

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 1819.**

**DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 04/04/2025**

**INTERNAL QUESTION PAPER: 14/2025**

**1819. Ms L L van der Merwe (IFP) to ask the Minister of Basic Education: to ask the Minister of Basic Education:**

With regard to her comments following the rape of the 7-year-old Cwecwe that she would like to see teachers and other officials at schools screened and vetted against the National Register for Sex Offenders, what (a) percentage of the Republic's teachers have been vetted to ensure they are not sexual predators, (b) is the breakdown of those (i) vetted and (ii) not vetted in each province and (c) total number of teachers working at private institutions have (i) been vetted and (ii) not been vetted in each province?

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#### **Response**

There are two national registers relevant to suitability checks:

- The National Register for Sex Offenders (NRSO) – 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, this register prevents listed individuals from being employed or placed in positions of authority, supervision or care over vulnerable persons, including children.
- The National Child Protection Register (NCPR) – maintained by the Department of Social Development (DSD) in terms of the Children's Act, this register includes individuals deemed unsuitable to work with children due to abuse, neglect or exploitation.

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

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) 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);
- 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:

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- 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.

The Department of Basic Education (DBE) issued a directive to all PEDs that all officials and educators, including those in office- and school-based posts, must be vetted against the NRSO (in addition to 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.

While PEDs currently have direct access to the NCPR, access to the NRSO remains centralised. Applications must be submitted to the NRSO Registrar for certificates confirming whether an individual is listed. This process, while thorough, has faced delays due to capacity constraints at police stations and the DoJ&CD.

The DBE has advised that, as at 31 March 2025, the number and percentage of publicly employed educators (i.e. educators employed by PEDs) who have been vetted against the NRSO is as follows:

<b>Province</b>	<b>Target (No. of Educators)</b>	<b>NRSO Certificates Issued</b>	<b>Percentage Vetted</b>
Eastern Cape	52,443	2,410	5%
Free State	23,242	12,240	53%
Gauteng	77,225	21,531	28%
KwaZulu-Natal	91,508	6,661	7%

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Province	Target (No. of Educators)	NRSO Certificates Issued	Percentage Vetted
Limpopo	51,446	0	0%
Mpumalanga	34,088	11,583	34%
North West	28,168	7,826	28%
Northern Cape	10,687	2,100	20%
Western Cape	36,931	14,158	38%
<b>National</b>	<b>405,738</b>	<b>78,509</b>	<b>19%</b>

These figures are based on educator data from the PERSAL system as of December 2024, and reporting received from PEDs by 31 March 2025.

While the vetting process remains ongoing, the disparity in progress across provinces highlights the importance of strengthening compliance and intergovernmental coordination.

The DBE does not currently monitor the vetting of educators employed at independent schools, as these institutions are employers in their own right. The responsibility for vetting staff at independent schools lies with the owners of these schools. However, independent schools are legally obligated to comply with the same vetting laws and procedures as are applicable in respect of public schools.

To close loopholes in the vetting process, the DBE has implemented the following:

- Mandatory suitability checks against both the NRSO and NCPR for all new and existing appointments;
- Monitoring and compliance oversight measures with PEDs required to report on progress to the DBE;
- Engagement 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

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protocols for SAPS 69(i) reports. A technical task team was established to address implementation blockages and provide recommendations;

- Future engagements with DoJ&CD to further expedite access and improve turnaround times for NRSO applications; and
- In the coming weeks, the Minister of Basic Education will be signing a Memorandum of Understanding (MoU) with the Minister of Police to strengthen collaboration on school safety. This MoU will:
  - Formalise public school-police partnerships at provincial and district levels; and
  - Ensure each public school has a designated police contact for urgent interventions.

The DBE remains committed to ensuring that no person deemed unsuitable to work with children is employed within the basic education sector. Preventing sexual offenders and individuals listed on the NRSO or NCPR from accessing the education system is a shared responsibility involving all stakeholders, including PEDs, Governing Bodies of public school, owners of independent schools, SAPS, DoJ&CD and DSD. 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.