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Parental Responsibility Parents on Trial?

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Opening Reflection

Parenting is a sacred trust, full of complexity, sacrifice and hope. In South Africa, many parents walk a tightrope between providing care and navigating systemic challenges. The BELA Bill introduces stricter legal consequences for parents who fail to ensure school attendance. But beneath the surface, this clause raises deeper questions: Are we supporting parents or criminalising them? And what does responsibility look like in a country still healing from inequality?

What the BELA Bill Says

- Parents are legally required to ensure their child attends school from Grade R to Grade 9.
- Preventing a child from attending school without just cause is now a criminal offence.
- The penalty for non-compliance has increased from six months to twelve months' imprisonment.
- False information on school applications or fee exemptions is also criminalised.

What's Changed: From SASA to BELA

Under SASA (1996):

Parents were required to ensure attendance from Grade 1 onwards. Penalties for non-compliance were limited and rarely enforced.

Under BELA (2024):

Compulsory attendance now begins in Grade R. Penalties for unjustified absence have doubled, and legal accountability is more explicit.

Key Shift:

From passive encouragement to active enforcement, with legal consequences for parental negligence or dishonesty.

Why It Matters

This clause affirms the constitutional right of every child to education. But it also risks placing undue pressure on families already facing poverty, trauma or systemic exclusion. Punitive measures may not address the root causes of absenteeism, such as transport barriers, mental health, or unstable home environments.

From a philosophical lens, this raises tensions between legal justice and social justice. Ubuntu reminds us that responsibility is relational. Supporting parents means recognising their context, not just enforcing compliance.

Reflective Responses

What does “responsibility” mean in a fractured society?

It means shared accountability, between parents, schools and the state. It means recognising that absence is often a symptom, not a choice.

How do we protect children without punishing families?

By investing in support systems: social workers, transport subsidies, trauma-informed care and community partnerships.

What safeguards are needed to prevent misuse of this clause?

Clear definitions of “just cause”, transparent legal processes, and a commitment to restorative, not retributive, justice.

Sidebar: Facts and Philosophy

Statistics from the DBE (2023):

- Over 1 million South African children were chronically absent from school in 2022.
- 60% of absenteeism cases were linked to poverty, illness or family instability.

“We cannot legislate our way out of inequality. We must build systems that understand the lives of those we serve.” - *Prof. Jonathan Jansen*