



**URhulumente
weNtshona Koloni**

EzeMfundo

**UMgaqo-nkqubo othi Phantsi ngeMpatho-gadalala
yaBantwana (*Abuse No More Protocol*)
weSebe leMfundo leNtshona Koloni**

Ukusingathwa ngempumelelo kweMpatho-gadalala yaBantwana,
ukuNgahoywa Ngabom kwaBantwana (*Deliberate Neglect*)
neZenzo zokuXhatshazwa ngokweSondo kwaBantwana
(*Sexual Offences against Children*)

Message from the Western Cape Minister of Education,

Debbie Schäfer

The Abuse No More document for dealing with child abuse was developed in 1999 by the WCED in co-operation with other departments and non-governmental organisations to develop a guide for the management of child abuse. The document was officially launched in 2001 by the then Education MEC, now Premier, Helen Zille. Since then various developments relating to the care and protection of children culminated in the updating of existing and promulgation of new legislation such as the Children's Act, 38 of 2005, Sexual Offences and Related Matters Act, 32 of 2007, Child Justice Act, 75 of 2008. This has also resulted in amendments to WCED policies. For this reason the child abuse protocol document needed to be amended to be in alignment with the relevant legislation and policy documents.

Child abuse, deliberate neglect and sexual offences against children are serious challenges that currently exist in communities and educational institutions throughout South Africa. Because of their high prevalence this protocol has been developed to help institutions, employees and learners of the Western Cape Education Department (WCED) to deal with the problem in the most efficient and effective way.

Intervening effectively in the lives of children and their families that are victims of abuse is not the sole responsibility of any single agency or professional group, but rather is a shared community concern. Educators have a special role to play in dealing with this problem, along with doctors, nurses and social workers. In fact, people in these professions are required by law to respond to signs of child abuse.

I particularly welcome the focus on minimising trauma to victims by ensuring that they do not have to repeat the details of the traumatic incident, and ensuring that evidence is collected in the best possible way to maximise the chances of successful convictions.

I wish to thank all WCED staff and other parties including government departments and NGO's involved for their hard work in drafting our new policy document.

Child protection is the moral responsibility of every WCED employee - indeed of every member of society. The WCED therefore supports the policy and procedures in this document and encourages co-operation to ensure the achievement of their objectives.



Debbie Schäfer, MPP
Minister of Education
October 2014

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ICandelo 1

1.1 Intshayelelo

Impatho-gadalala yabantwana, ukungahoywa kwabantwana ngabom nezenzo zokuxhatshazwa ngokwesondo kwabantwana ziingxaki ezixhomis' amehlo ezikhoyo njengangoku olujongene nazo uluntu ekuhlaleni nakumaziko emfundo kuMzantsi Afrika ngokubanzi. Ngenxa yokuxhaphaka kakhulu kwezi zenzo, kuye kwenziwa lo mgaqo-nkqubo ukunceda amaziko, abaqeshwa nabafundi beSebe leMfundo leNtshona Koloni (iSebe iWCED) bakwazi ukusingatha le ngxaki ngeyona ndlela inobuchule nempumelelo.

linkqubo zokuxela eziqulethwe kulo mgaqo-nkqubo zingasetyenziswa ngabafundi, ngootitshala, ngabaqeshwa, ngabazali, ngabanonopheli okanye nanguye nawuphi na omnye umntu. Bonke abaqeshwa beSebe iWCED mabaqinisekise ukuba banolwazi olupheleleyo ngokuqulethwe ngulo mgaqo-nkqubo yaye bayaziqonda kakuhle iindima zabo ekulweni izenzo zempatho-gadalala nokuxhatshazwa ngokwesondo kwabantwana.

Ukusingathwa ngempumelelo kwezi ngxaki kunokufikelelwa kuphela ukuba ngaba ezi nkqubo zisekelwe kwisiseko semithetho eluqilima. Ngako oko, ekuqulunqeni lo mgaqo-nkqubo, yonke imithetho echaphazelekayo malunga nabantwana ithathelwe ingqalelo yaye isetyenzisiwe. Le mithetho igxininisa uxanduva olungumsebenzi osemagxeni wootitshala abanokukrokrela okanye abasingethe ukuxelwa kwempatho-gadalala yabantwana nezenzo zokuxhatshazwa ngokwesondo kwabantwana, nomsebenzi oluxanduva olunyanzelekileyo wootitshala wokuba bazixele izenzo ezi lolu hlobo ngendlela emiselweyo.

Olu xwebhu lukwagxininisa umsebenzi wenqununu wokuphumeza, wokusingatha nokugcina umgaqo-nkqubo kunye neenkqubo ezichazwe kolu xwebhu ngohlobo lokuba kugcinwe kuyimihlo nokuba kusoloko kugcinwe ezo zinto zilungiselela umfundi ngeyona ndlela ibhetele ngawo onke amaxesha.

1.2 Injongo nomhlaba oza kufikelelwa

1.2.1 Injongo yalo mgaqo-nkqubo:

- (a) kukuncedisa bonke abafundi abangamaxhoba okanye abenzi bempatho-gadalala yabantwana (*perpetrators of child abuse*) ukungahoywa ngabom kwabo okanye nasiphi na isenzo sokuxhatshazwa ngokwesondo kwabantwana
- (b) kukumisela nayiphi na indlela yokuba ootitshala nabaqeshwa beSebe leMfundo neNtshona Koloni -
 - (i) baqaphele;
 - (ii) bangenelele ngoncedo;
 - (iii) baxele; yaye
 - (iv) banike inkxaso kwiimeko zokuphathwa gadalala kwabantwana, ukungahoywa ngabom kwabo nokuba babanike inkxaso abantwana abangamaxhoba ezenzo zokuxhatshazwa ngokwesondo.

1.2.2 Lo mgaqo-nkqubo usebenza kuzo zonke izikolo zikarhulumente kwiSebe leMfundo leNtshona Koloni

1.3 Isikhokelo seMithetho esetyenzisiweyo

1.3.1 UMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996

1.3.2 I-Child Justice Act, 2008 (Act 75 of 2008)

1.3.3 I-Children's Act, 2005 (Act 38 of 2005)

1.3.4 I-Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007)

1.3.5 UMthetho woMgaqo-nkqubo weMfundo kaZwelonke, 1996 (uMthetho ka-27 1996) (National (Education Policy Act, 1996 (Act 27 of 1996))

1.3.6 UMthetho weZikolo zaseMzantsi Afrika, 1996 (uMthetho 84 ka-1996) (South African Schools Act, 1996 (Act 84 of 1996)

1.3.7 UMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997) (Western Cape Provincial School Education Act, 1997 (Act 12 of 1997)

1.3.8 UMthetho wezeNgqesho yooTitshala, 1998, (uMthetho 76 ka-1998); (Employment of Educators Act, 1998 (Act 76 of 1998)

1.3.9 UMthetho weNkonzo kaRhulumente, 1994 (IsiBhengezo 103 sika-1994) (Public Service Act, 1994 (Proclamation 103 of 1994))

1.3.10 I-SAPS National Instructions 3 of 2008 (Part 4)

1.3.11 I-Inclusive Education White Paper 6, 2001

1.3.12 I-Ethical Code for Educators, SACE

1.3.13 I-Public Service Code of Conduct

1.3.14 Policy on HIV/AIDS for Learners and Educators and Students and Educators in Further Education and Training Institutions, kwiGazethi kaRhulumente 20372, ye-10 Agasti 1999

1.3.15 UMgaqo-nkqubo ongoKuhamba iSikolo kwaBafundi (ISetyhula 29 ka-2010)

1.3.16 IMimiselo ePhathelele kuLuleko, ukuNqumamisa nokuGxotha aBafundi kwiZikolo zikaRhulumente eNtshona Koloni, kwiGazethi yeSikhawu yePhondo leNtshona Koloni No. 6939, 15 Disemba 2011, eNtshona Koloni, iSetyhula yeSebe leMfundo 0018 ka-2012 (Regulations relating to disciplining, suspension and expulsion of learners in Public Schools in

- 1.3.17 UMgaqo-nkqubo ongoKulawulwa kokuKhulelwa kwaBafundi kwiZikolo zikaRhulumente kwiSebe leMfundo leNtshona Koloni (*Policy on Management of Learner Pregnancy in Public Schools, Western Cape Education*), iSetyhula 0121 ka-2003

ISiqendu 2

2. Iingcaciso-magama

Kulo mgaqo-nkqubo naliphi na igama okanye ibinzana elinikwe intsingiselo, lihlala linaloo ntsingiselo liyinikiweyo ngaphandle kokuba umxholo ophethweyo walatha okunye, –

“umaphuli-mthetho ongumfundi otyholwayo” kuthetha umfundi omangalelweyo;

“impatho-gadalala yabantwana” kuthetha naluphi na uhlobo lokwenzakaliswa ngabom okanye lokungcungcuthekiswa ngabom okwenziwa emntwaneni, yaye kubandakanya

- ukubetha umntwana okanye ukumenzakalisa ngabom umntwana nangaluphi na olunye uhlobo;
- ukumxhaphaza ngokwesondo umntwana okanye ukuvumela ukuba umntwana axhatshazwe ngokwesondo;
- ukubhulishwa komntwana ngomnye umntwana;
- ukusetyenziswa kwabantwana ngendlela yokubaxhaphaza
- ukubeka umntwana esichengeni sokuba abone okanye abe kwindawo enokumenzakalisa ngokwasengqondweni okanye ngokweemvakalelo;

“ukuxhatshazwa ngokwesondo ngenjongo yezoshishino (commercial sexual exploitation)” ngokunxulumene nomntwana kuthetha

- ukuthengiswa komntwana ukuba enze imisebenzi yezesondo ngenjongo yokufumana imali, okanye omnye umvuzo kubandakanywa nezenzo zokuthengisa ngomzimba (*prostitution*) okanye izenzo zokwenza nokusasaza imifanekiso yamanyala (*pornography*), kungakhathaliseka nokuba kukho mvuzo ofunyanwayo ohlawulwa okanye ekwabelwana ngawo nomthengisi, nomntwana, nomzali okanye nomnonopheli womntwana, okanye naye nabani na omnye umntu; okanye
- ukuxwilwa kushishinwe ngomntwana (*trafficking a child*) ukwenzela ukuba asetyenziswe kwimisebenzi yezesondo kubandakanywa nokuthengisa ngomzimba nokwenza nokusasaza imifanekiso yamanyala (*prostitution or pornography*);

“ukohlwaya ngokubetha” kuthetha “Nasiphi na isenzo sangabom esenziwa emntwaneni esimvisa iintlungu okanye ukuphatheka kakubi emzimbeni esisetyenziselwa ukumohlwaya okanye ukumlawula. Oku kubandakanya kodwa kungaphelelanga koku: ukumbetha (*spanking*), ukumqhwaba (*slapping*), ukumtsweba (*pinching*), ukumphaxula (*paddling*); ukumalela okanye ukumqingqela amathuba okuya ethoyilethi, ukumvimba ukutya, into eselwayo, ubushushu nendawo yokufaka intlolo, ukumtyhala okanye ukumtsala umntwana ngamandla, ukumnyanzela umntwana enze imithambo.”;

“ukungahoywa komntwana ngabom” ukulungiselela iinjongo zolu xwebhu kunxulumene neSiqendu 110 se-*Children’s Act, 2005 (Act 38 of 2005)*;

“unontlalontle oqeshiweyo” kuthetha unontlalontle oqeshwe –

- liSebe loPhuhliso lwezeNtlalo yoLuntu;
- ngumbutho obhalisiweyo wokhuseleko lwabantwana, ofana ne-ACVV (*Afrikaner Christelike Vroue Vereeniging*), neChild Welfare okanye i-Badisa; okanye
- ngumasipala;

“utitshala” kuthetha nawuphi na umntu, kungabandakanywa umntu oqeshwe ngokukodwa ukuba enze imisebenzi eyenziwa emva kweyokufundisa, ofundisa aqeqeshe abanye abantu okanye obonelela ngeenkonzozo zemfundo ezibandakanya unyango lweengcali eziqeqeshiweyo neenkonzozo ii-*educational psychology services*, esikolweni,

“umqeshwa” kuthetha

- utitshala njengoko echaziwe apha ngentla;
- ilungu elingumsebenzi wasehostele;
- ilungu elingumsebenzi ongumabhalane;
- ilungu elingumsebenzi weenkonzozo zokunika inkxaso ukufunda nokufundisa okanye umsebenzi oqeshwe phantsi kwemvumelwano (*contract worker*), kwakunye naye nawuphi na utitshala oqeshwe phantsi koMthetho wezeNgqesho yooTitshala, 1998 (uMthetho 76 ka-1998); okanye
- ilungu elingumsebenzi weenkonzozo zokunika inkxaso ukufunda nokufundisa okanye umsebenzi oqeshwe phantsi kwemvumelwano (*contract worker*), oqeshwe phantsi koMthetho weNkonzo kaRhulumente, 1994 (uMthetho 103 ka-1994) kunye/okanye oqeshwe libhunga lolawulo lesikolo;

“EzoBudlelane eMsebenzini” kuthetha iCandelo lezoBudlelane eMsebenzini leSebe iWCED;

“igosa lezobudlelane emsebenzini” kuthetha iiprakhishina kwiCandelo lezoBudlelane eMsebenzini kwi-Ofisi kaNdlunkulu yeSebe iWCED ezenza umsebenzi wokuphanda ngokuziphatha kakubi komqeshwa nokuqalisa iingxoxo zoluleko ezimalunga nokuziphatha kakubi kotyholwa ngempatho-gadalala oqeshwe liSebe iWCED;

“iziko” kuthetha isikolo sikarhulumente esiqhelekileyo, isikolo semfundo eneemfuno ezizodwa okanye naliphi na iziko eliphantsi kolawulo lweSebe iWCED. “isikolo” kuthetha isikolo sikarhulumente okanye isikolo esizimeleyo esibhalisa abafundi ukususela kwiBakala R (*Reception*) ukuya kwiBakala leshumi elinambini;

“umfundi” kuthetha nawuphi na umntu ofumana imfundo okanye ekunyanzelekileyo ukuba afumane imfundo ngokoMthetho weZikolo zaseMzantsi Afrika;

“ixhoba elingumfundi” kuthetha umntu otyhola omnye ngempatho-gadalala yomntwana kunye/okanye ukuxhatshazwa ngokwesondo komntwana ngomnye umntu okanye ngomnye umntwana;

“ukungahoywa” ngokubhekiselele kubantwana, kuthetha ukungaphumeleli komzali kumsebenzi wakhe wokuba ngumzali wokunika umntwana iimfuno eziphambili ngokwasemzimbeni, ngokwasengqondweni, ngokweemvakalelo okanye ngokwasentlalweni;

“umzali” kuthetha –

- (a) umzali okanye umgcini womfundi;
- (b) umntu onelungelo ngokomthetho lokugcina umfundi, okanye
- (c) umntu ovumayo ukuphumeza iimfanelo zomntu ezichazwe kwimihlathi (a) no (b) ngemfundo yomfundi osesikolweni;

“inqununu” kuthetha utitshala oqeshwe okanye obambele njengentloko yesikolo;

“SAPS” kuthetha i-South African Police Services;

“ibhunga lolawulo lesikolo” kuthetha iqumrhu elisemthethweni elithweswe umsebenzi wokuphatha isikolo sikarhulumente yaye linokwenza kuphela loo misebenzi nezo mbopheleleko zilolu hlobo yaye lisebenzise loo malungelo amiselwe nguMthetho weZikolo zaseMzantsi Afrika;

“ikomiti yolawulo yesikolo” kuthetha ikomiti yolawulo yesikolo eyenziwa yiNqununu, uSekela-nqununu neeNtloko zeZifundo ezindima zazo zicaciswa njengezokuncedisa nowokunika inkxaso iNqununu ekulawuleni isikolo;

“unontlalontle wesikolo” kuthetha unontlalontle oqeshwe liSebe iWCED nobhalisiweyo phantsi kwe-Section 17 of the Social Service Professions, 1978 (Act 110 of 1978);

“ukuxhaphaza ngokwesondo” [njengoko kuchaziwe kwi-Children’s Act, 2005 (Act 38 of 2005)], ngokunxulumene nomntwana kuthetha –

- (a) ukuhlukunyezwa ngokwesondo (*sexually molesting*) okanye ukwenzakalisa umntwana ngokwesondo okanye ukuvumela umntwana ukuba axhatshazwe okanye enzakaliswe ngokwesondo;
- (b) ukukhuthaza, ukubangela okanye ukunyanzela umntwana ukuba asetyenziswe njengento eyanelisa omnye umntu ngokwesondo (*sexual gratification of another*);
- (c) ukusebenzisa umntwana okanye ukwenza ngabom ukuba abone izenzo zezesondo okanye imifanekiso yamanyala (*sexual activities or pornography*); okanye
- (d) ukuthengisa okanye ukuvumela umntwana athengiselwe iinjongo zokuxhatshazwa ngokwesondo (*commercial sexual exploitation*) okanye nangayiphi na enye indlela yokuthatha inxaxheba okanye yokuncedisa ekuxhatshazweni komntwana ngokuthengiselwa iinjongo zezesondo.

“izenzo zolwaphulo-mthetho ngokuxhaphaza ngokwesondo” kuthetha izenzo zolwaphulo-mthetho ngokubanzi nolwaphulo-mthetho oluthile olwenziwa kubantwana nakubantu abakhubazekileyo (makujongwe isiHlomelo D ukufumana inkcazo ebanzi yezi zenzo zolwaphulo-mthetho).

ISiqendu 3

3. AMANYATHELO OKUSINGATHA IINKQUBO ZOKUXELA IZENZO ZEMPATHO-GADALALA

Ukungiselela iimfuno zomntwana ngeyona ndlela ibhetele (olixhoba okanye ongumoni) kuya kuba yeyona nto yongameleyo neya kuthi ilawule ukuba le nkqubo iqhutywa njani na xa kusenziwa ingxelo ngesenzo sempatho-gadalala yabantwana, ukungahoywa ngabom kwabantwana nokuxhatshazwa kwabo ngokwesondo. Imithetho yaseMzantsi Afrika igxininisa uxanduva lokuxela yaye ukungaphumeleli ukwenjenjalo sisenzo solwaphulo-mthetho.

3.1 Ukuxela okunyanzelekileyo (*Compulsory Reporting*)

3.1 (a) ISiqendu 54 se-*Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007)*

- (i) Ngokwesi siqendu wonke umntu unoxanduva lokuxela;
“Ulwazi lokuba isenzo solwaphulo-mthetho sokuxhaphaza ngokwesondo senziwe emntwaneni” okanye
“Ulwazi, ukukholelwa okuxhaswa zizizathu ezithile okanye ukukrokrela ukuba isenzo solwaphulo-mthetho sokuxhaphaza ngokwesondo senziwe kumntu okhubazeke ngokwasengqondweni”;
- (ii) Oku kuxela makwenziwe ngoko nangoko; yaye
- (iii) Makuxelwe kwipolisa.
- (iv) Ukungakuxeli oku phantsi kwesi siqendu, sisenzo solwaphulo-mthetho (iSiqendu 54 1(b) no-2(b)).
- (v) Isohlwayo sokungaxeli siya kuba kukuhlawula imali (*fine*) okanye ukuvalelwa entolongweni (*imprisonment*) iminyaka emi-5 okanye zombini, ukuhlawula imali (*fine*) nokuvalelwa entolongweni.
- (vi) Apho kuthi kuxelwe ‘isenzo ngokunyanisekileyo nangentembeke’ ngokunxulumene neSiqendu 2(b), (“ukukholelwa okususela kwizizathu ezivakalayo okanye ekukrokreleni ukuba senzekile isenzo sokuxhatshazwa ngokwesondo komntu okhubazeke ngokwasengqondweni”), loo mntu akayi kubekwa tyala amangalelwe kwityala lembambano (*civil*) okanye amangalelwe kwityala lesizi (*criminal*) ngenxa yengxelo elolu hlobo.
- (vii) U-Part 4 we-*SAPS National Instruction 3/2008* ucacisa ukuba ngubani na onokuxela isenzo sokuxhatshazwa ngokwesondo yaye ugxininisa ukuxelwa okunyanzelekileyo phantsi kweSiqendu 54 soMthetho 32 ka-2007.
- (viii) Kubalulekile ukuqaphela ukuba ngokwale *National Instruction*, ipolisa le-*SAPS* alinakugxotha nabani na oxela ukuba isenzo sokuxhatshazwa ngokwesondo senziwe emntwaneni okanye kumntu okhubazeke ngokwasengqondweni.

(b) ISiqendu 110 (1) se-*Children’s Act, 2005 (Act 38 of 2005)* (njengoko ufakelwe izilungiso)

- (i) Ngokwesi siqendu abantu abathile abanemfundo yoqeqesho umz. “utitshala”, unoxanduva lokuxela (Makujongwe isiHlomelo F ukufumana uluhlu olupheleleyo);
- (ii) Makubekho izizathu ezivakalayo zokuba kufikelelwe kwisigqibo sokuba umntwana uphethwe gadalala ngohlobo olubangela ukwenzakala kwakhe emzimbeni, ukuxhatshazwa kwakhe ngokwesondo okanye ukungahoywa ngabom;
- (iii) Isigqibo masixelwe kwifom emiselweyo (uFom 22); yaye
- (iv) Masixelwe kwiSebe loPhuhliso lwezeNtlobo yoLuntu lePhondo okanye kwiPolisa
- (v) Ukungakuxeli oku phantsi kwesi siqendu, sisenzo solwaphulo-mthetho. ISiqendu 305 (1) (c) sicacisa ukuba loo mntu unetyala lolwaphulo-mthetho ukuba loo mntu akaphumeleli ukuthobela iSiqendu 110(1).

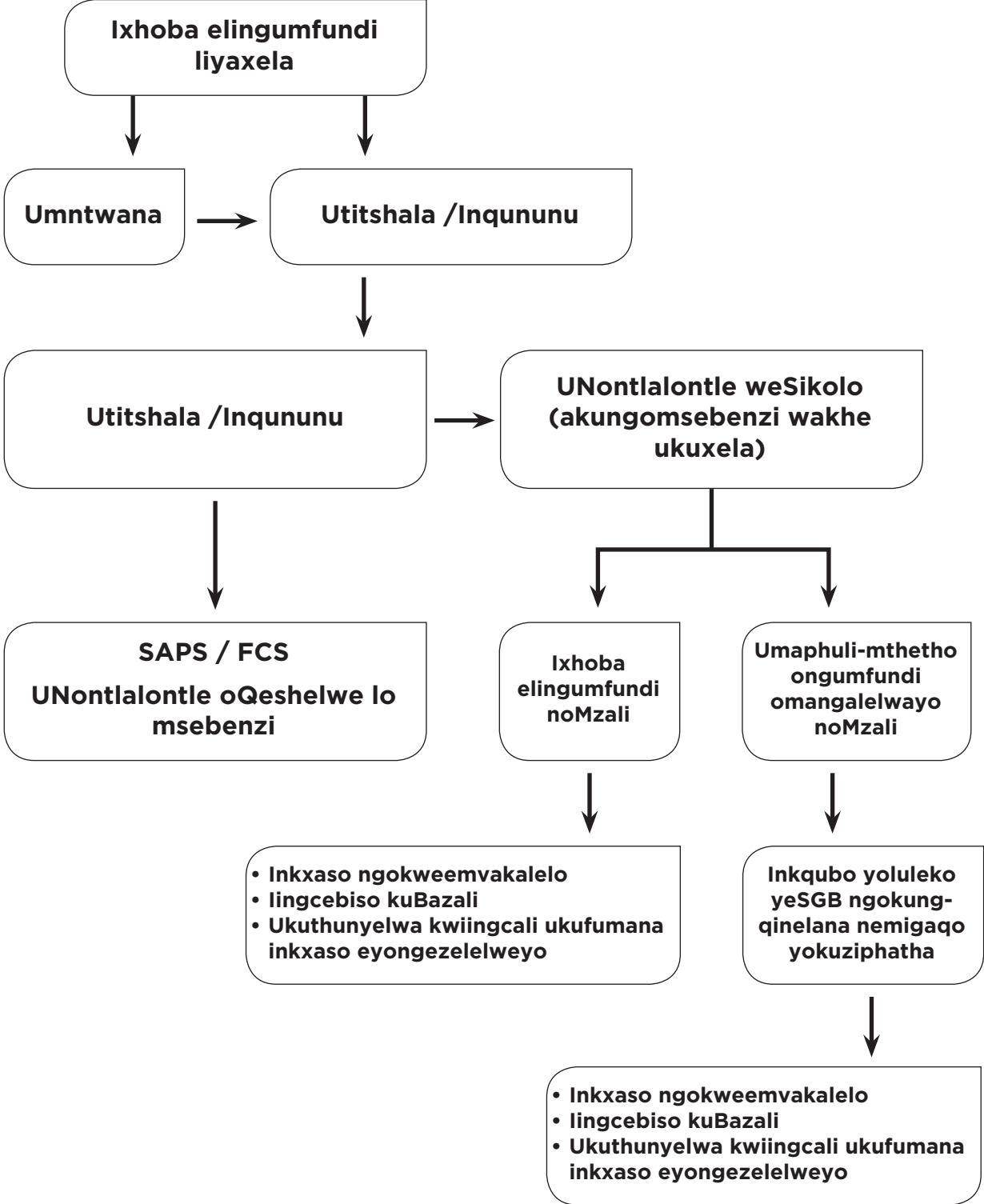
(c) ISiqendu 110 (2) se-Children's Act, 2005 (Act 38 of 2005) (njengoko ufakelwe izilungiso)

- (i) Ngokwesi siqendwana "Nabani na" othi ngenxa yezizathu ezivakalayo akholelwe ukuba umntwana ufuna unonophelo nokhuseleko"; unokukuxela ukukholelwa kwakhe okunganyenzelekanga; ngokoluvo lwakhe); kwiSebe loPhuhliso lwezeNtlalo yoLuntu lePhondo, kumbutho wokhuseleko lwabantwana okanye kwipolisa".
- (ii) Akukho sohlwayo kwesi siqendu ngenxa yokuba akunyanzelekanga ukuba sixelwe isenzo.
- (iii) Impatho-gadalala ngokwe-*Children's Act* ikhokelela ekubeni ubani enze isigqibo sokuba makuxelwe kubani na ukuphathwa gadalala kwabantwana umzekelo kwi-SAPS okanye kunontlalontle oqeshiweyo (*designated social worker*), kodwa oko akunxulumene nokuxelwa kanye kwesenzo solwaphulo-mthetho.
- (iv) Kwimeko yokuxhatshazwa ngokwesondo komntwana, i-SAPS (*FCS Unit*) mayidlale indima yayo.

3.2 Ukuxela

- 3.2
- (a) Ngalo lonke ixesha lungiselela iimfuno zomntwana ngeyona ndlela ibhetele.
 - (b) Ukuxela kuyinkqubo yaye ke ngoko makwenziwe ngenyameko, kuphathwe njengomcimbi o-ethe-ethe yaye kube yimfihlo.
 - (c) Ngexesha lokuxela, cacisa ukuba yimfihlo kwako yaye chazela iziphumo zokuxela ixhoba elingumfundi, o.k.t. ukwenzela ukuba umncede, unyanzelekile ngokomthetho ukuba ukuxele oku kwabanye abathathi-nxaxheba abafana nonontlalontle kunye/okanye ne-SAPS.
 - (d) Qinisekisa ngokhuseleko lomntwana.
 - (e) Amanyathelo nongenelelo ngoncedo makabe ngakhawulezileyo (kuqukwa nokuxelwa kwalo mba kwi-SAPS kunye/okanye kunontlalontle oqeshelwe lo msebenzi.
 - (f) Ulawulo ngempumelelo lwale nkqubo luya kuqinisekisa ukuba umfundi olixhoba, umaphuli-mthetho ongumfundi otyholwayo nomqeshwa bakhuselekile kumothuko omkhulu ongaphezulu nongeyomfuneko nasekubeni babe ngamakhoba ale meko, njengoko imeko inganjalo.
 - (g) Ngethuba lenkqubo yokuxela, umfundi olixhoba makangaze naphantsi kwazo naziphi na iimeko abuzwe imibuzo yokungqinisisa ubunyani besityholo, ngenxa yokuba indima katitshala /yenqununu kukwamkela nje kuphela ingxelo nokuwugqithisela lo mbandela kwiSAPS okanye kunontlalontle onyuliweyo, njengoko imeko inganjalo.
 - (h) Kwanele ukwazi ukuba senzekile isenzo sempatho-gadalala, loluphi uhlobo lwempatho-gadalala nokuba ngubani na umenzi wobubi okrokrelwayo (suspected perpetrator), ukwenzela ukuba kuthathwe isigqibo sokuba kulandelwe eyiphi na inkqubo neya kuthi iyilawule ngokufanelekileyo inkqubo yokuxela.
 - (i) Ukuba kuxelwe kutitshala aze utitshala axele kwinqununu, ngako oko ke inqununu mayingambuzi umfundi kwakhona koko mayithi kwangoko incedise ngokuba kufakwe abathathi-nxaxheba abachaphazelekayo.
 - (j) Ulawulo lwenkqubo yokuxela malube lolukhawuleza kakhulu yaye makungabikho kulibaziseka ekufakeni abathathi-nxaxheba abachaphazelekayo umz. i-SAPS yaye makuqhagamshelwane ne-DSD kwangolo suku lokuxela.

**Umzobo 1: INKQUBO YOKUXELA -
Ukuxela komfundi komnye umfundi**



3.3 Ukuxela komfundi komnye umfundi

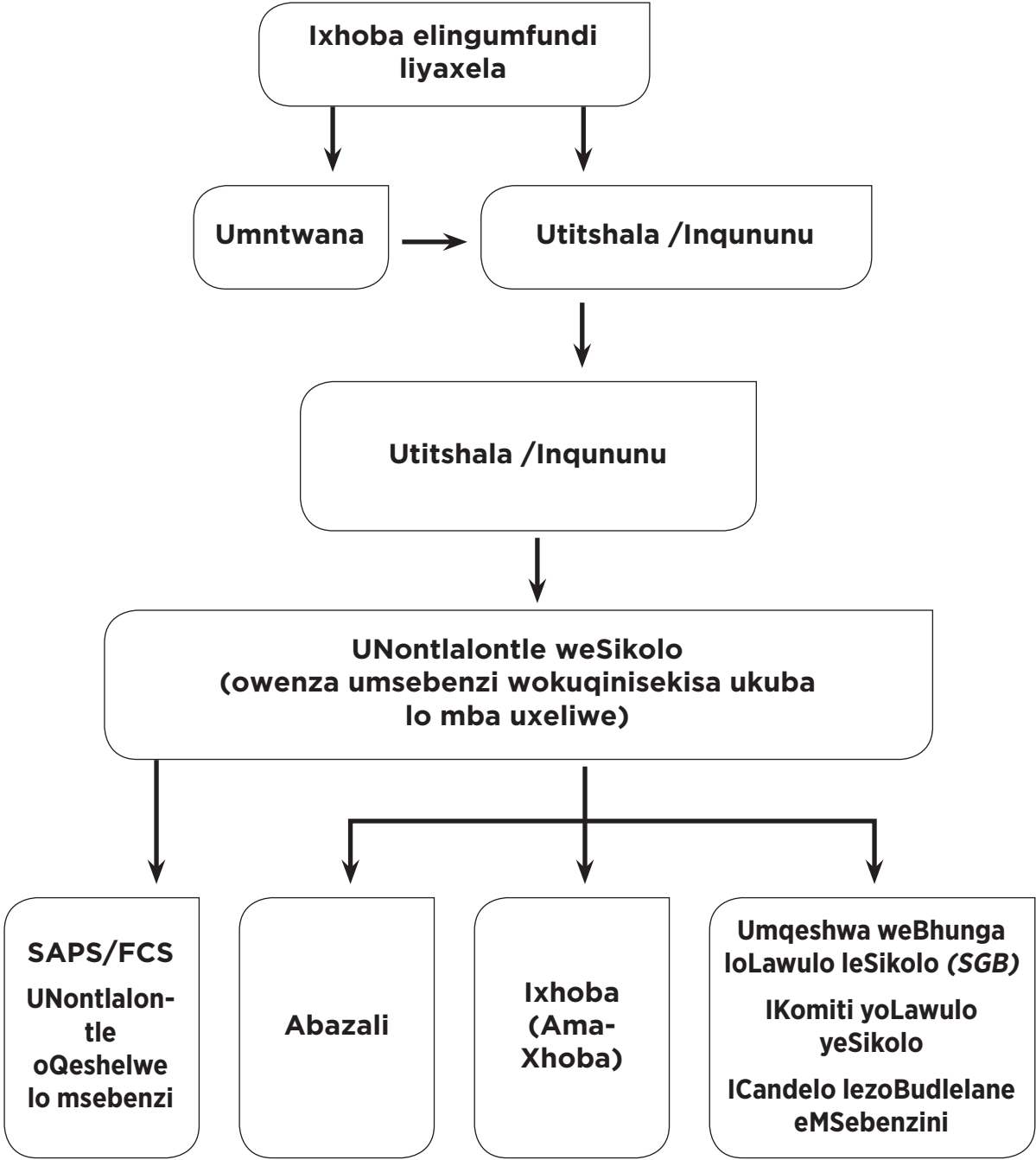
- (a) Ukuxela kunokwenziwa ngumfundi olixhoba nokuba kukomnye umntwana (umfundi) [oya kuthi yena emva koko axelele utitshala] okanye umfundi olixhoba unokuxelela ngqo utitshala.
- (b) Umfundi olixhoba makangagocwagocwa ngemibuzo. Kuphela fumana ingcaciso efanelekileyo ngeenjongo zokunika ingxelo.
- (c) Cacisa ngenkqubo eya kulandela neendima ezahlukeneyo nezinto eziluxanduva lomthathi-nxaxheba ngamnye nezizathu zokuba kufuneka bekho kule nkqubo.
- (d) Kwakubanje kuxeliwe, yazisa ngoko nangoko aba bathathi-nxaxheba balandelayo:
 - (i) I-SAPS ([FCS] Family Violence Child Protection and Sexual Offences Unit) kwikheyisi yesenzo sokuxhaphaza ngokwesondo (*sexual offence*);
 - (ii) unontlalontle oqeshiweyo kwisenzo sempatho-gadalala engekoxhatshazwa ngokwesondo;
 - (iii) unontlalontle osengingqini yakho; kunye
 - (iv) nabazali bobabini, owomfundi olixhoba kwakunye nowomfundi otyholwa ngesenzo sokuxhaphaza ngokwesondo.
- (e) Umntwana (umfundi) oxhaphaza omnye umfundi ngokwasemzimbeni makaxelwe ngendlela emiselweyo kunontlalontle oqeshelwe loo msebenzi okanye emapoliseni xa ukuxhatshazwa ngokwasemzimbeni kulolu hlobo:
 - (i) kusetyenziswe isixhobo esiyingozi komnye umfundi okanye kutitshala/kumsebenzi;
 - (ii) kwenziwe isenzo sokubetha;
 - (iii) ukoyikisa okanye ukubeka engozini ukhuseleko lwabafundi afunda nabo okanye lootitshala; yaye
 - (iv) nokusoloko efaneka enetyala lokwenzakalisa ngokwasemzimbeni abanye abafundi.
- (f) Ukuba ulwaphulo-mthetho belunyasha imigaqo ye-School's Learner Code of Conduct, the Regulations Relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape (Provincial Gazette 6939, dated 11 December 2011) okanye nawuphi na omnye umthetho, makulandelwe amanyathelo ezoluleko, njengoko kuchaziweyo kule Mimiselo ilapha ngasentla.
- (g) I-Learner Code of Conduct mayimisele umqathango ngesenzo solwaphulo-mthetho.
- (h) Unontlalontle wesikolo makancedise ekusingatheni nasekukhokeleni inkqubo ukuqinisekisa ukuba bobabini abafundi bafumana inkxaso ngeli thuba.
 - (i) Abatyholwa ngezenzo zolwaphulo-mthetho abaselula ngeminyaka mabanikwe inkxaso.
 - (j) Inkxaso elolu hlobo mayibonwe njengelingelokuthintela lowo utyholwa ngokwenza isenzo solwaphulo-mthetho ekubeni angenzi ezinye izenzo zokuxhaphaza ezingaphezulu.
- (k) Umfundi otyholwa ngokuxhaphaza ngokwesondo makagqithiselwe kubathathi-nxaxheba abachaphazelekayo ukunika inkxaso ngokwasemoyeni nakwezonyango (*therapy*).
- (l) Kubalulekile ukuqinisekisa ukuba unontlalontle okanye i-SAPS bathatha inxaxheba ngoko nangoko, ngokuxhomekeka kwindlela ekuxhomis' amehlo ngayo ukuxhaphaza.
- (m) Umfundi olixhoba makagqithiselwe kwiingcali zokunika ingcebiso kunye/okanye ukunika inkxaso ngokwasengqondweni nangokwasentlalweni yoluntu (*counselling and/or psycho-social support*) ngunontlalontle wesikolo apho oko kunako ukwenzeka.

3.4 Isikhokelo esimalunga nokuthatha amanyathelo oluleko ngomfundi otyholwa ngolwaphulo-mthetho

- (a) I-Learner Code of Conduct mayimisele umqathango ngesenzo solwaphulo-mthetho (ngezenzo zolwaphulo-mthetho).
- (b) Inkqubo yezoluleko, engqinelaniswe neMimiselo eMalunga noLuleko, ukuNqunyanyiswa kunye nokuGxothwa kwaBafundi eZikolweni zikaRhulumente eNtshona Koloni (Gazethi yePhondo 6939, yomhla we-11 Disemba 2011 (*Regulations Relating to Disciplining, Suspension and Expulsion of Learners at Public Schools*) (Provincial Gazette 6939, dated 11 December 2011), ingaqhubeka kuphela ukuba kukho ukwaphulwa kwe-Learner Code of Conduct yesikolo okanye komnye umthetho.
- (c) Kwimeko apho umfundi olixhoba nomfundi otyholwa ngolwaphulo-mthetho bakwisikolo esinye, lowo utyholwa ngolwaphulo-mthetho unokunqunyanyiswa iintsuku ezisi-7, elindele iingxoxo zokuthethwa kwetyala.
- (d) Iingxoxo zokuthethwa kwetyala maziqhubeke ngokwenkqubo emiselweyo, kwiMimiselo njengoko ikhankanywe kumhlathana 3.4(b).
- (e) Kufuneka kuhlontshwe ilungelo lomfundi ngamnye lokuthethwa kwetyala ngendlela engenamkhethe nangokufanelekileyo.
- (f) Le migqaliselo kufuneka kwakhona isetyenziswe kwindlela iingxoxo eziqhutywa ngayo.
- (g) Ekuthatheni esona sigqibo sifanelekileyo nelona nyathelo lifanelekileyo, makuthathelwe ingqalelo:
 - (i) Iminyaka yobudala nesigaba sokukhula komfundi;
 - (ii) Irekhodi yokuziphatha yomfundi nokuzimisela kwakhe ukutshintsha;
 - (iii) Ukuzisola komfundi nokuzimisela kwakhe ukulungisa isenzo solwaphulo-mthetho; kunye
 - (iv) Neengcebiso ezivela kubaboneleli-nkonzo abaqeqeshelwe umsebenzi abanika inkxaso umfundi otyholwa ngempatho-gadalala.

- (h) Bobabini, umfundi olixhoba nomfundi otyholwa ngesenzo solwaphulo-mthetho, banelungelo lokumelwa ligqwetha ukuba bakhethe ukumelwa ngolo hlobo.
- (i) Khumbula maxa onke ukubeka phambili ezona zinto zilungiselela iimfuno zomntwana bhetele.

**UMZOBO 2: INKQUBO YOKUXELA -
Ukuxelwa komqeshwa weSebe iWCED ngumfundi**



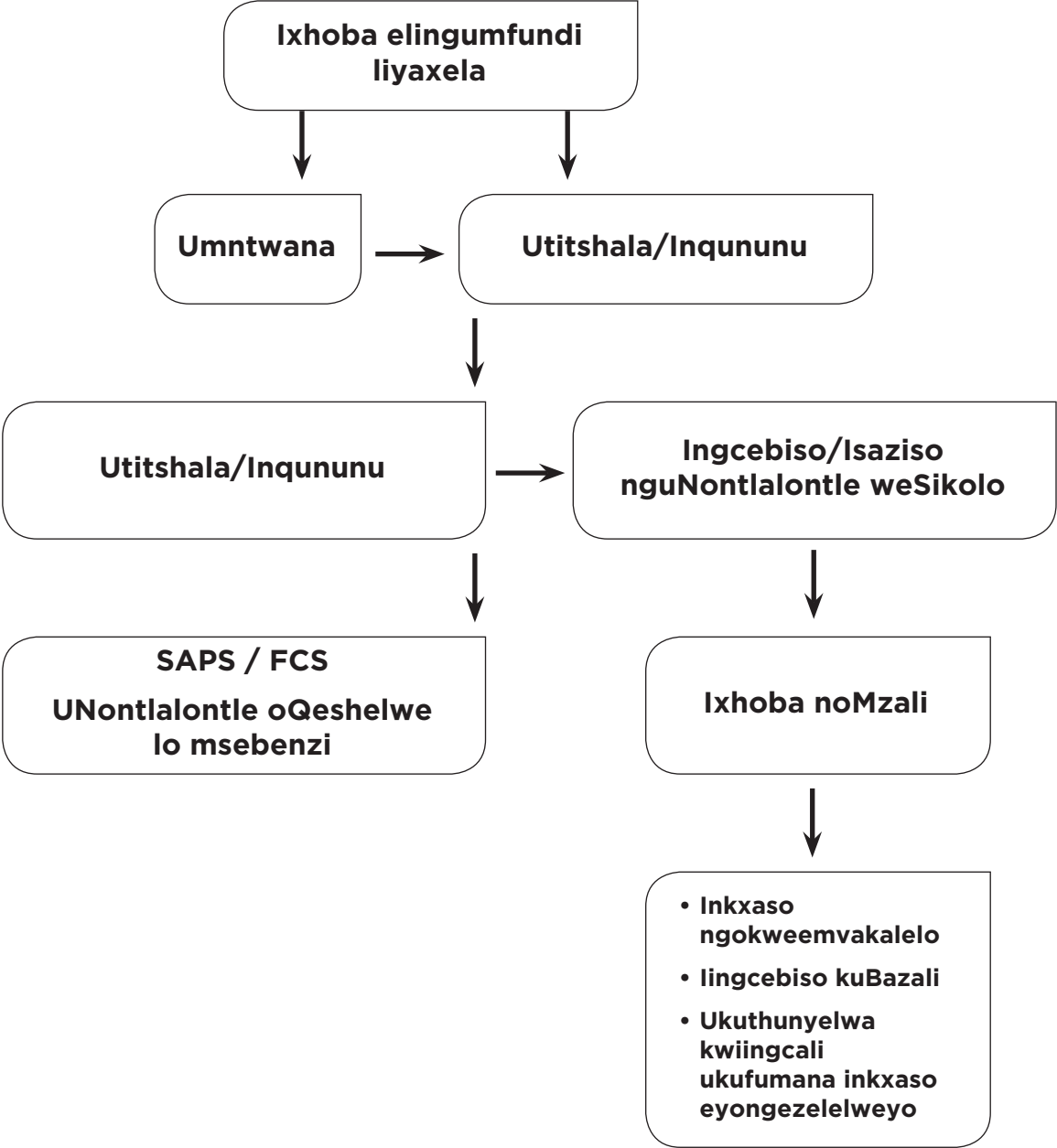
3.5 Isikhokelo malunga nokusingathwa kwamanyathelo oluleko ngomqeshwa oqatshelwe njengomenzi wolwaphulo-mthetho.

- (a) Ukuxela kunokwenziwa ngumfundi olixhoba nokuba kukomnye umntwana (komnye umfundi) [oya kuthi emva koko axele kutitshala] okanye umfundi olixhoba unokuxela ngqo kutitshala.
- (b) Umfundi olixhoba makangagocwagocwa ngemibuzo. Kuphela fumana ingcaciso efanelekileyo ngeenjongo zokunika ingxelo.
- (c) Chaza inkqubo eya kulandela neendima kunye nemisebenzi eluxanduva yomthathi-nxaxheba ngamnye nokuba kungani na ukuba zifuneka kule nkqubo.
- (d) Kwakubanje kuxeliwe, yazisa aba bathathi-nxaxheba balandelayo ngoko nangoko:
 - (i) Unontlalontle wesikolo (wokuncedisa ekusingatheni inkqubo);
 - (ii) I-SAPS (FCS [Family Violence, Child Protection and Sexual Offences Unit]) xa kusisenzo sokuxhaphaza ngokwesondo;
 - (iii) Unontlalontle omiselweyo okanye i-SAPS kwimeko yempatho-gadalala engekuko ukuxhaphaza ngokwesondo;
 - (iv) ICandelo lezoBudlelane eMsebenzini (*Employee Relations*) okanye iBhunga loLawulo leSikolo (SGB), apho umqeshwa otyholwa ngolwaphulo-mthetho ebeqeshwe ngabo; kunye
 - (v) nabazali bomfundi olixhoba.
- (e) Ukuba ukuxela oko kubonise ukuba iNqununu yiyo umqeshwa otyholwa ngolwaphulo-mthetho, loo titshala kuxelwe kuye makazise uNontlalontle weSikolo okanye uMphathi weSekethe ochaphazelekayo aze athumele onke amaxwebhu amalunga nengxelo, ukwenzela ukuba bakwazi ukuncedisa ekusingatheni inkqubo.
- (f) INqununu okanye utitshala, ekwaxelwe kuye, akanako ukuxela okanye ukungqala loo mqeshwa otyholwa ngolwaphulo-mthetho ngesimangalo eso phambi kokuba kuqhagamshelwane neGosa leCandelo lezoBudlelane eMsebenzini (Labour Relations Officer).
- (g) UNontlalontle weSikolo kufuneka kwakhona axelwe ukunceda ekubeni iCandelo lezoBudlelane eMsebenzini lithathe inxaxheba nokuncedisa ngakumbi ekukhokeleni nasekusingatheni inkqubo yokuxela impatho-gadalala.
- (h) Ungabambi intlanganiso nomfundi olixhoba kunye nomqeshwa otyholwa ngolwaphulo-mthetho.
- (i) INqununu mayazise abanye ootitshala nabaqeshwa ukuba kukho ingxelo ethile, ngaphandle kokuxela ukuba ngubani na umfundi olixhoba okanye umqeshwa otyholwa ngolwaphulo-mthetho neenkukacha ezithile ezimalunga nokuxela. Ukuba yinqununu etyholwa ngolwaphulo-mthetho, makuthi ke ngoko ibe lisekela-nqununu elidlala le ndima.
- (j) Ukuba umqeshwa otyholwa ngolwaphulo-mthetho ngumqeshwa oqeshwe ngemvumelwano yi-SGB, lo mqeshi ukhankanyiweyo makathathe amanyathelo ngokwemimiselo yemvumelwano yenkonzo. (Jonga isiHlomelo H)
- (k) Apho umqeshwa otyholwa ngolwaphulo-mthetho eqeshwe yi-SGB, yi-SGB eya kusingatha iingxoxo zetyala .
- (l) Ukohlwaya ngokubetha kufuneka kwakhona kubonwe njengempatho-gadalala eyenzeka emzimbeni nakwiimvakalelo yaye ke ngoko makusingathwe ngokungqinelana nalo mgaqo-nkqubo.
- (m) Bobabini, umqeshwa otyholwa ngolwaphulo-mthetho nomfundi olixhoba banelungelo lokumelwa ligqwetha.
- (n) Sebenzisa umlamli (*intermediary*) ukuncedisa umfundi olixhoba ekunikeni ubungqina kwiingxoxo zetyala ze-SGB.
- (o) Qiniseka ngamalungiselelo okuhlala ngokwahlukeneyo ukuthintela ukudibana komfundi olixhoba nomqeshwa otyholwa ngolwaphulo-mthetho.
- (p) Yiba nolwazi ngeminyaka yobudala yexhoba elingumfundi ngokumalunga noku: ukubuza imibuzo, ukukwazi ukumiliselela ingqondo, imfuno yexesha lokuthatha ikhefu qho, ulwimi, imeko yeemvakalelo nexesha lokuqhubeka kodliwano-ndlebe okanye iingxoxo zetyala.

3.6 Ukohlwaya ngokubetha

- (a) Ukohlwaya ngokubetha akuvumelekanga kuso nasiphi na iSikolo saseMzantsi Afrika kwaye ngaloo ndlela kuthintelwe ngokucace gca.
- (b) UMthetho woMgaqo-nkqubo weMfundo kaZwelonke (*The National Education Policy Act, 1996 (Act 27 of 1996)*) uchaza ukuba: “Akukho mntu uya kusebenzisa ukohlwaya ngokubetha okanye uya kuphatha gadalala umfundi ngokwasengqondweni okanye ngokwasemzimbeni kulo naliphi na iziko lemfundo”.
- (c) UMthetho weZikolo zaseMzantsi Afrika (*The South African Schools Act, 1996 (Act 84 of 1996)*) ucacisa kwiSiquendu 10 uthi:
 - “(1) Akukho mntu uvumelekileyo ukusebenzisa ukohlwaya ngokubetha emzimbeni umfundi esikolweni;
 - (2) Nabani na owaphula isiqendwana (1) unetyala lolwaphulo-mthetho, kwaye umelwe kukujongana nesohlwayo sokumgweba ngenxa yesenzo sokubetha”.

**UMZOBO 3: INKQUBO YOKUXELA -
 Ukuxelwa kwesenzo solwaphulo-mthetho soMzali, soMntu woSapho
 okanye soMntu onguMhlali ngumfundi**



3.7 INkqubo yokuXela: Ukwenza ulwaphulo-mthetho komzali, kwelungu losapho, okanye komhlali kumfundi

- (a) Ukuxela kunokwenziwa ngumfundi olixhoba nokuba kukomnye umntwana (komnye umfundi) [oya kuthi emva koko axelele utitshala] okanye umfundi olixhoba unokuxela ngqo kutitshala.
- (b) Umfundi olixhoba makangagocwagocwa ngemibuzo. Kuphela fumana ingcaciso efanelekileyo ngeenjongo zokunika ingxelo.
- (c) Chaza inkqubo eya kulandela nemisebenzi eluxanduva eyahlukeneyo yomthathi-nxaxheba ngamnye nokuba kutheni ezi zinto ziyifanele le nkqubo.
- (d) Ukuba ukuxela kuchaza umzali njengomaphulo-mthetho otyholwayo kucetyiswa ukuba makungaqhagamshelwana nomnye umzali phambi kokuba unontlalontle okanye iSAPS ithathe inxaxheba, ukuthintela ukoyikiswa komfundi olixhoba.
- (e) Kwakubanje kuxeliwe, yazisa aba bathathi-nxaxheba balandelayo ngoko nangoko:
 - (i) I-SAPS (FCS Unit]) xa kuyimeko yokuxhaphaza ngokwesondo;
 - (ii) Unontlalontle omiselweyo xa kuyimeko yempatho-gadalala engekuko ukuxhaphaza ngokwesondo;
 - (iii) unontlalontle wesikolo osengingqini yakho.
- (f) Kunokucetyiswa ukuba umfundi olixhoba afumane iSithintelo seNkundla sokuMkhusela (*Protection Order*) kwakhona, phantsi kweemeko ezithile.
- (g) Oku makunikwe ingqwalaselo ngunontlalontle omiselweyo ukwenzela ukuba umfundi olixhoba abe nokuncediswa ngeli thuba lale nkqubo.
- (h) Isikolo masincedise ekuqinisekiseni ukhuseleko lomfundi olixhoba ngokuqhagamshelana nonontlalontle omiselweyo okanye nenye i-arhente yokhuseleko lwabantwana ukwenzela ukuba umfundi olixhoba athunyelwe kwiziko elikhuselekileyo okanye kumntu wosapho ukuba kuthathwa njengokungakhuselekanga kumfundi olixhoba ukubuyela ekhaya.
- (i) ISikolo (inqununu nootitshala) masinike okokoko umfundi olixhoba inkxaso ngokwasemoyeni (*emotional support*), sibeke esweni ukusebenza kwakhe ngokwasentlalweni ngokweemvakalelo nakwizifundo.
- (j) Makunikwe ingxelo qho kunontlalontle omiselweyo.
- (k) Makwenziwe amalungiselelo okumnika inkxaso eyongezelelweyo ezifundweni ukuba oko kuyimfuneko.

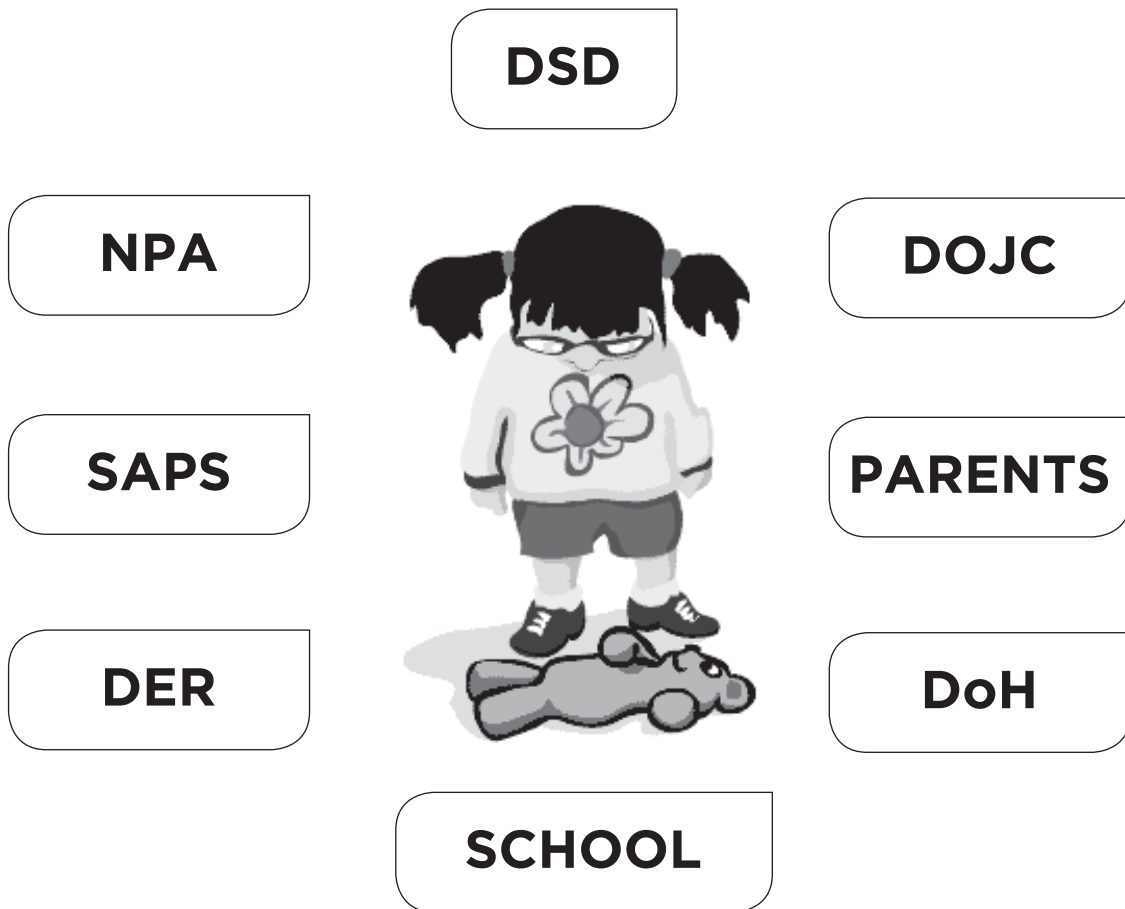
3.8 Abathathi-nxaxheba ekungaqhagamshelwana nabo kuxhomekeke kuhlobo lolwaphulo-mthetho okanye kwiimeko ezithile

- (a) Unontlalontle wesikolo okwi-Ofisi yeSithili seMfundo uya kunceda inqununu nomqeshwa ekuthatheni isigqibo ngothatho-nxaxheba kwezinye ii-arhente ezichaphazelekayo, umz.:
 - (i) ISebe loPhuhliso lwezeNtlalo yoLuntu (*Department of Social Development*)
 - (ii) ABaboneleli-nkonzo bezeNtlalontle ekuhlaleni (*Social Welfare Service Providers in the community*)
 - (iii) Iqumrhu elijongene nokhuseleko lwabantwana elityunjweyo
 - (iv) Isayikholojisti yesikolo
 - (v) I-SAPS kwindawo apho ingxelo/ ukuxela kwakwenziwe khona, umz. Kwindawo esiphantsi kolawulo lwayo isikolo. I-SAPS iya kuthi emva koko iqhagamshelane ne-FCS Unit kwisenzo sokuxhatshazwa ngokwesondo
 - (vi) KwiCandelo lezoBudlelane eMsebenzini (*Employee Relations*), xa ingabaqeshwa abatyholwa ngolwaphulo-mthetho
 - (vii) I-SGB apho abaqeshwa abatyholwa ngolwaphulo-mthetho baqeshwe leli bhunga
 - (viii) Umzali (abazali) womfundi olixhoba ukuba ngaba akanguye otyholwa ngolwaphulo-mthetho
 - (ix) Umongikazi wesikolo weSebe lezeMpilo (ukuba ukho), okanye (ukuba kufanelekile) uGqirha okwiziko lononophelo lwempilo
 - (x) Umongikazi wesikolo waBafundi beMfundo eneeMfuno eziZodwa (*Education for Learners with Special Education Needs*) (ELSEN))
 - (xi) I-Thuthuzela Care Centre ekufutshane kakhulu kwisikolo eso

ISiqendu 4

4. IMISEBENZI ELUXANDUVA LWABATHATHI-NXAXHEBA ABACHAPHAZELEKAYO

- a) Ukusingatha kakuhle impatho-gadalala kubantwana kufuna inkqubo ebandakanya iqela lamacandelo (*multi-disciplinary approach*) ukwenzela ukubonelela ngeemfuno zommangali (umfundi olixhoba) ngokupheleleyo.
- (b) Ukusingathwa ngendlela eyiyo kwempatho-gadalala ngoko ke kuxhomekeke kwintsebenziswano, nobambiswano phakathi kwabathathi-nxaxheba nababoneleli-nkonzo abahlukeneyo ngethuba lenkqubo yongenelelo ngoncedo, kwaye iziko ngalinye lifanele ukuvelisa indlela yokuqhagamshelana ngempumelelo nabo bonke.



4.1 Inkonzo yamaPolisa aseMzantsi Afrika (*South African Police Service*)

- (a) Yamkela uze uphande malunga nesimangalo.
- (b) Fumana iintetho ezifungelweyo kummangali (kumfundi olixhoba), kubazali bakhe nakwamanye amangqina achaphazelekayo.
- (c) Bamba uvalele abatyholwa ngolwaphulo-mthetho.
- (d) Yisa umfundi olixhoba kunyango lukagqirha apho kunako ukwenzeka.
- (e) Yisa umtyholwa enkundleni yamatyala zingadlunga iiyure eziyi-48 emva kokubanjwa okanye zingadlulanga iiyure eziyi-24 emva kokuba ebanjiwe kwimeko yomfundi oselula ngeminyaka.

4.2 IiNkonzo zoNyango

- (a) Qhuba uxilongo olunzulu lokucupha (*forensic medical examination*) kwisenzo sokuxhaphaza ngokwesondo.
- (b) Qhuba uxilongo olufanelekileyo olunjengolweHIV nelokukhulelwa.
- (c) Qokelela ubungqina bokuphanda nzulu bokucupha obuya kusetyenziswa xa kuxoxwa ityala enkundleni yamatyala.
- (d) Bonelela ngamayeza ukukhusela impilo yomfundi olixhoba.
- (e) Rekhoda konke okufunyanisiweyo kuxwebhu lwezonyango nezomthetho (*medico-legal document*) (J88) olukhatshwa yi-afidavithi – 212 (4).

4.3 ISebe lezoBulungisa noPhuhliso loMgaqo-siseko (*Department of Justice and Constitutional Development*)

- (a) Ngokudlula kwiMikomishinala yeeNkundla zaBantwana khusela abantwana ukuba bangaphinde bafumane impatho-gadalala oko kusenziwa ngomyalelo weNkundla yaBantwana.
- (b) Khusela umntwana kwimpatho-gadalala ngokusebenzisa iMiyalelo yokuMkhusela (ii-intadikthi).
- (c) Bonelela ngeenkundla ezichaphazelekayo ukuzisa umaphuli-mthetho kwiingxoxo zetyala.
- (d) Bizela amangqina aze kuvela enkundleni.
- (e) Bonelela ngeetoliki ukwenzela ukuba kuxoxwe amatyala ngolwimi lomfundi olixhoba kunye nolwamaphuli-mthetho otyholwayo.

4.4 OoNontlalontle beSebe loPhuhliso lwezeNtlalo yoLuntu neMibutho eTyunjelwe ukuKhusela aBantwana

- (a) Qinisekisa ngokhuseleko lomfundi olixhoba.
- (b) Phanda ngesiganeko apho kunyanzelekileyo ukwenjenjalo ulungise ingxelo eya kwiNkundla yaBantwana okanye kwiNkundla yaMatyala eSizi (*Criminal Court*).
- (c) Bonelela ngenkonzo ngoko nangoko yokuthomalalisa umothuko (*trauma debriefing*) kunye/okanye ingcebiso yexesha elide ngqo ngokusebenzisa umbutho ongekho phantsi kukarhulumente.
- (d) Ncedisa ngokulungiselela umfundi olixhoba kunye nabazali, inkqubo yenkundla yamatyala.
- (e) Bonelela ngenkonzo zokubuyisela imeko esiqhelweni (*reconstructive services*) kumfundi olixhoba okanye kusapho lwakhe.

4.5 IGunya lezoTshutshiso likaZwelonke (*National Prosecuting Authority*)

- (a) Nika uncedo ngokusebenzisa i*Thuthuzela Care Centres* (ukuba likhona iziko layo elikhoyo kwimihlaba yesikolo).
- (b) Abatshutshisi mabatshutshise umba lowo xa usiya enkundleni yamatyala.
- (c) Qhagamshelana nomfundi olixhoba ukulungiselela ukuthethwa kwetyala.
- (d) AmaGosa okuQuquzelela iNkundla (*Court Preparation Officers*) aqeshwe yiNPA ukuncedisa ekulungiseleleni abafundi abangamakhoba inkqubo yasenkundleni.

4.6 ICandelo lezoBudlelane eMsebenzini leSebe leMfundo leNtshona Koloni

- (a) Phanda zonke izimangalo, uqinisekisa ukuba ukhuseleko lomfundi olixhoba, ubomi bakhe babucala nokugcina imfihlo ngawo onke amaxesha.
- (b) Nqumamisa esikolweni umqeshwa otyholwa nolwaphulo-mthetho, apho kukho ubungqina obaneleyo bokwenjenjalo.
- (c) Qhubela phambili ngemibuzo yophando yezoluleko ngendlela ekhusela iimfuno kunye neemfuno ezizodwa zomfundi olixhoba (zabafundi abangamakhoba) nezomntwana olingqina (nezabantwana abangamangqina).

4.7 IBhunga loLawulo leSikolo (*School Governing Body*) (SGB)

- (a) Ncedisa ngophando neengxoxo zetyala ngesityholo sempatho-gadalala (sezenzo zokuxhatshazwa ngokwesondo okanye ezinye izenzo zempatho-gadalala) ngumqeshwa.
- (b) Ququzelela iingxoxo zokuthethwa kwetyala ngoko nangoko wenze isigqibo malunga nokupheliswa kwemvumelwano yengqesho yaloo mqeshwa, kuxhomekeke kwisiphumo sokuxoxwa kwetyala.

The Western Cape Education Department (WCED) is responsible for public schooling in the province, from Grades R to 12, as well as Further Education and Training (FET) in the FET colleges. The WCED operates in eight Education Districts with a Head Office in Cape Town.

Location	Telephone	Fax
WCED Head Office	021 467 2000	021 467 2996
Metro Central Education District	021 514 6700	021 659 4413
Metro East Education District	021 900 7000	021 903 9484
Metro North Education District	021 938 3000	021 938 3180
Metro South Education District	021 370 2000	021 372 1856
Cape Winelands Education District	023 348 4600	023 342 4138
Eden & Central Karoo Education District	044 803 8300	044 873 2253
Overberg Education District	028 214 7300	028 214 7400
West Coast Education District	021 860 1200	021 860 1231

WCED Call Centre:	0861 923 322
WCED: Directorate Employee Relations	021 467 2846
WCED Safe Schools Call Centre	0800 45 46 47

DISTRICT OFFICE SUPPORT (CIRCUIT TEAM)

Official	Name	Tel. No. (office)	Cellphone No.
School social worker			
Psychologist			
IMG Manager			
Circuit Team Manager			

COMMUNITY RESOURCES

Organisation or Department	Contact Person	Tel. No. (office)	Cellphone No.
SAPS			
Dept. of Social Development			
Welfare Organisation (e.g. Child Welfare, Badisa, etc.)			
FCS			
NGO			
Day Hospital / Health Clinic			

FORM 22A
REPORTING OF ABUSE OR DELIBERATE NEGLECT OF CHILD
(Regulation 33)
[SECTION 110 OF THE CHILDREN'S ACT 38 OF 2005]

**REPORTING OF ABUSE TO PROVINCIAL DEPARTMENT OF SOCIAL DEVELOPMENT,
 DESIGNATED CHILD PROTECTION ORGANISATION OR POLICE OFFICIAL**

NOTE: A SEPARATE FORM MUST BE COMPLETED FOR EACH CHILD

TO: The Head of the Department

Pursuant to section 110 of the Children's Act, 2005, and for purposes of section 114(1)(a) of the Act, you are hereby advised that a child has been abused in a manner causing physical injury/ sexually abused/ deliberately neglected or is in need of care and protection.

Source of report (do not identify person)			
<input type="checkbox"/> Victim	<input type="checkbox"/> Relative	<input type="checkbox"/> Parent	<input type="checkbox"/> Neighbour/friend
<input type="checkbox"/> Professional (specify)			
<input type="checkbox"/> Other (specify)			
Date Reported to child protection organisation:	DD	MM	CCYY

1. CHILD: (COMPLETE PER CHILD)							
Surname				Full name(s)			
Gender:	M	F	Date of Birth:	DD	MM	CCYY	
School Name:				Grade:		Age / Estimated Age:	
* ID no:				* Passport no:			
Contact no:							

2. CATEGORY OF CHILD IN NEED OF CARE AND PROTECTION		
<input type="checkbox"/> Street child	<input type="checkbox"/> Child labour	<input type="checkbox"/> Child trafficking
<input type="checkbox"/> Commercial sexual exploitation	<input type="checkbox"/> Exploited children	<input type="checkbox"/> Child abduction

3. OTHER INTERVENTION – CONTACT PERSON TRUSTED BY CHILD	
Surname:	Name:
Address:	Telephone number:
Other children interviewed:	<input type="checkbox"/> Yes <input type="checkbox"/> No Number :

(*) = Complete if available or applicable

SURNAME OF CHILD:	
FULL NAMES OF CHILD:	

4. ALLEGED ABUSER						
4.1) Surname				Full Name(s)		
Date of Birth:	DD	MM	CCYY	Gender:	M	F
ID No:				Age:		
* Passport No:				* Drivers license:		
Also known as:				Relationship to child:		
Street Address (include postal code):				<input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Grand father <input type="checkbox"/> Grand mother <input type="checkbox"/> Step father <input type="checkbox"/> Step mother <input type="checkbox"/> Foster father <input type="checkbox"/> Foster mother <input type="checkbox"/> Uncle <input type="checkbox"/> Aunt <input type="checkbox"/> Sibling <input type="checkbox"/> Caregiver <input type="checkbox"/> Professional: social worker/police officer/teacher/caregiver/priest/dr/volunteer <input type="checkbox"/> Other (specify)		
				Postal Code:		
4.2) WHEREABOUTS OF ALLEGED PERPETRATOR:						
<input type="checkbox"/> Section 153 (Request for removal by SAPS) <input type="checkbox"/> Still in home <input type="checkbox"/> In hospital (Name/Place.....) <input type="checkbox"/> In detention (Place.....) <input type="checkbox"/> Living somewhere else <input type="checkbox"/> Whereabouts unknown <input type="checkbox"/> Un-identified						

5. PARENTS OF CHILD (If other than above)						
Surname: Father / Step-father				Full name(s)		
Date of Birth:	DD	MM	CCYY	Gender:	M	F
ID no:				Age:		
Surname: Mother / Step-mother				Full name(s)		
Date of Birth:	DD	MM	CCYY	Gender:	M	F
ID no:				Age:		
Also known as:				Names and ages of siblings or other children if helpful for tracking		
Street Address (include postal code):					Postal Code:	

(*) = Complete if available or applicable

SURNAME OF CHILD:	
FULL NAMES OF CHILD:	

6. ABUSE											
Date of Incident:			Date unknown:			Episodic/ongoing from (date)			Reported to CPR:		
DD	MM	CCYY				DD	MM	CCYY	DD	MM	CCYY
Place of incident:											
<input type="checkbox"/> Child's home <input type="checkbox"/> Field <input type="checkbox"/> Tavern <input type="checkbox"/> School <input type="checkbox"/> Friend's place <input type="checkbox"/> Partial Care <input type="checkbox"/> ECD Centre <input type="checkbox"/> Neighbour <input type="checkbox"/> Child and youth care centre <input type="checkbox"/> Other (specify) <input type="checkbox"/> Foster home <input type="checkbox"/> Temporary safe care											
6.1) TYPE OF ABUSE (Tick only the one that indicates the key motive of intent)											
Physical			Emotional			Sexual			Deliberate neglect		
6.2) INDICATORS (Check any that apply)											
PHYSICAL:											
<input type="checkbox"/> Abrasions <input type="checkbox"/> Bruises <input type="checkbox"/> Burns/Scalding <input type="checkbox"/> Fractures <input type="checkbox"/> Other physical illness <input type="checkbox"/> Cuts <input type="checkbox"/> Welts <input type="checkbox"/> Repeated injuries <input type="checkbox"/> Fatal injury (date of death) <input type="checkbox"/> Injury to internal organs <input type="checkbox"/> Head injuries <input type="checkbox"/> No visible injuries (elaborate) <input type="checkbox"/> Poisoning (specify) <input type="checkbox"/> Other Behavioural or physical (specify)											
EMOTIONAL:											
<input type="checkbox"/> Withdrawal <input type="checkbox"/> Depression <input type="checkbox"/> Self destructive aggressive behaviour <input type="checkbox"/> Corruption through exposure to illegal activities <input type="checkbox"/> Deprivation of affection <input type="checkbox"/> Exposure to anti-social activities <input type="checkbox"/> Exposure to family violence <input type="checkbox"/> Parent or care giver negative mental condition <input type="checkbox"/> Inappropriate and continued criticism <input type="checkbox"/> Humiliation <input type="checkbox"/> Isolation <input type="checkbox"/> Threats <input type="checkbox"/> Development Delays <input type="checkbox"/> Oppression <input type="checkbox"/> Rejection <input type="checkbox"/> Accusations <input type="checkbox"/> Anxiety <input type="checkbox"/> Lack of cognitive stimulation <input type="checkbox"/> Mental, emotional or developmental condition requiring treatment (specify)											
SEXUAL:											
<input type="checkbox"/> Contact abuse <input type="checkbox"/> Rape <input type="checkbox"/> Sodomy <input type="checkbox"/> Masturbation <input type="checkbox"/> Oral sex area <input type="checkbox"/> Molestation <input type="checkbox"/> Non contact abuse (flashing, peeping) <input type="checkbox"/> Irritation, pain, injury to genital <input type="checkbox"/> Other indicators of sexual molestation or exploitation (specify)											
DELIBERATE NEGLECT:											
<input type="checkbox"/> Malnutrition <input type="checkbox"/> Medical <input type="checkbox"/> Physical <input type="checkbox"/> Educational <input type="checkbox"/> Refusal to assume parental responsibility <input type="checkbox"/> Neglectful supervision <input type="checkbox"/> Abandonment											
6.3) Indicate overall degree of Risk to child:											
<input type="checkbox"/> Mild <input type="checkbox"/> Moderate <input type="checkbox"/> Severe <input type="checkbox"/> Unknown											
6.4) When applicable, tick the secondary type of abuse Multiple Abuse:											
<input type="checkbox"/> Yes <input type="checkbox"/> No											
Sexual			Physical			Emotional			Deliberate Neglect		
Brief explanation of occurrence(s) (including a statement describing frequency and duration)											

(*) = Complete if information is available or applicable

SURNAME OF CHILD:	
FULL NAMES OF CHILD:	

7. MEDICAL INTERVENTION (*)		
Treated outside hospital: <input type="checkbox"/> Yes <input type="checkbox"/> No	Examined by: <input type="checkbox"/> Doctor <input type="checkbox"/> Reg. Nurse	Hospitalised: <input type="checkbox"/> For assessment <input type="checkbox"/> For treatment <input type="checkbox"/> As place of safety
Where (name of Hospital)	Contact person	Telephone Number

8. CHILDREN'S COURT INTERVENTION (*)			
Removal of child to temporary safe care (Section 152): <input type="checkbox"/> Yes <input type="checkbox"/> No		Date	
		MM	DD
			CCYY

9. SAPS: (ACTION RELATED TO ALLEGED ABUSER(S)) - (*)				
Reported to SAPS: <input type="checkbox"/> Yes <input type="checkbox"/> No	Charges laid: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date		
		DD	MM	CCYY
CASE NR	Police Station	Telephone Nr		
Name of Police Officer		Rank of Police Officer		

10. CHILD KNOWN TO WELFARE ORGANISATION/ SOCIAL DEVELOPMENT?		
10.1) Child known to welfare?:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name of Organisation	Contact number	Reference number

11. DETAILS OF PERSON WHO REPORTS ALLEGED ABUSE (Refers to a profession, mandatory obliged to report child abuse)		
Name of informant	Employer	
Employer Address	Work Telephone Nr	Fax Number
Email Address		

(*) = Complete if information is available or applicable

SURNAME OF CHILD:	
FULL NAMES OF CHILD:	

CAPACITY Section 110 (1)	Caregiver	Correctional Official	Child and Youth Care Centre	Dentist	Doctor	Drop in Centre
	Homeopath	Labour Inspector	Legal Practitioner	Midwife	Member of staff – partial care facility	Medical Practitioner
	Minister of Religion	Nurse	Occupational Therapist	Psychologist	Police Official	Physio-therapist
	Religious leader		Social service professional		Social worker	
	Speech therapist		Shelter		Traditional leader	
	Teacher		Traditional health practitioner		Volunteer Worker – partial care facility	
	Other (specify)					

I declare that the particulars set out in the above mentioned statement are true and correct to the best of my knowledge.

Signature of person reporting alleged abuse: _____

Date: _____

Official Stamp of Department / child protection organisation

Izenzo zolwaphulo-mthetho ezimalunga nabantwana nabantu abakhubazekileyo ngokwasengqondweni (*mentally disabled persons*) njengoko kuchatshazelwe kwi-*Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007)*

Chapter 2 of Act 32 of 2007 contains some general offences that are applicable to adults, children and mentally disabled persons as complainants:

Section 3	Rape
Section 4	Compelled rape
Section 5(1) and (2)	Sexual assault
Section 6	Compelled sexual assault
Section 7	Compelled self-sexual assault
Section 12	Incest

Chapter 3 of Act 32 of 2007 contains offences specifically relating to children:

Section 15	Acts of consensual sexual penetration with certain children
Section 16	Acts of consensual sexual violation with certain children
Section 17(1)	Sexual exploitation of a child
Section 17(2)	Involved in the sexual exploitation of a child
Section 17(3)(a)	Furthering the sexual exploitation of a child
Section 17(3)(b)	Furthering the sexual exploitation of a child
Section 17(4)	Benefitting from the sexual exploitation of a child
Section 17(5)	Living from the earnings of the sexual exploitation of a child
Section 17(6)(a)	Promoting child sex tours
Section 17(6)(b)	Promoting child sex tours
Section 18(1)	Promoting sexual grooming of children
Section 18(2)	Sexual grooming of a child
Section 19	Exposing or displaying or causing the exposure or display of child pornography or pornography to a child
Section 20(1)	Using a child for child pornography
Section 20(2)	Benefitting from child pornography
Section 21(1)	Compelling or causing a child to witness sexual offences
Section 21(2)	Compelling or causing a child to witness a sexual act
Section 21(3)	Compelling or causing a child to witness self-masturbation
Section 22	Exposing or displaying or causing the exposure or display of genital organs, anus or female breasts to a child

Chapter 4 of Act 32 of 2007 contains offences specifically relating to mentally disabled persons:

Section 23(1)	Sexual exploitation of a mentally disabled person
Section 23(2)	Being involved in the sexual exploitation of a mentally disabled person
Section 23(3)(a)	Furthering the sexual exploitation of a mentally disabled person
Section 23(3)(b)	Furthering the sexual exploitation of a mentally disabled person
Section 23(4)	Benefitting from the sexual exploitation of a mentally disabled person
Section 23(5)	Living from the earnings of the sexual exploitation of a mentally disabled person
Section 23(6)(a)	Promoting sex tours with persons who are mentally disabled
Section 23(6)(b)	Promoting sex tours with persons who are mentally disabled
Section 24(1)	Promoting sexual grooming of a person who is mentally disabled
Section 24(2)	Sexual grooming of a person who is mentally disabled
Section 25	Exposing or displaying or causing the exposure or display of child pornography or pornography to a person who is mentally disabled child
Section 26(1)	Using a person who is mentally disabled for pornographic purposes
Section 26(2)	Benefitting from using a person who is mentally disabled for pornographic purposes

Chapter 7 of Act 32 of 2007

Section 54(1)	Failure to immediately report knowledge that a sexual offence has been committed against a child
Section 54(2)	Failure to immediately report knowledge, reasonable belief or suspicion that a sexual offence has been committed against a person who is mentally disabled
Section 55(a)	Attempt to commit a sexual offence in terms of this Act
Section 55(b)	Conspires to commit a sexual offence in terms of this Act
Section 55(c)	Aids, abets, induces, incites, instigates, instructs, commands, counsels or procures another person to commit a sexual offence in terms of this Act
Section 71(1)	Trafficking in persons for sexual purposes
Section 71(2)	Involvement in trafficking in persons for sexual purposes
Section 71(6)	Commercial carrier bringing a person into or removing a person from the republic without the required travel documents

Isikhokelo esibanzi sovavanyo lwemiba eyingozi (*Broad risk assessment framework*) sokunika iingcebiso ekuthathweni kwezigqibo ekuboneleleni ngeenkonzo zokukhuselwa kwabantwana ezenzelwe oko (designated child protection services) (ISiqendu 35 semimiselo ye-Children’s Act, 2005 (Act 38 of 2005))

1) The aim of the broad risk assessment framework contemplated (in Section 142 (c) of the Children’s Act) is to provide guidelines (Section 35 of the Regulations of Children’s Act) for:

- (a) Identification of children who are being abused or deliberately neglected;
- (b) Assessment of risk factors to support a conclusion of abuse and neglect on reasonable grounds [as contemplated in Section 110 of the Children’s Act, 2005 (Act 38 of 2005)];
- (c) Investigation by a provincial department of social development or a designated child protection organisation upon receipt of a report of the abuse or neglect of the child; and
- (d) Appropriate protective measures to be taken in respect of a child.
- (e) A disclosure of abuse or deliberate neglect by the child; or
- (f) A statement relating to a pattern or history of abuse or deliberate neglect from a witness relating to the abuse of a child.

2) The broad risk assessment framework includes the following guidelines [Regulation 35(2) of the Children’s Act, 2005 (Act 38 of 2005)]:

(a) The presence of indicators of physical abuse	(b) The presence of emotional and behavioural indicators of physical, psychological or sexual abuse	(c) The presence of developmental indicators of physical, psychological or sexual abuse	(d) The presence of indicators of deliberate neglect
<ul style="list-style-type: none"> • Bruises in any part of the body • Grasp marks of the arms, chest or face • Variations in bruising colour • Black eyes • Belt marks • Tears around or behind the eyes • Cigarette or other burn marks • Cuts • Welts • Fractures • Head injuries • Convulsions that are not due to epilepsy or high temperature • Drowsiness • Irregular breathing • Vomiting • Pain • Fever • Restlessness 	<ul style="list-style-type: none"> • Aggression • Physical withdrawal when approached by adults • Anxiety • Irritability • Persistent fear of familiar people or situations • Sadness • Suicidal actions or behaviour • Self-mutilation • Obsessive behaviour • Neglect of personal hygiene • Age of child demonstrating socially inappropriate sexual behaviour or knowledge • Active or passive bullying • Unwillingness or tearfulness to undress or wearing layers of clothing 	<ul style="list-style-type: none"> • Failure to thrive • Failure to meet physical and psychological developmental norms • Withdrawal • Stuttering • Unwillingness to partake in group activities • Clumsiness • Lack of co-ordination or orientation • Observable thriving of children away from their home environment 	<ul style="list-style-type: none"> • Underweight • Reddish scanty hair • Sores around the mouth • Slight water retention on the palm or in the legs • Extended or slightly hardened abdomen • Thin and dry skin • Dark pigmentation of skin, especially on extremities • Abnormal thin muscles • Developmental delay • Lack of fatty tissue • Disorientation • Intellectual disability • Irritability • Lethargy • Withdrawal • Bedsores • Fractures

3) A person who, due to the presence of indicators referred to in sub regulation (2), suspects that a child has been sexually abused, or abused in a manner causing physical injury or deliberately neglected, must assess the total context of the child's situation in accordance with the following guidelines:

- (a) Many indicators may be non-specific to abuse or neglect;
- (b) A cluster or pattern of indicators as opposed to a single isolated indicator will provide support for a conclusion of abuse or neglect;
- (c) Information about specific times of any incidents, places where incidents have taken place and the context within which incidents have taken place, which must be noted in writing, may provide support for a conclusion of abuse or neglect;
- (d) Abuse may be unintentional, but failure on the part of the parent or care-giver to prevent abuse of the child may amount to neglect;
- (e) Abuse may be physical, psychological or sexual without any visible indicators and is likely to exist if the child continuously reports threats of harm or punishment;
- (f) A series of minor incidents, any of which may, when considered in isolation, not amount to abuse or neglect, may constitute abuse or neglect when considered together;
- (g) The child's age, personality and temperament should be taken into account;
- (h) Discrepancies in the rendition of incidents by the child and his or her parents or care-givers may either provide or diminish support for a conclusion of abuse or neglect; and
- (i) Any unexplained delay in seeking medical treatment for a child who is seriously injured, should be considered as a possible indicator of abuse or neglect.

**Umsebenzi oluxanduva wokuxela ngokwesiqendu 54
se-Criminal Law (Sexual Offences and related Matters)
Amendment Act, 2007 (Act 32 of 2007) nesiqendu 110 se-
Children's Act, 2005 (Act 38 of 2005)**

Section 54 of Act 32 of 2007:

- (1) (a) A person who has knowledge that a sexual offence has been committed against a child must report such knowledge immediately to a police official.
- (b) A person who fails to report such knowledge as contemplated in paragraph (a), is guilty of an offence and is liable, on conviction, to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.
- (2) (a) A person who has knowledge, reasonable belief or suspicion that a sexual offence has been committed against a person who is mentally disabled must report such knowledge, reasonable belief or suspicion immediately to a police official.
- (b) A person who fails to report such knowledge, reasonable belief or suspicion as contemplated in paragraph (a), is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.
- (c) A person who in good faith reports such reasonable belief or suspicion shall not be liable to any civil or criminal proceedings by reason of making such report.

Section 110 of Act 38 of 2005 as amended:

- (1) "Any correctional official, dentist, homeopath, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, police official, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, shelter, drop-in centre or child and youth care centre"
- The above mentioned persons must have reasonable grounds to conclude that the child has been abused in a manner causing physical injury, sexual abuse or deliberate neglect.
- (2) "Any person who on reasonable grounds believes that a child is in need of care and protection may report that belief to the provincial department of social development, a designated child protection organisation or a police official."

Part 4 of SAPS National Instruction 3 of 2008:

- (1) the alleged commission of a sexual offence is usually reported by –
- (a) the victim of the offence;
 - (b) a family member, friend or colleague of the victim; or
 - (c) a person who witnessed or received information about the commission of the offence.
- (4) a person reporting his or her –
- i) knowledge that a sexual offence has been committed against a child or a mentally disabled person; or
 - ii) reasonable belief or suspicion that a sexual offence has been committed against a mentally disabled person, as a result of the legal duty to do so in terms of Section 54 of the Act (32 of 2007), may sometimes do so out of fear of being prosecuted if he or she fails to do so.
- (5) If a person (referred to in subparagraph (4)) reports such knowledge or his or her suspicion to a police official, the member receiving the report may under no circumstances turn such person away. Such a member must consider the information and –
- (a) If the member is satisfied that there are reasonable grounds to believe that such an offence was indeed committed, take an affidavit from the person setting out the information provided by that person, open a docket for the investigation of the offence that was allegedly committed and register the docket on the CAS (Case Administration System); or
 - (b) If the member is not satisfied that there are reasonable grounds to believe that such an offence was indeed committed, consult with the Community Service Commander who must make a comprehensive OB (Occurance Book) entry of the report and the reasons why the Commander is not satisfied that there are reasonable grounds to believe that such an offence was indeed committed and provide the number of the OB entry to the person who made the report to enable him or her to be located and be interviewed if this turns out to be necessary.

Izohlwayo - Ukuziphatha kakubi kakhulu kootitshala abaqeshwe liSebe iWCED ngokumalunga nokulawulwa kwezenzo zempatho-gadalala yabantwana, ukungahoywa ngabom kwabantwana nezenzo zokuxhatshazwa ngokwesondo kwabantwana

The Employment of Educators Act, 1998 (Act 76 of 1998), as amended by the Education Laws Amendment Act, 2000 (S. 10 OF Act 53 of 2000) defines Serious Misconduct in Section 17(1) thus:

- **An educator** must be dismissed if she or he is found guilty of –
 - (a) Theft, bribery, fraud or an act of corruption in regard to examinations or promotional reports;
 - (b) Committing an act of sexual assault on a learner, student or other employee;
 - (c) Having a sexual relationship with a learner of the school where she or he is employed;
 - (d) Seriously assaulting, with the intention to cause grievous bodily harm to, a learner, student or other employee;
 - (e) Illegal possession of an intoxicating, illegal or stupefying substance; or
 - (f) Causing a learner or a student to perform any of the acts contemplated in paragraphs (a) to (e).
- The process for managing serious misconduct (including child abuse) related to public service personnel is legislated in resolution 7/2000 (Public Service Co-ordinating Bargaining Council). The disciplinary process is similar to that of an educator and if found guilty such offenders will be dismissed.

Isikhokelo samaBhunga oLawulo eZikolo ngokumalunga nokulawulwa kwezenzo zempatho- gadalala yabantwana, ukungahoywa ngabom kwabantwana nezenzo zokuxhatshazwa ngokwesondo kwabantwana

1. Guidelines regarding the provision for punitive measures against staff employed by the School Governing Body due to misconduct in terms of this policy document.
 - 1.1 School Governing Bodies need to ensure that applicants being considered for appointment have not been found guilty of an offence against a child in terms of the Sexual Offences Act, 2007 (Act 32 of 2007) or the Children's Act, 2005 (Act 38 of 2005).
 - SGB Clearance Certificates
 - All staff working at schools must be screened against both the National Child Protection Register and the Sexual Offenders Register. Everyone must be screened – including volunteers and people who do not work directly with children, such as cooks, gardeners and caretakers. The principal should complete the **Form 29** and send it to the Director-General of Social Development to check if the names of the staff or volunteers are on the National Child Protection Register.
 - It is an offence, punishable by up to 10 years in prison, or a fine, or both, to allow someone access to children if the person has been declared unsuitable to work with children [Section 305 (1)(c)]. A person found unsuitable to work with children could be dismissed if he or she does not disclose that information to an employer.
 - 1.2 School Governing Bodies should ensure that contracts with employees make provision for disciplinary measures regarding allegations of child abuse, deliberate neglect and sexual offences made against an employee.
 - 1.3 Suggestions for stipulations within the contract:
 - **Suspension:** “the employer may suspend the employee from work in any event before or after the employee has been charged with misconduct, on conditions determined by the employer. The Employer will notify the employee in writing of the suspension, the reasons for the suspension and whether the suspension will be with or without pay.”
 - **Ending of Contract:** “the Employer can immediately end the contract on conditions being acknowledged in terms of any legislation.”
 - **Sanctions:** depending on the nature of the offence, it is advisable to consult the Employment of Educators Act, 1998 (Act 76 of 1998) (Schedules 1-2). The Employer may impose any of the following sanctions:
 - Immediate dismissal;
 - Dismissal with pay as alternative for a notice period;
 - Final written warning;
 - Written warning; and
 - Reduction in pay.
 - 1.4 Ensuring the best interest of the child during disciplinary hearings:
 - Ensure the safety of the child during the hearing process;
 - Ensure that the child has access to an intermediary irrespective of the child's age;
 - The child has the right to choose any person to accompany him/her for support during the hearing process;
 - When questioning consideration should be given to the child's developmental age, preference in terms of language, emotional status, concentration and cognitive ability;
 - Ensure regular breaks for the child; and
 - Ensure debriefing should it be needed.

Isikhokelo seeKomiti zoLawulo lweZikolo (*School Management Teams*) namaBhunga oLawulo eZikolo malunga nokulawulwa kwentatho-nxaxheba yamajelo eendaba oluntu

- Inform the District Director via the Circuit Team Manager of a situation which bears the potential to alarm the interest of the media;
- Refer first time enquiries to the Head of Communication at the WCED;
- Decide on a person that would act as the spokesperson on behalf of the school in all further deliberations with the media;
- Ensure that staff members, parents and learners involved, refer all media enquiries to the spokesperson;
- The identity of the victim and alleged perpetrator should be kept confidential at all times;
- Be concise and only reveal essential information; and
- Make sure to focus on the support that is being given to the victim and his/her parents, as well as the alleged learner offender.

Isikhokelo soBudlelane eMsebenzini (*Employee Relations' Guidelines*) nokulawulwa kwezenzo zempatho-gadalala yabantwana, ukungahoywa ngabom kwabantwana nezenzo zokuxhatshazwa ngokwesondo kwabantwana

The management of child abuse, deliberate neglect and sexual offences against children by an employee of the WCED will be guided by the following legislation:

- National Education Policy Act, 1996 (Act 27 of 1996);
- South African Schools Act, 1996 (Act 84 of 1996); and
- Employment of Educators Act, 1988 (Act 76 of 1988).

Uphando lomqeshi lokufumanisa ukuba igama lomntu liyavela na kwisahluko b serejista kazwelonke yokhuseleko lwabantwana

(Regulation 44)
[SECTION 126 OF THE CHILDREN'S ACT 38 OF 2005]

TO: The Director-General
Department of Social Development
Private Bag xxx
PRETORIA 0001

Dear Sir/Madam

In terms of section 126 of the Children's Act 38 of 2005, I

..... (full names and surname)

wish to inquire whether the name of a person in my employ or that I wish to employ appears in Part B of the National Child Protection Register. A certified copy of one of the following documents is attached as verification of my identity (mark with an 'x'):

- birth certificate (only if not in possession of identity document or passport)
- identity document
- passport

In the event that his/her name is included in Part B of the Register, kindly furnish reason why this was done.

Please note that section 126 of the Act requires you to respond to this inquiry within 21 working days.

Name of business:

Physical address of business:

Postal address of business:

Telephone numbers of business:

Position held or to be held by person:

Personal details of person employed or to be employed.

Full names:

Surname:

Physical address:

Postal address:

Telephone number: Alias or nickname:

ID number: Passport number:

Yours sincerely

.....
(Signature)

Date:

44 General Regulations regarding Children, 2010 (Form 29)

© Juta & Co. Ltd

Notes:

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