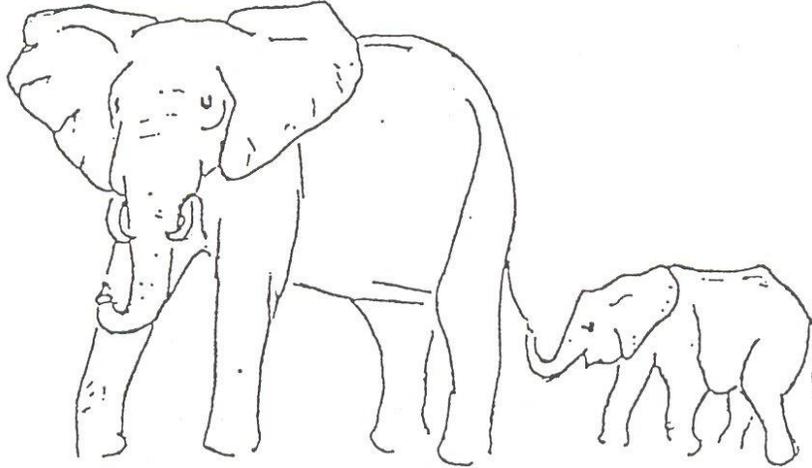


*Hatfield Montessori Preschool*

*2016/397487/07*



**POLICY FOR DEALING WITH  
CONCERNS REGARDING  
SEXUAL BEHAVIOUR/ABUSE,  
DISCLOSURES OF SEXUAL ABUSE,  
OTHER FORMS OF ABUSE AND NEGLECT  
2019**

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## **1. Purpose of the guidelines:**

1.1. The purpose of these guidelines is to provide schools with clear guidelines and procedures to follow in identifying, handling and reporting on:

- a) Normal sexual developmental behaviour among toddlers and pre-schoolers;
- b) Age-inappropriate sexual behaviour in relation with children;
- c) Disclosures of sexual abuse; and
- d) Child neglect and physical abuse.

1.2. The guidelines and procedures as described in this document meet the legal requirements of mandatory reporting, ensuring that schools act within the legal requirements, as well as in the best interest of learners. These guidelines are also in line with the Department of Education (2008): Guidelines and Procedure for Dealing with Suspected and Confirmed Cases of Child Abuse.

1.3. The guidelines must be provided to each parent when the child is admitted to the school. By signing the admission form, the parent agrees to the process as set out in these guidelines.

## **2. Basic principles on which the guidelines are founded:**

2.1. These guidelines are based on the principle that all learners (children) have the right to privacy, but also the right to be protected against exposure to behaviour and/or other stimuli that can impact negatively on their optimal functioning in any specific area or all areas.

2.2. Children are not able to protect themselves against exposure to age-inappropriate sexual stimuli, knowledge, or abuse. The responsibility, therefore, is on the shoulders of adults in the child's world to safeguard children against abuse of any kind, insofar as possible.

2.3. These guidelines aim to equip adults to be pro-active in the prevention of sexual abuse and inappropriate exposure of children, as prevention is better than cure. Through these guidelines schools are equipped with processes which deal with concerns or disclosures in such a manner that the best interest of all parties involved is served.

2.4. The guidelines ensure that schools and educators are equipped with processes which deal with neglect and physical abuse in such way that the best interest of a child is served.

2.5. The reader should be mindful that a child below the age of 7 years is irrefutably not criminally responsible.

### **3. Defining basic concepts:**

**3.1. Normal sexual development:** As children go through phases of normal emotional and cognitive development, they also move through phases of normal sexual development. Toddlers and pre-schoolers find themselves in a phase of normal sexual development where they often explore their bodies, including genitals, and where they often have lots of questions about their bodies. The reader is referred to Addendum 1 for an outline of normal sexual development in the different developmental phases.

**3.2. Age-inappropriate sexual behaviour:** Any behaviour which falls outside the range of what is considered as normal sexual developmental behaviour, for any age group, can be considered as age-inappropriate sexual behaviour or knowledge. Various reasons exist why a child may exhibit age-inappropriate sexual behaviour. It should be noted that the possibility of sexual abuse could be one of the reasons. When a child exhibits age-inappropriate sexual knowledge or behaviour it should be seen as a red light, indicating the need for further investigation into the possible causes thereof.

**3.3. Abuse:** In relation to a child, abuse means any form of harm or ill-treatment deliberately inflicted on a child and includes:

- a) Assaulting a child or inflicting any other form of deliberate injury on a child;
- b) Sexually abusing a child or allowing a child to be sexually abused;
- c) Bullying by another child;
- d) A labour practice that exploits a child; and
- e) Exposing or subjecting a child to behaviour which may harm the child psychologically or emotionally.

**3.4. Sexual abuse:** The Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act 32 of 2007; also referred to as the Sexual Offences Act) summarised sexual abuse as an act perpetrated by any person who involves a child (under the age of 18) in a sexual act with or without the consent of that child.

**3.5. Assessment of a child:** This involves a process of investigating the developmental needs of a child, including his or her family environment, or any other circumstances which may have a bearing on the child's need for protection and therapeutic services.

**3.6. Disciplinary board of the school:** This refers to the board which will meet to discuss the appropriate way forward in circumstances where extreme age-inappropriate sexual knowledge or behaviour on the part of a child occurred. This disciplinary board will consist of an independent chairperson, appointed by the school, the Principal of the school where the incident occurred, the school's social worker and the school's legal advisor.

**3.7. Neglect:** This is a type of maltreatment related to the failure to provide needed age-appropriate care. It is usually typified by an ongoing pattern of inadequate care and is readily observed in individuals.

Common forms of neglect / child abuse are:

- Leaving the child hungry and/or dirty;

- Failure to provide a child with adequate clothing, shelter, supervision, medical and health care; and
- Putting a child in danger or failure to protect a child from physical or emotional harm.

#### **4. Relevant legislation:**

##### **4.1. Human Rights as stipulated in the Constitution Section 28 Bill of Rights, entitled Children (108 van 1996):**

The South African Government signed the South African Constitution in 1996, thereby clearly outlining its commitment to children's rights in Section 28.

- a. Every child has the right:
  1. to a name and a nationality from birth;
  2. to family care or parental care, or to appropriate alternative care when removed from their family environment;
  3. to basic nutrition, shelter, basic healthcare services, and social services;
  4. to be protected from maltreatment, neglect, abuse, or degradation;
  5. to be protected from exploitative labour practices;
  6. not to be required or permitted to perform work or provide services that are: i) inappropriate for a person of the child's age; or ii) place at risk the child's well-being, education, physical, or mental health or spiritual, moral or social development;
  7. not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under Sections 12 and 35 (relating to freedom and security of the person and rights of arrested, detained and accused persons), the child may be detained only for the shortest appropriate period of time, and has the right to be: i) kept separately from detained persons over the age of 18 years; ii) treated in a manner, and kept in conditions, that take account of the child's age;

8. to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
9. not to be used directly in armed conflict, and to be protected in times of armed conflict.

b. A child's best interests are of paramount importance in every matter concerning the child.

c. In this section "child" means a person under the age of 18 years.

**Implications:** All learners at a school have the right to be protected against exposure to inappropriate sexual stimuli or behaviour. All learners, even those exhibiting inappropriate behaviour, have the right to be treated with dignity, and any incident or concern should be discussed and dealt with in privacy. All learners, even those exhibiting inappropriate behaviour, have the right to be protected and to be treated equally.

#### **4.2. The Children's Act 38 of 2005 Section 7 Best Interest of Child Standard:**

This Act requires the best interest of the child standard to be applied. The following factors must be taken into consideration, where relevant:

a. the nature of the personal relationship between:

- i) child and parent, or any specific parent; and
- ii) the child and any other caregiver or person relevant in those circumstances;

b. the attitude of the parents, or any specific parent, towards:

- i) the child; and
- ii) the exercise of parental responsibilities and rights, in respect of the child;

c. the capacity of the parents, or any specific parent, or of any other care-giver or person, to provide for the needs of the child, including emotional and intellectual needs;

d. the likely effect on the child of any change in the child's circumstances, including the likely effect on the child of any separation from:

i) both or either of the parents; or

ii) any brother, or sister or other child, or any other caregiver or person, with whom the child has been living;

e. the practical difficulty and expense of a child having contact with the parents, or any specific parent, and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with the parents, or any specific parent, on a regular basis;

f. the need for the child:

i) to remain in the care of his or her parent, family and extended family; and

ii) to maintain a connection with his or her family, extended family, culture or tradition;

g. the child's:

i) age, maturity and stage of development;

ii) gender;

iii) background; and

iv) any other relevant characteristics of the child;

h. the child's physical and emotional security, and his or her intellectual, emotional, social, and cultural development;

i. any disability that a child may have;

j. any chronic illness from which a child may suffer;

k. the need for a child to be brought up within a stable family environment and, where this is not possible, in a environment resembling as closely as possible a caring family environment;

l. the need to protect the child from any physical or psychological harm that may be caused by:

i) subjecting the child to maltreatment, abuse, neglect, exploitation or degradation, or exposing the child to violence or exploitation or other harmful behaviour; or

ii) exposing the child to maltreatment, abuse, degradation, ill-treatment, violence or harmful behaviour towards another person;

m. any family violence involving the child or a family member of the child;

n. which action or decision would avoid or minimise further legal or administrative proceedings in relation to the child.

**Implications:** This section of the Children’s Act needs to be read with Section 28 of the Constitution. The school needs to act in the best interest of all learners at all times.

#### **4.3. Criminal Law, Sexual Offence Amendment Act 32 van 2007 Section 54 (1)(a):**

a. Any person having knowledge that a sexual offence has been committed against a child must report such knowledge to the SAPS.

b. Failure to report such knowledge is seen as a criminal offence.

**Implications:** When a child makes a disclosure of abuse to a teacher or any member of staff, the school is under a legal obligation to report such knowledge to the SAPS.

#### **4.4. The Children's Act 38 of 2005 Section 110 (1):**

a. The Act specifies that teachers who have reasonable grounds to belief or suspect that a child is being abused must report such knowledge to a Designated Child Protection Organisation (DCPO), or to the Department of Social Development or to the SAPS.

**Implications:** When a school has reasonable belief or grounds to suspect that a child is being exposed to sexual abuse, the school has a legal responsibility to report such concerns. In practice, the school usually will first refer a learner for an assessment and the social worker or psychologist will then do the assessment. They will then refer the learner to welfare, if necessary. However, if parents were to refuse to take a learner for an assessment, it is the school's legal responsibility to report their concerns to a welfare organisation (DCPO) or to the Department of Social Development. If the abuse occurs within the family, both the SAPS and the Department of Social Development will need to be involved.

#### **5. Admission principles:**

a. The parents need to complete the school's admission document comprehensively, declaring any previous interventions regarding any behaviour of concern.

b. The school needs to attach guidelines to admission documentation and parents need to declare that they have knowledge of the content of the guidelines document.

b. School admission personnel should check the completeness of the documentation and follow up with the parent if any information is not completed.

c. The school should obtain a record from the previous school which the child attended.

## **6. General guidelines:**

a. It is important that teachers educate themselves concerning normal sexual development of children, as well as what can be considered problematic sexual behaviour amongst children.

b. This will enable teachers to identify behaviour that should be a matter of concern, and to deal effectively with the different modes of behaviour.

c. When children exhibit sexual behaviour (whether age-appropriate or age-inappropriate) it should be dealt with in such a manner as to influence the child to develop sexuality in a positive way, whilst at the same time teaching boundaries regarding healthy sexuality and privacy.

d. The following provides parents and teachers with broad guidelines to follow when children exhibit sexual behaviour:

- Do not overreact;
- Do not punish the child for the behaviour, nor scold the child; and
- Do not interrogate the child. Minimise your questions to ensure that the child's authentic information is not contaminated.

e. It is important that, when it is necessary for the school to consult with the parents of the children involved, the school should emphasise that the parents are not allowed to discuss the matter with anyone. The parents must understand that the best interests of the minor children are paramount, as the one child cannot be seen as the "victim" and the other child as the "accused". Both children need to be protected in terms of the Children's Act. Both children have rights and both are irrefutably not criminally responsible. The school must inform the parents during the meeting that the school will reserve its rights to take any legal steps, should it be necessary in the event that the parents discuss the matter with anyone, as the school needs to act in the best interest of the minor children involved.

## **7. Suggested procedures to be followed by the school:**

### **7.1. Procedure to follow when children exhibit behaviour which falls within the parameters of normal sexual developmental behaviour:**

a. When sexual play or sexual exploration, which falls within the parameters of normal developmental behaviour, comes to a teacher's attention, the teacher who observes the behaviour, or who is informed of the behaviour by another learner, should follow up the behaviour with the child concerned by:

- i) Taking the child aside (right to privacy). If more than one child is involved, all children involved should be seen separately;
- ii) Normalise the behaviour whilst at the same time communicating that the behaviour is not allowed: "***I can see that you are interested in your body and that is okay, but our bodies are private and this is not something we do at school***";
- iii) Putting clear boundaries on the behaviour without making the child feel guilty or anxious in any way: "***Our bodies are made so special and certain parts of our bodies are private. We do not explore or play with our bodies at school, or in front of others, and we never involve others in this***".

b. The incident and the manner in which it was dealt with should be noted on the child's file and should be brought to the attention of the parents. It is better for schools to inform parents, when any behaviour, even normal behaviour, is observed, rather than leaving the behaviour to potentially become a problem. Parents have the right to be informed if their child exhibited, or was involved in, normal sexual exploration at school. This enables parents to follow up on healthy boundaries regarding sexuality and privacy at home.

c. The following guidelines can assist the school in initiating this sometimes difficult conversation with parents:

- i) Bring it to the parents' attention that the behaviour that was exhibited or noticed falls within the parameters of normal sexual developmental behaviour;

- ii) Explain to the parent(s) how the situation was dealt with by the teacher, what was communicated to the child, and what boundaries were placed on the behaviour;
- iii) Make it very clear to parents that currently there are no concerns regarding the behaviour that the child exhibited, but do request that parents follow up at home by reinforcing healthy boundaries regarding privacy; and
- iv) Inform parents that the school will monitor the behaviour and will notify them if it persists or if the school feels that some other intervention is needed.

d. Research clearly indicates that when normal sexual developmental behaviour is addressed, by placing the necessary boundaries on the behaviour and by increasing supervision over the children involved, for a period of time, the behaviour usually decreases. Should the behaviour increase or persist despite setting boundaries on the behaviour and despite increased supervision, further intervention may be needed. It is therefore important that:

- i) All behaviour of a sexual nature needs to be reported on the **Report of Incident of Sexual Exploration** document and sent to the Principal;
- ii) The behaviour is addressed with the child(ren) involved and that clear boundaries are set on the behaviour; and
- iii) Supervision is increased by closely monitoring the child(ren), and if possible without the child(ren) noticing it, for a period of time, and feedback is provided to the Principal during weekly meetings, which weekly meetings must be noted on the child(ren)'s file.

e. This will enable the school to monitor the behaviour in general and to determine if further intervention is needed, and to act proactively to eliminate escalation of possible behaviour that could be copied by other children.

f. An expert in assessment of allegations of sexual abuse should be contacted should there be uncertainty as to whether the incident could be seen as normal sexual behaviour.

## **7.2. Procedure when children exhibit age-inappropriate sexual knowledge or behaviour:**

a. Age inappropriate sexual behaviour amongst children includes any behaviour that falls outside the parameters of normal sexual developmental behaviour. Even behaviour that falls within the parameters of normal behaviour that becomes obsessive or involves any form of secrecy, force, bribery, or aggression can be considered inappropriate.

b. When a teacher notices or is informed of sexual inappropriate behaviour of a child, they should follow up with the child concerned by:

- i) Taking the child aside (right to privacy). If more than one child is involved, all children involved should be seen separately;
- ii) Communicate to the child that the behaviour is not allowed: ***“I can see that you are interested in your body and that is okay, but our bodies are private and this is not something we do at school”***;
- iii) Putting clear boundaries on the behaviour without making the child feel guilty or anxious in any way: ***“Our bodies are made so special and certain parts of our bodies are private. We do not explore or play with our bodies at school, or in front of others, and we never involve others in this”***;
- iv) Complete a **Report of Incident of Inappropriate Sexual Behaviour** document and send it to the Principal;
- v) As far as is reasonably possible, the children involved in such an incident should not be seen together. If the children are in the same class, one of them should be moved to another class if possible;
- vi) If the school needs more information about what transpired, it is important to question the children involved individually. It is further important that questions

- should be kept to a minimum, e.g.: ***“Tell me everything that happened between you and ----- in the bathroom.”*** Nothing more should be asked;
- vii) Under no circumstances should the different sets of parents of the children involved in such an incident be seen together;
  - viii) Shadowing/observation duties need to be implemented immediately with child(ren) involved, and if possible without the children noticing it. If necessary time table must be drawn up, and signed by each person who shadowed the children on that specific day;
  - ix) Daily recording and feedback reports need to be provided to the Principal;
  - x) Shadowing duties need to be applicable until the investigation regarding the incident is completed;
  - xi) An expert in the assessment of allegations of sexual abuse will be contacted to decide whether the incident/s could be deemed as extreme;
  - xii) Should circumstances so dictate the Disciplinary Board of the school should meet as soon as possible and discuss the matter in order to make a decision regarding the best way forward;
  - xiii) The Disciplinary Board must make the decision that a child who exercised extreme inappropriate sexual behaviour should be removed from the school until the investigation is finalised;
  - xiv) The investigation should be finalised as soon as possible. It must be kept in mind that a child below the age of 7 years is not subject to compulsory attendance and it will therefore be in order if the child is removed from school for the period of the investigation;

xv) The removal of the child in question aims to protect the child who conducted the inappropriate sexual behaviour from conducting any further acts, as well as to protect the best interest of all children.

c. The incident and the way in which it was handled should be noted, and the parent(s) of the child(ren) involved should be notified by the school.

d. Where two or more children were involved in sexually inappropriate play or exploration, the concerns affect both children and not just the child who allegedly initiated the behaviour. It is often very difficult for schools to determine who initiated the behaviour, for children will often blame each other. Therefore, a meeting should be facilitated with the involvement of an expert in assessment of allegations of sexual abuse.

e. In conversation with parents, it is important that the school refrain from labelling one child as the “guilty” party, or as the child who initiated the behaviour. Instead the focus of conversations with parents should rather be to ensure that the necessary intervention for both children are put in place. It should be made clear to the parents that the conversation is confidential and that they should not discuss it with anyone, as the involved children’s best interest should be protected.

f. The following guidelines can assist schools in dealing with these difficult situations:

- i) Clearly note the incident in the **Report of Incident of Inappropriate Sexual Behaviour** document and involve the Principal;
- ii) Schedule individual consultations with the parents of all the children involved in the age-inappropriate incident, facilitated by an expert involved in the assessment of allegations of sexual abuse;
- iii) Inform the parent/s that there was an incident involving their child which raises a concern. Briefly describe what was witnessed. Do not label any of the children as the guilty party. Instead inform parents that the behaviour does not fall within the parameters of normal sexual development and therefore raises a concern;

iv) Both or all children involved in sexually inappropriate play or behaviour should be referred for an assessment in order to determine:

- a. what the true nature and extent of the behaviour or incident was;
- b. any possible trauma that an involved child might have experienced and what the impact of the incident was on the child; and
- c. whether there is any possible inappropriate exposure present in a child's life that may have led to the behaviour.

g. It is the responsibility of the school to ensure that the child involved goes for an assessment. This obligation can be met by requesting confirmation of the appointment with the social worker or psychologist, but also by requesting feedback after the assessment, as well as an assessment report. Feedback will aid the school in dealing with the incident and assist the children involved going forward. The school allows for 2 weeks for the parents to make an appointment from the time of notification about the situation at hand.

h. If parents refuse to take their child for an assessment (especially the child who initiated the behaviour, if this is clear), the school is under an ethical and legal obligation to report the matter to welfare (DCPO or the Department of Social Development).

i. If the parents of the child do not adhere to the request of assessment, the school may consult with their legal representative or designated social worker, thereby placing the concerns of the school on record. The parents will also be required to sign a form which states that they did not take their child for an assessment within the required 2 weeks.

j. If the school is of the opinion that the case was not sufficiently investigated and that the behaviour of the child has deteriorated, the school could request a panel meeting with the DCPO (to which the case was referred) and an expert representing the school, as well as the Principal to discuss further interventions.

k. If the school has exhausted all their resources and is of the opinion, after consulting with an expert and legal resources, that the child's best interest according to Section 7 of the Children's Act 38 of 2005 is still not adhered to, the school could approach a

competent court to grant appropriate relief, according to Section 15 of the Children's Act.

### **7.3. Procedure when a child makes a disclosure of sexual abuse and/or physical abuse:**

#### **A. Disclosure involving a parent or primary caregiver:**

a. If a child makes a disclosure of sexual abuse, implicating a parent or primary caregiver, it is important that the teacher or staff member handles the disclosure with the necessary sensitivity.

b. It is of the utmost importance that questions are kept to a minimum in order to avoid contaminating the child's authentic memory of the abuse. If the teacher or staff member feels that they need more information they can, at most, just ask: "***Please tell me more about .....***" (using the exact words the child used).

Complete a **Report on Disclosure made by a child of possible sexual or physical abuse**. The staff member to whom a child discloses can be the first witness and will need to give a statement of the disclosure to the SAPS, in consultation with the school's designated social worker.

- i) Do not let the child retell their story to other staff members, or the school Principal. The more times a child has to retell their story, the greater the chances of their authentic information being contaminated, and the greater the chances of them being exposed to secondary trauma;
- ii) If a child makes a disclosure implicating a parent or primary caregiver, it is important that the school notify both the SAPS and the DCPO (welfare organisation). In practice, if the alleged perpetrator is a parent or a primary caregiver, a recommended option would be to schedule a meeting with a social

worker from the DCPO, together with an expert in the assessment of allegations of sexual abuse and the non-offending caregiver;

- iii) This is often a more transparent process, which also ensures that the necessary assessment of the child takes place, and that safety plans are put in place;
- iv) It is, however, the responsibility of the DCPO, to inform parents of the allegations and to decide upon which steps to take, if any, to safeguard the child from further abuse;
- v) It is important that the school keeps a written record of whom the matter was reported to, and to follow up on all telephonic reports with a written referral to the DCPO. The name and surname, as well as the date and time of the telephone conversation must be noted;
- vi) If the DCPO does not respond after having been contacted by the school, the school can either contact the office manager / supervisor of the social worker to whom the matter was referred, or refer the matter to the SAPS. Keep detailed records of all the steps taken by the school to report to the DCPO and/or the SAPS;
- vii) Under no circumstances can any member of staff take a child home or refuse that parents take the child home. Depending on the seriousness of the allegations, and whether there is a concern that a child's life may be in danger, the school can take the child directly to the nearest offices of the SAPS with the assistance of an expert in child sexual abuse matters;
- viii) After parents had an opportunity (in the meeting) to process the information, they should be provided with guidelines on how to handle the situation with the child and what needs to be done to assist the child going forward. It is often valuable

to have an external expert in abuse present during these meetings, to facilitate the meeting and respond to parents' questions or concerns;

- ix) The child concerned should be referred for a forensic assessment by a social worker or psychologist who specialises in forensic investigations into allegations of sexual abuse;
- x) If the school is of the opinion that the case was not sufficiently investigated and that the behaviour of the child has deteriorated, the school could request a panel meeting with the DCPO (to which the case was referred) and an expert representing the school, as well as the Principal, to discuss further interventions;
- xi) If the school has exhausted all their resources and is of the opinion, after consulting with an expert and legal resources, that the child's best interest, according to Section 7 of the Children's Act 38 of 2005, is still not adhered to, the school could approach a competent court to grant appropriate relief according to Section 15 of the Children's Act.

#### **B. Disclosure implicating a family member outside of the immediate household:**

- a. If a child makes a disclosure of sexual abuse implicating a family member, it is important that the teacher or staff member handles the disclosure with the necessary sensitivity.
- b. It is of the utmost importance that questions are kept to a minimum in order to avoid contaminating the child's authentic memory of the abuse. If the teacher or staff member feel that they need more information they can at most ask: "***Please tell me more about .....***(using the exact words the child used)".
  - i) Complete a **Report on Disclosure made by a child of possible sexual or physical abuse**. The staff member to whom a child discloses can be the first

witness and will need to give a statement of the disclosure to the SAPS and the Department of Social Development;

- ii) Do not let the child retell their story to other staff members, phase leaders or the school Principal. The more times a child has to retell their story the greater the chances of their authentic information being contaminated, and the greater the chances of them being exposed to secondary trauma;
- iii) Except in cases where the school has valid grounds not to inform parents, the parents of the child should be invited for an interview at the school, where they are informed of the allegations made by the child;
- iv) After parents have had an opportunity (in the meeting) to process the information, they should be provided with guidelines as to how to handle the situation with the child and what needs to be done to assist the child going forward. It is often valuable to have an external expert in abuse present during these meetings, to facilitate the meeting and respond to parents' questions or concerns;
- v) The child concerned should be referred for a forensic assessment by a social worker or psychologist who specialises in forensic investigations into allegations of sexual abuse;
- vi) It is the responsibility of the school to ensure that the child is referred and goes for the necessary assessment;
- vii) The school can request confirmation of the assessment and/or feedback from the professional to whom the child was referred. The purpose of the feedback is to ensure that the child did go for the assessment, but also to give the school guidance on how to assist the child going forward;

- viii) If parents refuse to take a child for an assessment, the school is under an ethical and legal obligation to report the child's disclosure of abuse to the SAPS and to report their concerns regarding the child to the DCPO;
- ix) If the school is of the opinion that the case was not sufficiently investigated and that the behaviour of the child has deteriorated, the school could request a panel meeting with the DCPO (to whom the case was referred) and an expert representing the school, as well as the Principal, to discuss further interventions; and;
- x) If the school has exhausted all their resources and are of the opinion, after consulting with an expert and legal resources, that the child's best interest, according to Section 7 of the Children's Act 38 of 2005, is still not adhered to, the school can approach a competent court to grant appropriate relief according to Section 15 of the Children's Act.

**C. Disclosure of a child implicating someone outside of the family:**

- a. It is of the utmost importance that questions are kept to a minimum in order to avoid contaminating the child's authentic memory of the abuse.
- b. If the teacher or staff member feels that they need more information they can at most just ask: "***Please tell me more about .....***" (using the exact words the child used).
  - i) Complete a **Report on Disclosure made by a child of possible sexual or physical abuse**. The staff member to whom a child discloses can be the first witness and will need to give a statement of the disclosure to the SAPS;
  - ii) Do not let the child retell their story to other staff members, phase leaders or the school Principal. The more times a child has to retell their story the greater the

chances of their authentic information being contaminated, and the greater the chance of them being exposed to secondary trauma;

- iii) Except in cases where the school has valid grounds not to inform parents, the parents of the child should be invited for an interview at the school where they are informed of the allegations made by the child;
- iv) After parents have had an opportunity (in the meeting) to process the information, they should be provided with guidelines on how to handle the situation with the child and what needs to be done to assist the child going forward. It is often valuable to have an external expert in abuse matters present during these meetings, to facilitate the meeting and respond to parent's questions or concerns;
- v) The child concerned should be referred for a forensic assessment by a social worker or psychologist who specialises in forensic investigations into allegations of sexual abuse;
- vi) It is the responsibility of the school to ensure that the child is referred and goes for the necessary assessment;
- vii) The school can request confirmation of the assessment and/or feedback from the professional to whom the child was referred. The purpose of the feedback is to ensure that the child did go for the assessment, but also to give the school guidance on how to assist the child going forward;
- viii) If parents refuse to take a child for an assessment, the school is under an ethical and legal obligation to report the child's disclosure of abuse to the SAPS and to report their concerns regarding the child to the DCPO;
- ix) If the school is of the opinion that the case was not sufficiently investigated and that the behaviour of the child has deteriorated, the school could request a panel meeting with the DCPO (to whom the case was referred) and an expert

representing the school, as well as the Principal, to discuss further interventions;  
and;

- x) If the school has exhausted all their resources and is of the opinion, after consulting with an expert and legal resources, that the child's best interest according to Section 7 of the Children's Act 38 of 2005 is still not adhered to, the school could approach a competent court to grant appropriate relief according to Section 15 of the Children's Act.

#### **D. Disclosure of abuse implicating a member of staff:**

a. If a child makes a disclosure of abuse, implicating any member of staff, the following procedure needs to be followed:

- i) Complete a **Report on Disclosure made by a child of possible sexual or physical abuse**. The staff member to whom a child discloses can be the first witness and will need to give a statement of the disclosure to the SAPS;
- ii) Do not let the child retell their story to other staff members, phase leaders or the school Principal. The more time a child has to retell their story the greater the chances of their authentic information being contaminated, and the greater the chance of them being exposed to secondary trauma;
- iii) The Principal or head of the school needs to be informed immediately;
- iv) The parents of the child should be invited for an interview at the school where they are informed of the allegations made by the child;
- v) After the parents had an opportunity (in the meeting) to process the information, they should be provided with guidelines on how to handle the situation with the child and what needs to be done to assist the child going forward. It is often valuable to have an external expert in abuse present during these meetings, to facilitate the meeting and respond to parents' questions or concerns;

- vi) The child concerned should be referred for a forensic assessment by a social worker or psychologist who specialises in forensic investigations into allegations of sexual abuse;
- vii) It is the responsibility of the school to ensure that the child is referred and goes for the necessary assessment;
- viii) The school can request confirmation of the assessment and/or feedback from the professional to whom the child was referred. The purpose of the feedback is to ensure that the child did go for the assessment, but also to give the school guidance on how to assist the child going forward. Formal feedback regarding the forensic investigation and findings may also be necessary for any disciplinary actions in line with labour legislation;
- ix) The necessary disciplinary actions in line with labour legislation should be initiated against the member of staff implicated in the allegations so that the safety of the child at school is ensured pending the finalisation of an investigation. The member of the staff implicated should immediately be acted against as per labour legislation;
- x) If the school is of the opinion that the case was not sufficiently investigated and that the behaviour of the child has deteriorated, the school could request a panel meeting with the DCPO (to whom the case was referred) and an expert representing the school, as well as the Principal, to discuss further interventions;
- xi) If the school has exhausted all their resources and are of the opinion, after consulting with an expert and legal resources, that the child's best interest according to Section 7 of the Children's Act 38 of 2005 is still not adhered to, the school could approach a competent court to grant appropriate relief according to Section 15 of the Children's Act.

## **8. Who can conduct forensic assessments with children?**

a. Forensic assessments in cases of alleged sexual abuse is a specialised field of work for which few private practitioners outside welfare organisations are equipped. Parents and significant adults in children's lives are often under the misconception that any therapist, social worker and/or psychologist can do these type of assessments, which perception jeopardises successful prosecution and results in re-assessment of children, causing secondary trauma for both the child and parents involved.

b. Professionals who conduct forensic assessments into allegations of sexual abuse should:

- i) Be a registered social worker and/or psychologist, or a registered trauma counsellor – in line with the scope of practice and criteria set out by the respective councils (SACSSP and HPCSA).
- ii) Have specialised training in the field of sexual abuse and specific intensive training in forensic assessment of children. (A masters degree in forensic practice and/or intensive training in forensic assessments is recommended.)
- iii) Have at least two years' experience in the field of forensic assessments. (Where the professional has less experience they should be working in consultation with a more experienced forensic assessor).

c. Questions to ask before you make an appointment for a forensic assessment:

- i) Ask for a copy of their CV. Professionals with the necessary training should have no problem making their CV available to you. Look for specialised training in sexual abuse, child assessment and specifically for forensic assessment in case of alleged abuse. Specialised training does not consist of one-day or two-day training but of substantial and intensive training over

- weeks. This should include a theoretical and practical examination to ensure that the professional has acquired the necessary information and is able to integrate it successfully in practice with children.
- ii) Ask according to which forensic model do they work. (The Comprehensive Assessment Model is recommended);
  - iii) Ask which protocol or practice guidelines do they use when conducting forensic interviews. The National Institute of Child Health and Human Development Protocol (NICHD) or the American Professional Society on the Abuse of Children (APSAC) Practice Guidelines are recommended;
  - iv) Ensure that the professional was not in any way previously involved with the child or any member of the family, nor the alleged perpetrator. Previous involvement with any family member or the child raises questions about the professional's objectivity and neutrality in the matter.
  - v) Answers to these questions will help you to determine whether the professional has the necessary qualifications and work according to international standards of practice.

*We give credit to the Guidelines of Department of Education (2008) as a broad framework for these guidelines.*



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