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Mandatory Reporting of Child Abuse in South Africa

A practical guide for parents, professionals and educators

1. Why This Guide Exists

Every year, parents, teachers, social workers, healthcare workers, religious leaders and ordinary members of the public in South Africa find themselves faced with a difficult moment: they suspect that a child is being abused, neglected or exploited, and they are not sure what the law requires them to do, or how to do it correctly.

South African law does not leave this to individual discretion. Reporting suspected child abuse is a legal duty, not merely a moral choice. This guide brings together the key pieces of legislation that create this duty, explains them in plain language, and sets out exactly who must report, what must be reported, to whom, and what happens next.

Key principle

- If you **have knowledge, reasonable belief, or reasonable suspicion** that a child has been abused, neglected or sexually exploited, South African law requires you to report it – immediately, regardless of your role, and regardless of whether you have proof.

Who this guide is for

- Parents and caregivers who want to understand their rights and duties
- **Teachers, principals** and **school staff**
- **Social workers** and other **mental health professionals**
- Healthcare workers, including **doctors**, **nurses** and **psychologists**
- **Religious leaders, traditional leaders** and **community workers**
- Anyone who works with or cares for children in South Africa

2. The Legal Framework at a Glance

Several laws work together to create South Africa's mandatory reporting system. Some create a duty for everyone; others create an additional, more specific duty for people in certain professions. The table below summarises the core provisions.

Legislation	Who must report	Threshold to report	Report to	Penalty for non-reporting
Children's Act 38 of 2005 – s110	Specified professionals (teachers, social workers, doctors, nurses, police, religious leaders, psychologists,	Reasonable grounds to conclude a child has been physically abused, sexually abused, or deliberately neglected	A designated child protection organisation or the Provincial Department of Social Development (or	Fine and/or imprisonment

Legislation	Who must report	Threshold to report	Report to	Penalty for non-reporting
	child and youth care workers, etc.)		SAPS if the child needs immediate care and protection)	
Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 – s54	Any person	Knowledge, reasonable belief, or suspicion that a sexual offence has been committed against a child	A police official (SAPS)	Fine or imprisonment of up to 5 years, or both
Films and Publications Act 65 of 1996 (as amended)	Any person; additional proactive duties on internet/ chat-room service providers	Knowledge or reasonable suspicion of an offence involving child sexual abuse material ("child pornography")	A police official (SAPS); providers must also enable children to report suspicious online behaviour	Fine and/or imprisonment
Domestic Violence Act 116 of 1998 (read with the surviving s4 duty under the Prevention of Family Violence Act 33 of 1993)	Any person who examines, treats, attends to, advises or cares for a child	Reasonable suspicion that a child has been ill-treated or has a deliberately caused injury	A police official, or a designated child protection organisation	Fine or imprisonment

Note: Legislation is periodically amended. Where in doubt about the current wording of a section, professionals should confirm with their legal or supervisory structures or consult the current government gazette.

3. Who Must Report, and What Must Be Reported

3.1 Two overlapping categories of reporter

South African law creates mandatory reporting duties in two overlapping ways:

- **Any person:** under the Sexual Offences Act, the Films and Publications Act, and the surviving Domestic Violence Act provision, every person in South Africa – not only professionals – has a legal duty to report known or reasonably suspected abuse.
- **Specified professionals:** the Children's Act adds a further, specific duty for a defined list of professions (teachers, social workers, doctors, nurses, psychologists, police officials, religious leaders, and others working with children), who must report when they reach a reasonable professional conclusion that abuse or deliberate neglect has occurred.

In practice, this means that a parent, neighbour, coach, or member of the public has the same underlying duty to report child abuse and neglect as a teacher or social worker does – the professional list in the Children's Act simply reinforces and specifies that duty for people whose work regularly brings them into contact with children.

3.2 What threshold triggers the duty to report?

Term used in legislation	What it means in practice
Knowledge	You directly witnessed the abuse, or a child or another person disclosed it to you.

Term used in legislation	What it means in practice
Reasonable belief / reasonable suspicion	Based on what you have observed (injuries, behaviour changes, disclosures, digital evidence, a child's account), a reasonable person in your position would suspect abuse is occurring or has occurred.
Reasonable grounds to conclude	The standard used in s110 of the Children's Act for mandated professionals – your professional judgement, informed by training and the facts available to you, leads you to this conclusion.
What is **NOT** required	Proof, a confession, medical evidence, the child's presence, or parental consent.

4. How to Report: Step by Step

4.1 What you should do

1. Report as soon as possible – the law requires reports to be made “immediately”.
2. Report to any SAPS police station, the SAPS FCS Unit, a designated child protection organisation (Welfare Office/Organisation) Childline, or the provincial Department of Social Development.
3. Give as much factual detail as you can – what you saw, heard, or were told, and when.
4. Ask for a case number as proof that your report has been registered with SAPS.
5. Keep a private record of the date, time, place, and person you reported to.

4.2 What SAPS is legally required to do

- ✓ Accept your report at any police station, **regardless of where the incident occurred**, and transfer the docket to the correct jurisdiction or the FCS Unit if necessary.
- ✓ Open a case docket if the information you provide suggests abuse has occurred.
- ✓ Proceed with the investigation even if a parent denies the abuse, refuses to open a case, or asks for it to be withdrawn – **child abuse is a crime against the state, not private matters requiring family consent.**
- ✓ Refer the matter to the specialised Family Violence, Child Protection and Sexual Offences (FCS) Unit.
- ✓ Treat you as a complainant: record your statement, open a docket, and issue you a case number.
- ✓ Refrain from discouraging, intimidating, or threatening a person who is reporting in good faith.

5. Common Myths vs What the Law Actually Says

Reporters are sometimes given incorrect information, whether by well-meaning but mistaken officials or simply through common misunderstanding. The table below addresses the most frequent misconceptions.

Myth / What people are sometimes told	What the law actually says
“You can't report if the child isn't present.”	**False.** Any person with knowledge or reasonable suspicion may report; the child does not need to be present.
“Only parents or professionals can report.”	**False.** Under Section 54 of the Sexual Offences Act, any person who has knowledge must report. The Children's Act adds a specific list of mandated professionals with their own duty.

Myth / What people are sometimes told	What the law actually says
"Parents must give consent before a report is made."	**False**. Sexual offences and abuse against children must be reported and investigated regardless of parental consent.
"You must report at the police station in the area where it happened."	**False.** A complaint can be opened at any police station; it can then be transferred to the correct jurisdiction or referred to the FCS Unit.
"Parents can sue you for reporting."	**False.** Reports made in good faith, on reasonable grounds, are protected from civil or criminal liability under the Children's Act and the Sexual Offences Act.
"You need proof before you report."	**False.** The law requires only knowledge, reasonable belief, or reasonable suspicion – not evidence or certainty.

6. If a Report Is Refused or Obstructed

You cannot lawfully be turned away when reporting a suspected offence against a child. If a police official refuses to take your report, discourages you from reporting, or tells you that you need proof, parental consent, or the child's presence first, **you can and should escalate:**

1. Refer the officer to the **SAPS National Instruction 3 of 2011**: SAPS members are strictly prohibited from refusing to open a case or take a report. Officers must immediately assist any complainant, and treat the public courteously, regardless of where the crime occurred or whether the suspect is known.
2. Ask to speak to the Station Commander at that police station.
3. Request that the matter be handled by, or referred to, the FCS Unit directly.
4. Report the matter to your provincial Department of Social Development.
5. Contact a designated child protection organisation, such as Childline South Africa, for guidance and support.
6. Lodge a formal complaint about the police official's conduct with the Independent Police Investigative Directorate (IPID), which investigates police misconduct and failure to perform statutory duties. You can also report the police official through the following channels: SAPS National Complaints Centre (0800 333 177) or email: complaintsnodalpoint@saps.gov.za

Remember

- A police official may not lawfully refuse to open a docket, discourage you from reporting, or threaten you with legal consequences for making a good-faith report.

7. Legal Protection for People Who Report in Good Faith

A common and understandable fear is that reporting suspected abuse could expose the reporter to a lawsuit or other consequences, particularly from the child's family. South African law directly addresses this concern.

- Both the Children's Act and the Sexual Offences Act protect people who report in good faith, on reasonable grounds, from civil or criminal liability arising from that report.
- This protection exists specifically so that fear of legal consequences does not discourage people from coming forward to protect children.

- "Good faith" does not mean you must be certain you are right – it means you honestly believed, on reasonable grounds available to you at the time, that a report was warranted, and that you have made the report to protect someone or comply with the law, rather than to harm another person.

8. Key Contacts and Resources

Service	Contact	When to use
SAPS Emergency	10111 (from any phone) / 112 (from a cell phone)	Any emergency, including a child in immediate danger.
Childline South Africa	116 (toll-free, 24/7)	To report suspected child abuse, or for counselling and advice on how to report.
Gender-Based Violence Command Centre (DSD)	0800 428 428, or *120*7867# free USSD, or SMS "Help" to 31531	24-hour access to a social worker for GBV and child-abuse related support.
Film and Publication Board (FPB) Hotline	See www.fpb.org.za for current hotline details	To report child sexual abuse material (CSAM) online.
SAPS FCS Unit (Family Violence, Child Protection and Sexual Offences)	Contactable via your nearest police station, or childprotect@saps.gov.za	Specialised investigation of child abuse and sexual offences.
Independent Police Investigative Directorate (IPID)	See www.ipid.gov.za	To report a police official who refuses to open a docket or discourages a report.
Department of Social Development / designated child protection organisation	Via your provincial DSD office or local child welfare organisation. Contact details are province specific and can be found online.	To report a child in need of care and protection, or for follow-up support.

9. Quick-Reference Summary

In summary

- Reporting suspected child abuse is a legal duty in South Africa, not optional.
- You do not need proof, the child's presence, or parental consent to report.
- The threshold is knowledge, reasonable belief, or reasonable suspicion.
- Report immediately to SAPS, the FCS Unit, Childline (116), or your provincial Department of Social Development.
- Reports made in good faith are legally protected from civil and criminal liability.
- Failing to report, where a legal duty exists, is itself a criminal offence.
- If a report is refused, escalate to the Station Commander, the FCS Unit, DSD, or IPID.

TIP: When reporting abuse to your nearest welfare organisation, it is best to use the Form 22 template to submit your information. This template can be downloaded from our website: www.rootedcare.co.za

This guide is intended as a plain-language educational resource and does not constitute legal advice. For advice on a specific case, please contact your nearest designated child protection organisation for assistance.