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NATIONAL CHILD PROTECTION REGISTER: COURT RULING WELCOMED

NAPTOSA welcomes the settlement agreement ordered by the Gauteng High Court in Pretoria. This agreement compels the Department of Basic Education (DBE) and the provincial education departments (PEDs) to vet all current school employees against the National Child Protection Register (NCPR) by March 31, 2027. This outcome, achieved through the efforts of the Teddy Bear Foundation and SECTION 27, follows a closely monitored case by NAPTOSA. A 2022 incident in which a caretaker who raped a learner at a school in North West was not entered onto the register, allowing him to seek further employment with children.

That a predator could slip through the system meant to stop him is precisely the failure NAPTOSA has warned against. We have long argued, including in our submissions on the Safe Schools Protocol, that protocols and registers are only as strong as the vetting and reporting systems behind them. This settlement puts teeth behind that principle.

The ruling puts necessary pressure on the Department of Basic Education (DBE) to address and resolve the vetting issues. NAPTOSA has supported the vetting process, which includes the department covering the costs for current staff. However, provinces have wrongfully shifted this responsibility onto education personnel. It is hoped that the DBE will now adhere to the ELRC agreement and put an end to the unnecessary time-wasting that has negatively impacted our children.

What the settlement requires

- All current employees in the education sector must be vetted against the NCPR by 31 March 2027.
- Quarterly progress reports must be submitted to both the Department of Social Development and the Teddy Bear Foundation.
- No individual listed in Part B of the register who is found unsuitable to work with children may be employed or retained in any child-contact role.
- NCPR screening must now be built into recruitment and appointment processes from the outset, not applied after the fact.
- Departments must strengthen reporting channels to the Department of Social Development, the custodian of the register, so that offenders are entered onto it without delay.

Judgment has been reserved in the related proceedings against the Department of Social Development, which argued that its ability to maintain the register depends on other departments submitting information in the first place. NAPTOSA agrees with SECTION 27 that this cannot be an excuse. A register is only useful if every department that identifies a risk reports it.

This case illustrates the duty of care that NAPTOSA addressed in its recent parliamentary statement. Silence, delay, and administrative failure have never protected a child from statutory rape. Vetting is one of the clearest, most concrete ways that duty can be honoured in practice, and it must not be allowed to lapse into a paper exercise. NAPTOSA urges the Department of Basic Education (DBE) and Provincial Education Departments (PEDs) to transparently publish their quarterly vetting reports. Furthermore, School Governing Bodies (SGBs) must confirm that every adult who has access to learners has undergone thorough screening. It is essential to ensure that both the SGBs and schools have access to the NCPR.

We commend the Teddy Bear Foundation and SECTION 27 for pursuing this matter through a binding order, and we will continue to monitor compliance with the 31 March 2027 deadline. Under our "Safe Schools = Safe Nation" campaign, NAPTOSA remains committed to ensuring that every child-contact role in our schools is filled only by someone who has been properly and promptly vetted.

Safe schools are not a luxury; they are a right. A register that is not enforced protects no one!

Mr BL Manuel
Executive Director