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Department:
Education

PROVINCE OF KWAZULU-NATAL



PSYCHO-SOCIAL SUPPORT SERVICES

**GUIDELINES FOR THE MANAGEMENT OF CHILD
ABUSE, NEGLECT AND EXPLOITATION FOR PUBLIC
SCHOOLS IN KWAZULU-NATAL**

"We owe our children-the most vulnerable citizens in society
a life free from violence and fear"

~ Nelson Mandela

APRIL 2015

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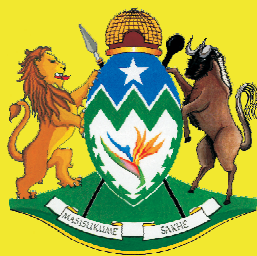
*The Fight To Protect
Our Children, Is One
We Must Fight Together*

MY LIFE! MY FUTURE CAMPAIGN

A fight against teenage pregnancy; substance abuse and HIV and AIDS and other social ills

MY LIFE BY CHOICE

MY EDUCATION COME FIRST



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PROVINCE OF KWAZULU-NATAL

FOREWORD



NKOSINATHI S.P. SISHI, (PhD)
HEAD OF DEPARTMENT: KZNDoe

Walt Disney - the famous cartoonist, film maker and businessman said “Our greatest natural resource is the minds of our children.”

The most important concern of any community should therefore be the health, safety and well-being of its children and youth, yet daily children around the world are in danger of abuse, neglect, exploitation and violence. These dangers exist in their daily spaces such as their homes, schools and communities. There are many reasons why children can be vulnerable. It could be because of gender, race, socio-economic status, disability, sickness and cultural factors. Child abuse and neglect can have lasting and damaging effects on a child’s psychological, physical and emotional wellbeing.

The KwaZulu-Natal Department of Education (KZNDoe) recognizes the need to protect all children, and the importance to provide support for child victims. To this end the KZNDoe is committed to working collaboratively with all key stakeholders involved in child care, support and protection.

The purpose of this guideline document is to describe:

- (i) what constitutes child abuse, neglect and exploitation
- (ii) roles and responsibilities of educators, School Management Teams(SMTs), School Governing Bodies (SGBs), district officials and key service providers, and
- (iii) the protocols and processes that need to be followed with regards to child abuse, neglect and exploitation.

Schools as centres of Care and Support have the role of creating awareness of child abuse, implementing prevention programmes and ensuring support for learners who are abused. In doing this we will be contributing to efforts aimed at ensuring children grow up in a world that is safe, nurturing and child friendly.

A handwritten signature in black ink, consisting of a long horizontal line followed by a stylized, looped flourish.

NKOSINATHI S.P. SISHI, (PhD)
HEAD OF DEPARTMENT: KZNDoe



CHILD ABUSE

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1. Introduction

The South African Constitution (1996) defines Child abuse “as any form of harm or ill treatment deliberately inflicted on a child” (person under 18 years of age). This includes any act or inaction that has the potential risk to harm the child or cause an infringement of a child’s rights in terms of Section 28 of the South African Constitution. The act of abuse can be a single incident or can be a number of different incidents that take place over a period of time.

Globally the task of establishing the true extent of child abuse has proven to be difficult as there are variations in the definition used, how data is collected and the issue of under reporting. Obtaining the true extent of prevalence of child abuse in South Africa is also challenged by data collection methods and the issue of under reporting. The main source of data collection in the country is police statistics. As a country, South Africa has statistics that are of concern when it comes to violent crimes. The South African Police Service (SAPS) report on the key crime trends for the period 1 April 2013 – 31 March 2014, indicate that:

- ▶ the average number of murders committed each day increased from 45 in 2012/13 to 47 in 2013/14
- ▶ Sexual offences cases increased from 64 514 (2012/13) to 66387 (2013/2014), an increase of 2.9 %

(Fact Sheet South Africa: Official Crime Statistics for 2012/13; September, 2014)

The key findings of a research study conducted by the South African Medical Research Council in August 2012 indicated the following situation in South Africa;

- ▶ three children a day are murdered
- ▶ child homicide (death due to the actions of another) rate is at 5.5 / 100 000
- ▶ more younger age girl children are murdered
- ▶ there is an increase of male homicide during adolescence- 21.7/ 100 000
- ▶ nearly half (44.5%) of all child homicides were due to child abuse and neglect
- ▶ 16% of all child homicides were due to abandonment within the first week of life.

(South African Medical Research Council; Child Homicide Patterns in South Africa: Is there a link to Child Abuse; August 2012)

Child abuse occurs at every socio-economic level, across all ethnic and cultural lines, within all religions, and at all levels of education. The perpetrators of abuse of children are not restricted to strangers, friends, wider community members, neighbours and family members. Parents have also been found guilty of abusive acts against their children. The profound physical, social and mental health consequences of abuse can impact negatively on the future livelihoods and well-being of affected children and society at large. Consequently schools have a critical role in identifying and responding to the needs of learners at risk.

Public schools are found in all, if not in most communities in KZN. Apart from home, the school is the next place where children spend the larger part of their day. Teachers are one of the first persons who will observe any changes in a child's mood, appearance, health or behaviour. Appropriate response to such changes could help rescue a child that could be in an abusive or exploitative situation. Therefore schools cannot only be centres of learning; they must also be centres of Care and Support. As centres of Care and Support their role should be that of creating awareness of child abuse, implementing prevention programmes and ensuring support for learners who are abused.

This guideline document serves to assist schools in their efforts to respond to cases of child abuse, neglect and exploitation. The first edition of this guideline document was printed in June 2005 and was later revised in 2010. Due to changes in legislation and increased incidents of abuse, the nature of and responses to child abuse, neglect and exploitation in South Africa, this guideline document serves as a revision of the 2010 document. This revised document still has the previous overarching objective which is to provide direction to public schools on how to manage abuse where a learner is involved. It intends to provide management guidelines with respect to the following:

- ▶ suspicion of abuse, neglect, exploitation
- ▶ disclosure by victim
- ▶ report received by a third party of possible abuse, neglect, exploitation.
- ▶ cases involving immigrants

2. Defining Child abuse

The range of child abuse includes physical, sexual and emotional maltreatment; neglect; child labour and human trafficking. According to the Children's Act 38 of 2005 the following actions fall within the definition:

- “(a) Assaulting a child or inflicting any 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 and/or emotionally.”

Below are definitions of the various types of abuse, a more detailed description can be found in Annexure B.

Abuse of a **sexual** nature refers to any sexual acts involving a child and a parent, caretaker, any person in a position of trust, and/or any other person. The child is exploited for the sexual pleasure of an adult. This includes actions that:

- ▶ **are contact in nature** (e.g. fondling, touching over and underclothes, rubbing against a child, french-kissing, masturbation, oral sex)
- ▶ **are non-contact in nature** - a person entices a child to perform masturbation while the offender watches, ,inappropriate sexual remarks, exposing the child to sexual behaviour, pornography, exhibitionism, cybersex and voyeurism.
- ▶ Involves penetrative sex (sodomy, rape, attempted rape).
- ▶ Incest may include any of these behaviours, but is perpetrated within the family / close relatives.

Physical Abuse refers to any **non-accidental** injury or harm either inflicted on the child, or sustained by the child through an **adult's intentional neglect to protect** the child from physical harm/injury. This may include beatings, burns, human bites, broken bones, internal injuries, superficial bruises, brain injury caused by shaking the baby and in some cases death.

Neglect refers to any act or omission by a parent or caregiver which results in impaired physical function, impaired physical development, or injury or harm to the child. This includes failure to provide for the child's basic needs and appropriate level of care with respect to food, clothing, shelter, health, hygiene, education and safety.

Emotional Abuse includes overt rejection, criticism, belittling, insulting, withdrawal of love and attention and excessive demands of performance for a child's age and ability. Emotional Neglect refers to the failure of the parent/caregiver to provide adequate psychological nurturance necessary for a child's healthy growth and development.

Child Labour: No child under the age of 15 years is allowed to be employed without an investigation and approval of the Commissioner of Child Welfare. Children have the right to be protected against economic and labour exploitation. Children should not be required or permitted to perform work or provide services that are age inappropriate or place a risk on the child's well-being, education, physical or mental health or spiritual, moral or social development. The Worst Forms of Child Labour (WFCL) has been defined as:

- all forms of slavery or practices similar to slavery, such as the sale of a child, **trafficking of children** - meaning the recruitment of children to do work far away from home and from the care of their families, in circumstances within which they are exploited; **debt bondage** or any other form of **bonded labour** or **serfdom**; **forced** or compulsory labour, including forced or compulsory recruitment of **children for use in armed conflict**;
- **Commercial sexual exploitation of children (CSEC)**, including the use, procuring or offering of a child for **prostitution**, or the **production pornography** or for pornographic performances;
- use, procuring or offering of a child by others for illegal activities, also known as **children used by adults in the commission of crime (CUBAC)**, including the trafficking or production of drugs.

Human Trafficking: Currently Trafficking in Persons is defined in the Criminal Law (Sexual Offences and Related Matters Amendment Act 32 of 2007) and the Children’s Act 38 of 2005. These are interim definitions which will be repealed once the Prevention and Combatting of Trafficking in Persons Act 7 of 2013 is gazetted and comes into operation. In this document, the anticipated definition of Trafficking in Persons in the Prevention and Combatting of Trafficking in Persons Act 7 of 2013 will be used for explanatory purposes. Section 4(1) provides that any person who delivers, recruits, transports, transfer, harbour, sells, exchanges, leases or receives another person within or across the borders of the Republic, by means of-

- A threat of harm
- The threat or use of force or other forms of coercion
- Abuse of vulnerability
- Fraud
- Deception
- Abduction
- Kidnapping
- The abuse of power
- The direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage, aimed at either the person or an immediate family member of that person or any other person in close relationship to that person, for the purpose of any form or manner of exploitation, is guilty of the offence of trafficking in persons.
- Section 4 (2) of Trafficking in Persons in the Prevention and Combatting of Trafficking in Persons Act 7 of 2013 states ‘Any person who adopts a child, facilitated or secured through legal or illegal means; or concludes a forced marriage with another person, within or across the borders of the Republic, for the purpose of the exploitation of that child or another person in any form or manner, is guilty of an offence.

Harassment: South Africa’s new Protection from Harassment Act 17 of 2011 came into operation on the 27 April 2013. Harassment under this Act includes both direct and indirect conduct that either causes harm (mental, psychological, physical, and economic) or that inspires the person complaining of harassment (the complainant) to reasonably believe that harm may be caused. Such conduct includes:

- Watching
- Pursuing
- Accosting the complainant (or someone in a close relationship with the complainant)

- Loitering outside or near where the complainant lives, works, studies or happens to be.
- Harassment is also contact (written, verbally, electronic, packages) that cause harm or makes the complainant feel in danger of being harmed.
- Harassment also includes sexual harassment- which is “any unwelcome sexual attention from a person who knows or who reasonably knows that such attention is unwelcome” This includes unwelcome behaviours, suggestions, messages, remarks of a sexual nature that have the effect of “offending, intimidating or humiliating” Sexual harassment also includes promises of reward/s for fulfilling a sexual request or punishment for refusing a sexual request.

(Protection from Harassment Act: 2011, www.justice.gov.za/legislation/acts/2011)

Any person who believes that they are being harassed by another person can apply for a protection order under the Protection from Harassment Act (2013). It is important to note that a child under the age of 18 years, or a person on behalf of a child, may apply for a protection order. This can be done without the assistance of the child’s parents. If a person is not in a position (for e.g a disabled person) then another person can apply for protection on their behalf.

A person can obtain a Protection order by applying to a magistrates court either where they work or live. Failure to comply with the final protection order is a criminal offence and the person can be fined or imprisoned.

3. Child Protection: Legislation, policies, guidelines and mandatory reporting

3.1. Legislative Mandates

There are various legislations, policies, guidelines and programmes that aim to:

- (i) Keep children free from exploitation, harm and danger.
- (ii) Protect children from abuse and neglect
- (iii) Support or respond to cases of child abuse, neglect and exploitation.

Among the list of relevant legislations are:

- The Constitution of South Africa (1996)
- The new Children’s Act, Act 38 of 2005
- Protection from Harassment Act 17 of 2011
- Trafficking in Persons Act 7 of 2013
- The South African Domestic Violence Act of 1998
- The Sexual Offences and other related matters Act 6 of 2012
- UN Convention for the Rights of the child (1989)

3.2. Department of Education - Child protection, safety and support policies and Programmes

The Department of Education has several legislations and policy documents in place that promote the protection of children and to act in their best interest viz:

3.2.1 National Education Policy Act, Act 27 of 1996

The overall objective of this Act is to provide for the determination of a national education policy in order to ensure that all learners have access to education, reach their full potential and to put structures in place to provide resources to implement these policies. It is based on the principles in the Constitution and promotes the best interest of the child. The Act also states that: “No person shall administer corporal punishment or subject a student to psychological or physical abuse at any educational institution”.

3.2.2 South African Schools Act, Act 84 of 1996:

This Act provides for a uniform system for the organisation, governance and funding of schools. An important part of this Act is the establishment of School Governing Bodies that promote parent participation in the governance of the School. One of their responsibilities is to develop a Code of Conduct for learners. Contained in this Act are Guidelines for the consideration of Governing Bodies in adopting a code of conduct for learners: Guidelines have been established that specifically deal with the rights and responsibilities of learners. Non-violence and the freedom and security of learners are ensured. Also Section 10 of the Act contains the following:

- (i) No person may administer **corporal punishment** at a school to a learner;
- (ii) Any person who contravenes subsection (i) is guilty of an offence, and liable on conviction to a sentence which could be imposed for assault”.

3.2.3 Education White Paper 6 (2001) (EWP6):

EWP6 provides policy directives with respect to the provision of care and support programmes and services for learners experiencing barriers to learning and development. Support should be provided to learners that experience social, psychological and behavioural barriers to learning. It advocates that support must be infused at all levels of educational organisation. i.e. schools, classroom, district and provincial offices. To this end at a school level a support team must be established. A mandatory school based support team at all public schools is the Senior Management Team (SMT). The SMT is expected to manage, support and monitor planning, programme implementation and budgeting covering three focal areas in a school viz.

- (i) school governance and whole school development ;
- (ii) curriculum and educator support and
- (iii) learning and learner support.

3.2.4 Admission Policy for ordinary schools:

This policy gives guidelines for admission of learners to a school. This policy ensures that a learner is admitted to the total school programme and may not be suspended from classes, denied access to cultural, sporting or social activities of the school, denied a school report or transfer certificates, or otherwise victimised on the grounds that his or her parent is unable to pay or has not paid the required school fees. The rights of learners with special needs, must be taken into account at the admission to an ordinary school.

3.2.5 Regulations for Safety Measures at Public Schools (School Safety framework):

The National Education Policy Act requires the Department of Education, schools and school authorities to create an enabling education system that supports the full personal development of each learner. The School Safety Framework endeavours to eradicate school -based crime and all schools are gun/weapons and drug free zones.

3.2.6 Framework for Care and Support for Teaching and Learning (CSTL):

The goal of the CSTL Programme is to realise the educational rights of all children, including those who are most vulnerable, through schools becoming inclusive centres of learning, care and support. The CSTL Programme intends to prevent and mitigate factors that have a negative impact on the enrolment, retention, performance and progression of vulnerable learners in schools by addressing barriers to learning and teaching. Provision of support to learners experiencing barriers to learning is an integral part of this programme. In order to realize its goal, nine priority areas have been identified to mitigate factors that have a negative impact on the enrolment, retention, performance of vulnerable learners. viz: nutrition, health, water and sanitation, safety and protection, social welfare services, psychological support, material support, curriculum support and co-curricular support.

3.2.7 Regulations to Prohibit initiation Practices in Schools:

These regulations place the responsibility on Principals, Educators and governing bodies to ensure that learners are protected against initiation practices that endangers the mental or physical health or safety of the learner; undermines the intrinsic worth of learners; submission to humiliating or violent acts which undermine the dignity of the child; undermines the fundamental rights and values that underpin the Constitution; destroys public or private property.

3.2.8 Employment of Educators Act, Act 76 of 1998:

This Act provides for the employment of Educators, for the regulation of the conditions of service, discipline, retirement and discharge of educators and for matters connected therewith.

One of the provisions of this Act is the dismissal of an educator if he or she is found guilty of theft, bribery, fraud or an act of corruption in regard to examinations or promotional reports; committing an act of sexual assault on a learner, student or other employee; having an sexual relationship with a learner of the school where he or she is employed; seriously assaulting with the intention to do grievous bodily harm to a learner; illegal possession of an intoxicating, illegal or stupefying substance; or causing a learner to perform any of the acts contemplated in this paragraph.

3.2.9 South African Council of Educators Act, Act 31 of 2000:

The Code of Professional Ethics that forms part of this Act, clearly states that an educator should:

- ▶ avoid any form of humiliation and refrain from any form of abuse, physical or psychological of learners.
- ▶ should refrains from improper physical contact with learners;
- ▶ refrain from any form of sexual harassment, physical or otherwise, of learners;
- ▶ refrains from any form of sexual relationship with learners at a school.
- ▶ use appropriate language and behaviour in his or her interaction with learners, and act in such a way as to elicit respect from the learners;
- ▶ take responsible steps to ensure the safety of the learner.

3.3. Mandatory Reporting

In terms of Section 110 of the Children’s Act, Act 38 of 2005 the following applies:

- (1) 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 (Form 22 – Annexure C) to a designated child protection organisation, The Provincial Department of Social Development or a police official;
- (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.
- (3) A person referred to in subsection (1) or (2)-
 - (a) must substantiate that conclusion or belief to the provincial department of social development, a designated child protection organisation or police official; and
 - (b) who makes a report in good faith is not liable to civil action on the basis of the report.”

These sections compel persons as mentioned in Sect. 110 of the Act to notify the Director-General (DG) of the Provincial Department of Social Development by the completion of Form 22 (Annexure C). Form 22 needs to be duplicated and be kept in every School Principal’s Office and be available to all educators for completion in the event of suspected or disclosed abuse, neglect and exploitation. Forms need to be completed in respect of these three purposes:

- i) the original to be sent to a local Department of Social Development or Child Welfare Society for intervention;
- ii) one copy to be sent to the District Director for attention SNES Section in the relevant District for record keeping and coordination;
- iii) One copy to be kept at the school.

On notification, the Director General (DG) will request any policeman, social worker or authorised officer to take appropriate steps to ensure the safety and welfare of the child. A preliminary investigation into the circumstances giving rise to the concerns with regard to the child will be conducted by a social worker or other designated person. Should the preliminary investigation reveal reasonable grounds, further pre-scribed steps will be taken to comply with the regulation of the Children's Act.

A **Provincial Child Protection Register** will be kept at the various Provincial Offices of the Department of Social Welfare. Other departments such as the Department of Health, Education, SAPS and Justice are encouraged to keep their own registers with the view of planning and provision of preventive services. A **National Child Protection Register** will also be maintained.

Educator Mandatory Reporting: by virtue of being an educator and working with children, it is **mandatory** for educators to report any case of child abuse that they either suspect, or is reported by the learner to them, or is reported to them by another person or any form of abuse that they have witnessed. Educators are obliged to:

- to identify child abuse or neglect or worst forms of child labour/ To facilitate disclosure where appropriate
- to record incidences of child abuse
- to report/notify authorities about the incident of child abuse – Children's Act, Act 38 of 2005 - Notification - First report implications (Refer to Form 22- Annexure C)
- to refer cases for further investigation and/or support
- To support the child throughout the process
- To facilitate preventative measures/ programmes through life skills education.
- To maintain confidentiality of the case and maintain the dignity of the learner.

4. Types of Abuse

4.1 Risk Factors for families and children

Certain life circumstances may place a child at risk of abuse. By making note of information obtained on admission, through parent consultations and observations, an educator may be able to identify children that are at risk. Early intervention could help stop abuse or prevent it

which could greatly reduce the physical, psychological and emotional impact that abuse can have on a child's development. Some life circumstance/s that may place a child at increased risk of harm include:

- * Social or geographic isolation of child or families
- * Limited community or family support
- * History of abuse or neglect of other members in the family
- * Parents/Caregivers abusing alcohol and other drugs that affect their ability to take care of their child
- * Living in a Child Headed Household
- * Poor parenting and parenting skills
- * Orphan and vulnerable children (OVC)
- * A history of violence in the family
- * Absent parent – physically and /or emotional
- * No preparation for parenthood/ unwanted pregnancy
- * Young unsupported mother with low levels of education
- * Postnatal depression
- * Parent has mental illness
- * Children close in age
- * Disabled children
- * Step / foster children
- * Poverty, deprived of access to basic services

(The State of Queensland - Department of Communities, Child Safety and Disability Services; Child Abuse. What you need to know; www.communities.qld.gov.au/childsafety; 2010-2014.)

The above indicators are possible risk factors and it is not intended to imply that the presence of any listed indicator means that abuse or neglect is occurring.

4.2 Indicators of Child Abuse

By being able to identify signs of abuse and knowing how to respond, educators can make a huge difference in protecting a child from further abuse and in helping him/her to heal. There may be physical and behavioural signs or symptoms that suggest possible abuse, neglect or exploitation. Whilst these signs and symptoms on their own do not necessarily confirm that a child has been abused, it alerts us to the possibility that abuse may have occurred.

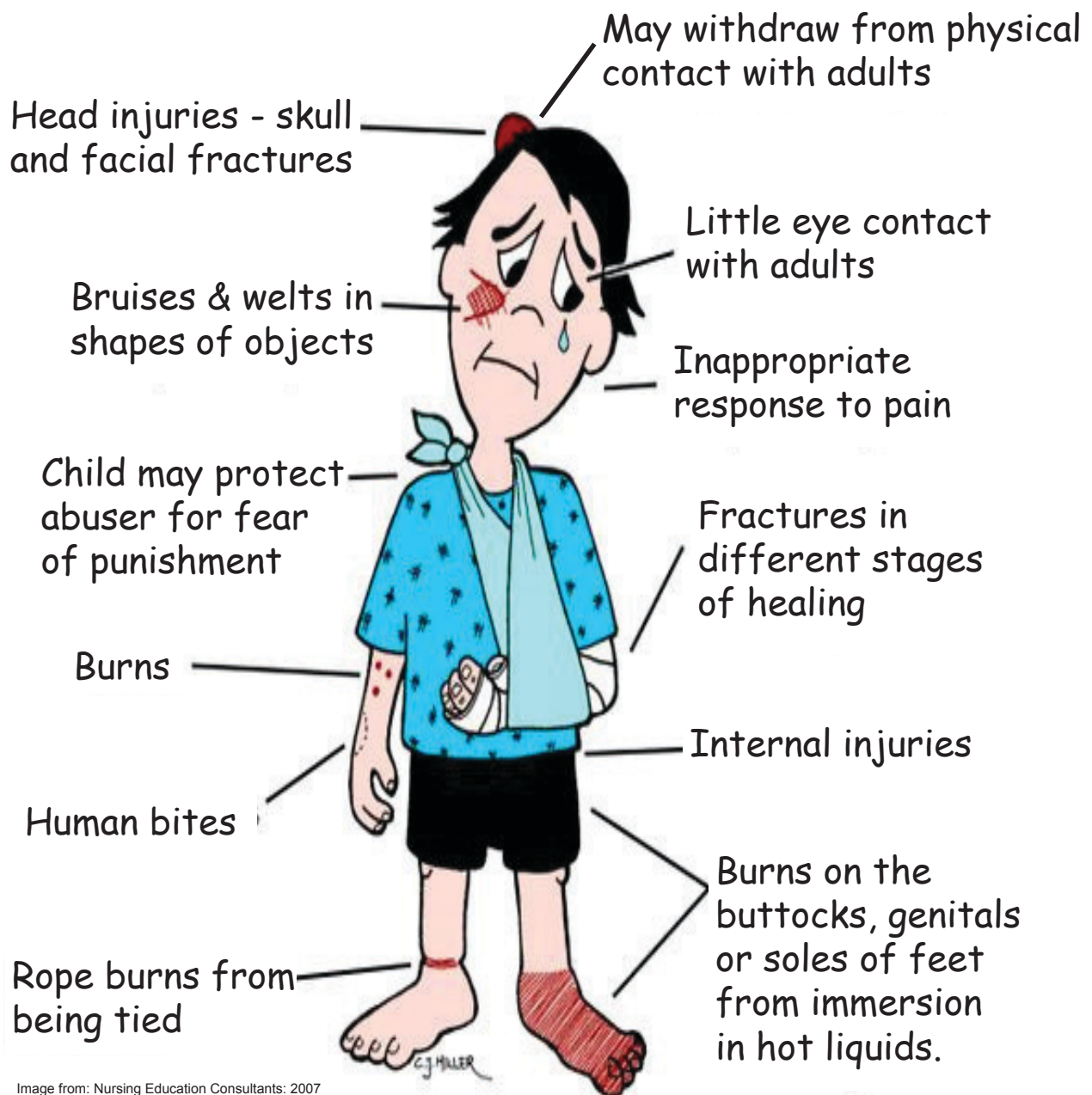
In this section the basic signs and symptoms of the various types of child abuse are listed. Educators can use this information when observing children in their care to determine whether the child presents with symptoms that warrant further investigation and support from relevant professionals.

The possible signs and symptoms of the various forms of abuse are:

4.2.1 Physical Abuse

The tables below detail common behaviours, signs and symptoms that can be observed in relation to the various forms of abuse, neglect and exploitation. It is not an exhaustive list and there may be other indicators that you observe that raise warning bells that a child is in trouble and in need of care and support. The following information (4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3, 4.4 and 4.5) are acknowledged and taken from "Abuse no more. Dealing effectively with Child Abuse" as issued by The Western Cape Education Department (2001). Note that some additions/ updates have been made.

CHILD ABUSE



4.2.1 Physical Abuse (Cont.)

Behaviour	Signs and Symptoms
<ul style="list-style-type: none"> • Cannot explain injuries or gives inconsistent explanations; • Absconds; • Cringe or withdraws when touched; • Stare with empty expression, rigid carriage, on guard; • Extremely Aggressive or withdrawn; • Seeks attention from anyone who cares; • Extremely compliant, tries to please others; • Become scared when other children cry; • Scared to go home after school. • Scared of adults; • Normal activities arouse anxiety; • Vandalises things. • Alterations in eating patterns 	<ul style="list-style-type: none"> • Injuries – bruises, cuts, burns, fractures, cigarette burns , glove or doughnut shaped burns on buttocks and/or genitalia indicative of immersion in hot liquid, patterned burns that show the shape of item used, • Bruises or welts, in clusters over large areas of the body, lacerations to mouth, lip, gums, eyes, ears, hands, finger • Human bite marks • Absence of hair in patches due to pulling • Dislocation of joints due to pulling. • Head injuries on pre-school children, e.g. cuts, bruises, burn marks, abrasions which cannot be satisfactorily explained; • Injuries such as fractures, e.g skull, jaw or nose. Spiral fractures of the arms or legs, multiple fractures at different stages of healing, • Inappropriate clothing to cover the body. • A number of injuries, various stages of healing; • Various injuries over a period of time; • Shaken baby syndrome: retinal bleeding, brain injury

4.2.2 Neglect:

Behaviour	Signs and symptoms
<ul style="list-style-type: none"> • Listless and makes few or no demands, e.g. seldom cries; • Little or no interest in the environment; • Little or no movement, e.g. sits still • Does not react to strangers' attempts to stimulate her or him; • Shows little fear of strangers, e.g. does not react to them; • Begs or steals food; • Continually tired, listless or falling asleep; • Says that nobody at home looks after her or him; • Irregular attendance at school; • Destructive and aggressive; • Inappropriate clothing, poor personal hygiene, continually hungry; • Physical and medical needs don't receive attention. • child labour 	<ul style="list-style-type: none"> • Fails to thrive. The child does not grow and/or loses a lot of weight (this may also indicate underdevelopment. A medical examination is necessary to determine the case). • Malnourished • Child is pale and emaciated • Very little body fat in relation to build, e.g. folds on buttocks; skin feels like parchment owing to dehydration; • Constant vomiting and/or diarrhoea; • Developmental milestones not reached within normal age-ranges, e.g. pre-schooler still cannot walk(rule out medical conditional for delayed motor development) • No immunisation • Untreated cuts, sores, injuries and illnesses • Consistently dressed in inappropriate clothing for the weather or clothing is torn, dirty • Poor dental care

4.2.3 Sexual Abuse:

Behaviour	Signs and symptoms
<ul style="list-style-type: none"> • Sexual play with self, others and toys; • Sexual vocabulary and/or behaviour not age appropriate; • Drawings or descriptions with sex theme not age appropriate; • Strange, sophisticated or unusual sexual knowledge, e.g. flirtation; • Promiscuity and/or prostitution; • Continual absconding; • Fear of seduction by members of the opposite sex; • Unwilling to participate in certain activities; • Sudden deterioration in school progress; • Poor relations with peers; • Withdrawal, fantasising, uncommonly childish behaviour; • Crying without provocation; • Depression, attempted suicide. 	<ul style="list-style-type: none"> • Pain or unusual itching of genitals or in anal area; • Torn, stained or blood stained underwear; • Pregnancy; • Injuries to genitals or anal area, e.g. bruises, swelling or infection; • Sexually transmitted diseases; • Difficulty in sitting or walking; • Regular urinary infection; • Throat irritations and/or soreness or mouth sores owing to forced oral sex.

4.2.4 Emotional Abuse

Behaviour	Signs and Symptoms
<ul style="list-style-type: none"> • Aggression, depression • Extreme compliance; too well-mannered, too clean; • Extreme attention-seeking; • Extreme control when she or he plays – suppresses own feelings. • extreme fear • anxious • withdrawal from regular activities or social settings • always crying • hysterical outbursts • says negative statements about him/herself • engaging in behaviour that gets him/her into trouble with authorities or the law 	<ul style="list-style-type: none"> • Regression in development. • Enuresis (bedwetting) and/or encopresis (soiling) for which there is no physical cause; • Continual psychosomatic complaints, e.g. headache, nausea, stomach pain; • Child does not grow and develop according to expectations • Self-destructive behaviours such as suicide attempts, self-harm • Engaging in alcohol and drug abuse. • Difficulty in trusting • difficulty in forming relationships • sleep and speech disorders • low self-esteem • feelings of shame and guilt • scholastic performance dropping

4.3 Rape

Behaviours	Signs and Symptoms
<ul style="list-style-type: none"> • Crying more than usual. • Difficulty in concentrating. • Being restless, agitated and unable to relax, or on the other hand just sitting around and moving very little. • Not wanting to go out and/or socialise, or on the other hand socialising more than usual. • Not wanting to be left alone. • Stuttering or stammering more than usual. • Trying to avoid anything that reminds the survivor of the rape, e.g. someone who was raped at a party may stop going to parties. • Many rape survivors don't want to talk about what happened, because it makes them remember the rape. • More easily frightened or startled than usual. Rape survivors often get very scared when someone walks up behind them without warning. • Being very alert and watchful. • Getting very upset by minor things that didn't worry them before the rape. • Losing interest in things that used to be of interest to them before the rape • Problems in relationships with people like family, friends, lovers and spouses. Rape survivors may become irritable and so may quarrel with others more easily; or they may withdraw from people with whom they had been close before the rape. They may also become very dependent on others, or on the other hand overly independent. • Sexual problems like a fear of sex, a loss of interest in sex or a loss of sexual pleasure. • Changes in work or school, e.g. playing truant, dropping out of school, changing jobs, or stopping work altogether. • Frequent moving of house. • Increased use of /onset use of substances like alcohol, cigarettes and/or drugs. Increased washing and/or bathing, because of a feeling of being dirty from the rape. • Denial. Acting as if the rape never happened • Express negative thoughts about the future 	<ul style="list-style-type: none"> • immediately after a rape, survivors often experience shock; they are likely to feel cold, faint, become mentally confused (disorientated), tremble, feel nauseous and sometimes vomit. • Pregnancy • Sexually transmitted diseases like HIV/AIDS, syphilis and/or gonorrhoea; gynaecological problems like irregular, heavier and/or painful periods, vaginal discharges and bladder infections. • Bleeding and/or infections from tears or cuts in vagina or rectum, depending on what happened during the rape; • A soreness of the body. There may also be bruising, grazes, cuts, etc. depending on the kind of force used during the rape. • Throat irritations and/or soreness owing to forced oral sex. • Tension headaches • Pain in lower back and/or stomach • Sleep disturbances like difficulty falling asleep, waking up during the night, being woken by nightmares about rape, getting less sleep than usual, or on the other hand, feeling exhausted and needing to sleep more than usual. • Suicidal • Flat Emotional affect

4.4 Human Trafficking

Information taken from: UNODC –Anti Human trafficking manual- Module 3 (2009), and US Department of Health and Human settlement: Office of Refugee resettlement – Fact sheet (2012)

Psychological and physical indicators of victims of trafficking

- Evidence of being controlled either physically or psychologically
- Inability to speak for oneself or share information about themselves
- Does not have or in possession of their identity documents.
- Has few or no personal possessions
- Loss of sense of time or space, not knowing where they are or for what .
- General feelings of helplessness, shame, guilt, self-blame, humiliation,
- Suffers from lack of sleep, fatigue or sleep disorder
- Addicted to drugs and alcohol
- Depression, anxiety, emotionally numb, detached, flat affect, disassociated
- Signs of physical abuse and trauma
- Poor health, including, sexually transmitted diseases, weight loss,
- Mental illnesses

4.5. Forced and arranged Child Marriages

Child marriage refers to a formal marriage or informal union before the age of 18 years. “Worldwide, more than 700 million women alive today were married before their 18th birthday...about 250 million entered into union before age 15.” (Unicef, Ending Child Marriage-Progress and Prospects; 2014). Globally there has been a slight decline of child marriages since the early 1980s viz. there were 1 in 3 woman that married in childhood as compared to in 2010 when there were 1 in 4 woman that married in childhood. (Foundation for Women’s Health Research and Development; Child Marriage, 2015)

Between 2011 and 2020, it is estimated that more than 140 million girls will become child brides.” (Foundation for Women’s Health Research and Development; Child Marriage, 2015). Child marriages can affect both boys and girls. Boys are also married as children although girls appear to be the vast majority of the victims. (Unicef, Ending Child Marriage-Progress and Prospects; 2014). “In developing countries, complications from pregnancy and childbirth are leading causes of death for girls aged 15 to 19 years. Unicef’s research document on the State of the World’s Children, 2009, indicates some factors in respect of victims of child marriages viz.:

- ▶ they are denied their childhood
- ▶ they generally do not have the choice of whom and when to marry
- ▶ child brides often experience difficulty in negotiating for safer sex, resulting in a greater vulnerability to sexually transmitted infections, including HIV.
- ▶ girls who marry early often abandon formal education and become pregnant
- ▶ child brides (before the age of 15 years) are 5 times more likely to die at childbirth
- ▶ babies to mothers under the age of 18 years have a 60% greater risk of dying than babies born to a mother 19 years and older

- ▶ babies are high risk of having low birth weight, under nutrition, late physical and cognitive development
- ▶ child brides are at risk of violence, abuse and exploitation
- ▶ child marriages could lead to social isolation
- ▶ limits career and vocational advancement.

Marriage before the age of 18 years is a fundamental violation of human rights. The South African Constitution, as supreme law of the land, protects cultural diversity, recognising that South Africa is a multi-faith, multi-cultural and multi-racial society. The Constitution states that persons belonging to a cultural, religious, or linguistic community may not be denied the rights to enjoy and practice their culture, however, this right may not be exercised in a manner inconsistent with any provision of the Bill of Rights. The rights of an individual to equality, dignity, privacy, freedom and security take precedence over cultural rights. Consequently the South Africa Government has passed laws such as the:

- ▶ **Child Justice Act** (came into operation 1 April 2010) – recognises that a child has the right to care and to be protected from neglect, abuse or degradation, and shall not be subjected to practices that could endanger her/his well-being, education, physical or mental health, or spiritual, moral or social development,
- ▶ **The Children’s Act 38 of 2005**, which states that a child below the age of 16 may not be subjected to social, cultural and religious practices which are detrimental to his/her well-being. It also states that a child below the minimum age of 18 may not be given out in marriage or engagement, and that a child above the minimum age may not be given out in marriage or engagement without his/her consent;
- ▶ **Recognition of Customary Marriages Act 120 of 1998**, which requires prospective spouses in customary marriages to be above the age of 18. This may be waived where written consent has been obtained from the Minister of Home Affairs, or an officer duly authorised.

Further South Africa has ratified numerous regional and United Nations protocols, many of which speak directly to the tensions between customary practices, gender equality and the rights of the girl child and women in particular eg. Convention of the Rights of the Child, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; international Covenant on Economic, Social and Cultural Rights.

The practice of child forced or arranged marriage becomes a child protection, abuse and/or safety issue when the practice contradicts and undermines our Constitution, discriminates on the basis of gender and is harmful to the child’s current and future development.

Often schools are not informed directly nor can they easily identify a presenting case as that of a forced or arranged marriage. The schools attention to such cases are often drawn indirectly through the identification of behavioural, safety, health or learning issues with respect to the affected learner. The school could observe the following with respect to affected children:

- ▶ sudden dropping out of school

- ▶ long absence from school with no report from home/ guardians as to the reasons
- ▶ child or parents are out of contact or moved residence
- ▶ school receives reports that the child is allegedly kidnapped or abducted
- ▶ child appears to be worried or fearful
- ▶ child pregnant
- ▶ child may present with signs of physical or sexual abuse
- ▶ child maybe depressed, withdrawn, emotional disturbed or suicidal
- ▶ decline in school performance
- ▶ child appears tired all the time
- ▶ child may be promiscuous / sexualised
- ▶ parents/guardians or family members are fully supportive of the practice and may report that child will not attend school due to the impending arranged marriage.

What is the school expected to do in cases of forced or arranged child marriages?

- ▶ In cases of alleged forced or arranged child marriages, the general protocols for management (gathering of information, recording information, reporting and cautions) of child abuse highlighted in 5.1 and 5.2 is generally followed.
- ▶ If the school has knowledge of the arranged or forced marriage, they are obliged by law to report such information to the Department of Social Development or the Police, who in turn has the obligation to investigate the matter.
- ▶ Of critical importance if the affected child is attending school, first attend to any immediate health, safety and protection needs of the suspected victim by referring them to the local health care facility and / or Department of Social Development.
- ▶ If the child’s whereabouts is unknown, report the matter to the police, DSD, District SNES and Circuit Management. Keep detail records of all your sources of information and any action taken by school, parents or any other concerned person (if brought to the school’s attention).

5. Protocols for the Management of incidents of child abuse

“Disclosure” happens when a child tells you that she /he has been or is being abused, neglected or exploited. An educator is often the first person a child reports abuse to or they are the first to notice a disturbed child. If the educator oversteps the support role and assumes the investigator role with respect to cases of child abuse, neglect and exploitation, they run the risk of contaminating evidence and causing possible secondary abuse to the learner.

5.1. Managing Disclosure

An incident of child abuse, neglect and exploitation is a sensitive and traumatic matter to deal with for both the affected child and person to whom the child discloses. If a child tells you that they have been abused, your immediate reaction and how you deal with the information shared by the child with you is critical to any effort to protect a child from harm.

What to do when a child discloses he/she has been harmed?

Disclosure:

- ▶ be calm; do not show shock, panic, or disbelief. The child has chosen you to disclose to because he/she is likely to be expecting to be listened to, heard and reassured
- ▶ Ensure safety of the child
- ▶ find a private place to talk
- ▶ thank the child for coming to talk to you and acknowledge his/her bravery
- ▶ be a listener not an investigator
- ▶ allow the child to talk in their own words,
- ▶ accept what the child says, no matter how unrealistic it may appear to you
- ▶ reassure the child that what has happened is not their fault
- ▶ if there any medical emergencies or safety issues, deal with those first. Avoid interviewing the child or asking leading questions. Do not ask questions that may make the child feel he/she is responsible in some way or promote guilt. Phrases used must be general and open ended eg. Can you tell me more about that? What did you mean by that? What did the person do? When did this happen?
- ▶ be aware of the tone of your voice – caution against coming across judgmental or as a disciplinarian
- ▶ do not make promises you cannot keep eg. “ your secret is safe with me” clarify confidentiality - that you will have to report the case in order to help the child.
- ▶ let the child know that in order to help them you are legally obliged to report the case to other professionals like the Social Worker, Principal and SAPS. Reassure them that working together with these professionals every effort will be made to ensure their safety. Explain to the child the roles of each department.
- ▶ If a report is made to an educator and the educator reports the case to the Principal, then there is no need for the Principal to question the learner again. S/he should refer the matter to the relevant role - players.
- ▶ if the situation is stressful for the child, remember not all information need necessarily be expressed in one interview.
- ▶ Keep the information/case confidential. If the victim suspects breach in confidentiality they may stop disclosing and abuse will continue.
- ▶ Always inform the child if you need to talk to someone else about the case and explain your reasons.
- ▶ Actions an interventions must be immediate (reporting to a principal, DSD, SAPS)

Recording:

- ▶ Keep detailed notes every step of the way. Notes of your statements as well as that of the child.
- ▶ Your report should not include your inferences, suggestions,“ completion of story,” substitution of words, re-enactments.
- ▶ Keep your notes/ draft reports/reports in a safe place in order to keep confidentiality.

Reporting:

- ▶ Since child abuse, neglect and exploitation is a criminal matter – collaboration with other key government departments is necessary viz.
 - (i) Departments of Social Development;
 - (ii) Health and the
 - (iii) South African Police Services. Treat information as sub-judicae.
- ▶ Complete Form 22 (Annexure C): Notification of Child Abuse and submit via the principal, provided he is not implicated to the Department of Social Development.
- ▶ If the Principal of the school is not implicated in the case, then report the matter via the Principal to the District office for the strict attention of the CES: SNES – for attention of Psycho-social Services.
- ▶ If the principal is implicated report directly to DSD and SNES.
- ▶ Inform child's parent/s with the consent of the child (in cases where she/he is over 14 years old), provided that the parents are not the alleged offenders.

Caution:

- ▶ Keep all information strictly confidential. Share only with those who absolutely need to know. This usually includes the authorities involved that will ensure the child's safety and protection.
- ▶ Remember that a breach in confidentiality can have serious implications for the case:
 - Loss of trust in you as educator.
 - Child could stop disclosing and withdraw.
 - Abuse can continue.
 - If perpetrator find out about the disclosure, the child could be at risk of further abuse.
 - Child's loses faith in system and its ability to protect it and this has serious untold consequences.
 - Child could drop-out of school.
 - Child will be embarrassed and experience loss of dignity.
 - Increases health risk for the child.
- ▶ Do not contact the person the child discloses is responsible for the abuse, neglect or exploitation. Leave that to the police or Department of Social Development.
- ▶ Prevent from engaging in staffroom chats (even with your best friend in the staffroom) about the child's disclosure.
- ▶ Limit the number of officials interviewing the "abused" learner to avoid any secondary abuse or victimisation.

- ▶ Protect the child and his/her identity from the media, and any other biographical information that can lead to identification of the child.

5.2 Managing suspected abuse

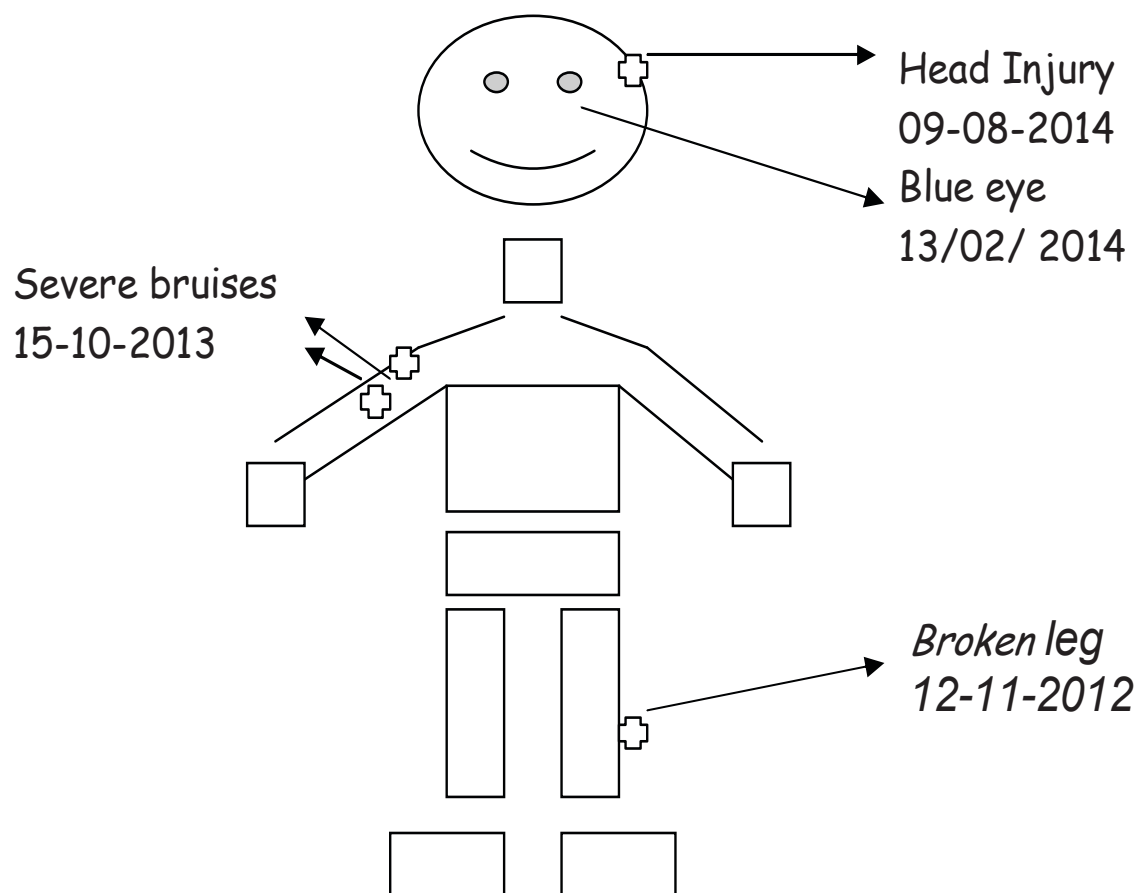
If an educator or any school official is suspicious about a child's behaviour or physical symptoms as being possible indicators that the child is being harmed or is experiencing harm, they have a legal obligation to report such suspicions to the Department of Social Development or the police.

Gathering information

- ▶ know what are the possible warning physical and behavioural signs of abuse are
- ▶ observe the child (changes in child's behaviour, ideas, feelings, language) and record any signs of possible abuse as soon as you begin to have concerns
- ▶ monitor aspects such as days and times absent and note whether they reflect a pattern e.g. absence on Monday mornings; market days, during planting/ harvest seasons (could be a form of child labour).
- ▶ Approach the child from a perspective of concern and care. Expressing that you observed that he/she looks sad or unwell. Providing an opportunity for a child to disclose. However do not pressurize the child to talk or get into investigation mode.
- ▶ the child must be reassured that you are available should he/she want to talk.
- ▶ note any change of life circumstance of the child that could place them at high risk
- ▶ consult with parents/ caregivers to discuss concerns. Approach such interviews with sensitivity, in a non - judgmental or non - threatening manner.
- ▶ As an educator understand your role clearly: you must provide a safe and supportive environment for disclosure. Investigation of the case is the role of the police.
- ▶ if your approach to the child results in the child disclosing, follow the process highlighted above in 5.1.

Recording:

- ▶ Keep detail notes of dates, times and nature of observations
- ▶ Record any interviews held in the child's words (record words, phrases, terms that the child uses, do not substitute with adult words or terminology).
- ▶ In cases of sexual, and physical abuse and neglect, in addition to written descriptions of observations of any physical indicators, draw a picture of a child and as you observe the "abuse". Draw these onto the picture, specifying the injury, location, shape, extent and type of injury, e.g. bruise, blue eye, belt marks etc. and date when you noticed the injury. Also note the child's explanation for the injury.
- ▶ keep records factual.
- ▶ avoid making inferences, giving your opinions, suggestions or making any predictions



Reporting:

- ▶ If there is no disclosure but you have observed physical and behavioural signs that indicate that the child is possibly being harmed then report such suspicions via the Principal to the Department of Social Development for further investigation and support. Provided the Principal is not implicated.
- ▶ Complete Form 22 (Annexure C): Notification of Child abuse.
- ▶ Provided the Principal of the school is not implicated, report the matter via the Principal to the District office for the strict attention of the CES: SNES for the attention of Psycho-social Services.
- ▶ If the principal is implicated report directly to DSD and SNES.
- ▶ Keep all information strictly confidential. Share only with those who absolutely need to know.

Caution:

- ▶ Leave investigations to the police or Department of Social Development.
- ▶ Prevent from engaging in staffroom chats about your suspicious
- ▶ Limit the number of officials interviewing the learner concerned to avoid any secondary abuse or victimisation.
- ▶ The outcome of your information gathering process must guide the decision as to whether to make a referral/report to the necessary authorities.

5.3. Managing report of child abuse by a third party

A child can either disclose that he/she is being or has been abused, directly (reports verbally) or indirectly (writing, drawings). Sometimes a third-party (someone other than the child concerned, it could be another learner/s, neighbour, relative or a concerned community member) may report a case of possible abuse. As one of the mandated reporters the teacher/principal has to report third party disclosures if you suspect that there may be reasonable cause to believe that a child has been abused. It will be the responsibility of the teacher/principal to whom the third party disclosed, to compile the report.

Considerations

- ▶ It is not necessary for the teacher to whom the third party reported the alleged case of abuse, to determine who the perpetrator is.
- ▶ It will be the responsibility of DSD and the police to investigate the allegation
- ▶ Anyone reporting a suspected case of child abuse, neglect or exploitation in good faith is provided civil and criminal immunity.
- ▶ Inform the third party about your obligation to report.
- ▶ When writing your report avoid disclosing any more information other than is absolutely necessary.
- ▶ If the report is being made by a child, s/he is protected by the Children's Act and as such will not testify in court. But will work with Social Workers to give evidence in Specialised child friendly courts. The identity of the child that reported should not be disclosed in Form 22, but must be kept in school records. This information can be disclosed to investigation Police officers and/or Social Worker.

Reporting;

- ▶ Complete Form 22 (Annexure C): Notification of Child Abuse and submit copy to District CES-SNES – for attention of Psycho-social services. Contact details provided in Section 13 of this document.
- ▶ Provided the Principal of the school is not implicated, report the matter via the Principal to Department of Social Development (DSD) and to District office for the strict attention of the CES of the Special Needs Education Services (SNES).
- ▶ If the principal is implicated report directly to DSD and SNES.
- ▶ Inform child's parent/s with the consent of the child if s/he is over 14 years old), provided that the parents are not the alleged offenders.

5.4. Managing cases involving immigrants

As a mandated reporter you have the obligation to report any incident or suspicion of abuse, neglect or exploitation, irrespective of the citizenship status of the child. The guidelines outlined in 5.1; 5.2 and 5.3 must be followed with respects to a report of alleged abuse of a child with immigrant or refugee status.

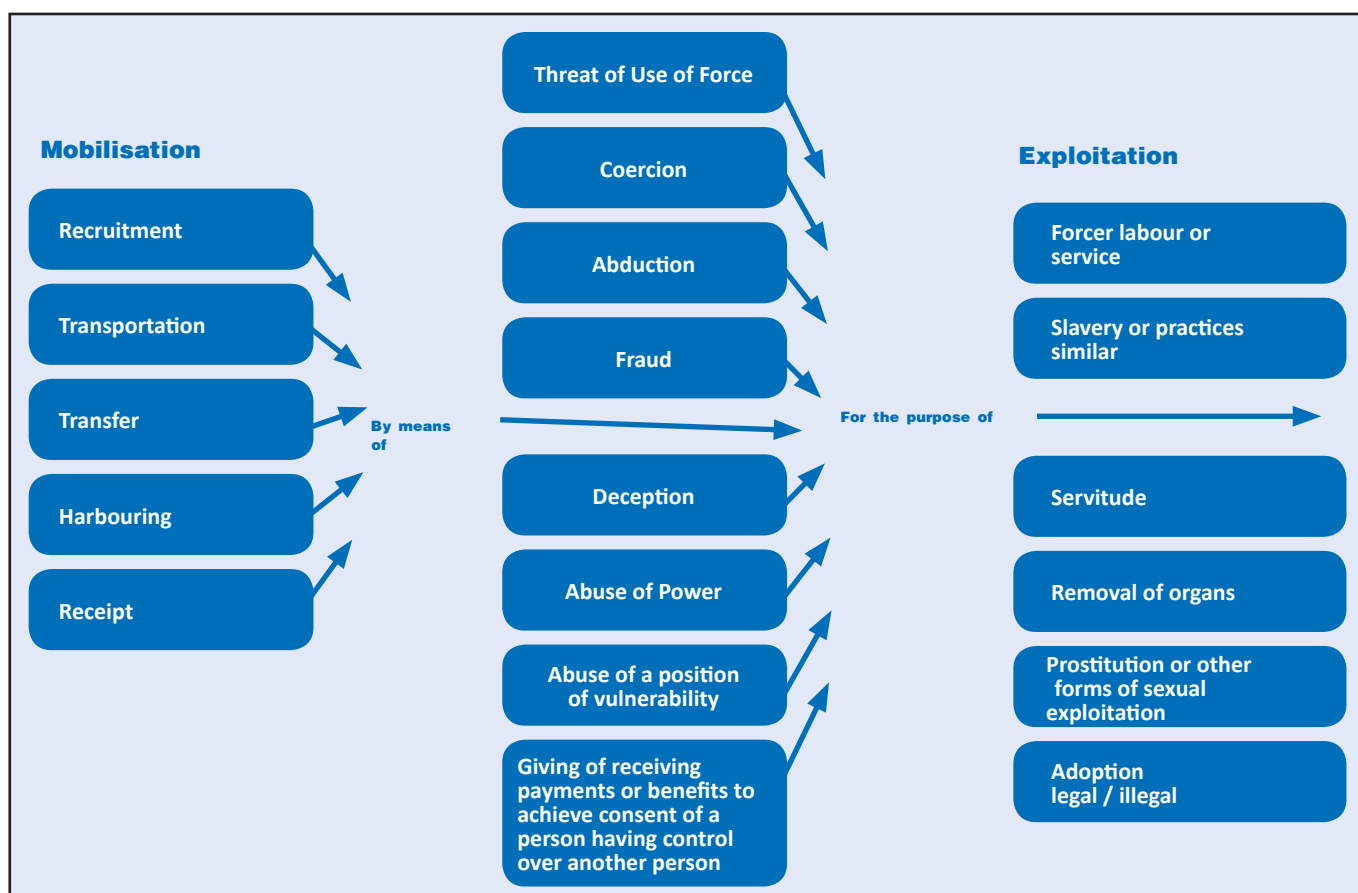
5.5 Steps to follow in incidents of Child Trafficking

- ▶ In cases of alleged trafficking the general protocols for management of child abuse highlighted in 5.1 and 5.2 is generally followed.
- ▶ On receiving the report contact the police and DSD and report the case.
- ▶ Of critical importance if the affected child is attending your school, attend to any immediate health, safety and protection needs of the suspected victim by referring them to the local health care facility.
- ▶ If the child's whereabouts is unknown, report the matter to the police, DSD, District SNES and Circuit Management. Keep detail records of all your sources of information and any action taken by school, parents or any other concerned person (if brought to the school's attention).

An understanding of the process and purpose involved in trafficking will inform the management and support plan for the victims. A case can be considered as a possible trafficking incident if one can identify 3 critical aspects viz. **mobilisation, means and exploitation**.

Advocate Dawn Coleman Malinga from the National Prosecuting Authority assisted in writing of the section below to unpack the processes involved in trafficking and some guideline questions to determine whether the case is a possible incident of trafficking.

Explanation of the process involved in trafficking is outlined in the table below.



When interviewing persons suspected of Human Trafficking, questions should be open-ended and should answer some of the questions below:

Mobilisation stage

Questions to be considered are as follows:

- How was contact initiated between the suspected individual and the recruiter?
- What kind of job was promised or expected, either at another location in the home country, or abroad? What were the wages and conditions promised or indicated at the final destination?
- Was any money handed to the recruiter in advance?
- Was the victim transported by force out of the country of origin, or to another location inside the country to be exploited?
- Was the child kidnapped or abducted?

Means

- Who paid the travel expenses?
- Were any borders crossed?
- Were own identity documents used or false ones to gain entry (visas/ID's and or passports)
- Where are the documents now?
- Did the victim spend any significant amount of time in transit in another country/s and, if so, did the victim engage in any activity in these countries?
- What kind of activity was involved?

Exploitation stage

- What activities was the victim engaged in since arriving at the final destination?
- How soon after arrival at the final destination did this activity begin?
- Was the victim forced into the activity? If so, how?
- How much did the victim earn through this activity?
- Was the victim allowed to keep these earnings?
- Was the victim forced to pay back any monies to the traffickers? If so, how much and for what?
- How did the victim perceive the working conditions?
- Did the victim have freedom of movement?

5.6. Managing abuse involving educators and learners as perpetrators

Unfortunately some educators, contrary to their rules, are responsible for inflicting abuse on their learners. Corporal punishment is most common amongst these. Our legislations are very clear. viz:

5.6.1 The table below summarizes steps to follow in incidents of educator on learner abuse

Management of Educator on learner abuse
<p>Educator on learner abuse</p> <ul style="list-style-type: none"> ▶ Such cases to be immediately reported to Principal <p>Steps to follow in terms of the Educator (Perpetrator)</p> <ul style="list-style-type: none"> ▶ Principal reports to Circuit Manager, District Manager, Educator Labour Relations section, District SNES and Department of Social Development. ▶ Keep detailed records of all reported information. As far as possible record the words / statements as reported. Keep details of names, dates, times, place, circumstances and type of abuse. Be factual. Your report should not include your inferences, hypotheses, substitution of words, re-enactments or recommendations. ▶ Since child abuse, neglect and exploitation is a criminal matter – collaboration with other key government departments is necessary viz. (i) Departments of Social Development; (ii) Health and the (iii) South African Police Services. Treat information as sub-judicae. ▶ Incident must be treated as a violation of Employment of Educators Act and SACE code of conduct. ▶ A criminal case may be conducted alongside departmental internal enquiries. ▶ The Principal will manage and follow all protocols as a case of educator misconduct. ▶ Educator can be referred to EAP for support. ▶ Handle any media queries in line with the department’s media communication policy ▶ Discourage any staff gossiping and investigation ▶ Promote normality of school routine
<p>Steps to follow in terms of the Learner (victim)</p> <ul style="list-style-type: none"> ▶ Protect the learner against any intimidation from the accused especially since the educator may be teaching the victim and in the victim’s immediate surroundings daily. ▶ Limit the number of officials interviewing the allegedly “abused” learner to avoid any secondary abuse or victimisation ▶ Keep all information, including the identification of the child, strictly confidential. Share only with those who absolutely need to know. This usually includes the authorities involved that will ensure the child safety and protection. ▶ address child’s support, protection and safety issues using the guidelines outlined in 5.1. of this document.

5.6.2 Management of learner on learner abuse

The table below summarizes steps to follow in incidents of learner on learner abuse:

Management of learner on learner abuse
<p>Learner on learner abuse</p> <ul style="list-style-type: none"> ▶ Both victim and perpetrator need to be treated as a “child in need of care” ▶ A support plan must be developed for both victim and perpetrator. ▶ Keep all records strictly confidential, including identification of victim/s and perpetrator/s ▶ Handle any media queries in line with the department’s media communication policy <p>Perpetrator</p> <ul style="list-style-type: none"> ▶ If the act is in violation of the school’s code of conduct then the offending learner must be referred to the schools Disciplinary Committee. Normal disciplinary procedures are followed in line with the school’s Code of Conduct. ▶ Principal reports to Circuit Manager, District SNES and Department of Social Development. ▶ A rehabilitative approach needs to be adopted for the offending learner if s/he is a minor. ▶ If the act is criminal in nature it must be reported to SAPS. <p>Victim</p> <p>Protect the learner against any intimidation from the accused especially since the accused may be in the victim’s immediate surroundings daily.</p> <ul style="list-style-type: none"> ▶ Limit educators from conducting unauthorised interviews or investigations related to the case ▶ Keep detailed, factual reports of all interviews, statements and observations. ▶ address child’s support, protection and safety issues using the guidelines outlined in 5.1. of this document.

6. School level Support Plans

Both child victims and child perpetrators should be seen as a child in need of Care and Support. Consequently the principal must ensure that a support and a rehabilitation plan is in place for the victim and the learner perpetrator respectively.

Suggested guidelines to develop and implement a support or rehabilitative plan are:

- ▶ Seriousness of the abuse and the impact on learner should guide the prioritising of intervention strategies.
- ▶ Acknowledge the fact that in most cases of abuse there is legal element of investigation which can be conducted internally by Departmental Officials or there may be an external investigation involving the police, prosecution, Department of Social Development and Health. Often in cases both forms of investigation happen concurrently.
- ▶ Whilst the investigative processes are proceeding the school must ensure that the learner is supported, feels safe and can proceed with his/her daily schooling activities with minimum disruption.
- ▶ The support plan should be implemented independently of the legal processes.
- ▶ Refer the incident to School Based Support Team (SBST) for the development of a support and rehabilitative plans.
- ▶ SBST should identify the range of support interventions required eg. counselling services, court preparation, referral to removal to place of safety, legal representation, medical assistance, admission to rehabilitative programmes and tracking follow up appointments.
- ▶ Consult with district SNES, and other relevant experts for guidance with regard to specific support programme.
- ▶ SBST provides and / or facilitates the range of interventions required for the affected learners by networking with the schools network of support providers and other government departments.
- ▶ Whilst some of the support services may be provided by outside organisations or other government departments, the SBST must ensure the implementation of the plan, monitor and review the support plan.
- ▶ Note that if the learner is referred to an outside agency for support, then the school has to be in communication with the agency to maintain a continuum of support for the learner.
- ▶ Progress is monitored via progress reports from relevant agencies and there should be follow-up on intervention strategies
- ▶ SBST also monitors school level interventions.
- ▶ Keep the learner and his/her parents informed on progress of the case and reports from the various role players.
- ▶ Record case in School's Child Abuse Register.

7. Awareness, Prevention and Protection

Educators and other school staff are in the best position to prevent, identify and assist victims of child abuse because of their daily contact with learners. While educators facilitate children's learning, children cannot learn effectively if they are in emotional turmoil because of the abuse they are experiencing. Also educators have a unique opportunity to advocate for children, and provide programmes that strengthen children, their families and communities. Also, a positive relationship with a supporting adult may enhance healing and resilience of children who are abused or at risk of being abused. Prevention must be part of the schools' everyday programme – schools must be proactive by involving specialists from their network of support providers to inform learners, parents and staff on child safety, protection, development and prevention of abuse, neglect and exploitation.

Prevention programmes in school are delivered primarily through the curriculum viz: Life Orientation. In this regard the critical topics in the life orientation curriculum as set out in the CAPS are the following:

A LIFESKILLS PREVENTION PROGRAMME

- Building a positive self-concept
- Expressing feelings constructively
- Establishing, maintaining and terminating relationships
- Effective communication
- Clarification of values
- Management of own sexuality
- Sexuality education including STI's (sexually transmitted infections)
- Conflict management and dealing with negative emotions
- Decision-making skills
- Taking responsibility for own actions and decisions
- Problem-solving techniques
- Prevention and care and support for HIV/AIDS (those infected and affected)
- Assertiveness Skills
- Problem solving and coping skills
- Reporting of child abuse and neglect
- Preparation for parenthood/parenting skills
- Ill-effects of substance abuse.

In addition to the above, schools are encouraged to have special campaigns, awareness days/weeks, assembly talks and parent meetings to educate and prevent child abuse, neglect and exploitation. The commemoration of Child Protection week which is in the months May- June should be part of the school calendar. Schools should plan to have a campaign during this week to raise awareness of child protection and safety issues.

Another factor that should not be ignored, as it has the potential to influence learner behaviour, is that educators serve as role models to learners. Learners are very impressionable and often want to emulate their educators. Due to the learners level of maturity and the uneven power base between educator and learner, learners are vulnerable to being influenced easily. Hence, educators should always behave in a manner that is ethical, responsible and professional.

8. Role of District SNES – Psycho-social Services

In all cases of alleged child abuse District SNES: Psycho-social Services should be contacted. This section has the professional capacity to support and provide guidance to the school with respect to such cases.

Contact details are listed in Section 13 of this document.

The SNES: Psycho-social services is required to:

- support and provide guidance to schools with regard to the procedures, protocols and process involved in an alleged case of child abuse
- facilitate 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 cognisance the best interest of the child.
- ensure that the matter is reported. It may be necessary to follow up and ensure that Form 22 has been submitted to the appropriate bodies.
- discuss the need to support the learner, alleged perpetrator (if learner) and other affected persons.
- establish whether counselling support from SNES 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].
- counsel the principal/educator with regard to the need for confidentiality, who else to inform. (Guard against rumour mongering amongst staff and learners)
- support the school/educator/parent by providing 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
- maintain a District Register of reported cases. The District CES:SNES, must ensure that a District Register of all reported cases and copies of Form 22 is available at District office. Such records must be kept in a confidential restricted file. The assistance of members from the Psycho-social Services must be sought in this regard.
- to provide on a quarterly basis a copy of the district Child Abuse Register to the Provincial CES: Psycho-social Services.

9. Conclusion

Traumatic life experiences such as abuse, extreme neglect and exploitation, can have enduring emotional, psychological and physical impact on the minds, behaviour and life of children. Children by nature are resilient. A more serious consequence of abuse is when no one takes action to stop the abuse and to protect the child.

Creating an enabling environment for children to discuss their problems and providing support as part of a recovery process, is the first step to healing and is crucial to their future success.

There cannot be a more compelling plea for us to join hands and commit to stopping Child Abuse, Neglect and Exploitation Now!!!!!!

10. Glossary of Terms/Acronyms

CAPS	Curriculum Assessment Policy Statement
CES	Chief Education Specialist
CSEC	Commercial Sexual Exploitation of Children
CPU	Child Protection Unit
CSTL	Care and Support for Teaching and Learning
CUBACC	Children Used By Adults in the Commission of Crime
DBE	Department of Basic Education
DCES	Deputy Chief Education Specialist
DoE	Department of Education
DoH	Department of Health
DSD	Department of Social Development
DG	Director-General
EAP	Employees Assistance Programme
EPC	Educator Portfolio Committee
EWP6	Education White Paper Six
FBOs	Faith Based Organizations
KZN	KwaZulu-Natal
KZN DoE	KwaZulu-Natal Department of Education
NGOs	Non-Governmental Organizations
OVC	Orphan Vulnerable Children
SACE	South African Council of Educators
SA	South Africa
SAPS	South African Police Services
SBST	School Based Support Team
SDSS	Service Delivery Support Services
SMT	Senior Management team
SNES	Special Needs Education Services
STI's	Sexually Transmitted Infections
TCC	Thuthukela Care Centres
WFCL	Worst Form of Child Labour
WSPC	Whole School Portfolio Committee

11. Annexures

Annexure A: KZN Circular 40 of 2010



kzn education

Department:
Education
KWAZULU-NATAL

Enquiries: Dr S.Z. Mbokazi

Tel: (033) 392 1012

15 APRIL 2010

KZN CIRCULAR NO. 40 of 2010

**TO : HEAD OFFICE: GENERAL MANAGERS
HEAD OFFICE: MANAGERS
CLUSTER GENERAL MANAGERS
DISTRICT MANAGERS
CIRCUIT MANAGERS
WARD MANAGERS
PRINCIPALS OF SCHOOLS
CHAIRPERSONS OF GOVERNING BODIES**

COMPULSORY REPORTING OF ABUSED OR NEGLECTED CHILDREN AND CHILDREN IN NEED OF CARE AND PROTECTION

- The new Children's Act, Act 38 of 2005 became operational on 1st April 2010. The Act has serious implications for all persons working with children. The objects of this Act are-
 - (a) to promote the preservation and strengthening of families;
 - (b) to give effect to the following constitutional rights of children, namely-
 - (i) family care or parental care or appropriate alternative care when removed from the family environment;
 - (ii) social services;
 - (iii) protection from maltreatment, neglect, abuse or degradation; and
 - (iv) that the best interests of a child are of paramount importance in every matter concerning the child;
 - (c) to give effect to the Republic's obligations concerning the well-being of children in terms of international instruments binding on the Republic;
 - (d) to make provision for structures, services and means for promoting and monitoring the sound physical, psychological, intellectual, emotional and social development of children;
 - (e) to strengthen and develop community structures which can assist in providing care and protection for children;
 - (f) to protect children from discrimination, exploitation and any other physical, emotional or moral harm or hazards;
 - (g) to provide care and protection to children who are in need of care and protection;
 - (h) to recognise the special needs that children with disabilities may have; and
 - (i) generally, to promote the protection, development and well-being of children.

...dedicated to service and performance
beyond the call of duty.

- One of the major implications is **the compulsory reporting of child abuse and neglect and of children in need of care** that is stated in Section 110 of the Children's Act and reads as follows: *"(1) 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; (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. (3) A person referred to in subsection (1) or (2)-*
 - (a) *must substantiate that conclusion or belief to the provincial department of social development, a designated child protection organisation or police official; and*
 - (b) *who makes a report in good faith is not liable to civil action on the basis of the report."*
- The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 also emphasise the obligation to report sexual offences against children or persons who are mentally disabled. Section 54 of this Act reads as follows: *(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.*
- Attached please find the relevant Form 22 that must be completed by all officials, as mentioned in the Acts, who report incidents of alleged child abuse and neglect. The report must be forwarded to The Department of Social Development who has the responsibility to investigate such cases as well as to the District Director who will keep a database/register of all reported cases. Principals are also requested to keep a database/register of reported cases. Please note that these cases are highly confidential and controlled access to the register should be implemented. Attached is also a copy of the template that must be used. Electronic copies will be available from the office of the District Director.
- The Department has developed "Guidelines for the Management of Child Abuse and Neglect in Schools". Copies are available at the office of the District Director and the CES: SDSS. Please contact the CES: SDSS for training on this document. Relevant Departmental officials will be trained on the implications of the Children's Act as well as on the Sexual Offences Act.
- We have a legal obligation with regard to reporting child abuse and neglect and your cooperation is highly appreciated.



R. Cassius Lubisi, PhD
Superintendent – General

Date: 28/05/2010

11. Annexure B

Legal Definitions:

In terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act 32 of 2007 a new perspective has been placed on sexual offences. Due to the complexity of these offences, the relevant Sections are quoted in full from the Act. There is an obligation on ALL persons to report sexual abuse of a child or mentally disabled persons. (Section 54)

1. Rape (Section 3)

Any person ('A') who unlawfully and intentionally commits an act of sexual penetration with a complainant ('B'), without the consent of B, is guilty of the offence of rape.

2. Compelled rape (Section 4)

Any person ('A') who unlawfully and intentionally compels a third person ('C'), without the consent of C, to commit an act of sexual penetration with a complainant ('B'), without the consent of B, is guilty of the offence of compelled rape.

3. Sexual assault (Section 5)

- (1) A person ('A') who unlawfully and intentionally sexually violates a complainant ('B'), without the consent of B, is guilty of the offence of sexual assault.
- (2) A person ('A') who unlawfully and intentionally inspires the belief in a complainant ('B') that B will be sexually violated, is guilty of the offence of sexual assault.

4. Compelled sexual assault (Section 6)

A person ('A') who unlawfully and intentionally compels a third person ('C'), without the consent of C, to commit an act of sexual violation with a complainant ('B'), without the consent of B, is guilty of the offence of compelled sexual assault.

5. Compelled self-sexual assault (Section 7)

A person ('A') who unlawfully and intentionally compels a complainant ('B'), without the consent of B, to-

- (a) engage in -
 - (i) masturbation;
 - (ii) any form of arousal or stimulation of a sexual nature of the female breasts; or
 - (iii) sexually suggestive or lewd acts, with B himself or herself;
- (b) engage in any act which has or may have the effect of sexually arousing or sexually degrading B; or
- (c) cause B to penetrate in any manner whatsoever his or her own genital organs or anus, is guilty of the offence of compelled self-sexual assault.

6. Incest (Section 12)

- (1) Persons who may not lawfully marry each other on account of consanguinity, affinity or an adoptive relationship and who unlawfully and intentionally engage in an act of sexual penetration with each other, are, despite their mutual consent to engage in such act, guilty of the offence of incest.
- (2) For the purposes of subsection (1)-
 - (a) the prohibited degrees of consanguinity (blood relationship) are the following:
 - (i) Ascendants and descendants in the direct line; or
 - (ii) collaterals, if either of them is related to their common ancestor in the first degree of descent;

- (b) the prohibited degrees of affinity are relations by marriage in the ascending and descending line; and
 - (c) an adoptive relationship is the relationship of adoption as provided for in any other law.
- (3) (a) The institution of a prosecution of a person who is a child at the time of the alleged commission of the offence referred to in subsection (1) must be authorised in writing by the National Director of Public Prosecutions.
- (b) The National Director of Public Prosecutions may not delegate his or her power to decide whether a prosecution in terms of this section should be instituted or not.

7. Bestiality (Section 13)

A person ('A') who unlawfully and intentionally commits an act-

- (a) which causes penetration to any extent whatsoever by the genital organs of-
 - (i) A into or beyond the mouth, genital organs or anus of an animal; or
 - (ii) an animal into or beyond the mouth, genital organs or anus of A; or
- (b) of masturbation of an animal, unless such act is committed for scientific reasons or breeding purposes, or of masturbation with an animal, is guilty of the offence of bestiality.

8. Acts of consensual sexual penetration with certain children (statutory rape) (Section 15)

- (1) A person ('A') who commits an act of sexual penetration with a child ('B') s, despite the consent of B to the commission of such an act, guilty of the offence of having committed an act of consensual sexual penetration with a child.
- (2) (a) The institution of a prosecution for an offence referred to in subsection (1) must be authorised in writing by the National Director of Public Prosecutions if both A and B were children at the time of the alleged commission of the offence: Provided that, in the event that the National Director of Public Prosecutions authorises the institution of a prosecution, both A and B must be charged with contravening subsection (1).
- (b) The National Director of Public Prosecutions may not delegate his or her power to decide whether a prosecution in terms of this section should be instituted or not.

9. Acts of consensual sexual violation with certain children (statutory sexual assault) (Section 16)

- (1) A person ('A') who commits an act of sexual violation with a child ('B') s, despite the consent of B to the commission of such an act, guilty of the offence of having committed an act of consensual sexual violation with a child.
- (2) (a) The institution of a prosecution for an offence referred to in subsection (1) must be authorised in writing by the relevant Director of Public Prosecutions if both A and B were children at the time of the alleged commission of the offence: Provided that, in the event that the Director of Public Prosecutions concerned authorises the institution of a prosecution, both A and B must be charged with contravening subsection (1).

- (b) The Director of Public Prosecutions concerned may not delegate his or her power to decide whether a prosecution in terms of this section should be instituted or not.

10. Sexual exploitation of children (Section 17)

- (1) A person ('A') who unlawfully and intentionally engages the services of a child complainant ('B'), with or without the consent of B, for financial or other reward, favour or compensation to B or to a third person ('C')-
 - (a) For the purpose of engaging in a sexual act with B, irrespective of whether the sexual act is committed or not; or
 - (b) By committing a sexual act with B, is, in addition to any other offence which he or she may be convicted of, guilty of the sexual exploitation of a child.
- (2) A person ('A') who unlawfully and intentionally offers the services of a child complainant ('B') to a third person ('C'), with or without the consent of B, for financial or other reward, favour or compensation to A, B or to another person ('D')-
 - (a) for purposes of the commission of a sexual act with B by C;
 - (b) by inviting, persuading or inducing B to allow C to commit a sexual act with B;
 - (c) By participating in, being involved in, promoting, encouraging or facilitating the commission of a sexual act with B by C;
 - (d) By making available, offering or engaging B for purposes of the commission of a sexual act with B by C; or
 - (e) By detaining B, whether under threat, force, coercion, deception, abuse of power or authority, for purposes of the commission of a sexual act with B by C, is guilty of an offence of being involved in the sexual exploitation of a child.
- (3) A person ('A') who-
 - (a) intentionally allows or knowingly permits the commission of a sexual act by a third person ('C') with a child complainant ('B'), with or without the consent of B, while being a primary care-giver defined in section 1 of the Social Assistance Act, 2004 (Act 13 of 2004), parent or guardian of B; or
 - (b) owns, leases, rents, manages, occupies or has control of any movable or immovable property and intentionally allows or knowingly permits such movable or immovable property to be used for purposes of the commission of a sexual act with B by C, with or without the consent of B, is guilty of the offence of furthering the sexual exploitation of a child.
- (4) A person ('A') who intentionally receives financial or other reward, favour or compensation from the commission of a sexual act with a child complainant ('B'), with or without the consent of B, by a third person ('C'), is guilty of an offence of benefiting from the sexual exploitation of a child.
- (5) A person ('A') who intentionally lives wholly or in part on rewards, favours or compensation for the commission of a sexual act with a child complainant ('B'), with or without the consent of B, by a third person ('C'), is guilty of an offence of living from the earnings of the sexual exploitation of a child.
- (6) A person ('A'), including a juristic person, who-
 - (a) makes or organizes any travel arrangements for or on behalf of a third person ('C'), whether that other person is resident within or outside the borders of the Republic, with the intention of facilitating the commission of any sexual act with a

child complainant ('B'), with or without the consent of B, irrespective of whether that act is committed or not; or

- (b) Prints or publishes, in any manner, any information that is intended to promote or facilitate conduct that would constitute a sexual act with B, is guilty of an offence of promoting child sex tours.

11. Sexual grooming of children (Section 18)

(1) A person ('A') who-

- (a) Manufactures, produces, possesses, distributes or facilitates the manufacture, production or distribution of an article, which is exclusively intended to facilitate the commission of a sexual act with or by a child ('B');
- (b) Manufactures, produces, possesses, distributes or facilitates the manufacture, production or distribution of a publication or film that promotes or is intended to be used in the commission of a sexual act with or by 'B';
- (c) Supplies, exposes or displays to a third person ('C')-
 - (i) an article which is intended to be used in the performance of a sexual act;
 - (ii) child pornography or pornography; or
 - (iii) a publication or film, with the intention to encourage, enable, instruct, or persuade C to perform a sexual act with B; or
- (d) Arranges or facilitates a meeting or communication between C and B by any means from, to or in any part of the world, with the intention that C will perform a sexual act with B, is guilty of the offence of promoting the sexual grooming of a child.

(2) A person ('A') who-

- (a) Supplies, exposes or displays to a child complainant ('B') -
 - (i) an article which is intended to be used in the performance of a sexual act;
 - (ii) child pornography or pornography; or
 - (iii) a publication or film, with the intention to encourage, enable, instruct, or persuade B to perform a sexual act;
- (b) commits any act with or in the presence of B or who describes the commission of any act to or in the presence of B with the intention to encourage or persuade B or to diminish or reduce any resistance or unwillingness on the part of B to
 - (i) perform a sexual act with A or a third person ('C');
 - (ii) perform an act of self-masturbation in the presence of A or C or while A or C is watching;
 - (iii) be in the presence of or watch A or C while A or C performs a sexual act or an act of self-masturbation;
 - (iv) be exposed to child pornography or pornography;
 - (v) be used for pornographic purposes as contemplated in section 20 (1); or

- (vi) expose his or her body, or parts of his or her body to A or C in a manner or in circumstances which violate or offend the sexual integrity or dignity of B;
- (c) arranges or facilitates a meeting or communication with B by any means from, to or in any part of the world, with the intention that A will commit a sexual act with B;
- (d) having met or communicated with B by any means from, to or in any part of the world, invites, persuades, seduces, induces, entices or coerces B-
 - (i) to travel to any part of the world in order to meet A with the intention to commit a sexual act with B; or
 - (ii) during such meeting or communication or any subsequent meeting or communication to-
 - (aa) commit a sexual act with A; (bb) discuss, explain or describe the commission of a sexual act; or (cc) provide A, by means of any form of communication including electronic communication, with any image, publication, depiction, description or sequence of child pornography of B himself or herself or any other person; or
- (e) having met or communicated with B by any means from, to or in any part of the world, intentionally travels to meet or meets B with the intention of committing a sexual act with B, is guilty of the offence of sexual grooming of a child.

12. Exposure or display of or causing exposure or display of child pornography or pornography to children (Section 19)

A person ('A') who unlawfully and intentionally exposes or displays or causes the exposure or display of-

- (a) Any image, publication, depiction, description or sequence of child pornography or pornography;
- (b) any image, publication, depiction, description or sequence containing a visual presentation, description or representation of a sexual nature of a child, which may be disturbing or harmful to, or age-inappropriate for children, as contemplated in the Films and Publications Act, 1996 (Act 65 of 1996), or in terms of any other legislation; or
- (c) any image, publication, depiction, description or sequence containing a visual presentation, description or representation of pornography or an act of an explicit sexual nature of a person 18 years or older, which may be disturbing or harmful to, or age-inappropriate, for children, as contemplated in the Films and Publications Act, 1996, or in terms of any other law, to a child ('B'), with or without the consent of B, is guilty of the offence of exposing or displaying or causing the exposure or display of child pornography or pornography to a child.

13. Using children for or benefiting from child pornography (Section 20)

- (1) A person ('A') who unlawfully and intentionally uses a child complainant ('B'), with or without the consent of B, whether for financial or other reward, favour or compensation to B or to a third person ('C') or not-
 - (a) For purposes of creating, making or producing;
 - (b) By creating, making or producing; or
 - (c) in any manner assisting to create, make or produce, any image, publication, depiction, description or sequence in any manner whatsoever of child pornography, is guilty of the offence of using a child for child pornography.

- (2) Any person who knowingly and intentionally in any manner whatsoever gains financially from, or receives any favour, benefit, reward, compensation or any other advantage, as the result of the commission of any act contemplated in subsection (1), is guilty of the offence of benefiting from child pornography.

14. Compelling or causing children to witness sexual offences, sexual acts or self-masturbation (Section 21)

- (1) A person ('A') who unlawfully and intentionally, whether for the sexual gratification of A or of a third person ('C') or not, compels or causes a child complainant ('B'), without the consent of B, to be in the presence of or watch A or C while he, she or they commit a sexual offence, is guilty of the offence of compelling or causing a child to witness a sexual offence.
- (2) A person ('A') who unlawfully and intentionally, whether for the sexual gratification of A or of a third person ('C') or not, compels or causes a child complainant ('B'), without the consent of B, to be in the presence of or watch-
 - (a) A while he or she engages in a sexual act with C or another person ('D'); or
 - (b) C while he or she engages in a sexual act with D, is guilty of the offence of compelling or causing a child to witness a sexual act.
- (3) A person ('A') who unlawfully and intentionally, whether for the sexual gratification of A or of a third person ('C') or not, compels or causes a child complainant ('B'), without the consent of B, to be in the presence of or watch A or C while he or she engages in an act of self-masturbation, is guilty of the offence of compelling or causing a child to witness self-masturbation.

15. Exposure or display of or causing exposure or display of genital organs, anus or female breasts to children ('flashing') Section 22)

A person ('A') who unlawfully and intentionally, whether for the sexual gratification of A or of a third person ('C') or not, exposes or displays or causes the exposure or display of the genital organs, anus or female breasts of A or C to a child complainant ('B'), with or without the consent of B, is guilty of the offence of exposing or displaying or causing the exposure or display of genital organs, anus or female breasts to a child.

11. ANNEXURE C

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 of Social Development

2. The District Manager, Dept of Education. For Attention: CES: SNES and Social worker

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)

Victim Relative Parent Neighbour/friend

Professional (specify)

Other (specify)

Date Reported to child protection organisation:

DD	MM	CCYY
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1. CHILD: (COMPLETE PER CHILD)						
Surname			Full name(s)			
Gender:	M	F	Date of Birth:	DD	MM	CCYY
School Name:			Grade:	Age / Estimated Age:		
* ID no:			* Passport no:			
Contact no:						
2. CATEGORY OF CHILD IN NEED OF CARE AND PROTECTION						
<input type="checkbox"/> Street child		<input type="checkbox"/> Child labour		<input type="checkbox"/> Child trafficking		
<input type="checkbox"/> Commercial sexual exploitation		<input type="checkbox"/> Exploited children		<input type="checkbox"/> Child abduction		

3. OTHER INTERVENTION – CONTACT PERSON TRUSTED BY CHILD

Surname:	Name:
Address:	Telephone number:

Other children interviewed: Yes 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:

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:

Child's home Field Tavern School Friend's place
 Partial Care ECD Centre Neighbour Child and youth care centre
 Other (specify) Foster home 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:

Abrasions Bruises Burns/Scalding Fractures
 Other physical illness Cuts Welts
 Repeated injuries Fatal injury (date of death)
 Injury to internal organs Head injuries

No visible injuries (elaborate) Poisoning (specify) Other Behavioural or physical (specify)

EMOTIONAL:

Withdrawal Depression Self destructive aggressive behaviour
 Corruption through exposure to illegal activities Deprivation of affection
 Exposure to anti-social activities Exposure to family violence
 Parent or care giver negative mental condition Inappropriate and continued criticism
 Humiliation Isolation Threats Development Delays Oppression
 Rejection Accusations Anxiety Lack of cognitive stimulation

Mental, emotional or developmental condition requiring treatment (specify)

SEXUAL:

Contact abuse Rape Sodomy
 Masturbation Oral sex area Molestation
 Non contact abuse (flashing, peeping) Irritation, pain, injury to genital

Other indicators of sexual molestation or exploitation (specify)

DELIBERATE NEGLECT:

Malnutrition Medical Physical
 Educational Refusal to assume parental responsibility
 Neglectful supervision Abandonment

6.3) Indicate overall degree of Risk to child:

Mild Moderate Severe Unknown

6.4) When applicable, tick the secondary type of abuse Multiple Abuse: Yes No

Sexual	Physical	Emotional	Deliberate Neglect
--------	----------	-----------	--------------------

Brief explanation of occurrence(s) (including a statement describing frequency and duration)

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: _____

NAME OF REPORTING EDUCATOR: _____

NAME OF PRINCIPAL: _____

DATE: _____ NAME OF SCHOOL: _____

ADDRESS: _____

CONTACT TELEPHONE: _____

OFFICIAL SCHOOL STAMP

11. Annexure D

Children's Rights in South Africa

1. Section 28 in the Constitution of South Africa is devoted to children (under the age of 18 years) and outlines the rights they are entitled to. Every child has the right:
 - ▶ to a name and nationality from birth
 - ▶ to family or parental care, or appropriate alternative care when removed from the family environment
 - ▶ to basic nutrition, basic health care services and social services
 - ▶ to be protected from maltreatment, neglect, abuse or degradation
 - ▶ to be protected from exploitative labour practices
 - ▶ not to be required or permitted to perform work or provide services that are inappropriate for a person of that child's age; or place at risk the child's well-being, education, physical health, or mental health or spiritual, moral or social development.
2. Not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may only be detained for the shortest appropriate period of time, and has the right to :
 - ▶ be kept separately from detained persons over the age of 18years and
 - ▶ treated in a manner, and kept in conditions, that takes into account the child's age.
 - ▶ To have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
3. Not to be used directly in armed conflict, and to be protected in times of armed conflict.
4. A child's best interests are of paramount importance in every matter concerning the child.

11. Annexure E

SACE Code Of Conduct: The Educator and Learner

An Educator:

- ✓ Respects the dignity, beliefs and constitutional rights of learners and in particular children, which includes the right to privacy and confidentiality.
- ✓ Acknowledges the uniqueness, individuality, and specific needs of each learner, guiding and encouraging each to realize his/her potentialities.
- ✓ Strives to enable learners to develop a set of values consistent with the fundamental rights contained in the Constitution of South Africa.
- ✓ Exercises authority with compassion;
- ✓ Avoids any form of humiliation, and refrains from any form of abuse, physical or psychological;
- ✓ Refrains from improper physical contact with learners;
- ✓ Promotes gender equality;
- ✓ Refrains from any form of sexual harassment (physical or otherwise) of learners;
- ✓ Refrains from any form of sexual relationship with learners at any school;
- ✓ Uses appropriate language and behaviour in his or her interaction with learners, and acts in such a way as to elicit respect from learners
- ✓ Takes responsible steps to ensure the safety of learners;
- ✓ Does not abuse the position he/she holds for financial, political or personal gain;
- ✓ Is not negligent or indolent in the performance of his/her professional duties; and
- ✓ Recognizes, where appropriate, learners as partners in education.

12. CONTACT NUMBERS

12.1 KWA-ZULU DEPARTMENT OF EDUCATION SNES PSYCHO-SOCIAL SERVICES

Contact Details are as follows:

Provincial Details	Name	Designation	Email
Provincial Office	Mr N. Bridglall	Manager: SNES H/O	Niranjan.Bridglall@kzndoe.gov.za
	Mrs K. Naidoo	CES: Psycho-Socials Services	Khumsila.Naidoo@kzndoe.gov.za
	Mrs M. Jeena	DCES: Psycho-Social Services	Jeena.Madhumati@kzndoe.gov.za
District Details	Name	Designation	Telephone
Pinetown	Ms Nami Mchunu	CES	031 716 2723/11
	Dr B. Naidoo	DCES	031 716 2758
Umlazi	Dr NP Mngoma	CES	031 251 4501
	Mrs S Govender	DCES	031 251 4500
Ilembe	Ms T Ngwane	CES	031 327 0581
	Ms SS Ndlovu	DCES	031 327 0217
Ugu	Ms T Madikiza	CES	039 688 8620
	Mr CZ Machi	DCES	039 688 8675
Umgungundlovu	Ms N Zondi (Act.)	CES	033 897 7906
	Mr Bheki Malunga Act.)	DCES	033 897 7929
Sisonke	Mr P. Mthabela (Act.)	CES	039 797 3700
	Ms Mafumana	DCES	039 797 3700
Uthukela	Mr Nathi Ndlovu	CES	036 638 5200
	Mr BP Ngozo (Act)	DCES	036 638 5229
Umzinyathi	Ms Edith Müller	CES	034 219 2769 /2700
	Ms P.E Molefe	DCES	034 219 2774
Amajuba	Mr R Khuzwayo	CES	034 328 4513
	Ms T. Ntshangase (Act)	DCES	034 328 4593
Zululand	Mr Sbu Khumalo	CES	034 328 4588
	Ms E. Vilakazi	DCES	034 989 9882
Umkhanyakude	Vacant	CES	035 573 9601
	Mr SM Seleppe	DCES	035 573 9710
Uthungulu	Ms C.S. Busane	CES	035 901 1525
	Ms CCW Khanyile	DCES	035 901 1414

12.2 OTHER STAKEHOLDERS

Organisation	Contact Number
Alcoholics Anonymous	0861 435 722(help AA)
Department of Education Hotline	0860 596 363
Department of Social Development KZN	033 264 5400 / 033 264 5435
Department of Health KZN	033 395 2111 / 033 341 7000
Childline KZN	031 312 0904
Child Welfare KZN	031 577 2002/3
Child Protection Unit- Durban	031 352 5244/68/56
DSD – Substance abuse helpline	0800 12 13 14
Family Violence, Child Protection & Sexual Offences Unit KZN	031 325 4981
South African Depression and anxiety group- mental health helpline	011 2344837
SANCA KZN:	
Pietermaritzburg	033 345 4537/4173
Durban	031 202 2274/ 031 201 4643
Newcastle	034 312 3641
Nongoma	035 831 0677
Zululand	035 722 3291/3290
Suicide crisis line	0800 567 567
Trauma Centres: The Careline Crisis & Trauma Centre KZN	031 756 1314

12.3 THUTHUZELA CARE CENTRES (TCC) – KZN

Thuthuzela Care Centres are **one-stop facilities** that have been introduced as a critical part of South Africa's anti-rape strategy, aiming to reduce **secondary trauma** for the victim, improve conviction rates and reduce the cycle time for finalising cases. Thuthuzela Care Centres are in operation in public hospitals in communities where the incidence of rape is particularly high.

TCC provide medical assistance and are linked to sexual offences courts, which are staffed by prosecutors, social workers, investigating officers, magistrates, health professionals, NGOs and police, and located in close proximity to the centres. Hence providing comprehensive support for the victims in one facility

Mahatma Gandhi Hospital :TCC Phoenix Crisis Centre	Tel: 031-502 2338/ 5021719 ext 2298 Contact Person: Ms Zama Mbili
Prince Mshiyeni Hospital :TCC Umlazi	Tel: 031-907 8496 Contact Person: Ms Lusanda Khumalo
Edendale Hospital: Edendale TCC	Tel: 033 395 4352 Contact Person: Miss Nomonde Ntlahla
Stanger Hospital: Stanger TCC	Tel: 032 -551 6632 /437 6000 Contact Person: Mr Mzwandile Ndlovu
Port Shepstone Hospital (Ugu) : Port Shepstone TCC	039 -688 6021/688 6000 Contact Person: Sister Joyce Ndlovu
RK Khan Hospital (Chatsworth) : TCC	031- 459 6098 / 459 6000 Contact Person: Mrs Nombuso Mpanza
Ngweleza Hospital : TCC (Uthungulu)	035- 794 2505 Contact Person: Miss Gloria Ndwande

12.4 DEPARTMENT OF SOCIAL DEVELOPMENT CONTACT DETAILS

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Mrs Busisiwe Sibisi and Mrs Buyisiwe Nkosi	Acting Managers Osizweni	Tel: 034 366 2611 osizweni@kznsocdev.gov.za
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