

For Discussion
on 13 February 2017

Legislative Council Panel on Education

**Council on Professional Conduct in Education's consultation on
"Code for the Education Profession of Hong Kong cum Practical Guidelines"
and "Case Handling Procedures"**

Purpose

This paper gives an account of the consultation on the revised Code for the Education Profession of Hong Kong and the Case Handling Procedures¹ conducted by the Council on Professional Conduct in Education on 12 December 2016.

Background

2. The Council on Professional Conduct in Education (the Council) is an advisory body established by the former Education Department in 1994. Its terms of reference include: advising the Government on measures to promote professional conduct in education; drafting operational criteria defining the conduct expected of an educator and gaining widespread acceptance of these criteria among all sectors of the education community through consultation; and advising the Permanent Secretary for Education on cases of disputes or alleged professional misconduct involving educators.

3. The Code for the Education Profession of Hong Kong (the Code), stating the underlying principles, is a set of provisions setting out the conduct expected of an educator for the reference of the profession for its self-enhancement. It has also been adopted as the fundamental basis for the work of the Council. In accordance with the recommendation of the Education Commission Report No. 1, the former Education Department set up the Professional Code for Educational Workers Preparatory Committee to draft and formulate the Code so that a set of guidelines for self-discipline could be provided by defining the conduct of education professionals to

¹ The consultation drafts on the Code and the Procedures were uploaded onto the website of the Council:

http://cpc.edb.org.hk/en/download/consult_16/consultation_doc_code.pdf

(the Code)

http://cpc.edb.org.hk/en/download/consult_16/consultation_doc_case.pdf

(the Procedures)

maintain a high standard of education. Promulgated in October 1990, the Code has been in use for over 25 years. In the light of changes in society and continued development of education in recent years, the Council has reviewed the long-standing Code and proceeded with drawing up practical guidelines² with examples for the Code since 2009 by making reference to practical experience in the application of the Code with a view to keeping pace with the development of education and enhancing educators' professionalism.

4. As regards the Case Handling Procedures (the Procedures), the first edition was formulated in December 1994 and reviewed for enhancement in 2002. Comprising six stages³, the existing Procedures are lengthy and time-consuming. For some of the cases of alleged professional misconduct, it took years to process and conclude. While maintaining fairness and justice as the priority, the Council considered it necessary to review the existing Procedures again to enhance the case-handling efficiency. Since taking office in 2014, the 11th term of the Council has initiated action to refine the Procedures.

Major Revisions to the Code

5. The Code of Professional Conduct Sub-committee under the Council is tasked with the work of revising and refining the Code as well as drafting a set of practical guidelines. With its efforts in the past few years, the Council has completed the revision and conducted a consultation on the revised Code. Other than some textual refinements, there are **no substantial changes** to the basic principles and provisions in the revised Code. Two major refinements as made in the revised Code are highlighted below:

(I) Addition of Section Headings for the Guiding Principles

6. To improve clarity of the provisions of the Code for teachers' better

² The practical guidelines are the examples provided as reference to illustrate the principles underpinning the provisions of the Code to facilitate teachers' understanding for better grasp of the Code.

³ Under the existing Procedures, each case has to go through at most six stages (i.e. investigation, case-filing, appeal against not filing the case, inquiry, appeal against conclusion of the inquiry and final appeal) and is handled by five panels (i.e. Preliminary Investigation Panel, Case-filing Panel, Inquiry Panel, Vetting Panel and Final Judgement Panel).

understanding of the underlying principles, section headings have been added for the guiding principles in the revised Code under which the provisions are regrouped accordingly. A total of 13 section headings have been added for the guiding principles. Details are set out below:

Section		Addition of Section Headings for the Guiding Principles
2.1	Commitment of the Profession	Principle I: To exercise strict self-discipline and fulfill social expectations Principle II: To fulfill the missions of the profession and enhance professional image
2.2	Commitment to Students	Principle I: To inspire students to learn and promote whole-person development Principle II: To be fair and objective and cater for individual diversity Principle III: To be caring and understanding and ensure the safety of students Principle IV: To develop a professional relationship with students grounded on mutual respect and trust
2.3	Commitment to Colleagues	Principle I: To uphold fairness and justice and foster unity within the profession Principle II: To build a trusting relationship with colleagues grounded on mutual respect Principle III: To improve collaboration and mutual support and enhance professional development
2.4	Commitment to Employers	Principle I: To perform duties diligently and exercise professionalism
2.5	Commitment to Parents/Guardians	Principle I: To promote students' growth and development through home-school partnership
2.6	Commitment to the Community	Principle I: To respect the rule of law and uphold social justice Principle II: To teach students to fulfill their civic responsibilities

(II) Addition of Examples for Reference

7. To facilitate educational workers' understanding and their application of the Code, the revised Code has been supplemented by the practical guidelines with relevant examples as reference. The examples are **not part of the provisions of the Code** but serve to enhance teachers' awareness of the contents of the Code. Upon completion of the revision, the Council will continue to adopt the Code as its working basis while the examples under the practical guidelines will serve as reference. Some examples of issues attracting the stakeholders' concern are set out below in order to illustrate the proposed revisions of the Code:

Example: To serve as a role model for students and advance the education profession

8. Apart from knowledge dissemination, teaching by setting example is equally important to teaching through words. Being a role model for students, teachers should be provided with examples as clear reference for the values and moral standard required of them in order to enhance their professional image. Provision 3⁴ under the section "Commitment of the Profession" of the Code stipulates that a teacher "shall be mindful of the propriety of words and deeds and his/her conduct in order to serve as a role model for students. He/she shall avoid engaging or taking part in any work or activity that is detrimental to the image of the profession." Examples added to the revised Code are as follows:

- A member of the education profession shall behave in a way that is consistent with the image of the profession. His/her words and deeds, conduct, and appearance in school or in front of students, whether in or beyond class, should meet the standards required of a professional educator.
- He/she shall avoid discussing any topic or performing any action that is irrelevant to the teaching objectives/unfavourable to students' development, such as discussing any sort of gambling activities or using abusive language in school or in front of students. Neither

⁴ Re-numbered provision in the revised Code.

shall he/she perform teaching duties after consuming alcohol or abusing drugs.

- A member of the education profession shall avoid displaying or commenting on any text, picture or video that is inconsistent with or detrimental to the image of the profession on either his/her or the school's online social network platforms (for example, Facebook, Weibo or instant messaging applications such as WhatsApp).

9. The Council firmly believes that teachers, by upholding professionalism and exercising judgement as education professionals, are mindful of the propriety of words and deeds and their conduct to serve as a role model for students, which will further enhance public recognition of the education profession and public expectations of education professionals.

Example: To develop proper relationship with students grounded on mutual trust and respect

10. Since there are quite a number of media reports on sex crimes involving teachers and students in recent years, different sectors of the community are very concerned about the professional conduct of teachers and their relationship with students. There have been suggestions from time to time calling for strengthening of the code of conduct in the sector. In this connection, the Council has incorporated some examples of cases of alleged professional misconduct that it has handled to serve as reference for teachers to avoid developing inappropriate relationship with students. Provision 19⁵ under the section "Commitment to Students" of the Code stipulates that a teacher "shall seek to establish confidence and trust grounded on mutual respect between himself/herself and his/her students, and **avoid developing inappropriate student-teacher relationships.**" The practical guidelines have included some examples to provide clearer illustrations of inappropriate student-teacher relationships in order to protect both students and teachers and alleviate parents' concerns. Details are given below:

A member of the education profession:

- shall avoid developing inappropriate intimate relationships with

⁵ Re-numbered provision in the revised Code.

students.

- shall be mindful of his/her choice of words and expressions on social media platforms and in e-mails, and avoid using language indicating intimacy.
- shall not go on dates with individual students, and shall avoid inviting a student to visit his/her residence alone, or visiting the homes of students in the absence of their parents or guardians, or staying with a student in an obscured indoor place, particularly a hotel room or holiday flat.
- shall not have any physical contact with a student without justifiable reasons. If the execution of duties require the inspection of any relatively private parts of a student's body, this should be done in the presence of the parents or a third party arranged by the school.
- shall not act in a way that may physically, visually or verbally cause sexual harassment to any student.
- shall not have sexual contacts or even sexual relationships with students.

Major Revisions to the Procedures

11. The Case Study Sub-committee under the Council is tasked with the work of revising and refining the Procedures. The existing six stages of the Procedures have been restructured into the two major stages of case-filing and inquiry, each with its respective review mechanism, so as to preserve the core elements of the existing Procedures in providing full opportunities to the alleged person to defend his/her case during the process. Under the review mechanism, the Council will reconsider the case fairly and equitably in the light of new evidence submitted by the applicant. The Council expects that the refined Procedures can further enhance case-handling efficiency by reducing the existing administrative work at different stages. From past experience, the cases handled by the Council are often disputes merely caused by clashes of emotion or insufficient communication. As a matter of fact, it is a growing trend of the society to resolve disputes through mediation. In this connection, the Council has proposed that a mediation mechanism be introduced to

the refined Procedures to provide a constructive means to resolve disputes and spare both parties involved the unnecessary pressure of attending a hearing. Although the refined Procedures are simplified with fewer case-handling stages, the Council will provide appropriate channel with sufficient opportunities for the alleged person to present his/her case. Decision will only be made upon full appraisal of all the information and views concerned. Through the implementation of the above-mentioned review mechanism, the enhanced Procedures ensure fairness in the handling process.

Consultation on the Revised Code and the Procedures

12. A six-week consultation was conducted from 12 December 2016 to 23 January 2017. Apart from issuing letters about the revision to principals and teachers of primary schools, secondary schools, special schools and kindergartens, education organisations and parent-teacher associations, the Council also held consultation sessions to explain to different stakeholders the relevant revisions and background, and to seek their views. Two consultation sessions were conducted consecutively on 6 and 7 January 2017, during which rational discussions were carried out and constructive suggestions put forward. Moreover, the consultation drafts were uploaded onto the website of the Council on 12 December 2016 to facilitate access by stakeholders, inviting their written submissions to the Council Secretariat. During the consultation period, the Council has, with the support of its Secretariat, explained the issues concerned to various stakeholders in order to enhance public confidence in the proposed revisions and address public concerns.

Implications of the Revised Code and the Procedures for the Education Sector

13. As regards the Code, apart from a few refinements, there are no substantial changes to its basic principles and provisions. With the addition of examples, the revised Code can facilitate better understanding of the principles underpinning the provisions and serve as reference of conduct and behaviours for the education sector. This is conducive to the further promotion of the professional image of educators and enhancement of public recognition of the education profession. The streamlined Procedures may substantially shorten the time needed for handling alleged professional misconduct cases and improve case-handling efficiency so that the Council may make recommendations to the Permanent Secretary for Education on cases received as soon as possible. The review mechanism also provides opportunities for applicants to submit new evidence and ensures fair handling of cases.

Moreover, the mediation mechanism newly introduced to the Procedures can facilitate effective resolution of disputes by the Council. The Council firmly believes that the above-mentioned improvement arrangements can help foster greater public confidence in the Council and the education profession.

Way Forward

14. With the conclusion of the consultation on the revised Code and the Procedures, the Council is carefully examining the views received. Initial analysis shows that the proposed revision of the Code has attracted much attention in the education sector. Some educational workers consider that with combination of the practical guidelines with the Code, the illustrative examples given in the practical guidelines may be easily mistaken by stakeholders as part of the provisions of the Code, thereby giving rise to concerns about tightening regulation of the profession through the revision. There are also views that some examples are over-elaborate and restrictive. On the other hand, there are quite a number of views supporting the revision as a means to enhance the professional image of educators. Parents in general support the direction of the revision. They consider that the Code can help ensure the safety of students and ease the concerns of parents. As regards the revision of the Procedures, stakeholders hold positive views. They are supportive of the refined Procedures and believe that the revision is conducive to enhancing case-handling efficiency. Stakeholders also welcome the introduction of a mediation mechanism for dispute resolution.

15. After consolidating and analysing the views collected, the Council will balance the concerns of various stakeholders and submit the final versions of the Code and the Procedures to the Education Bureau.

16. Members are invited to note and comment on the revision and consultation for the Code and the Procedures of the Council.

Education Bureau
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