

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

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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.

<b>Source of report (do not identify person)</b>			
<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) .....			
<b>Date Reported to child protection organisation:</b>	<b>DD</b>	<b>MM</b>	<b>CCYY</b>

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

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	
<b>Surname:</b>	<b>Name:</b>
<b>Address:</b>	<b>Telephone number:</b>
<b>Other children interviewed:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>Number :</b>

(\* ) = Complete if available or applicable

<b>SURNAME OF CHILD:</b>	
<b>FULL NAMES OF CHILD:</b>	

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

<b>SURNAME OF CHILD:</b>	
<b>FULL NAMES OF CHILD:</b>	

<b>6. ABUSE</b>											
<b>Date of Incident:</b>			<b>Date unknown:</b>			<b>Episodic/ongoing from (date)</b>			<b>Reported to CPR:</b>		
DD	MM	CCYY				DD	MM	CCYY	DD	MM	CCYY
<b>Place of incident:</b>											
<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											
<b>6.1) TYPE OF ABUSE (Tick only the one that indicates the key motive of intent)</b>											
Physical			Emotional			Sexual			Deliberate neglect		
<b>6.2) INDICATORS (Check any that apply)</b>											
<b>PHYSICAL:</b> <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)			
<b>EMOTIONAL:</b> <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)											
<b>SEXUAL:</b> <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)											
<b>DELIBERATE NEGLECT:</b> <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											
<b>6.3) Indicate overall degree of Risk to child:</b>											
<input type="checkbox"/> Mild <input type="checkbox"/> Moderate <input type="checkbox"/> Severe <input type="checkbox"/> Unknown											
<b>6.4) When applicable, tick the secondary type of abuse Multiple Abuse:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No											
Sexual			Physical			Emotional			Deliberate Neglect		
<b>Brief explanation of occurrence(s) (including a statement describing frequency and duration)</b>											

(\* ) = Complete if information is available or applicable

<b>SURNAME OF CHILD:</b>	
<b>FULL NAMES OF CHILD:</b>	

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

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

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

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

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

(\*) = Complete if information is available or applicable

<b>SURNAME OF CHILD:</b>	
<b>FULL NAMES OF CHILD:</b>	

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

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

<b>Official Stamp of Department / child protection organisation</b>

## Offences Relating to Children and Mentally Disabled Persons as Contemplated in the 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

## Broad Risk Assessment Framework to Guide Decision-Making in Provision of Designated Child Protection Services [Section 35 of the Regulations of the 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)]:**

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

**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.

## **Duty to Report in Terms of Section 54 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) and Section 110 of the 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.

## Sanctions – Serious Misconduct of Educators Employed by WCED Regarding the Management of Child Abuse, Deliberate Neglect and Sexual Offences

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.

## Guidelines to School Governing Bodies regarding the Management of Child Abuse, Deliberate Neglect and Sexual Offences

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.

**Guidelines to School Management Teams and School Governing Bodies regarding the Management of the Involvement of the Public Media**

- 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.

**Directorate: Employee Relations' Guidelines on the Management of Child Abuse, Deliberate Neglect and Sexual Offences**

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).



**Inquiry by Employer to establish whether person's name appears in Part B of National Child Protection Register**

(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: .....



