

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

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5610. Ms T L Marawu (ATM) to ask the Minister of Basic Education:

- (1) What (a) urgent steps will her department take regarding the allegations of sexual harassment, abuse and exploitation reported in schools across the Eastern Cape, specifically the alarming allegations involving educators at J S Skenjana High School in Dutywa and (b) immediate disciplinary actions will be taken against educators found guilty of sexual abuse and/or misconduct;
- (2) what proactive measures and/or strategies has her department currently put in place to prevent sexual abuse in schools;
- (3) (a) what existing policies and/or laws will her department leverage to address sexual abuse in schools, (b) how effective has she found the specified policies and laws to be and (c) how will her department strengthen the specified policies and procedures to prevent and respond to sexual abuse in schools;
- (4) what policies and/or procedures will her department implement to ensure a safe learning environment for all learners;
- (5) (a) what counselling and support services will be provided to victims of sexual abuse in schools and (b) how will her department ensure that learners who are victims feel safe and supported when they report sexual abuse?

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

Response

(1) The Department of Basic Education (DBE) has requested the Eastern Cape Department of Education to undertake appropriate interventions into the matter and report on progress made in this regard.

The DBE has advised that the matter has also been brought to the attention of the South African Council for Educators (SACE) and the Education Labour Relations Council (ELRC) to ensure that a disciplinary process is instituted.

(2) In the last decade, the DBE has proactively delivered Comprehensive Sexuality Education through Life Orientation, of which more than 30% of the lessons teach learners about early detection and protection against sexual abuse risk. This involves age-appropriate content about their bodies, a differentiation between a good and a bad touch, and safe and protected way of reporting sexual abuse and harassment.

In addition, as a further curriculum support intervention, the Speak Out handbooks for learners and teachers were developed and distributed to provinces to support the long-term campaign of speaking out against sexual abuse, prevention strategies and seeking post-violence care.

To support school governance and management efforts to prevent and manage the reporting of sexual abuse, the Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools was developed and distributed to provinces. The School Safety programme in provinces, through the implementation of the National School Safety Framework (NSSF), requires that training of district and school-based officials on the protocol be carried out. To supplement this, an online training programme on the same Protocol has been developed and made freely available.

(3) The following instruments must be leveraged by the DBE and Provincial Education Departments (PEDs) to address sexual abuse in schools:

- Children's Act;
- Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021;
- South African Schools Act;
- Employment of Educators Act;

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

- Domestic Violence Act;
- National Strategic Plan on Gender-based Violence and Femicide;
- DBE Directives on Domestic Violence Act;
- National School Safety Framework; and
- Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools.

The instruments referenced above have offered meaningful protection for children where they have been implemented properly in a child-centred manner. Implementation of these instruments, however, requires improvement in some areas. The DBE will continue working with PEDs and other key stakeholders to improve implementation in this regard.

With the South African Police Service (SAPS), we have launched the revised DBE-SAPS Implementation Protocol, which now has a heightened focus on prevention and management of sexual abuse and harassment in schools. The Implementation Protocol also strengthens DBE-SAPS relations to support detection and response mechanisms in the linking of schools to police stations.

(4) The following policies, protocols and procedures are currently in place and actively being implemented to ensure a safe learning environment for learners, educators and the schooling community as a whole:

National School Safety Framework

The DBE and PEDs continue to implement the National School Safety Framework (NSSF), which is a guiding framework in addressing all forms of violent incidences in schools, including drug abuse. The NSSF empowers schools to identify and manage all safety threats in schools and establish school safety committees comprising of stakeholders such as teachers, police officers, school governing body members and learner representative council members. Furthermore, The NSSF also empowers schools to develop incident reporting mechanisms; establish collaborations with external stakeholders such as the South African Police Service (SAPS), the Department of Social Development (DSD) and civil society organisations; and develop school safety plans and policies to respond to safety challenges of violence in schools for both learners and educators.

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

Through the implementation of the NSSF, access control measures in schools are strengthened and awareness programmes on social ills by partner departments and civil society organisations are implemented in schools.

The DBE together with its partner, the University of the Witwatersrand (Wits) Reproductive Health and HIV Institute further developed an NSSF digital training course for school communities, to enable access to the training anywhere in the country. The course has been accredited by SACE. From June to September 2025, 23630 people completed the course.

Implementation Protocol between the DBE and SAPS

The DBE has recently renewed and updated the Implementation Protocol with SAPS to address crime and violence in schools. It was signed by the Minister of Basic Education and the Minister of Police on 24 June 2025. The recommitment to the partnership with SAPS is implemented via a workplan that operationalises the activities outlined in the Protocol to ensure all levels of leadership in SAPS and the basic education sector (at a national, provincial and district-level) understand their roles and responsibilities in implementation. The Implementation Protocol enables schools to be linked to their local police stations and SAPS to conduct searches and seizures in schools. It prioritises the closure of illegal drug dens and liquor outlets operating around schools, focuses on eradicating gangsterism operating through learners in schools, and requires collaboration between SAPS and stakeholders in the basic education sector in the conducting of advocacy and awareness campaigns in schools.

The Implementation Protocol has been activated in hotspot areas in KwaZulu-Natal, Eastern Cape, Free State and Gauteng thus far, and will still be taken to the Western Cape in the current financial year. The Protocol aims to ensure that leadership in the education districts with hotspot areas have strong working relationships with SAPS counterparts to guarantee effective implementation of the Protocol in these hotspot areas. These activations are supported by members of the DBE and PEDs and members of SAPS.

Violence Prevention for Peaceful and Inclusive Communities (VPPIC)

The DBE has partnered with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) to conduct a programme on early violence prevention aimed at 0–12-year-olds. The project is in the pilot phase and includes situational analyses in three hotspot areas (Tembisa, KwaMashu and Tlhabane), institutional capacity and gap assessments, and activation of resources under three outputs. Output one speaks to localised implementation; output two ensures multistakeholder engagement; and

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

output three aims to improve institutionalisation of violence prevention strategies. The programme includes a number of directorates within the DBE, including Social Cohesion and Psychosocial Support but is led by School Safety and Early Childhood Development. The programme will also be collaborating with the Department of Social Development (DSD), as well as a number of civil society partners, both corporate and NGO.

District Monitoring of School Safety Programmes

The DBE further conducts monitoring of districts on the implementation of school safety programmes such as the NSSF and the DBE-SAPS Implementation Protocol in respect of the prevention and management of bullying in schools on a three-year cycle. In the monitoring sessions, the DBE assesses performance of districts in implementing school safety programmes and provides support to districts that need it. In the 2025/26 financial year, the DBE has monitored 20 districts thus far, with 5 more districts scheduled to be monitored in quarter 4 of the financial year.

Protocol to Deal with Incidents of Corporal Punishment

The DBE developed and published a Protocol to Deal with Incidences of Corporal Punishment in schools to highlight the abolishment of corporal punishment in schools and to provide provinces, districts and schools with guidance on how to deal with issues of corporal punishment. The Protocol foregrounds the following areas:

- The steps to be taken by provincial, district, circuit and School Management Teams (SMTs) in reporting the incidents of corporal punishment, as well as sexual abuse and harassment in schools.
- The complaints procedures are outlined and the measures to be taken at every level of the system are explicit and include the labour relations processes in response to perpetrators of corporal punishment and to sexual abuse and harassment.
- In line with the NSSF, the Protocol further supports schools in ensuring safe and supportive learning environments that use protective behaviour, positive discipline, restorative justice and positive behaviour intervention support systems.
- Currently, the DBE is working on producing Positive Discipline Guidelines to accompany this Protocol, and assist educators, parents and SMTs with strategies for carrying out positive forms of discipline in schools.

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

Inter-Departmental Campaign on the Prevention of Violence, Bullying, Corporal Punishment, Gender-Based Violence, Learner Pregnancy, Drugs and Substance Abuse

The DBE and its partner Departments (Social Development, Health, Justice and Constitutional Development, Correctional Services, Police, Home Affairs, The Presidency and Communications and Digital Technologies) have also embarked on an Inter-Departmental Campaign on Violence Prevention. This Campaign raise awareness on issues such as the prevention of bullying, corporal punishment, gender-based violence, learner pregnancy and drugs and substance abuse in schools.

The Campaign has been championed by the Deputy Minister of Basic Education and is supported by other Deputy Ministers from the partner Departments. The Campaign has been targeting districts with high levels of crime and violence. The Campaign mobilises school communities (educators, learners, School Governing Bodies (SGBs), ward councillors, parents and civil society organisations) to fight crime and violence in schools, collectively. In addition, the Campaign further includes precursor events that take groups of learners through priority content areas related to violence prevention in the month prior to the event, including prevention of bullying, corporal punishment, gender-based violence, drugs and substance abuse.

To date, the Campaign has been rolled out in seven provinces thus far: Gauteng (Gauteng West District), Limpopo (Sekhukhune East District), Mpumalanga (Nkangala District), North-West (Dr Kenneth Kaunda District), Eastern Cape (Nelson Mandela), Kwa Zulu-Natal (Pinetown District) and Free State (Mangaung). The DBE further plans to roll out the Campaign in other provinces in the new financial year.

Codes of Conducts for Learners

All public schools are required, through their SGBs, to develop codes of conduct for learners after consultation with parents, educators and learners. The code of conduct for learners stipulates the rules of learner behaviour in schools, the disciplinary procedures to be undertaken after incidents of contravention are reported and sanctions which may be imposed against the perpetrators who are found guilty. The code of conduct for learners is an important instrument to regulate learner conduct.

Online Safety and Cyberbullying Programme

The DBE partners with the Department of Communications and Digital Technologies (DC&DT) and other partners, including Google, Films and Publications Board, Media Monitoring Africa and Meta, to implement an effective training and awareness programme on online safety and cyberbullying across the country. From May 2024 to August 2025, training took place in six (6) provinces (including North West, Northern

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

Cape, Mpumalanga, Gauteng, Free State and Limpopo) and a national training session reaching Life Orientation subject advisors, SBG associations, teacher unions, SACE, SAPS, district officials, RCL members, curriculum officials, SMTs and educators. From 1 July 2025 until 10 September 2025, the awareness sessions took place in 11 districts, reaching more than 1000 learners on topics such as online safety, bullying and SRGBV.

Vetting of school staff

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
- 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.

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

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

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);
- 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 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

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

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.
- 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 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, 2021, 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

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

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.

In terms of service providers who interact with learners in schools, the sector has prioritised the vetting of relevant employees, which, as previously reported, is confronted with various challenges, which have slowed down progress. However, working with PEDs, a mechanism could be introduced to ensure that service providers comply with the provisions of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021. In a context where PEDs and the DoJ&CD have reported resource constraints, the focus has been on ensuring that people who are in constant contact with learners are prioritised for vetting.

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 schools, 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.

(5)(a) Whenever a case of sexual abuse of a learner is reported, the school is guided and supported by the relevant district's psychosocial services to ensure that the learner receives the support interventions required, including counselling services. The services are provided through a network of support providers and other government departments.

(b) The Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools implores school management to ensure that learners who report sexual abuse are protected from secondary victimisation and the alleged perpetrator is immediately kept away from the learner while the necessary investigations are underway.

Teachers are capacitated to (i) provide a safe and private space for the learner to disclose the details of the incident and keep information shared with them confidential, (ii) report to the principal or, if the principal is the alleged offender, a member of the

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 5610.

School Management Team; and (iii) observe and respond to any changes in the learner's behaviour following an incident of sexual abuse.