



PRESIDENTIAL YOUTH EMPLOYMENT INTERVENTION (PYEI) IN THE BASIC EDUCATION SECTOR

**A GUIDE TO SCHOOLS ON VETTING AGAINST THE
NATIONAL REGISTER FOR SEXUAL OFFENCES (NRSO)**

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1. Introduction and background

There is a register used to record the details of all offenders who have been convicted of a sexual offence against children and mentally disabled persons. This is the database which is administered by the Department of Justice and Constitutional Development. This database is only accessible directly by the National Registrar for Sex Offenders and indirectly by the South African Police Service, the Department of Correctional Services, the Department of Health and the Department of Social Development.

Youth recruited to be placed in schools, will be working with children and in some cases with vulnerable people (learners in schools for special needs), there is a need for all school principals, school governing bodies to ensure no one is appointed in schools before being vetted against the National Register for Sexual Offenders (NRSO). The guideline is providing details of how to go about the vetting.

2. Aim of the guideline

To provide guidance to the schools as employers on the requirement to vet all employees that are to work with school children;

To provide guidance to the youth that wants to be employed in schools on processes to follow for vetting of youth on the National Register for Sexual Offence.

3. Key considerations (inter alia)

The cornerstone of the Criminal Law (Sexual Offences and Related Matters) *Amendment Act, No. 32 of 2007 (SORMAA)*, is the *National Register for Sex Offenders (NRSO)*. As part of curbing the prevalence of sexual offences in South Africa, the Department of Justice and Constitutional Development has, in terms of Chapter 6 of the Act, implemented the National Register for Sex Offenders on 30th June 2009. The law prohibits persons convicted of sex offence to work with or to be placed in circumstances where they have access to vulnerable persons.

Relevant employers are required to vet existing employees and potential employees against the NRSO in order to determine whether they are suitable to work with vulnerable persons or not

4. Why is the Policy activated?

- (a) It is a record of names of those found guilty of sexual offences against children and mentally disabled people.
- (b) The register gives employers in the public or private sectors such as schools; crèches and hospitals the right to check that the person being hired is fit to work with children or mentally disabled people.
- (c) Being found guilty of a sexual offence against a child or mentally disabled person will result in one's name being put on the National Register.

- (d) The Register seeks to ensure that offenders do not work with children or mentally disabled people.

5. Actions to be taken prior application for NSRO

- (a) The youth will need to make an application for SAPS Police Clearance Record (PCR)
- (b) **HOW TO APPLY FOR THE SAPS PCR**
- (c) The youth will go to the nearest Police station or Local Criminal Record Centre (LCRC) and complete a SAPS 91-a FINGERPRINT FORM
- (d) The youth will pay R75
- (e) The youth will collect the Police Clearance Report (PCR) within 15 days of application, but you have to take your ID / passport with for collection. *(Please note that this might take longer due to the number of applicants applying for this nationally)*
- (f) *Make two copies of the report once you receive. One will be handed at school if you are shortlisted and invited for interviews, The youth will need to submit the original to the Department of Justice and Constitutional Development with the application for NSRO.*
- (g) Once you receive the SAPS PCR, proceed to Department of Justice and Constitutional Development to apply for vetting on the NRSO

6. Applying for Self

PERSONS APPLYING FOR A CERTIFICATE IN RESPECT OF OWN PARTICULARS ON A J738 FORM (ANNEXURE)

- (a) A fully completed and signed J738 form
- (b) Reasons for applying for a certificate must be fully articulated
- (c) Ensure that a form J738 is signed by the applicant
- (d) Attach a certified copy of an identity document / passport
- (e) Attach a fingerprint report (obtainable from SAPS police station)
- (f) Provide a full forwarding or postal address / physical address / contact numbers / email address / any contact details

7. Applying on behalf of someone

PERSONS SUBMITTING AN APPLICATION FOR A CERTIFICATE IN RESPECT OF PARTICULARS OF ANOTHER ON A J739 FORM (ANNEXURE)

1. A fully completed J739 form by person/ licencing authority/ relevant authority in respect of particulars of another
2. Please ensure that page 2 is fully completed and signed by the applicant (an applicant is a person / an organisation that is submitting an application on behalf of another)

3. Attach a certified copy of an identity document / passport of a person on whose behalf an application is submitted
4. Attach a fingerprint report (obtainable from SAPS police station) for the person missioned in line 3 above
5. Provide a full forwarding or postal address / physical address / contact numbers / email address/ any contact details of a person who is applying on behalf of another
8. **Ministry responsible and relevant legislation:**
The Minister of the Department of Justice and Constitutional Development establishes and maintains the Register. Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021. The Head of the Provincial Education Departments are requested to ensure that the schools do not appoint youth in schools if they are not vetted.
9. **Applicability**
The guideline is applicable for the duration of implementation of PYEI in the Basic Education sector. All PEDs, Districts, Circuits and schools must make this guideline available to all Assistants.

ANNEXURE B

FORM 7
[Regulation 17(1)]

APPLICATION FOR CERTIFICATE BY PERSON IN RESPECT OF OWN PARTICULARS

Section 44 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)(the Act)

Date:

NOTE 1: In terms of section 44 of the Act an application for a certificate, stating whether or not the particulars of a person mentioned in the application are recorded in the National Register for Sex Offenders may be made by—

- (a) an employer in respect of an employee;
- (b) a licensing authority in respect of an applicant;
- (c) a relevant authority in respect of an applicant;
- (d) an employee contemplated in respect of his or her own particulars;
- (e) a person contemplated applying for a licence or approval to manage or operate any entity, business concern or trade in relation to the supervision over or care of children or persons who are mentally disabled in respect of his or her own particulars;
- (f) a person contemplated in section 48(2) applying to become a foster parent, kinship care-giver, temporary safe care-giver or adoptive parent in respect of his or her own particulars; or
- (g) any person whose particulars appear on the Register in respect of his or her own particulars.

NOTE 2: A set of fingerprints of applicant must be attached to this form (a set of fingerprints can be taken at any police station)

1. PARTICULARS OF APPLICANT		
Title:		
Full names and surname:		
Indicate any other surnames:		
Indicate any known alias or nickname:		
Profession or trade:		
Date of birth:		
Age:		
Identity number/ passport number:		
Driver's licence number:		
Home address/ Last known physical address:		
Any other contact details (including postal address):		
Telephone number:	Cell number:	E-mail address:
Type of sexual offence:		
Date and place of conviction:	Date:	Place:
Date and place of sentence:	Date:	Place:
Sentence imposed:		
Reason for applying for certificate:		

.....
SIGNATURE OF APPLICANT (If application is not submitted electronically)

CHECK LIST FOR THE NATIONAL REGISTER FOR SEX OFFENDERS (APPLICATION FOR CERTIFICATES IN RESPECT OF PARTICULARS)

A. FOR PERSONS APPLYING FOR A CERTIFICATE IN RESPECT OF OWN PARTICULARS ON A J738 FORM

- **This form is submitted by people who are checking their own particulars in the National Register for sex offenders**

PLEASE SUBMIT THE FOLLOWING:

1. A fully completed and signed j738 form
2. Reasons for applying for a certificate must be fully articulated
3. Ensure that a form j738 is signed by the applicant
4. Attach a certified copy of an identity document / passport
5. Attach a fingerprint report (obtainable from SAPS police station)
6. Provide a full forwarding or postal address / physical address / contact numbers / email address / any contact details

Once the above is completed in full please hand deliver or courier to the following address Department of Justice and Constitutional Development, 329 Momentum Centre, Cnr Pretorius and Sisulu streets, Pretoria.

Please note that all documents must be submitted in an original Format and marked for the attention of the Registrar: NRSO

Contact details for the National Register for Sex Offenders are as follows:

Tell: 012 315 1656

Email address: NMatjila@justice.gov.za

Tell: 012 315 1669

Email address: KBoutlwonye@justice.gov.za

Tell: 012 315 4674

Email address: JMashaba@justice.gov.za

Tell: 012 357 8769

Email address: SMnyamana@justice.gov.za



REPUBLIC OF SOUTH AFRICA

FORM 8

[Regulation 17(2)]

APPLICATION FOR CERTIFICATE BY PERSON/ LICENCING AUTHORITY/ RELEVANT AUTHORITY IN RESPECT OF PARTICULARS OF ANOTHER

Section 44 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)(the Act)

Date:

NOTE 1: In terms of section 44 of the Act an application for a certificate, stating whether or not the particulars of a person mentioned in the application are recorded in the National Register for Sex Offenders may be made by—

- (a) an employer in respect of an employee;
- (b) a licensing authority in respect of an applicant;
- (c) a relevant authority in respect of an applicant;
- (d) an employee contemplated in respect of his or her own particulars;
- (e) a person contemplated applying for a licence or approval to manage or operate any entity, business concern or trade in relation to the supervision over or care of children or persons who are mentally disabled in respect of his or her own particulars;
- (f) a person contemplated in section 46(2) applying to become a foster parent, kinship care-giver, temporary safe care-giver or adoptive parent in respect of his or her own particulars; or
- (g) any person whose particulars appear on the Register in respect of his or her own particulars.

NOTE 2: A set of fingerprints of the person referred to in paragraph 2 hereunder, must be attached to this form (a set of fingerprints can be taken at any police station)

1. PARTICULARS OF APPLICANT		
*1.1	Title:	
	Full names and surname:	
	Profession or trade:	
	Identity number/ passport number:	
	Contact details (including postal address):	
	Telephone number:	Cell number:
	Reason for applying for certificate:	
*1.2	If licensing authority or relevant authority as defined in the Act applies for certificate, please state	
	Name of licensing authority/relevant authority:	
	Business address of licensing authority/relevant authority:	
	Details of contact person applying on behalf of licensing authority/relevant authority:	
	Title:	
	Full names and surname:	
	Profession or trade:	
	Identity number/ passport number:	
	Contact details (including postal address):	
	Telephone number:	Cell number:
Reason for applying for certificate:		

*Delete whichever is not applicable

2. PARTICULARS OF PERSON	
Title:	
Full names and surname:	
Indicate any other surnames:	
Indicate any known alias or nickname:	
Profession or trade:	
Date of birth:	
Age:	
Identity number/ passport number:	
Driver's licence number:	
Home address/ Last known physical address:	
Any other contact details (including postal address):	
Telephone number:	Cell number:

.....
SIGNATURE OF APPLICANT

(if application is not submitted electronically)

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CHECK LIST FOR THE NATIONAL REGISTER FOR SEX OFFENDERS (APPLICATION FOR CERTIFICATES IN RESPECT OF PARTICULARS)

B. FOR PERSONS SUBMITTING AN APPLICATION FOR A CERTIFICATE BY PERSON/ LICENCING AUTHORITY/ RELEVANT AUTHORITY IN RESPECT OF PARTICULARS OF ANOTHER ON A J739 FORM

This form must be submitted by the following:

- Persons who are submitting an application on behalf of another
- Persons who seek to apply for adoption, foster-care, kinship caregiving etc.

PLEASE SUBMIT THE FOLLOWING:

1. A fully completed J739 form by person/ licencing authority/ relevant authority in respect of particulars of another
2. Please ensure that page 2 is fully completed and signed by the applicant (an applicant is a person / an organisation that is submitting an application on behalf of another)
3. Attach a certified copy of an identity document / passport of a person on whose behalf an application is submitted
4. Attach a fingerprint report (obtainable from SAPS police station) for the person missioned in line 3 above
5. Provide a full forwarding or postal address / physical address / contact numbers / email address / any contact details of a person who is applying on behalf of another

Once the above is completed in full please hand deliver or courier to the following address
Department of Justice and Constitutional Development, 329 Momentum centre, ~~Cnr~~
Pretorius and ~~Sisulu~~ streets, Pretoria.

Please note that all documents must be submitted in an original Format and marked for the attention of the Registrar: NRSO

Contact details for the National Register for Sex Offenders are as follows:

Tell: 012 315 1656

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Tell: 012 315 4674

Email address: JMashaba@justice.gov.za

Tell: 012 357 8769

Email address: SMnyamana@justice.gov.za