

Responding to Sub Committee on Children's Rights of the Legislative Council
Multidisciplinary Case Conference of Child Abuse and Welfare plans for children

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A child's rights to survival, development, protection & participation a universal concern

A child's safety and well being is not only the family's affair. It is a matter of concern for every citizen, every discipline and every government of every jurisdiction and every nation. This is not only an awakening but also a commitment stipulated in the United Nations Convention on the Rights of the Child (UNCRC).

Child Protection a noble mission that demands Multidisciplinary Collaboration

The Hong Kong society must recognize that child protection is a noble mission that is demanding and challenging in nature requiring the collaborative efforts of all parties, such as health care, social work, educational, legal, mass media, parents and children.

Multidisciplinary cooperation is not only preferred but essential as leaving out any significant party may mean a piece of important information missed thus making the understanding of the child's needs blurred and the problem's prevention, identification, assessment, management and follow up action incomplete. Without proper definition and immediate identification of any aspects of risk, we would not be able to bring in swiftly the necessary help the child requires and thus sometimes sadly fail to rescue a child from its death trap.

With this recognition and commitment, a multidisciplinary child protection system has been established in Hong Kong, in its simple form since the eighties and becoming more sophisticated as it evolved, based on accumulated experience in handling alleged child abuse cases by our multidisciplinary professionals, GOs and NGOs and systems of other jurisdictions.

A Multidisciplinary Case Conference (MDCC) an agreed mechanism

For professionals to adequately define risk situations for the child and family and to work out a comprehensive welfare plan to ensure the child or children well protected, a procedural guide has been written, revised a number of times and a Multidisciplinary Case Conference (MDCC), Chapter 11 - 12 (pp.112- 171) in the Procedural Guide for Handling of Child Abuse Cases, Revised 2015, has been agreed as a mechanism for all relevant professionals who have involvement with the child to participate and jointly work out a welfare plan.

The Procedural Guide to be Reviewed for every 3 years

To ensure all children and newly observed concerns being included, there must be a time frame for Procedural Guide to be reviewed and revised. We propose that the Guide should be reviewed every three years and also when special situations arise.

Specialised multidisciplinary child protection training must be strengthened

Nevertheless how could professionals, trained separately and differently with different orientation and mindsets, work on equal footing and genuinely appreciate the concerns and limitations encountered by each other unless there is a policy, a consensus laid down and systematic multidisciplinary training programs put in place to ensure sharing, dialogue and working together.

Hong Kong lacks specialised child protection education programs at Universities for various disciplines, prior to child protection service and in service training must also be strengthened. Such specialised programs cannot be replaced by "briefing sessions", mere "circulars" sent out by departments to various disciplines or even merely having everything written into the Procedural guide asking people to "trust each other" and "working together". Such learning opportunities should be put in place to encourage staff of various disciplines to sit together and share beliefs, good practices, hurdles encountered and to jointly seek resolutions.

A system for written and video-taped local case records of various types of abuse to be analyzed must be put in place and with confidentiality ensured, to trace trends of needs and characteristics, to train, to ensure good practices acquired and to work on effective treatment and prevention models.

Those professionals who often worked on their own should be included in the multidisciplinary training and sharing exercise if not actually in the MDCCs. Legal professionals such as prosecutors, judges, lawyers often handle child abuse related cases and have been making important decisions that impact children's future. Their experience are invaluable and must be shared and understood. Their appreciation of other professionals' handling must also be encouraged.

The Essence of the Procedural Guide not Practiced

One of the major short comings observed through our decades of service in the field is that the essence of the Procedural Guide Not Thoroughly Put into Practice. Some major principles not appreciated or not taken seriously so that there were children missed. Examples are that MDCC's are not readily attended with reasons given such as workload, low risk or no role for the staff to perform. That may be why cases such as those with children illy supervised, under drug abusing parents, witnessing domestic violence, psychologically abused or left long periods in out of home care were missed and allowed to struggle in hidden harm.

Lack of 'intent to harm' barred definition of abuse

A commonly observed problem in MDCCs have been disproportional time spent in discussing the nature of case rather than the welfare plans for children. Intent to harm has very often been considered the

determining factor for abuse. The unintentional yet still harming action or inaction have not received adequate attention and concerns. This reflected a lack of understanding and a lack of relatively objective measurement of what abuse and neglect are and the degree of risks involved.

Follow up action after MDCC delayed

Follow up action after the MDCC have not always been prompt and often delayed because of reasons such as minutes taking and transferral procedures. The gap of having no worker attending to the child's well being must be closed and priorities must be given to ensure children safe and parents fully comprehend and follow the MDCC decisions.

Members not properly involved when Collective Decisions not followed through

A worrying concern being MDCC resolutions not followed through. The Procedural Guide (p.42, Chapter 11, 11.4) did indicate that MDCC members should be bound by collective decisions made in MDCC unless there is statutory order... p. 1224.125 11.62 (2) (3). Steps required were not taken such as to hold a second MDCC to keep all participants informed for reasons why previous decisions were not followed.

An appeal channel is currently missing for the child protection system in Hong Kong and complaints were not handled by an independent body but by the one who chaired the MDCC.

Deprivation of out of home care stifles a child's and parent's rehabilitation opportunity

Another common concern in child protection have been the serious deprivation of out of home care, sometimes even in emergency situations, which made the specific counselling and support to parents even the more motivated ones, difficult.

The government must invest in children early and on top of investing in child rights education and training, one area for such investment should be in well supervised foster care service to allow needy children opportunities to live in homely and better supervised environment.

Children's rights are not receiving paramount consideration

It is too frequent to observe that children's best interest have not received the paramount concerns in terms of action and resources as they deserve. Social workers representing the parents may encountered conflict of interest. The government should ensure the child separately represented in MDCCs and through legal proceedings.

The assumption of removing a child to an out of home care can destroy worker client relationship or shatter a parent's motivation reflects the unbalanced priority attached. While parents and families must be adequately supported and any decisions to remove a child from home must be carefully made, we should not risk a child's well being or use her/him as a tool or an incentive.

Guidelines based on local and international experience must be laid down and practiced to actualize 'the Best Interest of children notion' rather than leaving that to individuals' interpretation.

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The UNCRC preamble made it clear that

- ... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.
- ... childhood is entitled to special care and assistance.
- ... the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities with the community.
- ... the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.
- ... the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the UN, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

The UNCRC Article 4 stipulates that

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights. States parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.