**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 3850**

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**3850. Ms N I Tarabella Marchesi (DA) to ask the Minister of Basic Education:**

Are principals who fail to report instances of (a) sexual abuse and/or (b) physical abuse to the relevant provincial department of education (i) disciplined or (ii) prosecuted for failing to do so?

**REPLY**

In terms of the law, principals who fail to report instances of (a) sexual abuse and/or (b) physical abuse to the relevant Provincial Department of Education (i) must be disciplined or (ii) prosecuted for failing to do so. Employers are expected to discipline such principals since they are entrusted with the duty of care towards children. If the case was reported to the South African Police Services (SAPS) and it was established during the investigation that the principal was aware of the allegations before it could be reported, then the principal will be charged with a criminal offence. Section 54 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 and section 110 of the Children’s Act, 38 of 2005, put an obligation on any person who has knowledge of any commission of child abuse (sexual and/or physical abuse) to report such abuse to the police official and/or social worker. It is therefore in terms of the above-mentioned legislation the responsibility of the person who has first-hand information of the alleged offence to report the OR Tambo airportoffence to SAPS.