

Section 2

2. DEFINITIONS

In this protocol, any word or expression to which a meaning has been assigned, bears the meaning assigned to it and, unless the context otherwise indicates –

“alleged learner offender” means the learner against whom a complaint has been laid;

“child abuse” means any form of harm or ill-treatment deliberately inflicted on a child, and includes

- (a) assaulting a child or inflicting any other form of deliberate injury to a child;
- (b) sexually abusing a child or allowing a child to be sexually abused;
- (c) bullying by another child;
- (d) a labour practice that exploits a child; or
- (e) exposing or subjecting a child to behaviour that may harm the child psychologically or emotionally;

“commercial sexual exploitation” in relation to a child means

- (a) the procurement of a child to perform sexual activities for financial or other reward, including acts of prostitution or pornography, irrespective of whether that reward is claimed by, payable to or shared with the procurer, the child, the parent or care-giver of the child, or any other person; or
- (b) trafficking a child for use in sexual activities, including prostitution or pornography;

“corporal punishment” means “Any deliberate act against a child that inflicts pain or physical discomfort used to punish or contain him/her. This includes, but is not limited to, spanking, slapping, pinching, paddling or hitting a child with a hand or with an object; denying or restricting a child’s use of the toilet; denying meals, drink, heat and shelter, pushing or pulling a child by force, forcing the child to do exercise.”;

“deliberate neglect” for purposes of this document relates to Section 110 of the *Children’s Act, 2005 (Act 38 of 2005)*;

“designated social worker” means a social worker in the employment of –

- (a) the Department of Social Development;
- (b) a registered child protection organisation, such as the ACVV (Afrikaner Christelike Vroue Vereininging), Child Welfare or Badisa; or
- (c) a municipality;

“educator” means any person, excluding a person who is appointed to exclusively perform extracurricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a school;

“employee” means

- (a) an educator as defined above;
- (b) a member of a hostel staff;
- (c) a member of an administrative staff;
- (d) a support staff-member or contract worker, as well as any educator appointed under the *Employment of Educators Act, 1998 (Act 76 of 1998)*; or
- (e) a member of support staff or a contract worker appointed under or the *Public Service Act, 1994 (Act 103 of 1994)* and/or appointed by the school governing body;

“Employee Relations” means the Directorate: Employee Relations of the WCED;

“employee relations officer” means practitioners in the Directorate: Employee Relations at the WCED Head Office whose function it is to investigate misconduct and initiate misconduct proceedings against an alleged offender in the employ of the WCED;

“institution” means an ordinary public school, special public school or any other institution within the jurisdiction of the WCED. “school” means a public school or an independent school which enrolls learners from grade R (Reception) to grade twelve;

“learner” means any person receiving education or obliged to receive education in terms of the South African Schools Act;

“learner victim” means a person who makes the allegation of child abuse and/or of a sexual offence against another person or another learner (child);

“neglect” in relation to a child, means a failure in the exercise of parental responsibilities to provide for the child’s basic physical, intellectual, emotional or social needs;

“parent” means –

- (a) the parent or guardian of a learner;
- (b) the person legally entitled to the custody of a learner, or
- (c) the person who undertakes to fulfil the obligations of a person referred to in subparagraphs (a) and (b) towards the learner’s education at school;

“principal” means an educator appointed or acting as head of a school;

“SAPS” means South African Police Services;

“school governing body” means a statutory body vested with the governance of a public school and it may perform only such functions and obligations and exercise such rights as prescribed by the *South African Schools Act*;

“school management team” means the management team of a school comprising the Principal, Deputy Principal and Heads of Department whose defined role is to assist and support the Principal in the management of the school;

“school social worker” means a social worker in the employ of the WCED that is registered under *Section 17 of the Social Service Professions, 1978 (Act 110 of 1978)*;

“sexual abuse” [as defined in the *Children’s Act, 2005 (Act 38 of 2005)*], in relation to a child, means –

- (a) sexually molesting or assaulting a child or allowing a child to be sexually molested or assaulted;
- (b) encouraging, inducing or forcing a child to be used for the sexual gratification of another person;
- (c) using a child in or deliberately exposing a child to sexual activities or pornography; or
- (d) procuring or allowing a child to be procured for commercial sexual exploitation or in any way participating or assisting in the commercial sexual exploitation of a child.

“sexual offences” means both general and specific offences against children and mentally disabled persons (see Annexure D for a comprehensive description of these offences).