

Stanford Lake College



CHILD PROTECTION POLICY

Written by Independent Schools Association of Southern Africa (ISASA)



CONTENTS

1.	LEGISLATIVE FRAMEWORK	3
2.	DEFINITIONS AND INTERPRETATION	3
3.	TRAINING.....	7
4.	VETTING	7
5.	MANDATORY REPORTING OF CHILD ABUSE IN SOUTH AFRICA	8
6.	MANAGING DISCLOSURES OF ABUSE BY LEARNERS	10
7.	SUSPICION / REASONABLE BELIEF OF ABUSE	11
8.	PROCEDURE TO BE FOLLOWED IN CASES OF SUSPECTED CHILD ABUSE.....	11
9.	CONFIDENTIALITY CONSIDERATIONS	12
10.	SOUTH AFRICAN POLICE SERVICE	13
11.	DISTRICT PSYCHOSOCIAL SERVICES.....	13
12.	HISTORICAL ALLEGATIONS	13
13.	JURISDICTION AND TIME LIMITS.....	14
14.	MISCONDUCT.....	14
15.	THE SOUTH AFRICAN COUNCIL FOR EDUCATORS ACT	14
16.	RESPONSIBILITIES OF THE PRINCIPAL	14
17.	EDUCATOR OBLIGATIONS.....	15
18.	LEARNER OBLIGATIONS.....	15
19.	PARENTS OR GUARDIANS.....	15
20.	SCHOOL CODE OF CONDUCT	15
21.	SOCIAL MEDIA.....	16
22.	MEDIA ANNOUNCEMENTS	16
	SCHEDULE 1 CONTACT DETAILS.....	17
1.	CHILD PROTECTION UNIT	17
2.	SACE.....	17
	SCHEDULE 2 ATTACHMENTS	18
1.	FORM 8 – J739	18
2.	FORM 29 - REGULATION 88.....	20
3.	FORM 22	22

EXECUTIVE SUMMARY

The purpose of this Child Protection Policy is to address the occurrence of sexual abuse and harassment of children in schools, as well as to empower schools with the necessary tools and information required for such occurrences. The Policy should be used as a guide to inform relevant stakeholders about the immediate and long-term interventions to identify and investigate sexual abuse and to implement the necessary sanctions to prevent future abuse. Sexual offences against children constitute an extensive social crisis that permeates communities and educational institutions throughout South Africa. This policy has been developed to assist all relevant stakeholders in the school community, namely, school management teams, employees, parents/guardians and, most importantly, learners affected by this serious human rights breach.

Sexual misconduct against learners has severe consequences for their physical and psychological well-being, school performance, and attendance, and presents a barrier to the full enjoyment of their constitutional rights. Schools and educators are legally obligated to protect learners in their care and to conduct themselves in a manner that is in every child's best interest. All principals and educators must therefore ensure that they have a clear understanding of their roles in addressing child abuse and sexual offences against children. This Policy will articulate the responsibility of principals and educators who may suspect or deal with disclosures of child abuse and sexual offences against children, and will outline the mandatory duty to report such incidents in the prescribed manner. This document also highlights the responsibility of school principals to implement the Policy.

The Policy goes further in both acknowledging and seeking to address the culture of silence and impunity surrounding sexual harassment and abuse in schools. Whistle-blowing procedures ought to ensure that no victimisation takes place for reporting sexual abuse or misconduct by any persons, irrespective of their position and/or role within the school community. When a child is in school, the school is responsible for keeping them safe from harm and abuse. The school is obligated to create a safe learning environment.

INTRODUCTION

The Independent Schools Association of Southern Africa (ISASA) is the largest association of independent schools in Southern African. Our role is to advocate on behalf of our membership and to advise them on a range of issues that affect them.

Accordingly, it is appropriate that it should seek to assist member schools to address allegations and respond to reports of sexual abuse and harassment perpetrated against learners. Schools are required to assist victims of sexual abuse and harassment by following standard reporting procedures and through the provision of appropriate psychosocial support to learners.

This policy serves as an expression of the zero-tolerance approach towards sexual abuse and harassment that ISASA endorses.

PURPOSE

The purpose of the Policy is to:

- (a) assist all learners who are victims of child abuse, deliberate neglect or any sexual offences;
- (b) prescribe an approach for the school management teams, educators and learners of our member schools to:
 - (i) identify;
 - (ii) report;
 - (iii) intervene; and
 - (iv) provide support in cases of children who are victims of sexual abuse and harassment.

IN THIS POLICY:

1. LEGISLATIVE FRAMEWORK

- 1.1 Constitution of the Republic of South Africa, 1996;
- 1.2 Child Justice Act 75 of 2008;
- 1.3 Children's Act 38 of 2005;
- 1.4 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007;
- 1.5 Films and Publications Act 65 of 1996;
- 1.6 National Education Policy Act 27 of 1996;
- 1.7 Sexual Offences and Related Matters Amendment Act 32 Of 2007;
- 1.8 South African Schools Act 84 of 1996;
- 1.9 Employment of Educators Act 76 of 1998;
- 1.10 Labour Relations Act 66 of 1995;¹
- 1.11 South African Council of Educators Act 31 of 2000;
- 1.12 South African Police Service (SAPS) National Instructions 3 of 2008 (Part 4);
- 1.13 Cybercrimes Act 19 of 2020;
- 1.14 Inclusive Education White Paper 6, 2001; and
- 1.15 Ethical Code for Educators - South African Council for Educators (SACE).

2. DEFINITIONS AND INTERPRETATION

2.1 Definitions

For the purposes of this Policy and the preamble above, the following terms shall bear the following meanings:

- 2.1.1 **Child** means person aged under 18 years;

¹ In terms of the "Code of Good Practice on the Handling of Sexual Harassment Cases" (Schedule 8 of the Act), as stipulated in the Act, Employers/management are required to take appropriate action in accordance with the Code when instances of sexual harassment which occur within the workplace are brought to their attention. The Act also encourages employers to develop policies on sexual harassment and provides further that management should implement the policy and take disciplinary action against employees not compliant with the policy. The Code of Good Practice on Dismissal, as stipulated in Schedule 8 of the Act, provides for the guidelines in cases of dismissal for misconduct. In terms of the Code, dismissals must be effected for a fair reason and in accordance with a fair procedure.

- 2.1.2 **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;
- 2.1.3 **Children's Act** means the Children's Act 38 of 2005;
- 2.1.4 **Consent** means a voluntary or uncoerced agreement that can be given through words or actions. It cannot be forced or given under duress. A child as defined in section 1(1) of the Criminal Law Amendment Act, who is below the age of 12 has no capacity to consent to sexual conduct of any manner, therefore, sexual intercourse with a child below the age of 12 constitutes a rape under the law, even if the child allegedly factually consented. A child between the ages of 12 and 16 can consent, but with consequence for the other party if that person is 18 years or older. A learner may never consent when it is in reference to the prohibited conduct of an educator;
- 2.1.5 **Confidential Information** means any information, whether tangible or intangible (including any formula, pattern, compilation, method, technique or process), relating or belonging to ISASA (or any Affiliate), which is not generally known to the public and which ISASA regards, or could be reasonably expected to regard, as confidential (whether or not it is marked "confidential"). This includes information of ISASA (or any Affiliate), its employees, customers, suppliers, joint ventures, licensors, licensees, distributors and other persons with whom ISASA does business including, without limitation, customer lists, pricing information, business plans, computer software, financial projections, marketing information, actual or anticipated research and development and similar internal data, operations, processes, plans, intellectual property and software;
- 2.1.6 **Criminal Law Amendment Act** means the Criminal law (Sexual Offences and Related Matters) Amendment Act 32 of 2007;
- 2.1.7 **Department of Basic Education** means the department established in terms of section 7(2) read with Schedule 1 of the Public Service Act 103 of 1994, and/which is responsible for basic education at national level;
- 2.1.8 **Educator** means any person employed by the School who teaches, educates or trains other persons (including school Principals and deputy Principals) or who provides professional educational services, including professional therapy and education psychological services, at any public or independent school, further education and training institution, departmental office or adult basic education centre and who is appointed in a post at any educator establishment under the Employment of Educators Act 76 of 1998; any educator registered fully, provisionally or conditionally with SACE;
- 2.1.9 **Employer** means an employer in accordance with the Employment of Educators Act 76 of 1998. An educator is either employed by the Department of Education (means the Director-General); by the provincial department of education (means the Head of Department) or the school governing bodies of a school.
- 2.1.10 **Employee** means an educator as defined above; a member of an administrative staff; a support staff-member or contract worker, as well as any educator appointed under the Employment of Educators Act 76 of 1998; or a member of support staff or a contract worker appointed under or the Public Service 103 of 1994 and/or appointed by the school governing body.
- 2.1.11 **EEA** means the Employment of Educators Act 76 of 1998;

- 2.1.12 **Exploitation:** as set out in the in the Prevention and Combating of Trafficking in Persons Act 7 of 2013 means sexual exploitation, forced labour and child labour as defined in section 1 of the Children’s Act 38 of 2005.
- 2.1.13 **Harassment** means directly or indirectly engaging in conduct that the respondent knows or ought to know:
- (a) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably:
 - (i) following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;
 - (ii) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or
 - (iii) sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to or brought to the attention of, the complainant or a related person; or
 - (b) amounts to sexual harassment of the complainant or a related person;
- 2.1.14 **In loco parentis** means “in the position of parents”. Educators are expected to assume the role of the parents, with the expectation of providing the same level of care for learners as parents would their children;
- 2.1.15 **Learner** means any person enrolled in an education institution as defined in the South African Schools Act 84 of 1996.
- 2.1.16 **Member of staff** means a person employed at a school as educators or in any other capacity;
- 2.1.17 **Offender** means a person who intentionally commits an unlawful act, such as an act of abuse or harassment in terms of this Policy;
- 2.1.18 **Parents** means the parents, guardian, foster parent or caregiver who is legally entitled to care for the learner;
- 2.1.19 **Perpetrator** means is a person who commits an unlawful act, such as an act of violence, harassment or abuse and whose conduct satisfies all the requirements of the definition of the crime in issue;
- 2.1.20 **Principal** means an educator appointed, or acting as, the head of a school;
- 2.1.21 **Province** means a province established by section 124 of the Constitution;
- 2.1.22 **Provincial Department of Education** means the department established by section 7(2) of the Public Service Act 103 of 1994, which is responsible for education in a province;
- 2.1.23 **SACE** means South African Council for Educators;
- 2.1.24 **SACE Act** means the South African Council for Educators Act 31 of 2000;
- 2.1.25 **Sexual Abuse** in relation to a child means:
- (a) sexually assaulting a child or allowing a child to be sexually 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;²

2.1.26 **Sexual Act** means an act of sexual penetration or an act of sexual violation in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 definition of the term;

2.1.27 **Sexual Harassment**³ means:

- (a) unwelcome sexual attention from a person who knows, or ought reasonably to know, that such attention is unwelcome;
- (b) unwelcome explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the complainant or a related person in circumstances, which a reasonable person, having regard to all the circumstances, could have anticipated that the complainant or related person would be offended, humiliated or intimidated;
- (c) implied or expressed promise of reward for complying with a sexually-oriented request; or
- (d) implied or expressed threat of reprisal or actual reprisal for refusal to comply with a sexually-oriented request.

This may include unwelcome physical contact, verbal or non-verbal conduct. It may include discriminatory or offensive behaviour on the basis of the gender or sexual orientation of a person. Sexual harassment is not limited to situations where an unequal power relationship exists between parties involved and can be committed by or against any person regardless of gender, sex or sexual orientation;

2.1.28 **Sexual offence** means any offence in terms of Chapters 2, 3 and 4 and sections 55 and 71(1), (2) and (6) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 and includes rape, compelled rape, sexual assault, compelled sexual assault and self-sexual assault, compelling or causing persons to witness a sexual offence, sexual acts or self-masturbation, Exposure or display of, or causing exposure or display of, genital organs, anus or female breasts ('flashing'), engaging sexual services, as well as incest, bestiality and sexual acts with a corpse. Abuse shall also be inclusive of attempting, conspiring, incitement or inducing another person to commit sexual offence and trafficking in persons for sexual purposes;

2.1.29 **Sexual Offences Amendment Act** means the Sexual Offences and Related Matters Amendment Act 32 of 2007;

2.1.30 **Sexual penetration** as stipulated in the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 includes any act which causes penetration, to any extent whatsoever, by:

- (a) the genital organs of one person into or beyond the genital organs, anus, or mouth of another person;
- (b) any other part of the body of one person or, any object, including any part of the body of an animal, into or beyond the genital organs or anus of another person; or
- (c) the genital organs of an animal, into or beyond the mouth of another person;

2.1.31 **School** means a public school or an independent school, which enrolls learners in one or more grades from grade R (Reception) to grade twelve;

2.1.32 **South Africa** means the Republic of South Africa; and

2.1.33 **Survivor** means a person who is the subject of sexual abuse and/or harassment.

² According to section 1 of the Children's Act 38 of 2005.

³ With reference to The Protection from Harassment Act 17 of 2011.

3. TRAINING

- 3.1 ISASA strongly encourages member schools to train staff in child protection.
- 3.2 Educators and principals who are trained to identify signs of abuse are in a position to act proactively to identify pupils who are suffering or at risk of harm and take timeous, appropriate action.

4. VETTING

Section 123 of the Children's Act, as amended, stipulates that any person whose name is listed in Part B of the Child Protection Register (CPR) may not work with children. Therefore, not vetting a prospective employee is tantamount to putting learners and staff members at risk of potential danger. Consequently, a school can be held liable if it is proven that the employee who has committed a criminal offence against a child or staff member had a previous conviction on similar charges and the school failed to vet that employee before they were appointed.

4.1 Police Clearance

- 4.1.1 This is not a legislative requirement; however, SACE (as part of their registration process) requires that all educators must have police clearance checks done before they come into contact with learners. However, police clearances fail to detect and/or pick up whether the prospective employee appears on the sexual offenders' register, as well as the child protection register.
- 4.1.2 Police clearances assist in verifying whether the prospective employee has a criminal record while the below clearances ensure these are not convictions for sexual offences and/or crimes.
- 4.1.3 The validity of the police clearance is 6 (six) months for purposes of SACE registrations, while best practice dictates that these clearances are obtained every two years to ensure that school staff have maintained a clean record.

4.2 Sexual Offenders Register Clearance

- 4.2.1 The Sexual Offenders Register Clearance is a legislative requirement, as provided for by section 44 of the Criminal Law Amendment Act, and is specifically required for any person wanting to work in an environment where they may come in contact with children or mentally disabled people.
- 4.2.2 The school (management team) as an employer is obliged to ensure all their staff/service providers are checked and cleared; best practice dictates that these clearances are obtained every two years.
- 4.2.3 Please see **attached hereto Form 8 (J739)** which is to be completed by the school and lodged accordingly.

4.3 Child Protection Register Check

- 4.3.1 The Child Protection Register Check clearance is also a legislative requirement as provided for by section 126 of the Children's Act, and is also specifically required for any person wanting to work with children.
- 4.3.2 The school (management team) as an employer is obliged to ensure that all their staff/service providers are checked and cleared every two years.
- 4.3.3 Please see **attached hereto Form 29 (Regulation 44)** which is to be completed by the school and lodged accordingly.

4.4 South African Council of Educators (SACE)

4.4.1 SACE provides its services to schools by ensuring that prospective employees are not being investigated by it OR confirm that there have been no adverse findings against the prospective employee. This can be done by emailing their verification department.⁴

4.4.2 Emails to SACE can be drafted along the following lines:

“We as [insert school] are in the process of employing [insert name and ID and / or Passport number of educator] and wish to verify the following before proceeding to do so:

- (a) That the attached SACE certificate / documentation is authentic;
- (b) That the educator is in good standing with SACE; and
- (c) Whether the educator has been flagged for any reason.”

4.4.3 Furthermore, SACE allows for the lodgment of complaints by schools where an adverse finding was made as a result of disciplinary proceedings. SACE investigates these findings and formal proceedings instituted can result in penalties and/or a striking off and/or de-registration from the educators’ roll.⁵

4.4.4 A sample letter setting out exactly how to word and address the complaint can be found at: <https://www.sace.org.za/pages/sample-letter-of-complaint>. A school can simply copy and paste the sample onto the school letterhead, insert the relevant details and attach the outcome of the disciplinary hearing.

4.4.5 More information about SACE’s disciplinary procedures can be found at: <https://www.sace.org.za/pages/disciplinary-procedures>.

5. MANDATORY REPORTING OF CHILD ABUSE IN SOUTH AFRICA

5.1 **Failure to immediately report knowledge, a reasonable belief, or suspicion that a sexual offence has been committed against a child is a criminal offence.**

5.2 **All staff members are legally bound to report all matters of suspected child abuse as outlined in this Policy.**

5.3 Mandatory Reporting Legislation:

5.4 **Criminal Law Amendment Act**

- (a) In terms of section 54 of the Criminal Law Amendment Act every person has a duty to report “knowledge that a sexual offence has been committed against a child” to a police official. Failure to report under this section is a criminal offence (section 54(1)(b) and (2)(b)).
- (b) In terms of section 54:
 - (i) Every person has a duty to report:
 - “Knowledge that a sexual offence has been committed against a child”; or
 - “Knowledge, reasonable belief or suspicion that a sexual offence has been committed against a person who is mentally disabled”;
 - (ii) The report must be immediate; and
 - (iii) The report must be made to a police official.
 - (iv) Failure to report under this section is a criminal offence (Section 54 1(b) and 2(b)).

⁴ For verification of registration documents (SACE letters and certificates): verification@sace.org.za.

⁵ Formal lodgment of complaints with SACE <https://www.sace.org.za/pages/how-to-lodge-a-complaint>.

- (v) The penalty for non-reporting is a fine or imprisonment of 5 years or both a fine and imprisonment.
- (vi) Where a report is made in 'good faith' in relation to Section 2(b), ("a reasonable belief or suspicion of a sexual offence committed on a mentally disabled person"), that person shall not be liable for any civil or criminal proceedings as a result of such a report.
- (vii) Part 4 of the SAPS National Instruction 3/2008 sets out who may make a report of a sexual offence and reiterates compulsory reporting under Section 54 of Act 32 of 2007.
- (viii) It is important to note that, in terms of this National Instruction, a SAPS official may not turn anyone away who reports a sexual offence committed on a child or a person who is mentally disabled.

5.4.1 Children's Act

- (a) The Children's Act mandates reporting of abuse in a prescribed manner where there is knowledge or a reasonable belief or suspicion. Reporting abuse may also be made to a police official.
- (b) Section 110(1) of the Children's Act says that an educator who, on reasonable grounds, concludes that a child is being abused must report this in the prescribed manner to a designated child-protection organisation, the provincial department of social development, or a police official.
- (c) Failure to report in terms of section 110 is a criminal offence. Any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, 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, drop-in centre or child and youth care centre who, on reasonable grounds, concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, must report that conclusion in the prescribed form to a designated child protection organisation, the provincial department of social development or a police official.
- (d) Section 110(1) of the Children's Act provides three grounds that trigger a reporting duty, namely:
 - (i) physical injury,
 - (ii) deliberate neglect, or
 - (iii) sexual abuse. All forms of sexual abuse are regarded as serious enough to mandate a response.
- (e) No legal action lies against a reporter who complies with the provisions of section 110 of the Children's Act. The only way liability may arise is if there is malice on the part of the reporter or no reasonable grounds for reporting exists.
- (f) The Regulations of the Children's Act⁶ contain form 22 which must be completed for each child by a mandatory reporter. **Form 22 is attached hereto.**

⁶ The Regulations are available on this link:

https://www.justice.gov.za/legislation/notices/2010/20100401_GG33076_NoticeR261-childrensact-reg.pdf.

6. MANAGING DISCLOSURES OF ABUSE BY LEARNERS

6.1 The primary obligation of an educator, and a principal is to always act in the best interest of the child by ensuring the safety of the child.

6.2 All disclosures should be managed with care, sensitivity and confidentiality in the following manner:

6.2.1 be conscious of the fact that disclosing such conduct can be a very traumatic experience;

6.2.2 prevent further emotional harm to the complainant;

6.2.3 display empathy, warmth and acceptance;

6.2.4 clarify confidentiality, but explain that other professional persons will have to be informed;

6.2.5 identify the other role-players who are to be involved, as well as their roles and functions;

6.2.6 explain the potential consequences of the disclosure, (i.e., that the staff member is legally bound to report the case);

6.2.7 under no circumstances should the incident of child abuse be discussed with the alleged offender;

6.2.8 **do not** interrogate the complainant in order to obtain information or to “investigate” the case;

6.2.9 **do not** insist on seeing the physical evidence of abuse;

6.2.10 **do not** examine the complainant for signs of sexual abuse or rape by removing clothes and/or touching or examining the pupil;

6.2.11 **do not** take a statement from the complainant, as the investigating officer of the SAPS will do this;

6.2.12 **do not** confront the parents or the caregivers if they are the suspected or alleged perpetrators; and

6.2.13 **do not** confront the alleged perpetrator.

6.3 When disclosure takes place, it is preferable to communicate the following to the complainant:

6.3.1 I believe what you are telling me;

6.3.2 I acknowledge that you feel uncomfortable about the incident;

6.3.3 I appreciate your courage in speaking to me;

6.3.4 I am sorry to hear what has happened to you;

6.3.5 It is not your fault; and

6.3.6 In order to help you, I will have to speak to another person.

6.4 In managing the process, keep the following in mind:

6.4.1 Whatever may happen to the alleged offender is not your fault;

6.4.2 The complainant may be unwilling to lay a charge against the alleged offender because of intimidation;

6.4.3 The complainant may feel powerless and may have been sworn to secrecy by the alleged offender; and

6.4.4 The complainant may be related to the alleged offender and may want to protect the family.

- 6.5 **The role of the educator/principal is to receive the disclosure and to further report the matter to either SAPS or a designated social worker, as the case may be.**
- 6.6 At the time of disclosure clarify confidentiality and explain the consequences of the disclosure to the learner victim, indicate that in order to help him/her, you are legally obligated to report the case to other role-players such as a social worker and/or SAPS.
- 6.7 **Actions and interventions must be immediate**, including reporting the matter to SAPS and/or a designated social worker.
- 6.8 Ensure that the learner survivor is protected from additional and unnecessary emotional trauma and victimisation, as the case may be.
- 6.9 During the disclosure process, the learner must **not** be asked to verify the truthfulness of any aspect of an allegation.
- 6.10 The details of the abuse should be related to as few people as possible.
- 6.11 It is sufficient to be told that there was abuse, what type of abuse and who the suspected perpetrator is in order to adequately manage the disclosure process.
- 6.12 If a report is made to an educator and the educator reports it to a principal, **the principal should not question the learner again but should rather immediately assist in involving the relevant role-players.**
- 6.13 The management of the disclosure process should be immediate and there should be no delays in involving the relevant role-players. SAPS should be contacted on the **same day** that disclosure is made.

7. SUSPICION / REASONABLE BELIEF OF ABUSE

The following guidelines should be followed by staff members who suspect that a learner has been/ is being abused:

- 7.1 Start gathering information as soon as you suspect child abuse. Continue to do so consistently, and document all information gathered. Treat all the gathered information as confidential;
- 7.2 Discuss your suspicions and the information that you have gathered with the Head / Principal immediately (unless they are possibly implicated);
- 7.3 Ensure confidentiality by opening a separate file for the particular pupil. This file should be kept in a locked drawer / room;
- 7.4 Remain objective at all times;
- 7.5 Any information to do with child abuse is confidential and must be handled with great discretion;
- 7.6 The reporting and investigation of child abuse must be done in such a way that the safety of the pupil is ensured; and
- 7.7 Support the learner and their family.

8. PROCEDURE TO BE FOLLOWED IN CASES OF SUSPECTED CHILD ABUSE

8.1 Step 1

All incidents of suspected child abuse should be reported to the Head / Principal. Failure to report child abuse or the suspicion of child abuse will be considered grounds for disciplinary proceedings.

8.2 Step 2

The Head / Principal and the staff member will discuss the observations or incident and determine whether there are reasonable grounds to suspect child abuse. Based on, amongst other factors, the following, which should be documented:

- 8.2.1 What did the alleged offender say to the complainant?
- 8.2.2 What action did the alleged offender take against the complainant?
- 8.2.3 Where did the alleged offender touch the complainant?
- 8.2.4 Did the alleged offender threaten the complainant?
- 8.2.5 What did the complainant say or do during the incident?
- 8.2.6 The date(s) when the incident(s) occurred.
- 8.2.7 The time(s) when the incident(s) occurred.
- 8.2.8 The place(s) where the incident(s) occurred.
- 8.2.9 Were there any other people present at the time of the incident?
- 8.2.10 Were there any other people who were in the surrounding area who might have witnessed the incident?
- 8.2.11 The full name of the alleged offender; and
- 8.2.12 Their position at the institution.

8.3 Step 3

If there are reasonable grounds for suspecting child abuse the Head / Principal will be responsible for reporting the alleged incident and to advise on which external role-players to involve in the process, such as the SAPS, the Child Protection Unit, and (if an educator is involved) SACE.

8.4 Step 4

The Head / Principal will discuss the matter with the parents or caregivers (unless the parent or caregiver is the suspected abuser or is complicit in the abuse). The child should be informed that this is going to happen and the consent of the child should ideally be sought and granted first (particularly where the child is over the age of 12). Further confidentiality considerations are set out in further detail below.

9. CONFIDENTIALITY CONSIDERATIONS

- 9.1 Confidentiality does not affect mandatory reporting obligations. These considerations apply when a child requests that a disclosure is not shared with their parents.
- 9.2 Every learner is entitled to protection of their dignity, privacy, and confidentiality. However, this injunction is not straightforward in respect of the parents of the learner and must be balanced against the best interests of the child.
- 9.3 In circumstances in which the learner requests that the matter be kept confidential from their parents or guardians, the school should maintain such confidentiality only if there are objectively compelling reasons which indicate that it would be in the best interests of the learner that such confidentiality should be maintained.
- 9.4 Confidentiality should not be maintained in circumstances in which it is likely to endanger the life, safety or well-being of the learner or any other person.
- 9.5 Should the school decide to break confidentiality after it has been requested to do so, the learner should be informed in advance of the school's decision.

10. SOUTH AFRICAN POLICE SERVICE

The SAPS must:

- 10.1 Receive and investigate the complaint;
- 10.2 Obtain sworn statements from the complainant (learner victim), his/her parents and other relevant witnesses;
- 10.3 Arrest the alleged offender or offenders;
- 10.4 Take the learner victim for a medical examination where applicable; and
- 10.5 Take the accused to court within 48 hours after arrest or 24 hours after arrest in the case of the victim being a minor.

11. DISTRICT PSYCHOSOCIAL SERVICES

The school's provincial education department's district offices provide critical psychosocial services to schools, such as:

- 11.1 Provision of support and guidance to schools with regard to the procedures, protocols and process involved in an alleged case of child abuse.
- 11.2 Facilitation of the principal/school's decision-making with regard to the various steps which need to be taken, ensuring that the legal requirements and consequences of each step are carefully considered. All decisions must be taken by the school/principal, taking into cognizance the best interest of the child.
- 11.3 Assistance in ensuring that the matter is reported.
- 11.4 Discussions on the need to support the learner, alleged perpetrator (if a learner) and other affected persons.
- 11.5 Establishment of whether counselling support is appropriate/necessary. Counselling of this nature is concerned with the trauma/stress experienced by those concerned and is not in any way part of the investigation.
- 11.6 Advice to the principal/educator with regard to the need for confidentiality, as well as who else to inform while guarding against rumour-mongering amongst staff and learners.
- 11.7 Support given to the school/educator/parent in the form of clarification and interventions with respect to process and procedures that will follow the reporting, as well as the possible signs, symptoms and behaviours of victims of abuse.
- 11.8 Maintenance of a district Register of reported cases and the department must ensure that a district register of all reported cases and copies of Form 22 are available at the district office. Such records must be kept in a confidential, restricted file.

12. HISTORICAL ALLEGATIONS

There is no prescription on the criminal prosecution of any sexual offence. In terms of the case of *Nicole Levenstein and others v the estate of the late Sidney Lewis Frankel and others*⁷ there is no time limit in which to institute a criminal prosecution for any sexual offence in South Africa, regardless of how long ago it was committed, or whether the survivor was a child or an adult at the time of the incident(s).

⁷ (CCT170/17) [2018] ZACC 16; 2018 (8) BCLR 921 (CC); 2018 (2) SACR 283 (CC) (14 June 2018). Available at: <http://www.saflii.org/za/cases/ZACC/2018/16.html>.

13. JURISDICTION AND TIME LIMITS

Incidents of sexual abuse and/or harassment may occur on or off the school premises, during the school term or during school holidays. The response to these incidents should be the same as it would be if the incident occurred at school and during school hours. Learners may disclose allegations of sexual abuse and/or harassment that have occurred in the past. Time elapsed between the incident occurring and disclosure is irrelevant. Disclosure of historical incidents whilst at school or not, should be responded to immediately. Appropriate disciplinary procedures, actions and support processes, as outlined in this protocol, must still be undertaken in all such cases of reported sexual abuse and/or harassment.

14. MISCONDUCT

In terms of section 17(1) of the EEA; if an educator is alleged to have behaved in a disgraceful, improper or unbecoming manner, commits sexual or any other form of harassment, he or she must be charged by their employer with misconduct. The EEA states, that if the misconduct is also a criminal offence, separate, additional proceedings will occur. Having a sexual relationship with a learner of the school where an educator is employed, is considered a serious offence in terms of the Act and warrants dismissal. The Act furthermore provides that an educator commits misconduct if he/she, while on duty, conducts himself or herself in an improper, disgraceful or unacceptable manner. In the case of conflict between provisions of the EEA and the SACE Act, the SACE Act shall take preference.

15. THE SOUTH AFRICAN COUNCIL FOR EDUCATORS ACT

- 15.1 The SACE Act requires SACE to compile a code of professional ethics ('code of ethics') for all teachers.
- 15.2 A teacher must not be employed unless they are registered with SACE. The SACE Act sets out that a teacher may be removed from the SACE register of teachers if the code of ethics is breached. Any form of sexual misconduct is a breach of the code of ethics.
- 15.3 A breach of the code of ethics includes any form of sexual abuse, improper physical contact, sexual harassment, and any consensual sexual relationship with a learner. With regard to reporting to SACE, please see attached SACE booklet which provides for lodgement of a written complaint (under paragraph 3, page 7). Upon receipt of the complaint, SACE will conduct its own investigations and/or disciplinary hearings and make an appropriate sanction (penalty, removal from educators' roll, etc.).
- 15.4 A sample letter setting out exactly how to word and address the complaint can be found at: <https://www.sace.org.za/pages/sample-letter-of-complaint> and you can simply copy and paste onto the school letterhead and insert the relevant details.
- 15.5 Any person who believes that an educator has breached the code must lodge a complaint with SACE.

16. RESPONSIBILITIES OF THE PRINCIPAL

- 16.1 The school principal is ultimately accountable for implementing, managing and sustaining the Policy and procedures described in this document.
- 16.2 A school principal should seek to:
 - 16.2.1 ensure all educator's employed by the school are aware of their duty of care to all learners *in loco parentis*,
 - 16.2.2 ensure school staff and learners are familiar with the ISASA Child Protection Policy;
 - 16.2.3 make all permanent and contract staff aware of their duty to report any incident or suspicion of sexual abuse or harassment affecting a learner;

- 16.2.4 report any incident or suspicion of sexual abuse and harassment, within 24 hours, following the guidelines as set out in section 3.2.1 of the Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools;⁸
- 16.2.5 refer the victim immediately to psycho-social support if deemed appropriate;
- 16.2.6 revise, evaluate, implement and monitor the School's Code of Conduct to ensure consistency with applicable legislation;
- 16.2.7 ensure the timely initiation and completion of any internal processes (hearing, disciplinary or tribunal, depending on the level of offence); and
- 16.2.8 advocate for, and participate in, creating ongoing staff, learner and parent training opportunities that relate to the prevention and management of sexual abuse and harassment.

17. EDUCATOR OBLIGATIONS

An educator should seek to:

- 17.1 provide a safe and private space for a learner to disclose any details of any incident and keep information shared with them confidential;
- 17.2 report any incident or suspected incident of sexual abuse and harassment to the principal or the School Council Chair if the principal is the alleged offender;
- 17.3 observe any changes in the learner's behaviour following the report;
- 17.4 ensure that the guidelines and procedures for the reporting of sexual offences are covered within predetermined lessons and refresh learners' awareness of these procedures periodically; and
- 17.5 provide learners with information and contact details to report sexual abuse or harassment.

18. LEARNER OBLIGATIONS

- 18.1 Learners should report any incidents or suspected incidents of sexual abuse and harassment to the school principal, an educator or any other adult employed by the school who they feel comfortable speaking with. They can also report to SACE directly.
- 18.2 Learners should be encouraged to seek the permission of the victim before disclosure.

19. PARENTS OR GUARDIANS

A parent or a guardian should report any incident or suspected incident of sexual abuse and harassment to the Principal, the Grade Head, member of the School Management Team (SMT), an educator, SACE and/or the SAPS.

20. SCHOOL CODE OF CONDUCT

If the transgression was in violation of the School's Learner Code of Conduct / Disciplinary Code, then due process in relation to disciplinary hearings should be followed, provided the Code of Conduct makes provision for the transgression. Disciplinary procedures of the school may run concurrently with those of reporting procedures with SAPS, this includes incidents that took place off the school premises.

⁸ Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools is available here: <https://www.education.gov.za/LinkClick.aspx?fileticket=wOQe8erj6TQ%3D&tabid=390&portalid=0&mid=1125&forcedownload=true#:~:text=The%20purpose%20of%20the%20Protocol,abuse%20and%20harassment%20perpetrated%20again st.>

21. SOCIAL MEDIA

- 21.1 Sexual harassment and grooming may be conducted through social media and non-physical contact.
- 21.2 The Cybercrimes Act 19 of 2020 criminalises the sending of data messages that unlawfully contain an intimate image.
- 21.3 This means that any non-consensual distribution of a sexually explicit or nude video or photograph constitutes a cybercrime which is punishable by a fine or imprisonment for a period of up to fifteen years, or to both a fine and such imprisonment, as may be ordered in terms of the offence.
- 21.4 All School employees, staff, interns and educators are advised as follows:
 - 21.4.1 They may not accept friend requests / follows / connections from current pupils, or ex-pupils under the age of 18 (where public settings do not allow for this, staff are requested to remove the learner as a follower or block them);
 - 21.4.2 Parents are to be notified if a child sends a friend request;
 - 21.4.3 Use extreme caution when corresponding with parents via social media, and preferably use a school email address instead;
 - 21.4.4 Do not discuss anything to do with school, pupils or other staff members, or post photos of school events on any social media platform;
 - 21.4.5 Only post things they would be happy to be attributed to them;
 - 21.4.6 Do not identify themselves as being associated with the school; and
 - 21.4.7 Use the tightest privacy settings possible.
- 21.5 A social media policy which sets out in detail how the school community is expected to conduct themselves over social media is highly recommended.

22. MEDIA ANNOUNCEMENTS

The content of formal media announcements, press releases and statements regarding any incident shall maintain the confidentiality of affected parties.

SCHEDULE 1
CONTACT DETAILS

1. CHILD PROTECTION UNIT

Provincial Commander: Family Violence, Child Protection and Sexual Offences Investigations	Office Numbers	Cellular Phone Numbers	Email Address (Office hours)
Head Office	012 393 2107		Head.fcs@saps.gov.za
Eastern Cape	040 608 8498	082 442 0651	GovaneLP@saps.gov.za
Free State	051 507 6628	082 854 7501	LekheleMA@saps.gov.za fs_prov.cmdr@saps.gov.za
Gauteng	011 309 6016	082 412 5988	PetsaneMW@saps.gov.za
KwaZulu-Natal	031 325 4941	082 826 8976	gounderD@saps.gov.za
Limpopo	015 290 6180	082 451 7170	limprov.fcs.coordinator@saps.gov.za
Mpumalanga	013 762 4770	082 465 2359	NgutshaniT@saps.gov.za
North West	018 299 7159	071 3539 137	nw.detectives.fcscmdr@saps.gov.za
Northern Cape	053 839 2824	079 6951 719	ncprov.fcs.co-or@saps.gov.za LubidlaM@saps.gov.za
Western Cape	021 467 8390	082 8509 674	wc.fcscommander@saps.gov.za

2. SACE

Telephone Number - 012 663 9517

Email Address - info@sace.org.za



REPUBLIC OF SOUTH AFRICA

FORM 8

[Regulation 17(2)]

APPLICATION FOR CERTIFICATE BY PERSON/ LICENCING AUTHORITY/ RELEVANT AUTHORITY IN RESPECT OF PARTICULARS OF ANOTHER

Section 44 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)(the Act)

Date:

NOTE 1: In terms of section 44 of the Act an application for a certificate, stating whether or not the particulars of a person mentioned in the application are recorded in the National Register for Sex Offenders may be made by—

- (a) an employer in respect of an employee;
- (b) a licensing authority in respect of an applicant;
- (c) a relevant authority in respect of an applicant;
- (d) an employee contemplated in respect of his or her own particulars;
- (e) a person contemplated applying for a licence or approval to manage or operate any entity, business concern or trade in relation to the supervision over or care of children or persons who are mentally disabled in respect of his or her own particulars;
- (f) a person contemplated in section 48(2) applying to become a foster parent, kinship care-giver, temporary safe care-giver or adoptive parent in respect of his or her own particulars; or
- (g) any person whose particulars appear on the Register in respect of his or her own particulars.

NOTE 2: A set of fingerprints of the person referred to in paragraph 2 hereunder, must be attached to this form (a set of fingerprints can be taken at any police station)

1. PARTICULARS OF APPLICANT																									
*1.1	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%; padding: 2px;">Title:</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">Full names and surname:</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">Profession or trade:</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">Identity number/ passport number:</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">Contact details (including postal address):</td><td style="border: 1px solid black;"></td></tr> <tr> <td style="padding: 2px;">Telephone number:</td> <td style="border: 1px solid black; width: 30%;"></td> <td style="padding: 2px;">Cell number:</td> <td style="border: 1px solid black;"></td> </tr> <tr><td style="padding: 2px;">Reason for applying for certificate:</td><td colspan="3" style="border: 1px solid black;"></td></tr> </table>	Title:		Full names and surname:		Profession or trade:		Identity number/ passport number:		Contact details (including postal address):		Telephone number:		Cell number:		Reason for applying for certificate:									
Title:																									
Full names and surname:																									
Profession or trade:																									
Identity number/ passport number:																									
Contact details (including postal address):																									
Telephone number:		Cell number:																							
Reason for applying for certificate:																									
*1.2	<p>If licensing authority or relevant authority as defined in the Act applies for certificate, please state</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%; padding: 2px;">Name of licensing authority/relevant authority:</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">Business address of licensing authority/relevant authority:</td><td style="border: 1px solid black;"></td></tr> <tr><td colspan="2" style="padding: 2px;">Details of contact person applying on behalf of licensing authority/relevant authority:</td></tr> <tr><td style="padding: 2px;">Title:</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">Full names and surname:</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">Profession or trade:</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">Identity number/ passport number:</td><td style="border: 1px solid black;"></td></tr> <tr><td style="padding: 2px;">Contact details (including postal address):</td><td style="border: 1px solid black;"></td></tr> <tr> <td style="padding: 2px;">Telephone number:</td> <td style="border: 1px solid black; width: 30%;"></td> <td style="padding: 2px;">Cell number:</td> <td style="border: 1px solid black;"></td> </tr> <tr><td style="padding: 2px;">Reason for applying for certificate:</td><td colspan="3" style="border: 1px solid black;"></td></tr> </table>	Name of licensing authority/relevant authority:		Business address of licensing authority/relevant authority:		Details of contact person applying on behalf of licensing authority/relevant authority:		Title:		Full names and surname:		Profession or trade:		Identity number/ passport number:		Contact details (including postal address):		Telephone number:		Cell number:		Reason for applying for certificate:			
Name of licensing authority/relevant authority:																									
Business address of licensing authority/relevant authority:																									
Details of contact person applying on behalf of licensing authority/relevant authority:																									
Title:																									
Full names and surname:																									
Profession or trade:																									
Identity number/ passport number:																									
Contact details (including postal address):																									
Telephone number:		Cell number:																							
Reason for applying for certificate:																									

*Delete whichever is not applicable

2. PARTICULARS OF PERSON		
Title:		
Full names and surname:		
Indicate any other surnames:		
Indicate any known alias or nickname:		
Profession or trade:		
Date of birth:		
Age:		
Identity number/ passport number:		
Driver's licence number:		
Home address/ Last known physical address:		
Any other contact details (including postal address):		
Telephone number:		Cell number:

.....

SIGNATURE OF APPLICANT

(If application is not submitted electronically)

**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 X901
PRETORIA
0001

Dear Sir / Madam

In terms of section 126(1) / 126(2)* of the children's Act, (No. 38 of 2005),
I,..... (full names and surname)
wish to inquire whether the name of a certain person is included in Part B of the National Child
Protection Register. The particulars of the person are:

(* - Delete which is not applicable)

1. EMPLOYEE'S DETAILS:						
Surname			Full name(s)			
Gender:	M	F	Date of Birth:	DD	MM	CCYY
* He / she is known as:			Driver's licence no:			
Alias (also known as):						
* ID no:			* Passport no:			
Physical Address:			Postal Address:			
* Telephone no:			Mobile no:			
The above-mentioned person will be / is currently* employed in the following position:						

2. DETAILS OF EMPLOYER - (My / our details are the following :)	
Employer's name or name of NPO:	NPO Registration number:

Employer's Physical Address:	Employer's Postal Address:
Employer's telephone no/s:	Other contact details:

3. ATTACHED DOCUMENTS:

A certified copy of the following documents attached as verification of identity:

- certified copy of birth certificate, identity document or passport of person who signed letterhead;
- certified copy of birth certificate, identity document or passport of person to be screened.

Please note that section 126(5)(a) of the Act requires you to respond to this inquiry within 21 working days.

Yours sincerely

(Signature)

(Designation)

(Date)

Official Stamp of employer/ Organisation

FORM 22
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: 1. The Head of the Department, Dept of Social Development

**2. The District Director, Dept of Education: For Attention CES: SDSS / Social Worker
Copy for your attention and Register for Child Abuse Cases**

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:
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

NAME OF REPORTING EDUCATOR: _____

NAME OF PRINCIPAL: _____

DATE : _____

NAME OF SCHOOL: _____

ADDRESS: _____

CONTACT TELEPHONE: _____
