

**For discussion
on 19 January 2018**

Legislative Council Panel on Welfare Services

Child Protection Policies and Procedures

Purpose

This paper briefs Members on the current child protection policy, the procedures of handling child abuse cases and various support services for the abused children and their families.

Principles

2. The Government attaches great importance to the well-being of children and firmly believes that every child has a right to protection against harm and abuse. Effective child protection is premised on close collaboration, mutual trust and care for the well-being of children amongst multi-disciplinary professionals.

Relevant Laws and Guidelines

3. In terms of legal protection, the Government has put in place legislation to protect children from abuse. The Offences Against the Person Ordinance (Cap.212) contains a provision, which makes ill-treatment or neglect by those in charge of children an offence, while the Crimes Ordinance (Cap.200) and the Prevention of Child Pornography Ordinance (Cap.579) list out offences of sexual abuse. The Criminal Procedure Ordinance (Cap.221) allows child witnesses of certain sexual or violent offences to be accompanied by a ‘Support Person’ in giving evidence through a live television video link system and admission of video recorded evidence as evidence-in-chief.

4. Where statutory protection is required for a child, social workers of Social Welfare Department (SWD) or police officers may apply for a care or protection order under the Protection of Children and Juveniles Ordinance (Cap. 213). The Ordinance empowers the court to grant a supervision order or appoint a legal guardian in respect of a child or

juvenile who is in need of care or protection.

5. Moreover, the Domestic and Cohabitation Relationships Violence Ordinance (Cap.189) provides that minors affected by domestic abuse may apply for an injunction in their own right by their “next friends” against molestation by their parents or other specified relatives. They are protected irrespective of whether they are residing with the abusers.

6. As regards the work of SWD, to safeguard the best interests of children and to protect those children suspected or found to be abused, SWD has drawn up, in collaboration with relevant government departments, non-governmental organisations and relevant professionals, and has issued the “Procedural Guide for Handling Child Abuse Cases (Revised 2015)” (Procedural Guide) for reference by different professionals, including personnel engaged in social services, health services, education services and law enforcement, and those who are in close contact with children in carrying out the necessary initial assessments, social enquiries, multi-disciplinary case conferences (MDCC) and follow up welfare plans when encountering suspected cases of child abuse.

7. As far as schools are concerned, the Education Bureau (EDB) attaches great importance to the well-being and safety of children in school, and has all along reminded schools of the need of early identification and provision of support to students in need through various channels. EDB has stated clearly in the circular and related documents to all schools (including secondary schools, primary schools and kindergartens) the procedures on handling child abuse cases and areas which the schools should pay attention to. Schools are advised to keep an eye on the behaviour and emotion of students for early identification of whether they have been abused, and take appropriate measures according to the Procedural Guide with a view to providing necessary assistance to the child suspected of abuse.

Early Identification and Support to Children in need

Integrated Family Service Centres and Integrated Services Centres

8. The relevant Government bureaux and departments have launched various initiatives to prevent child abuse and are dedicated to provide services to abused children and their families. There are 65 Integrated Family Service Centres (IFSCs) and two Integrated Services Centres (ISCs) in the territory operated by SWD or Non-governmental

Organisations (NGOs) providing a spectrum of preventive, supportive and remedial services to enhance parenting capacity and assist those parents who have care and child discipline problems.

Family Support Programme

9. Early identification and intervention could effectively prevent family problems from deteriorating. The IFSCs operated by SWD or NGOs, ISCs, Family and Child Protective Services Units (FCPSUs) and Psychiatric Medical Social Service Units of SWD have jointly implemented the Family Support Programme to try to contact those families in need which are reluctant to actively seek help. Through telephone calls, home visits and other outreaching services, social workers contact the families with members at the risk of domestic violence (including child abuse) or mental illness etc., and those with problems of social isolation, and refer them to a host of support services. The service units will also recruit and train volunteers, including those with personal experience in overcoming family problems or crises, so that they can contact these families and encourage them to receive appropriate support services with a view to preventing the problems from deteriorating.

Comprehensive Child Development Service

10. The Comprehensive Child Development Service jointly implemented by SWD, EDB, Department of Health (DH) and Hospital Authority (HA) aims to identify, at an early stage, various health and social needs of children (aged 0 to 5) and their families as well as provide the necessary services so as to foster the healthy development of children. The Service makes use of the Maternal and Child Health Centres of DH, the hospitals of HA and other relevant service units, such as IFSCs, ISCs and pre-primary institutions, to identify at-risk pregnant women, mothers with postnatal depression, families with psychosocial needs (including families at the risk of domestic violence), and pre-primary children with health, developmental and behavioral problems. Children in need and families identified will be referred to the appropriate health and social services units for follow up.

Support from Schools

11. EDB implements the Comprehensive Student Guidance Service where primary schools adopt the Whole School Approach. Teachers work in collaboration with student guidance personnel and professional staff to provide remedial, preventive and developmental guidance

services for the establishment of a robust student guidance system. Currently, there are two types of funding modes for student guidance service through provision of manpower or grants. Schools may, based on their own needs, use their funding flexibly to employ guidance personnel with guidance qualifications or procure social work service from (NGOs) for healthy development of students. EDB is aware of the request for 'one school, one social worker' in the community. Taking into consideration the needs of schools with regard to guidance service, we will explore the future development with the Labour and Welfare Bureau with an open attitude and make suitable resource provision correspondingly.

12. For secondary schools, SWD has, since the 2000/01 school year, implemented the policy of "one school social worker for each secondary school" by subventing NGOs to provide school social work service in secondary schools with focus on supporting the youth in schools. School social workers collaborate closely with schools and its guidance and disciplined teachers to understand the needs of students. Through various activities and counselling services, the school social workers help needy students resolve their academic, social and emotional problems. Besides, through working with their service organisations and other relevant service units in the community, including Integrated Children and Youth Services Centres and IFSCs, collaborating closely with stakeholders as well as making good use of community resources and timely referral services, school social workers assist and support the needy students to handle their problems. SWD will regularly review the demand for school social work service in secondary schools.

13. When a suspected child abuse case comes to the attention of a school, the school should directly refer the case to respective unit or report it to the police as soon as possible in the light of different circumstances so that the unit or the police can start the investigation and provide assistance in a timely manner. The first person in contact of the child should inform the school supervisor/principal, and the school social worker or guidance/professional staff should handle and follow up the case. The school should make initial attempt to understand the child's conditions and conduct assessment. During this process, the school may consult FCPSU of SWD for further professional advice, if necessary, and refer the case to the unit, as appropriate. For cases suspected to involve criminal offence, schools should report them to the police. Whenever necessary, schools can also consult EDB for advice and support.

14. In handling suspected child sexual abuse cases when the

suspected abuser is a staff member of the school, the school should inform EDB for effective communication among the caseworkers concerned (e.g. school social worker/guidance personnel), the school, EDB and other relevant government departments to ensure that appropriate follow-up actions are taken for the victims and the suspected abuser, and the safety of other students in the school are also safeguarded.

15. Professional staff of the schools (including school social workers, student guidance personnel and school-based educational psychologists) will work in collaboration with the social workers of SWD or NGOs to help these students make adjustments or solve problems. If the abused child encounters learning, emotional or behavioral problems, the school will provide various guidance programmes, such as induction/adjustment programme, peer support scheme, therapeutic group work, etc., as needed, and deliver multifarious teaching strategies and counselling services to cater for student's different abilities and aptitudes.

Reporting Mechanism of students' non-attendance cases

16. We consider that the key to early identification and intervention of child abuse cases is the enhancement of awareness of the school personnel (e.g. principals, teachers and/or supporting staff) in identifying the abused children, and their ability in crisis assessment and handling of the child abuse cases through multi-disciplinary collaboration. If the school personnel notices wounds in a student's body or a student with emotional or behavioural problems, they should report the case to the related government departments and bureaux such as SWD or EDB in accordance with the "Procedural Guide". On this, EDB will strengthen related training, review the contents of relevant circular and the sections of the "Operational Manual for Pre-primary Institutions" to make them more concrete and precise.

17. To uphold the right of school age children to universal basic education under the law, primary and secondary schools are required to report students' non-attendance to EDB on the 7th day of student's continuous absence regardless of the reasons so as to help non-attendance students resume schooling at an earliest opportunity. In the course of following up the non-attendance cases by EDB or the schools, if the students or their families are found to have problems or needs other than non-attendance, the cases would be referred to SWD, relevant social services agencies or the Police for provision of appropriate professional support services. As for kindergartens, EDB agrees that the follow up arrangements for student non-attendance cases without reason or with

doubt should be further enhanced. Irrespective of the number of consecutive days required for reporting students' non-attendance under the mechanism, the staff of school should pay attention to students' condition regularly and make referral as early as possible should there be any suspected cases of child abuse without being limited by the number of days required for reporting cases of non-attendance.

Sexual Conviction Record Check

18. Following up on the recommendation of the Law Reform Commission (LRC) in 2011, the Government, as a supplementary measure to strengthen the protection of children or mentally-incapacitated-persons (MIPs), launched the Sexual Conviction Record Check (SCRC) Scheme through the Hong Kong Police Force to allow employers who are engaging persons to undertake work relating to children and MIPs to ascertain whether such employees have any conviction records against a specified list of sexual offences.

19. Currently, the scope of the SCRC Scheme covers prospective employees and contract renewal staff seeking work relating to children or MIPs in an organisation or enterprise, and staff assigned by outsourced service providers to work in other organisations or enterprises providing services mainly for children or MIPs. The organisations involved most often include schools, residential care homes for persons with disabilities, private tutorial centres and private interest/activity institutions such as sports clubs and music centres, etc.

Multidisciplinary Collaboration in Handling of Child Abuse Cases

Case Identification and Initial Assessment

20. A child suspected of being abused may be brought to the attention of any welfare service unit, clinic / hospital, school, police station or other service unit of SWD as well as NGOs. When the personnel of these departments / organisations / units know or identify possible child abuse, they will gather further information of the child and make initial assessment. In the course of assessment, the personnel may consult FCPSU as necessary. If the concerned organisation does not have any social worker, it may refer the case to FCPSU for initial assessment. In case of emergency, written referral is not required.

Crisis Intervention and Investigations

21. Suspected child abuse cases will normally be handled in a cross-disciplinary manner. When a social worker or relevant professional personnel suspects that a child has been abused, he/she will assess in accordance with the initial information whether the child needs emergency services such as medical check, etc., and will make necessary arrangement. To reduce the stress on a child victim and the trauma of repeating the account of unpleasant experience, the social worker who is responsible for social investigation will take the role of a case manager in the intervention process, and to coordinate different services provided for the child by various parties in a structured manner.

22. The paediatricians of HA will keep close contact with the case manager on suspected child abuse case in hospitals. If expert advice from other professionals is needed, the social workers and other investigation officers will arrange the child to other professionals (such as clinical psychologists and psychiatrists) for assessment.

23. The Police treat all domestic violence reports (including child abuse reports) seriously, with a high degree of professional sensitivity in pursuit of the dual objectives of protecting the victims from further harm and bringing the offenders to justice. The Police have put in place various measures to protect victims (including children and juveniles). When handling domestic violence cases at the scene, the frontline personnel must ensure that the children of the concerned persons are treated with proper care. The Police have developed the “All-in-One Domestic Violence Booklet” to remind frontline officers to accord top priority to the safety of the victims and their children. The “Emergency Referral Questionnaire” and the “Action Checklist” also provide frontline officers with reference factors to facilitate their assessment of the victims and their children, including whether any referral is required and whether child abuse is involved. Based on the assessment results of domestic violence cases, the Police will take necessary and proper action, such as detention of offenders where appropriate to protect the victims and their children from further attack, and arrangement of temporary accommodation, counselling and other support services in collaboration with SWD or other organisations for the victims and their children. If a child who witnessed domestic violence is required to give evidence, it will be conducted through a live television video link system as aforementioned. Depending on the assessment results, the Police will conduct follow-up visits to ensure that the victims and their children are not subject to violence anymore. If necessary, the Police will seek

assistance from SWD, such as referring the child or juvenile to SWD for counselling.

Welfare Plan and Support Services

24. Upon completion of the social background enquiry by the case manager and relevant professionals, the case manager will normally convene a multi-disciplinary case conference (MDCC) for the professionals concerned (for examples, medical professionals, clinical psychologists, teachers, school social workers, and the Police, etc.) to share their professional knowledge, information and concerns. Most importantly, the MDCC will formulate a welfare plan for the abused child and his/her family, including arrangements to meet the need for caring, school work, medical and psychological treatments of the abused child. If the members of the MDCC consider that the family is temporarily not suitable for taking care of the abused child, the child will be placed under the care of his/her relatives as far as possible. Foster care or institutional care will be arranged only if care by relatives is not feasible. Where statutory protection is required for the child, social workers of SWD or police officers may apply for a care or protection order under the Protection of Children and Juveniles Ordinance (Cap.213). EDB will also provide placement assistance to the abused child under school age upon SWD's request.

Review of Procedural Guide

25. To further enhance the procedures for handling child abuse cases, SWD has at various intervals reviewed the content of the Procedural Guide. In January 2013, SWD has formed a task group for reviewing the operation and arrangement of the MDCC on Child Abuse. After thorough discussion amongst members of the Task Group and three rounds of consultations conducted with stakeholders, certain chapters in the Procedural Guide were revised. The revisions included renaming "Multi-disciplinary Case Conference on Child Abuse" as "Multi-disciplinary Case Conference on Protection of Child with Suspected Abuse", enhancing risk assessment of further child abuse and need assessment for the child concerned and his/her family, and stating more clearly the considerations on which professionals to be invited to attend MDCC and the arrangement of the parents/child participation in the MDCC. Besides, contents regarding invoking the Protection of Children and Juveniles Ordinance, information sharing among professionals concerned and social enquiry/investigation were revised. The revised versions had been endorsed by the Committee on Child

Abuse and were implemented in December 2015.

26. In November 2016, SWD formed another task group to review the whole Procedural Guide with members including representatives from different government departments and NGOs. Apart from SWD, it also includes the representatives from Labour and Welfare Bureau, Education Bureau, Department of Health, Hong Kong Police Force, Hospital Authority, The Hong Kong Council of Social Services and NGOs of relevant service natures. The objectives of the review include:

- (i) To facilitate professionals concerned to have a common understanding on the definition of child abuse and to adopt a consistent approach in handling various types of suspected child abuse / child abuse cases;
- (ii) To provide the frontline professionals with more reference on the indicators for identification of cases with higher risk of child abuse, e.g. the carers with suspected substance abuse, for early intervention and appropriate assistance to the children and families;
- (iii) To provide the frontline professionals with clearer guides in handling and following up different types of suspected child abuse / child abuse cases;
- (iv) To enhance the cooperation between parents concerned and professionals as well as children's participation in the formulation and implementation of the welfare plan;
- (v) To delineate the roles and responsibilities of professionals concerned in handling various types of suspected child abuse/child abuse cases to facilitate better collaboration among various disciplines.

27. In early 2017, the task group collected views on the definition of child abuse and handling approaches through consultation with different stakeholders. Two focus groups have been set up to discuss thoroughly the definition of child abuse, approaches in handling child abuse cases, identification of child abuse cases, initial assessment and risk assessment. Relevant chapters on these areas are now under revision. Currently, the task group has started to review the area on investigation of suspected child abuse cases. More focus groups will soon be formed to review

other areas relating to social investigation, handling cases relating to parents with substance abuse and formulation and implementation of follow-up plan. Stakeholders will be consulted again at an appropriate time. It is anticipated that the review will be completed within the second half of 2019.

Publicity and Public Education

28. SWD has promoted since 2002 the “Strengthening Families and Combating Violence” publicity campaign, through which territory-wide and district-based publicity and public education programme are organized to raise public awareness of the importance of family cohesion and prevention of domestic violence, as well as to encourage people in need to seek early assistance. SWD has produced in recent years a series of three animation videos to encourage parents to help their children develop resilience against adversity, and to avoid hurting them with corporal punishment and verbal abuse. In 2017-18, SWD will launch a series of television and radio Announcements of Public Interest, and will display banners and posters to promote the message of protection of children and against child abuse. The District Social Welfare Officers of SWD also organise education programmes relating to combating domestic violence and protection of children.

29. SWD has also subvented NGOs in community education for prevention of child abuse to enhance public awareness through a better understanding of different types of child abuse and their impact on children, and to promote proper child care and discipline skills through enhancing parents/child carers’ knowledge and skills in looking after children.

Training for Frontline Professionals

30. SWD regularly organises different training programmes for frontline professionals to enhance their knowledge of handling domestic violence, including child abuse, spouse/cohabitant battering, elderly abuse, sexual violence and suicides, and to strengthen their capabilities in risk assessment, violence prevention and post-trauma counselling.

31. In 2016-17, the Staff Development and Training Section and the District Social Welfare Offices of SWD have organised and subsidised training programmes for frontline professionals (e.g. social workers, educators, police officers and healthcare personnel), which were attended

by about 8 000 participants. SWD also deploys staff to provide training in child protection in the courses for frontline service personnel organised by EDB, HA, DH and other NGOs.

32. Moreover, the Police and SWD jointly organise the “Training on Video-recorded Interview with Child and Mentally Incapacitated Witnesses” on a regular basis for their officers as well as the Department of Justice, DH and NGOs. Apart from providing basic training, the training programme also enhances the officers’ skills in handling abuse cases involving children and mentally incapacitated persons.

33. To raise the awareness of teachers of secondary and primary schools as well as kindergarten, EDB organises talks or seminars annually in collaboration with SWD, to advise them on early identification, intervention and support of student victims of child abuse and domestic violence. Moreover, EDB has commissioned tertiary institutions to provide Certificate Courses on Student Guidance and Discipline for Teachers of Primary/Secondary Schools which cover various modules relating to ‘child abuse’ and ‘domestic violence’, etc. The Administration is actively preparing to further strengthen respective training for staff in schools. EDB is now jointly organising a number of briefings with SWD and the Hong Kong Police Force scheduled for early 2018. The educational psychologists and representatives from related departments will speak on how to identify and make referrals of the suspected child abuse cases so as to strengthen teachers’ ability to identify the symptoms of child abuse, raise their sensitivity as well as enhance their understanding of the handling procedures with a view to early identifying and intervening in child abuse cases.

Advice Sought

34. Members are invited to note the content of this paper.

**Labour and Welfare Bureau
Education Bureau
Hong Kong Police Force
Social Welfare Department
Department of Health
Hospital Authority**

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