



Sexual Assault Clinic

Non-Profit Organisation
6B Railway Avenue
Benoni West 1501

Tel: (011) 420 0523 Fax: 086 551 8748

Website: www.sexualassaultclinic.org
Email: enquiries@sexualassaultclinic.org



Child Protection Officer's Handbook

UNDERSTANDING AND REPORTING CHILD ABUSE

Sponsored by: Minuteman Press Benoni , cnr Harrison and Newlands Ave

www.minutemanpress.co.za ☎ (011) 420 0521

Sexual Assault Clinic
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FORWARD

This hand book has been created to help Teacher/School Child Protection Officers/School Child Protection Officers and School Child Protection Officers in South Africa with the reporting process after a child has disclosed abuse - *as required by the Department of Education and the South African Child Act, which in brief states,*

“.....the South African Child Act has been established to promote the protection, development and well-being of a child”

In other words, the interests of a child are PARAMOUNT and to disregard this is a criminal offence”.

**“As adults we play an unwitting role
in abuse.....
If you are not protecting children, you
are neglecting them and that too is
abuse!**

Anonymous

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Before we can look at the procedures it is important to understand what types of abuse a children can experience at the hands of others:

WHAT IS CHILD ABUSE

PHYSICAL

This is the intentional shaking; hitting; beating; biting and burning of a child.

EMOTIONAL

This is the shaming; blaming or belittling a child, including excessive shouting and yelling.

NEGLECT

A parent/legal guardian or care-giver's failure to provide constant food; shelter; medical care as well as a pattern of failure to meet a child's emotional needs in the form of affection; attention; comfort; discipline and supervision.

SEXUAL

This is any forced sexual activity including incest and bestiality, exposure to sexual stimulation not appropriate for the child's age and exposure to sexual language and/or pornography.

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In South Africa we have a law protecting the vulnerable from rape and similar offences. This law is called the Sexual Offences and Related Matters Amendment Act, No. 32 of 2007 which distinguishes the three different offences in the following manner:

1. **SEXUAL ASSAULT**

This is everything that is **NOT CONSIDERED RAPE**, i.e. inappropriate touching; fondling (caressing, petting, stroking); showing of pornography; masturbation in front of the child; or any other act of a sexual nature.

2. **RAPE**

This is **NON-CONSENSUAL** forced sexual penetration of any object or body part into another's orifice.

So what is consensual sex?

Consensual sex is intercourse between persons, both over the age of 16 years of age with both parties consenting to the act.

.....and what is rape?

This can be explained as follows:

- **CONSENT:** The person must be mentally sound, conscious and able to give their consent
- **BODY:** Insertion of any object or body part of a human or animal in any genital organ or anus of another against their will

- **3RD PARTY:** A person forcing others to have sex with a third part against their will
- **FORCED CONSENT:** Intimidation or threatening; or abuse of rank or authority or abuse of power.

3. **PORNOGRAPHY**

This is the making of and/or possession of child pornography (photographs or videos).

Although parents and schools should be the basic providers of sound sex education, they seldom are. This leaves the library as the only source of sex education for young people, unless we want to abandon the job to exploitation movies, rock lyrics, graffiti, and the dubious counsel of peers.

PATRICIA J. CAMPBELL, *Sex Guides*

SIGNS OF MOLESTATION

As a Teacher/School Child Protection Officers/School Child Protection Officer you will have insight into learner's behaviour and will intuitively pick up on abnormal behavioural patterns. The following signs are red flags and should be acted on promptly:

PHYSICAL SIGNS

Children must exhibit at least **3 or more** of the below mentioned indicators, less than three could have a logical explanation:

- Blood on underwear
- Missing a period or pregnancy in a girl
- Blood, pain, discharge, itching in the genital area
- Abnormal way of walking or sitting down
- Sudden soiling of pants
- Sudden ailments (tummy aches, headaches, etc.)

CHANGES IN BEHAVIOUR

- Suddenly behaving aggressively (biting, shouting, hitting)
- Breaking items and generally being destructive
- Stealing
- Lying
- Over or under eating
- Acting provocatively

- Excessive sensitivity (crying)
- Increase in temper tantrums
- Withdrawal in an outgoing child
- Fear of a familiar adult (Aunt, Uncle, Father, Mother, etc.)
- Depression
- Disgust in body or gender

WHAT DO WE MEAN BY “DISCLOSURE”?

In terms of the Children’s Act 38 of 2005 (Amendment Act 42 of 2013 – to date) you have to report any incident of abuse. Sweeping the matter under the carpet can lead to your prosecution.

The term “Disclosure” means when a child reveals information, or confesses, or admits sexual abuse has taken place.

My son was going to graduate from kindergarten, we had a party. One little girl did not want to go home I didn’t know the child. She was crying and carrying on – I told her teacher/School Child Protection Officers my suspicions based on the child’s remarks. The teacher/School Child Protection Officers, who had suspicions of her own, notified Child Protection Services and the boyfriend was removed from the home. Children DO TELL you just have to LISTEN to them!!!

Debroah LoVetta (Co-operative Parent Educator)

In most instances a child will only disclose information when they feel truly safe, secure and they can trust the person who they are confiding in. They perceive that their confidence will be protected and that something concrete and positive will be done to protect them from the abuse. Teacher/School Child Protection Officers/School Child Protection Officers often find themselves in this unenviable position of confidence and it is important that heaven and earth be moved to help the child.

HOW DO WE DEAL WITH THE SUDDENNESS; THE AWKWARDNESS OF DISCLOSURE?

You may feel as if the air has been taken from your lungs, you feel faint, unsure what to do next. You start to feel a range of emotions that are foreign to you. Confusion may be one of them, disbelief another. No matter how it has affected you, remember your emotions are not what are important at this time. Do not show the child your shock, horror, disbelief or disgust.

The following steps will not only prepare you but will make it easier for a child to trust you, to engage and tell their side of what has occurred.

- Gently remove the child from a busy area to a room that is quiet so that you can hear exactly what the child is telling you. This move will allow them to feel safe, now that they

are been taken seriously and allow them to express themselves.

- Do not be judgemental or correct the child in what he/she is saying. Don't tell them how to feel.
- Be genuine in your sympathy towards them.
- Listen! Really listen to what they are saying. This information can later be related to the authorities in the form of a first reporter statement.
- Ask questions to clarify what has occurred, be patient, it is an especially difficult time for a child to let go of what has been happening to them and to confide in you. Guard against leading questions e.g. "Did he touch you there, where did he touch you", rather say "Tell me what happened, I am here to help you". Whatever you do, do not put words into the child's mouth.
- Do not urge the child to forget what has occurred because of your discomfort and fear. Be supportive in your role as listener.
- Some children may feel the need for physical closeness such as hugging or holding hands. In the past we were taught not to touch a child, however, if you can be seen by others there is no reason not to put a comforting hand on a child's shoulder or to hold their hand as long as it is visible to others.
- Be prepared for ab reactions from the child. They may feel ashamed, guilty or suicidal, somehow responsible for the abuse. Most often an offender is someone the child loves and they feel they have let the offender down by "telling their secret" to an outsider.

Don't make promises you cannot keep e.g. "you will never see the person again, he/she is going to jail and the police will never let them out". Often times the offender is released on bail and there is the possibility that the child will see the offender before the due court dates. Rather say "X is going to need lots of help. The police are going to speak to you and they will speak to X too. There is nothing to be afraid of because X is not well and needs help just like we need help".

WORDS OF SUPPORT FOR THE CHILD

Below are suggested words of support for the child:

- I am so glad you were brave enough to tell me what has happened to you. You are very courageous to tell me about it.
- I believe you and I am going to do my best to try and help you.
- What has happened is not your fault.
- Crying is good for you; you do not have to feel bad about crying.
- If you are feeling angry it's ok,
- You may feel that you will never be happy again but you won't feel sad forever.
- The person who did this to you needs help, just like we need help. Will you trust me to help you?

YOUR EMOTIONS

You may be shocked to your very core after a disclosure, it is important to understand your anger, shock and horror are

normal. Once the child has been attended to it may be in your best interests to speak to a counsellor, pastor, chaplain, social worker or friend to get rid of those negative feelings as they have a tendency to linger. Rape/abuse is bigger than you and you will need to express how you feel and to put things back into perspective.

INFORMATION TO CONSIDER AFTER DISCLOSURE

- Do encourage parents to allow their children to continue with their normal school and play routines. The quicker a child re-integrates into the community and home life the sooner the chances are of recovery. Normalise the child's life as much as possible and don't fuss unnecessarily around the child either.
- Understand the child will have angry outburst, act out aggressively and be generally disobedient. This is their release valve on the guilt they feel for disclosing, let them understand this is how anger is expressed but there must be a limitation to the behaviour. Rather encourage the child to partake in sports like swimming, cricket, dance, football, softball etc. to alleviate the aggression. Let them know that their temper tantrums are not acceptable and there is a consequence for their outburst by meeting out reasonable disciplinary measures. They cannot disrupt their classmates and hold a class to ransom.
- Don't let the child overhear you discussing what has happened to them with others or within earshot. You need the integrity of the child's memory to stay intact for court. Allow the child to talk about the incident in private and

answer all questions as truthfully as you can but do not allow your judgement to cloud your responses. Keeping your opinions to yourself and how you feel about the situation is the best approach.

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YOUR NEXT STEPS

By law, upon a child's disclosure you have to report the abuse, here, uncomplicated steps are explained:

"THOSE WHO SAID IT CAN'T BE DONE...SHOULDN'T GET IN MY WAY WHILE I'M DOING IT!"

– Rosetta D. Hoessli, *Falling through Ice* (reporting child abuse)

REMINDER

SIGNS OF BLOOD ON UNDERWEAR, DIFFICULTY WALKING MUST BE REPORTED IMMEDIATELY!

Reporting and Procedural Protocol

In the event of a recent rape (within 72 hours of incident)

Where there are definite signs of sexual or physical assault - after talking to the child and removing them from the classroom to a safe and comforting area, following steps should be followed without delay:

- Do not remove any clothing from the child and do not ask them to remove their own clothing. Allow the child to show you the injury by their own accord.
- Do not wash the child or clean any of their injuries. You may be wiping away evidence. This will be done by a District Surgeon or Forensic Nursing Sister.
- Do not call others in to see the injury or parade the child around in front of other. The way you initially treat a child is the foundation to a child either healing or surrendering to the trauma.
- Do not panic – reassure the child that they are safe with you and that you are going to find help for them
- Act confidently in front of the child. The child needs to know someone has now taken control of the situation.
- Truthfully explain to the child what you are going to do, the child needs to feel part of the process and not an object that is talked over. Children understand more than we believe they do and are better able to cope if they know what lies in store for them.

How to explain the process to the child in simple and understandable terms:

"I am going to get you the help you need. The first thing I have to do to help you is that I must tell the Principal so that he can call the police. The police will come and talk to you but you do not have to be afraid. Your parent/s or caregiver will be with you when you talk to them. Afterwards you may have to go with your parent/s or caregiver and the police to a doctor who will have a look to see where you are hurting. You don't have to be afraid

because the doctor is there to help you get better. They may have to take photographs of the places where you are hurting and they will explain to you what they are doing. If at any time you feel uncomfortable talking to the police you can tell them and they will come back and talk to you later but it is better to talk to them now then you can go back to playing with your friends, etc."

Steps to reporting a case of abuse

- Report the incident immediately to the Principal
- If your school has a Social Worker ask her to attend to the matter immediately
- Contact the Educational Social Worker (Department of Basic Education) in your area
- Contact the police (Sector Policing or Family Violence, Child Protection and Sexual Offences Unit of the SAPS). The members of this specialised unit does not wear a uniform and acts discreetly.
- Contact the Parent/s or guardian or care-giver. They must be present when the police interview the child. If the parent/guardian or caregiver is the alleged offender contact the next possible immediate family member, if both parents are the alleged offenders and there are no extended family available the police may elect the social worker to act as guardian of the child or seek permission from the local magistrate on a SAPS Form 306.

Who speaks to the child?

A child should ideally only tell their story to four people, they are:

- The person the child first disclosed to (*the first reporter*)
- The SAPS Investigation Officer
- The Forensic Social Worker (*for assessment that will be used to prove competency and assist the court in the sentencing of the offender*)
- The Magistrate

It is imperative that the child does not speak to too many people or be influenced or swayed by people who mean well. The integrity of the child's memory of the incident is of utmost importance and must stay true to their recall.

Reporting and Procedural Protocol

(As amended 30/09/2014 Dep. Community Safety, Col. Scheepers (BSc SW, Forensics))

In the event of abuse having taken place over a long period or within the past two to three weeks.

Many police stations will not open a case until a medical examination has taken place. This is traumatising to all concerned and you may feel that the authorities do not want to assist you. The following steps will help in making the road to reporting a lot smoother.

Steps to reporting a case of abuse

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- Contact the Educational Social Worker (Department of Education) in your area
- Contact the police (Sector Policing or Family Violence, Child Protection and Sexual Offences Unit of the SAPS). The members of this specialised unit does not wear a uniform and acts discreetly.

Custody battles often become nasty with one party accusing another party of abusing a child. There is no consideration for the child's feelings and dignity when forced to undergo an invasive examination. What are we saying to a child and what thoughts are we putting in a child's head if we examine for no valid reason? For this purpose Clinic's protect the child and themselves by insisting on case numbers before examination.

When two adult elephants fight, it is the ground that suffers. *(African Proverb)*

1. STATEMENT

Once a child has disclosed abuse it is important that a statement is taken from the **first reporter**, that is, the first person the child told and from the child. The child may only be interviewed by the police if the child's parent/s, guardian or care-giver is present.

A child under the age of 12 years may not be interviewed at the police station unless they have a Victim Empowerment Centre on the property. The police must interview the child either at the school or in the child's home.

2. CASE TO BE OPENED

Once a statement has been obtained from the first reporter and the child a docket will be opened. A case cannot be opened without a statement.

3. POLICE INVESTIGATION

The docket will be issued a case number and this number will be handed to the school as well as the parent/s, guardian or care-giver of the child. Once the docket has been issued a number it becomes a formal case for inquiry and will be handed over to an investigating officer.

4. MEDICAL EXAMINATION

The police will decide (dependent on the child's statement) if a medical examination is required. **It is not for the parents to decide that an examination is necessary.**

The specialised Family Violence, Child Protection and Sexual Assault Unit (FCS) will collect the child and the parent/s, guardian or care-giver and be taken to the closest Forensic Nurse Examiner/District Surgeon's office.

The Forensic Nurse Examiner /District Surgeon will need the case number before examining the child and completing a J88 (Police Document) which will be collected by the FCS Unit of the SAPS and included into the SAPS case file.

5. COURT

The Docket/Case will be delivered to the courts where it will be decided by the National Prosecuting Authority whether a child requires a competency or forensic assessment. The Control Prosecutor will then inform the Investigating Officer to make arrangement with Social Services for an assessment to be taken. Once the assessment has been carried out and delivered to the court the case will be placed on the court roll for trial.

Unfortunately our courts are over burdened with cases and the matter may only be heard many months after the incident has occurred.

There have been instances where the case has been removed from the court roll, however, it doesn't mean to say that the offender has walked away 'Scott free', it may mean the child has to wait until a bit older in order to present testimony in court. The case will remain "pending" until such time as the child can testify.

CONCEPTS OF TEACHING CHILDREN ABOUT AWARENESS

Efforts should be focused on empowering children to be aware of abuse but the responsibility of protecting them falls firmly on our shoulders.

BECOME BETTER INFORMED

As a Teacher/School Child Protection Officers it is important to learn to recognise the indications of sexual molestation and/or assault and what to do if it happens to one of your learners. Educate yourself.

REPORT RAPE AND ASSAULT

As a teacher/School Child Protection Officers your position requires you to report rape and/or assault. As stated in the Child Act the **child's needs are paramount** and failure to act responsibly for fear of reprisal can lead to criminal prosecution. There have been recent cases where the care-giver/guardian of a child, aware of ongoing abuse in a family and not reporting the abuse to the relevant authorities has been found equally culpable as the offender and given lengthy prison terms.

FIND OUT WHERE TO GET HELP

Never believe it cannot happen to one of your learners or a child in your care. Inform yourself. Find out where you can get help and what the critical first steps are after an incident.

TEACH CHILDREN TO SPEAK OUT

Children should be taught that if something doesn't feel right to them – butterflies in the tummy – they have the right to speak out about the situation causing discomfort and against the adult or child that is causing the discomfort. Help the child to identify 'safe adults' – that is, adults that they know and trust and who they can disclose or discuss matters in total confidence. The identification of these 'safe adults' must be the child's choice as they know who they feel comfortable with. Help parents understand that no offence should be taken if they do not identify either parent as a 'safe adult'. Teach them to tell and tell again until they are heard.

Exercise:

Ask a child to trace their hand on a piece of paper. Each of their traced digits (fingers) should be coloured a different colour and represent a person/ 'safe adult' who they can trust implicitly with disclosure. This could include either or both parents, grandparents, Teacher/School Child Protection Officers, neighbours, etc. Keep a copy in the child's file, include relevant contact telephone numbers and hand the original to the parent/s, guardian or care-giver for future reference.

TALK SERIOUSLY, HONESTLY AND OPENLY

Be open with learners who approach you and talk seriously, honestly and openly about the subject. Children need to know that they can trust you as a Teacher/School Child Protection Officer. **Use the proper terminology when talking about genitalia, they must learn to understand that it is serious and 'grown up' and an adults responsibility.** Step away from your own embarrassment and tactfully help the child with their knowledge of sexual education. The way you brooch the topic of sexuality will be a marker for your learners for the rest of their lives. In most cases a little bit of knowledge is sufficient for younger children.

INTRODUCE A PASSWORD

In America a stranger approached an 8 year old boy and asked him to go with him. The stranger told him that something had happened and his Mum had sent him to pick the child up. The boy asked the stranger for the PASSWORD and used the man's confusion to run away. He and his Mum had agreed on a password in case she ever had to send someone to collect him from school. It may very well have saved his life. It is such a quick and easy way to prevent possible tragedy.

IMPORTANT TELEPHONE NUMBERS

Please make a list for your wall of important telephone numbers, for example:

Child Welfare Societies in your area

South African Police Service:

- o Local Police Station
- o Sector Policing
- o FCS Unit

Department of Basic Education (Supervising Social Worker)

Community Policing Forums

Rape Crisis Clinics

Hospitals/Clinics

Life Line and other counselling services



HOW DO WE SUPPORT PARENTS?

Having a child sexually molested or assaulted is devastating news for any parent, it's an experience similar to a bomb going off in their lives. Life as they know it will never be the same for them. A once solid family unit can be completely undone by this terrible tragedy.

In a time like this parents are expected to provide a solid, unified front to help their child through the trauma when their own world has been turned upside down. Often time's parents are so

overwhelmed, outraged and distressed they have no idea where to go for help or what to do. They go charging off in different directions, not gaining any ground and this leads to unnecessary anxiety and stress.

Parents often go through emotions akin to grief and the steps to healing grief can be utilised in your consultations with the parents.

Steps to helping

1. Consult with the parents as soon as possible after the incident. The sooner parents are equipped with the necessary information the sooner they are able to stabilise their own emotions and concentrate on their child. (Trauma Debriefing)
Provide the parents with a list of resources who can assist during this period.
Use this consultation to assist them with the legal and procedural requirements and if need be accompany them to the police station for their statements.
2. Debrief the parents, allowing them to discuss their feelings and emotions. Offer no suggestions at this time – this period is for them to vocalise exactly how they feel. This session can also be used to assist them through the legal and procedural requirements.

3. Often blame is allocated to one parent for so called “lack of parenting” e.g. “she is with you the whole day, how could you let this happen!” Or, “he is your brother, you know I have never liked him, now look what you have allowed to happen”, mediation and education on offender’s behaviours is important. Stress the importance of them providing a united front against the offender. A good tool to use for mediation is to ask the couple to bring a picture of their child victim with them. The picture to be place in a prominent viewing pace and then to constantly remind them who the victim and that allocated blame is not helping the situation.
4. Assist the parents with protection and/or retraining orders if need be. Parents often experience a backlash from the offender’s family/friends. It is important that they are protected.
5. If possible offer counsel before every court date and where possible accompany them to the court dates.



Sexual Assault Clinic

About us

The Sexual Assault Clinic helps any child under 12 years of age, for free, who has fallen victim to sexual and physical assault.

We are a medico-legal clinic that is we confirm through a medical examination whether any sexual or physical harm has come to a child.

Working closely with the Family Violence, Child Protection and Sexual Offences unit of the South African Police Services and the National Prosecuting Authority we ensure that each child is looked after with the best possible care and consideration.

We offer support in the form of:

MEDICAL SERVICES

Medical examinations. DNA collection, HIV and pregnancy rapid testing, photographic recording of all injury, dispensing of antiretroviral and other preventative medication and testifying in court as expert witness.

PARALEGAL SERVICES

Taking of statements “in camera”, support for parents of child victims by offering emotional debriefing, obtaining of protection or restraining orders, guidance though the legal process, court preparation and accompanied visits to trial.