

## **REPORTING OF SUSPECTED CHILD ABUSE: WHAT THE ANAESTHESIOLOGIST NEEDS TO KNOW**

Despite violence against children being a problem that affects large numbers of children in South Africa; child abuse remains largely under-reported.

- What is defined as child abuse?:

South African Children's Act No. 38 of 2005 defines a child as a person under the age of 18 years. The term child abuse includes not only the physical non-accidental injury of children, but also emotional abuse, sexual abuse and neglect. Therefore, abuse can range from habitually humiliating a child to not giving the necessary care.

- Who Must Report?

Section 110 of the Children's Amendment Act mandates:

*“Any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, **medical practitioner**, midwife, minister of religion, nurse, occupational therapist, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, drop-in centre or child and youth care centre to report when they suspect that a child has been abused 'in a manner causing physical injury, sexually abused or deliberately neglected'”*

- When Must Reporting be done?

Reporting of the suspicion of abuse must be done *as soon as* the suspicion is formed on reasonable grounds.

- Liability and Accountability

Healthcare professionals can be held accountable for not reporting abuse of children.

- According to the Health Professions Act No. 56 of 1974, the HPCSA can order a fine or a suspension or remove a member's name from the register in the case of a guilty finding.

- Furthermore, section 54(b) of the Sexual Offences and Related Matters Act, states that failure to report sexual abuse or exploitation of children and mentally handicapped persons is deemed an offence and is punishable with a fine or imprisonment of up to 5 years, or both, if the person is found guilty.

- **May be prudent to forward a brief report to MPS so further assistance can be arranged, if necessary: [medical.rsa@medicalprotection.org](mailto:medical.rsa@medicalprotection.org)**

- **TO WHOM DO YOU REPORT?**

Section 110(1) of the Children's Amendment Act stipulates that suspected child abuse must be reported to:

- 1. Child Protection Organizations**
  - 2. Provincial Department of Social Development**
- OR**
- 3. The Police**

All reports (even those made to the police) must be referred to the provincial department of social development. Form 22 must be completed and given to a social worker.

There is NO basis in South African constitution that suggests the reporter must contact the parent or caregiver.

Experience has shown that engaging child advocacy organisations or working through a social worker (either a private individual or through the Departments of Social Development) facilitates the process best in an already difficult situation.

- **CONTACT DETAILS:**

- 1. CHILD PROTECTION ORGANIZATIONS:**

- [www.childwelfare.org.za](http://www.childwelfare.org.za) : Tel 011 452 4511
- [www.childline.org.za](http://www.childline.org.za) : Tel 031 201 2059
- [www.acvv.org.za](http://www.acvv.org.za) : Tel 021 461 7437

### **Local Social workers**

- 2. PROVINCIAL DEPARTMENTS OF SOCIAL DEVELOPMENT:**

<u>PROVINCE</u>	<u>CONTACT DETAILS</u>
GAUTENG	(011) 355 7687/7977/7878
LIMPOPO	(015) 293 6004/ 6054/6011/6053
NORTH WEST	(018) 387 3434/0255/3497/0281
MPUMALANGA	(013) 766 3098/3253/3031
FREE STATE	(051) 400 0302 / 0304/0307
KWAZULU-NATAL	(033) 264 5400

EASTERN CAPE	(043) 605 5000
WESTERN CAPE	(021) 483 3858/3765/3158/5445
NORTHERN CAPE	(053) 807 5600

The University of Pretoria Child Law Centre has an excellent reputation in understanding the legal issues around child protection and can be an additional source of support. Their details are available at: <http://centreforchildlaw.co.za/>

Further information or support can be obtained from Bhavika Daya of the SASA Wellness Team at: [bhavikadaya@gmail.com](mailto:bhavikadaya@gmail.com).