

NATIONAL ASSEMBLY

ORAL REPLY

QUESTION 661.

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661. Mrs N L Hlazo-Webster (BOSA) to ask the Minister of Basic Education to ask the Minister of Basic Education:

(a) By what date does her department expect the vetting of all educators against the National Register for Sex Offenders to be completed and (b) what concrete mechanisms have been put in place to ensure that there is a sustainable, continuous and up-to-date vetting system to prevent any recurrence of such a backlog, once the existing backlog has been cleared?

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Response

(a) The mandatory vetting of educators and staff in public schools against the National Register for Sex Offenders (NRSO) began in 2023 and remains ongoing. The Department of Basic Education (DBE) has advised that, across the public school system, approximately 500,000 educators and support staff are employed.

The DBE has advised that, as of 30 April 2025, Provincial Education Departments (PEDs) have reported that they have received just over 35,800 NRSO certificates from the Department of Justice and Constitutional Development (DoJ&CD), out of approximately 84,000 applications submitted. While progress has been made, provinces have cited challenges, particularly the limited processing capacity within the DoJ&CD and the South African Police Service (SAPS), which may have contributed to delays.

The Minister of Basic Education has emphasised that all PEDs and School Governing Bodies must take the necessary steps to ensure that all school staff in their employ are vetted without delay. No learner should ever be placed at risk due to administrative shortcomings. Ensuring the safety and wellbeing of learners in all schools remains a non-negotiable priority.

(b) The custodianship of the National Register for Sex Offenders lies with the DoJ&CD, as per the Criminal Law (Sexual Offences and Related Matters) Amendment Act. While the DBE provides oversight and policy guidance, it is the responsibility of each PED and each School Governing Body, as the employer, to ensure that all educators and school-based staff are vetted appropriately.

This vetting includes the completion of prescribed application forms, submission of fingerprints, and applications for SAPS 69(i) reports at designated police stations or record centres. The sustainability of the vetting system relies on effective interdepartmental collaboration. The DBE continues to engage all relevant stakeholders to address identified capacity constraints and to remove implementation barriers.

Employers of persons who will be or are employed to work at schools are legally required to:

- Conduct suitability checks before finalising any appointment;
- Immediately terminate employment if an individual is found to be listed on the National Register for Sex Offenders (NRSO) or the National Child Protection Register (NCPR); and

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- Comply with all legal provisions, with failure constituting a criminal offence punishable by imprisonment, a fine or both.

The NRSO is maintained by the Department of Justice and Constitutional Development (DoJ&CD) in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 and is intended to prevent listed individuals from being employed or placed in positions of authority, supervision or care over vulnerable persons, including children.

The NCPR is maintained by the Department of Social Development (DSD) in terms of the Children's Act and includes individuals deemed unsuitable to work with children due to abuse, neglect or exploitation.

The two registers have not been consolidated because they serve distinct legal and protective functions, operate under different legislation, and fall under separate national departments (DoJ&CD for the NRSO and DSD for the NCPR). Combining them would require legislative amendments and interdepartmental coordination.

Provincial Education Departments (PEDs) have been granted direct access to the Part B of the NCPR through an agreement with DSD, allowing trained human resource practitioners at PEDs to conduct suitability checks on educators. However, the NRSO is not directly accessible at the provincial level.

Employers must submit a formal application to the NRSO Registrar for a certificate verifying whether an individual appears on the NRSO, as per section 45(1) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021. While this centralised process ensures thorough vetting, it has led to delays due to capacity constraints at police stations and the DoJ&CD. The PEDs, through the Head of Education Departments Committee (HEDCOM), have agreed that the PEDs are responsible for covering the costs associated with vetting relevant employees against the NRSO.

According to section 3 of the Employment of Educators Act, read with the South African Schools Act, as amended:

- the Head of a Provincial Education Department (PED) is the employer of all educators (including school principals and educators) in the service of that PED in posts on the educator establishment of public schools for all purposes of employment, except for the determination of salaries and other conditions of service (for which the Minister of Basic Education is considered the employer);

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- the Governing Body of a public school is the employer of all persons in the service of that school in posts created and funded by that Governing Body (which excludes principals of public schools); and
- the owner of an independent school is generally the employer of all staff in the service of that school in posts created and funded by that owner.

Given the above:

- the Head of each PED, as employer, is therefore responsible for ensuring that vetting against the NSRO and NCPR is completed for all existing and prospective employees, including principals and educators, employed in state-funded posts at public schools;
- the Governing Body of each public school, as employer, is therefore responsible for ensuring that vetting against the NSRO and NCPR is completed for all existing and prospective employees employed in posts created and funded by that Governing Body; and
- the owner of each independent school, as employer, is therefore responsible for ensuring that vetting against the NSRO and NCPR is completed for all existing and prospective employees employed in posts created and funded by that owner.

While the Department of Basic Education (DBE) does not employ staff in schools, it is responsible for developing national policy and monitoring and supporting PEDs. In this regard, the DBE has undertaken the following to ensure that all personnel employed in public schools are suitable to work with children:

- The DBE has issued a directive to all PEDs requiring that all officials and educators, including those in office- and school-based posts, must be vetted against the NRSO and the NCPR. This is in line with the DBE's commitment to ensuring that individuals working with children do not pose a threat to the safety and well-being of learners.
- The DBE, working with the DSD, has facilitated training of the relevant officials within PEDs to ensure that, prior to the confirmation of employment of a potential educator, the necessary checks are conducted.
- Currently, the DBE receives reports from DSD indicating the progress made by the PEDs against the NCPR.

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- All applicants are required to declare any previous criminal convictions at the time of application. Failure to disclose such convictions constitutes misrepresentation, which is grounds for disciplinary action, including dismissal.
- The DBE, working with the DoJ&CD, conducts monthly compliance monitoring, wherein Provincial Education Departments (PEDs) report on the progress made in ensuring that all relevant employees have been vetted against the NRSO.
- The DBE also provides quarterly updates to the HEDCOM Subcommittee on Human Resource Matters.
- The DBE also uses other structures such as the South African Principals' Association, Education Labour Relations Council, and Ministers' Quarterly engagements with district directors to highlight the progress reported by each province.
- To ensure that all schools are aware of their obligation to comply with the relevant provisions of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, a questionnaire will be provided during the annual school readiness monitoring visits. Schools are required to respond to this questionnaire, thereby raising awareness and emphasising the importance of compliance.
- Under the leadership of the Minister of Basic Education, the DBE has engaged with SAPS and DoJ&CD to streamline vetting processes. In December 2024, the Minister of Basic Education met with the Minister of Police to discuss reactivating a vetting fee waiver and establishing payment protocols for SAPS 69(i) reports. A technical task team was established to address implementation blockages and provide recommendations. Work in this regard is ongoing and is being finalised as a matter of urgency.
- The DBE will continue to engage with DoJ&CD to expedite access and improve turnaround times for NRSO applications.
- The DBE has made a monetary provision through the Funza Lushaka Bursary programme, allowing all bursars to apply for an NRSO certificate.
- During June 2025, the Minister of Basic Education will be signing a Memorandum of Understanding (MoU) with the Minister of Police to strengthen collaboration on school safety.

The DBE remains committed to ensuring that no person deemed unsuitable to work with children is employed within the basic education sector. Preventing individuals

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listed on the NRSO from accessing the education system is a shared responsibility involving all stakeholders, including PEDs, Governing Bodies of public schools, owners of independent schools, SAPS, DoJ&CD and Department of Social Development. Through continuous monitoring and stronger interdepartmental collaboration, the DBE will work to ensure that the safety, dignity and well-being of all learners are protected.