**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 2858**

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**INTERNAL QUESTION PAPER: 33/2017**

**2858. Ms H S Boshoff (DA) to ask the Minister of Basic Education:**

(1) With reference to the alleged sexual abuse of learners at Bothitong High School by their teachers, (a) what is the total number of victims in the cases that the provincial Department of Education is investigating, (b) on what date did the department become aware of the cases, (c) who reported the cases to the department and (d) what is her department doing to improve reporting mechanisms within provinces;

(2) have the cases been reported to the SA Council of Educators; if so, on what date were they reported? NW3165E

**REPLY**

1. (a), (b) and (c)

In terms of Section 3(1)(b) of the Employment of Educators Act No 76 of 1998, the Head of the Provincial Department of Education is the Employer of teachers in schools. All disciplinary cases are therefore reported to the respective Employers, as the case may be and the Employer then proceeds with disciplinary actions against the alleged perpetrator. The above-mentioned case has not been reported to the Department of Basic Education (DBE) and we are therefore not able to give the details of the case. The question therefore needs to be directed to the relevant Employer, who is the Head of the Northern Cape Education Department, for details and response to these cases.

(d) The DBE is currently developing improved protocols that communicate in a user-friendly way the steps to be taken by a school community in cases of sexual abuse. Such improved protocols aim to spell out the responsibilities of any adult that becomes aware of any sexual abuse incident involving a child in terms of Section 54 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act No 32 of 2007 in order to expedite charges against the offenders. Furthermore, the DBE has requested all Provincial Departments of Education (PEDs) to submit any reported cases involving a learner and teacher to the DBE on a monthly basis in order to maintain our own data base on case management in the PEDs on the conduct of educators. The data base will comprise cases such as application of corporal punishment, sexual assault and (any other) improper conduct of educators. In managing the data base, the DBE will analyse the reports from the PEDs on a monthly basis, managing the timeframes on dealing with such cases and making follow ups where there are unexplained delays.

The Department will furthermore engage with the SACE to improve their protocols regarding sexual offences with a view to expedite the process of de-registration and striking these teachers off the roll. The SACE will be requested to report on a monthly basis such cases reported to it regarding the conduct of educators and the decision taken on conclusion of the cases to enable the DBE to ensure that the PEDs implement the decisions of the SACE whereby teachers are struck off the roll.

Discussions are envisaged between the Department of Social Development, the SACE and the PEDs to discuss the reporting protocols. The Department of Social Development will be included because of the provision of Section 126 of the Children’s Act No 38 of 2005 which provides for the National Child Protection Register.

1. The DBE cannot confirm if the cases were reported to the SACE since, in terms of Section 26 of the SACE Act No 31 of 2000, the responsibility to do so lies with the PEDs. The question therefore needs to be directed to the relevant Employer for details and response.