

CIRCULAR MEMORANDUM NO.76

FROM: Permanent Secretary
Ministry of Education

TO: Principals (Primary & Secondary), Coordinators
(ECCE), School Supervisors, Director of
Curriculum Division, Manager, and Student
Support Services Division

DATE: September 02, 2008

SUBJECT: Procedures for all school personnel re: matters of
Child Sexual Abuse

Your attention is drawn to the following procedures for managing reports of Child Sexual Abuse at all schools and ECCE Centres.

LEGAL PRESCRIPTION

According to the Sexual Offences Act No. 27 of 1986, indictable sexual offences include:

- Rape
- Sexual intercourse with a female under 14 years of age
- Sexual intercourse with a female between 14 years and 16 years
- Sexual intercourse with a male under 16 years
- Incest
- Sexual intercourse with an adopted minor
- Sexual intercourse with a minor employee
- Sexual intercourse with a mentally subnormal person
- Buggery
- Indecent assault
- Serious indecency

Act No. 31, of 2000 (an Amendment to the Sexual Offences Act) provides for the **MANDATORY** reporting of a sexual offence against a minor. (A minor is defined as anyone under 18 years of age)

Section 31 (1) states:

1. Any Person who:

- (a) Is the parent or guardian of a minor;
- (b) Has the actual custody, charge or control of a minor;
- (c) Has the temporary custody, care, charge or control of a minor for a special purpose as his attendant, employer or teacher, or in any capacity' or
- (d) Is a medical practitioner, or a registered nurse or midwife, and has performed a medical examination in respect of a minor,

And who has **reasonable grounds** for believing that a sexual offence has been committed in respect of that minor, **shall report the grounds for his belief to a police officer** as soon as reasonably practicable.

- 2. Any person who without reasonable excuse fails to comply with the requirements of subsection (1) is guilty to an offence and is liable on the summary conviction to a **fine of fifteen thousand dollars (\$15,000.00)** or a term of **imprisonment of seven (7) years** or to **both** fine and imprisonment.
- 3. No report made to a police officer under the provision of subsection (1) shall if such report was made **in good faith** for the purpose of complying with those provisions, **subject the person who made the report to any action, liability, claim or demand whatsoever.**

All School Personnel should note the following:

In good faith:

You honestly believed that act occurred whether it did or not and you thought your information was a representation of the truth.

Any person:

Once you are aware that a sexual offence may have been committed you are required by law to make a report of same to the police.

Reasonable grounds:

You are in receipt of sufficient information to believe that a sexual offence was committed.

Report to a police officer:

Make a formal report to the police and ensure your report is noted in the Station Diary.

Section 31A

Where a person prevents a minor from

- (a) Giving a statement to the police; or
- (b) Testifying,

In processing relating to a sexual offence, he commits an offence and is liable on summary conviction to a **fine of twenty thousand dollars (\$20,000.00)** and to **imprisonment for a term of ten (10) years**.

PROCEDURES

When a student/adult makes a report to any school personnel, such a person has the responsibility to report the matter using the following guidelines.

1. Listen, get the facts and record the information as given by the person making the report: victim, or any other person. The basic principles governing the process are: (a) "believing the child" and (b) do no harm to the client.
2. Record all information consistent with the provisions of Act 31, 2000. Section 31B.
3. Report the matter to the Principal/ Coordinator in his/her role as reporting officer for the school.
4. Principal, and person(s) informing the Principal (teacher, parent student and other adults), **MUST** then make a formal report in person at the Police Station (all persons with knowledge have the responsibility to report to the Police). Principal is to inform parents **AFTER** making report to the Station.
5. Police are also to inform parents.
6. Principal must then report to the Ministry via the normal reporting channels.
7. Copies of all reports, including all supporting documents must be forwarded to the Legal Division of the Ministry of Education for appropriate advice and direction.
8. Principal must simultaneously make appropriate referral to Student Support Services Division at the District Office so that support for the student and family could be provided. The referral must include:-
 - (a) A completed referral Form
 - (b) Copies of written reports - under confidential cover directly to relevant Officer
 - (c) Contact information for student and parents
9. Student Support Services Division personnel (Guidance Officer H and Senior' School Worker) must follow departmental procedures in providing intervention and support services.

IMPORTANT TO NOTE

The entire procedure has three (3) main stages:

1. Reporting: School personnel have the responsibility to report, NOT to investigate, determine fact, or make judgments of innocent or guilty.
2. Investigating: The Police are responsible for investigating and determining whether charges should be laid. The police enforce the Law.
3. Determining: The Magistrate / Judge determines guilt or innocence. They dispense justice.

All Supervisors, Principals are to ensure that the contents of this circular are drawn to the attention of all school personnel in schools and Early Childhood and Care Education Centres.