

Child Protection Register: Part B

Department of Health
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OUTLINE OF THE PRESENTATION

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1. Introduction

- National Child Protection Register (CPR) is a protection measure, ensuring that reported cases of child abuse are recorded and interventions provided to children whilst also keeping a register of persons unsuitable to work with children for purposes of screening of all persons who want to work with children, adopt or foster a child/ren.
- The **Children's Act** (No. 38 of 2005) brings South Africa's legislative framework for child care and protection in line with the Constitution and International Law.
- Regardless of the constitutional right and legislative provisions, thousands of children around the country are still victims and/or witnesses of physical, sexual and emotional violence.

2. Purpose of Part B of CPR

- The Children's Act requires that the National Department of Social Development keep and maintain the National CPR.
- The National CPR consists of Part A and Part B as provided for by s111 of the Children's Act.
- Both Parts of the Register are linked through the reporting of child abuse.
- The abused child is linked with the person who is unsuitable to work with children.
- Purpose of **Part B** is to **keep record of persons found unsuitable to work with children to protect them (children) from abuse.**



2. Purpose of Part B of CPR (cont.)

- The Register prohibits the unsuitable person from working with children anywhere in the country (Section 123(1)(a)).
- The Children’s Act requires that service providers offering services to children must adhere to the requirements of the Registers (Section 123(1)).
- Courts and forums submit names of persons found unsuitable to work with children to National DSD (Section 122)(1)).
- Persons who want to work with children, adopt or foster a child/ren complete **Form 30** for their individual screening whilst employers also submit **Form 29** for screening of prospective or current employees.



3. Findings of Unsuitability

A finding that a person is unsuitable to work with children may be made by-

- a children's court;
- any other court in any criminal or civil proceedings in which that person is involved; or
- any forum established or recognised by law in any disciplinary proceedings concerning the conduct of that person relating to a child.

A finding may be made by a court or a forum in its own volition or on application by-

- an organ of state involved in the implementation of this Act;
- a prosecutor, if the finding is sought in criminal proceedings; or
- a person having a sufficient interest in the protection of children.



3. Findings of Unsuitability (cont.)

- A finding that a person is unsuitable to work with children is not dependent upon a finding of **guilty or innocent** in the criminal trial of that person.
- Forums are also required to submit information of unsuitability following disciplinary proceedings.
- The information regarding a person unsuitable to work with children must be forwarded to the Director-General of DSD within 21 working days of a finding that a person is unsuitable to work with children. It must be forwarded in a prescribed **Form 28**.



4. Establishment of Information (Inquiries)

- **Inquiry by employer (Form 29):** Any person managing an institution, or school, must establish whether the name of any person who works with or has access to children at the institution or school appears in Part B of the Register.
- **Inquiry by Individual (Form 30):** Any person who intent to provide services to children, e.g. a foster or adoptive parent, supervisor of a child-headed household must establish whether the name of any person who works with or has access to children at the institution or school appears in Part B of the Register.

5. Consequences of entry of Name on the Register (Section 123)

No person whose name appears in Part B of the Register may-

- **manage or operate**, or participate or assist in managing or operating, an institution providing services to children;
- **work with or have access** to children at an institution providing welfare services to children, including a school or association providing services to children, either as an employee, volunteer or in any other capacity;
- be **permitted** to become the foster parent or adoptive parent of a child.

6. Disclosure of Entry of Names on the Register.

- The Director-General must inform a person found unsuitable to work with children when that person's name and particulars are entered in Part B of the Register.
- A person who **fails** to disclose the fact that his or her name is entered in Part B of the Register **is guilty** of misconduct and his or her services may be terminated as a result thereof.

7. Removal of name from the Register

- A person whose name appears in Part B of the Register may apply for the removal of his or her name and any information relating to that person from the Register.
- Application for the removal of a name and particulars from the Register may be made:
 - to any court, including a children's court;
 - to the Director-General, if the entry was made in error; or
 - to the High Court if the Director-General refuses an application.
- An application to remove a person's name and particulars from Part B of the Register on the ground that the affected person has been rehabilitated, may only be made after at least five years have lapsed since the entry was made and after considering the prescribed criteria.
- The name and particulars of a person convicted more than once of an offence with regard to a child must not be removed from Part B of the Register.

THANKS

