)
(f) UMthetho i-*Nonprofit Organisations Act*, 1997 (*Act* 71 of 1997);

(g) UMthetho weBhunga looTitshala laseMzantsi Afrika, 2000 (uMthetho 31 ka-2000) (*South African Council for Educators Act, 1996 (Act 31 of 2000)*)
(h) UMthetho weZikolo zaseMzantsi Afrika,1996 (uMthetho 84 ka-1996) (*South African Schools Act, 1996 (Act 84 of 1996*),
(i) UMthetho i-*Trespass Act,* 1959 (*Act* 6 of 1959);
(j) UMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997, (uMthetho 12 1997)

3. Injongo

Injongo yalo mgaqo-nkqubo—

(a) kukukhusela abafundi kwizikolo zikarhulumente ekubeni babengamaxhoba abophuli-mthetho abafunyaniswe behlukumeza abanye ngokwesondo (*sexual offenders*) okanye abantu abangakufanele ukusebenza nabantwana njengoko kupapashiwe phantsi koMthetho:*Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007*), okanye nawo nawuphi na umthetho okanye umgaqo-nkqubo ochaphazelekayo.
(b) kukuthintela abantu abagunyaziswanga ukuba bangene kumasango ezikolo zikarhulumente.
(c) ukumisela imiqathango yothintelo ukwalela abantu abangafanelekanga ukuba bafikelele kumasango nakumagosa kwizikolo zikarhulumente okanye kwimisebenzi yesikolo.

4. Umhlaba oza kufikelelwa

Lo mgaqo-nkqubo usebenza kubo bonke abantuabaqeshwe yimibutho/zinkampani abandwendwela okanye abafikelela kubafundi kunye/okanye kumagosa kwizikolo zikarhulumente ngeenjongo zeeprogram zezemfundo, iiprojekthi okanye imisebenzi eyenziwa emva kweyokufundisa.

5. Ukutshekishwa nokungqinisiswa kweenkcukacha nezimo zabantu abandwendwela izikolo zikarhulumente

5.1 Umbutho/inkampani asuka okanye kuyo/alilungu layo umntu ondwendwele isikolo mawuqinisekise ukuba nawuphi na umntu ondwendwela isikolo sikarhulumente zitshekishiwe yaye zangqinisiswa iinkcukacha nesimo sakhe ukulungiselela ukusebenza nabafundi kunye/okanye namagosa kwisikolo sikarhulumente.

5.2 Umbutho ekubhekiswa kuwo kumhlathi 5.1, okanye umntu ololu hlobo yena siqu makafikelele:
(a) kwi-*National Register for Sex Offenders* ngokwenza isicelo sesatifikethi i-*clearance certificate* kwiSebe i-*Department of Justice and Constitutional Development*; kunye

(b) nakwi-*National Child Protection Register* ngokwenza isicelo sesatifikethi i-*clearance certificate* kwiSebe i-*Department of Social Development*

ngethuba lokugaywa komntu ololu hlobo ukuba kukho injongo yokuba asebenze okanye adibane nabantwana okanye nabantu abahlukumezeke ngokwasengqondweni, yaye izatifikethi ezo ziya kusebenza njengobungqina bokuba umntu ololu hlobo akakho kuluhlu olukwiirejista esele zikhankanyiwe.

5.3 Isikolo sikarhulumente masigcine irejista/irekhodi ehlaziyiweyo yabo bonke abantu ekuqinisekisiweyo ukuba zitshekishiwe zaye zangqininiswa iinkcukacha nezimo zabo kwimibutho echaphazelekayo.

5.4 Bonke abantu abandwendwele isikolo mabanike ubungqina besazisi yaye baya kulindeleka ukuba bakusayinele ukungena kwabo xa befika naxa bephuma kumasango esikolo. Baya kulindeleka ukuba banxibe ibheji yendwendwe esemthethweni (*official visitor's badge*) yaye mababe phantsi kweliso ngawo onke amaxesha xa bekwindawo enabafundi, ngokuxhomekeke kwiimeko ezichaphazelekayo.

5.5 Abantu abandwendwela izikolo ukuza ezintlanganisweni okanye kwimisebenzi yesikolo okanye ukuzisa iimpahla okanye ukuza kwenza imisebenzi yolungiso, abafana nabazali okanye abantu ngokubanzi basekuhlaleni okanye iinkampani, akuqhelekanga ukusoloko kutshekishwa yaye kungqinisiswa iinkcukacha nezimo zabo phambi kokuba bavunyelwe bangene kumasango ezikolo okanye kwiindawo apho kuqhubeka umsebenzi wesikolo. Nakuba kunjalo, iindwendwe ezilolu hlobo kufuneka zilawulwe ligosa lesikolo sikarhulumente yaye ukungena kwabo kwezo ndawo nokuhamba-hamba kwazo apha ngaphakathi esikolweni okanye kwindawo apho kuqhubeka umsebenzi wesikolo, zimele ukuba yindawo ekungenwa ngemiqathango kuyo njengoko kuyimfuneko. Bamele (ngokuyimfuneko):

(a) ukuhlangatyezwa/ukukhokelwa ligosa /ngummeli wesikolo;

(b) ukusayiniswa xa bengena naxa bephuma esikolweni ngamagosa esikolo

(c) ukuba kufanelekile, bavunyelwe bafikelele ngokwemiqathango kuphela kwezo ndawo zesikolo zichaziweyo;

(d) apho kufanelekileyo, bamelwe ukukhatshwa ukuhamba-hamba apha ngaphakathi kumasango esikolo ligosa lesikolo;

(e) ukuba bayekiwe abahoywa, bamele ukuba bazazise ngeebheji yeendwendwe esemthethweni ezibachaza ngokucacileyo/ngeempepha-mvume zekhontraki ii- *contractor passes* yaye ukufikelela kwabo kubafundi kumele ukuba nemiqathango ngokwenjongo yokundwendwela kwabo isikolo;

(f) ukuba ukuziswa kweempahla okanye ukulungiswa kwesakhiwo okanye imisebenzi yolondolozo lwezakhiwo, indawo abasebenza kuyo imele ukubiyelwa ukuthintela abafundi kuyo ngezizathu zezempilo nezokhuseleko.

5.6 Abantu okanye abameli bemibutho/beenkampani abaneenkcukacha ezitshekishiweyo yaye kwangqinisiswa nesimo sabo kwithuba langaphambili, njengoko kubonisiwe kwiirekhodi zangaphambili zokutshekishwa nokungqinisiswa ezigciniweyo, akuyomfuneko ukutshekishwa kwabo kwakhona ngaphandle kokuba ithuba lokutshekishwa nokungqinisisa kweenkcukacha nezimo zabo, lingaphezu kweminyaka emibini.

6. Ukungena kumasango esikolo sikarhulumente

6.1 INtloko yeSebe, iinqununu, ibhunga lolawulo okanye igosa elityunjiweyo/elinikwe lo msebenzi laso nasiphi na isikolo sikarhulumente inokuthi ngaloo maxesha amisiweyo alolu hlobo njengoko kuyimfuneko oko—

(a) ithathe amanyathelo alolu hlobo elinokuwabona njengayimfuneko ukukhusela amasango esikolo sikarhulumente, kwakunye nokukhusela abafundi namagosa esikolweni; yaye

(b) iyalele ukuba makungenwe esikolweni sikarhulumente kuphela ngokwemiqathango ekumhlathana 6.2 apha ngezantsi.

6.2 Akukho mntu uya kuthi ngaphandle kwemvume yeNtloko yeSebe, yenqununu, yebhunga lolawulo okanye yegosa elityunjiweyo/elinyuliweyo lesikolo sikarhulumente, angene kumasango esikolo sikarhulumente ngokumalunga nomyalelo okhutshwe phantsi komhlathana 6.1(a) nangenjongo yokunika imvume iNtloko yeSebe, inqununu, ibhunga lolawulo okanye ligosa elityunjiweyo/elinyuliweyo inokufuna umntu ochaphazelekayo—

(a) anike igama lakhe, idilesi kunye nayo nayiphi na ingcaciso echaphazelekayo efunwa yiNtloko yeSebe, yinqununu, libhunga lolawulo okanye ligosa elityunjiweyo/elinyuliweyo;

(b) avelise ubungqina bokuba ungubani na ukwenzela ukuba kwaneliseke iNtloko yeSebe, inqununu, ibhunga lolawulo okanye igosa elityunjiweyo/elinyuliweyo apho kuyimfuneko.

7. Abantu abophule umthetho ngokuhlukumeza abanye ngokwesondo

Umntu othe wagwetywa ngenxa yesenzo sokuhlukumeza abanye ngokwesondo okanye otyholwa ngokuba wenze isenzo sokuhlumeza abanye ngokwesondo, nokuba ngaba kungaphakathi okanye kungaphandle kwiRiphabliki yoMzantsi Afrika, noneenkcukacha zakhe ezifakiweyo kwiRejista eyi-*National Register for Sex Offenders* nakwi-*Child Protection Register* kazwelonke, akanako—

(a) ukuqeshelwa ukuba asebenze nabafundi kuzo naziphi na iimeko;

(b) ukudibana nabafundi namagosa esikolo sikarhulumente.

8. Iimeko zokufunyaniswa komntu engafanelekanga ukusebenza nabantwana

Umntu akafanelekanga ukusebenza nabantwana ukuba ugwetyiwe ngenxa yesenzo solwaphulo-mthetho esinye okanye ezingaphezulu kwezi zilandelayo:

(a) Ukubulala
(b) Ukuzama ukubulala
(c) Ukudlwengula
(d) Ukubetha ngokungafanelekanga
(e) Ukubetha
(f) Ukubetha ngenjongo yokumenzakalisa umntu emzimbeni
(g) Ukuhlukumeza omnye ngokwesondo ngokumnyanzela
(h) Ukunyanzela omnye umntu kwisenzo sokuzihlukumeza ngokwesondo
(i) Kunye nasiphi na isenzo solwaphulo-mthetho esinxulumene noku.

9. Imiba ngokubanzi

9.1 Zonke izikolo zikarhulumente mazibonise imibhalo (*signs*) ecacileyo kwisango lokungena yokuba nawuphi na umntu ongena esikolweni unako ukusetshwa ngequbuliso.

9.2 Nawuphi na umntu owophula le miqathango makakhutshwe kumasango esikolo sikarhulumente yaye unokubekwa ityala ngokwemithetho esebenzayo.

10. Ukujongisiswa komgaqo-nkqubo

Lo mgaqo-nkqubo unokujongisiswa xa kukho imfuneko yoko okanye xa zitshintshile iimeko ezifana notshintshso kwimithetho kunye/okanye kwimimiselo nakwizithintelo zebhajethi.