

Bills Committee on Mandatory Reporting of Child Abuse Bill

Mandated Reporter Guide under the Mandatory Reporting Regime for Suspected Child Abuse Cases

Purpose

This paper briefs Members on the skeleton document of the Mandated Reporter Guide (the Guide) under the Mandatory Reporting of Child Abuse Bill (the Bill).

Background

2. To dovetail with the commencement of the new legislation, the Government will provide training for mandated reporters and draw up a practical guide to assist them in identifying target cases for early identification, reporting and intervention, as well as reducing over-reporting. Pursuant to the Bill, the Government will draw up the Guide to set out the considerations of whether reporting is necessary under different scenarios, so as to assist the specified professionals in mastering the principles of child protection and identifying the cases to be reported under their statutory obligations.

The Mandated Reporter Guide

3. The Government has kicked start the formulation of the Guide and invited professional bodies, professionals and key service providers in the social welfare, education and healthcare sectors who would be mandated reporters, to envisage different potential scenarios of handling suspected child abuse/neglect cases under the reporting threshold set out in the Bill, raise questions and give views. The Guide signifies the cross-sectoral effort and participation in the prevention of child abuse and promoting the child protection work.

4. The Professional Consultative Panels (the Panels) for Social Welfare Sector, Education Sector and Healthcare Sector set up in the first

quarter of 2024 have been taking forward the formulation work of the Guide through discussing the case scenarios, questions and views collected. Members of the Panels gave positive feedback and constructive advice to the development of the draft Decision Tree, Supplementary Analytical Framework and sample case scenarios on various types of abuses. The Decision Tree supplemented by the Analytical Framework will be the core components of the Guide, providing general guiding principles for mandated reporters' reference in making a reporting decision.

Skeleton Document of the Guide

5. A skeleton document of the Guide comprises the table of content, the draft of the Decision Tree and Supplementary Analytical Framework covering the parts of physical abuse and sexual abuse and related matters of the reporting is prepared at **Annex**.

Way forward

6. The Panels will continue the formulation work of the Guide, including the Decision Making Tree, the Supplementary Analytical Framework and sample case scenarios of all types of reportable suspected serious child abuse cases, with a view to completing the Guide well ahead of the end of the 18-month transitional period after passage of the Bill by the Legislative Council, so that briefing on the Guide for professional bodies/service providers in their respective sectors can take place before the commencement of the Ordinance.

Advice Sought

7. Members are invited to note the content of this paper and offer views.

**Labour and Welfare Bureau
Social Welfare Department
May 2024**

**SKELETON DOCUMENT OF
MANDATED REPORTER GUIDE**

[Remarks: The contents will be subject to change and refinement to dovetail with the new legislation upon passage of the Mandatory Reporting of Child Abuse Bill (the Bill)]

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CHAPTER 3	REPORTING, FOLLOW-UP ACTIONS & SERVICE PROVISION 3.1 How to make a Report and necessary information to be reported <i>[See sample at page 15]</i> 3.2 Follow-up Actions after Report <i>[To be prepared]</i> 3.3 Services Provision <i>[To be prepared]</i>
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CHAPTER 2 REPORTABLE CIRCUMSTANCES

General Guidance

[Remarks: This part is applicable for all specified professionals. Salient points are provided below.]

- The mandated reporters are required to report the circumstances where a child is suffering serious harm or is at real risk of suffering serious harm. The **decision tree** aims to offer a quick overview of the possible logical relationship among factors to facilitate mandated reporters in making a mandatory reporting decision in a diagrammatic manner.
- Factors for consideration are further elaborated in the **supplementary analytical framework** to assist the mandated reporters in discerning the reportable circumstances, evaluating whether specific case circumstances may cause reasonable grounds to suspect that the child is suffering serious harm or at real risk of suffering serious harm, and reporting the suspected abuse / harm under the Mandatory Reporting Regime (MRR) for suspected child abuse cases (i.e. MRR reporting).
- With a view to capturing the complexities and dynamics of different cases, sample case scenarios to depict the application of the supplementary analytical framework for suspected abuse/harm under different case circumstances are provided so that mandated reporters can have a general understanding of how to apply the supplementary analytical framework in different scenarios, including other child abuse cases not meeting the threshold of MRR.
- As every abusive incident is unique with specific concerns whereas the supplementary analytical framework and the sample case scenarios are by no means exhaustive, the framework is formulated to complement rather than replace professional judgement. Mandated reporters should exercise their professional judgement to take actions as appropriate after taking into due account the individual case merits.
- Under emergency situations where the child victim is in need of rescue (e.g. when the child has been seriously harmed with life-threatening risk or a crime has occurred that requires immediate law enforcement), the mandated reporter should call the Police by dialling 999.

Types of Child Abuse

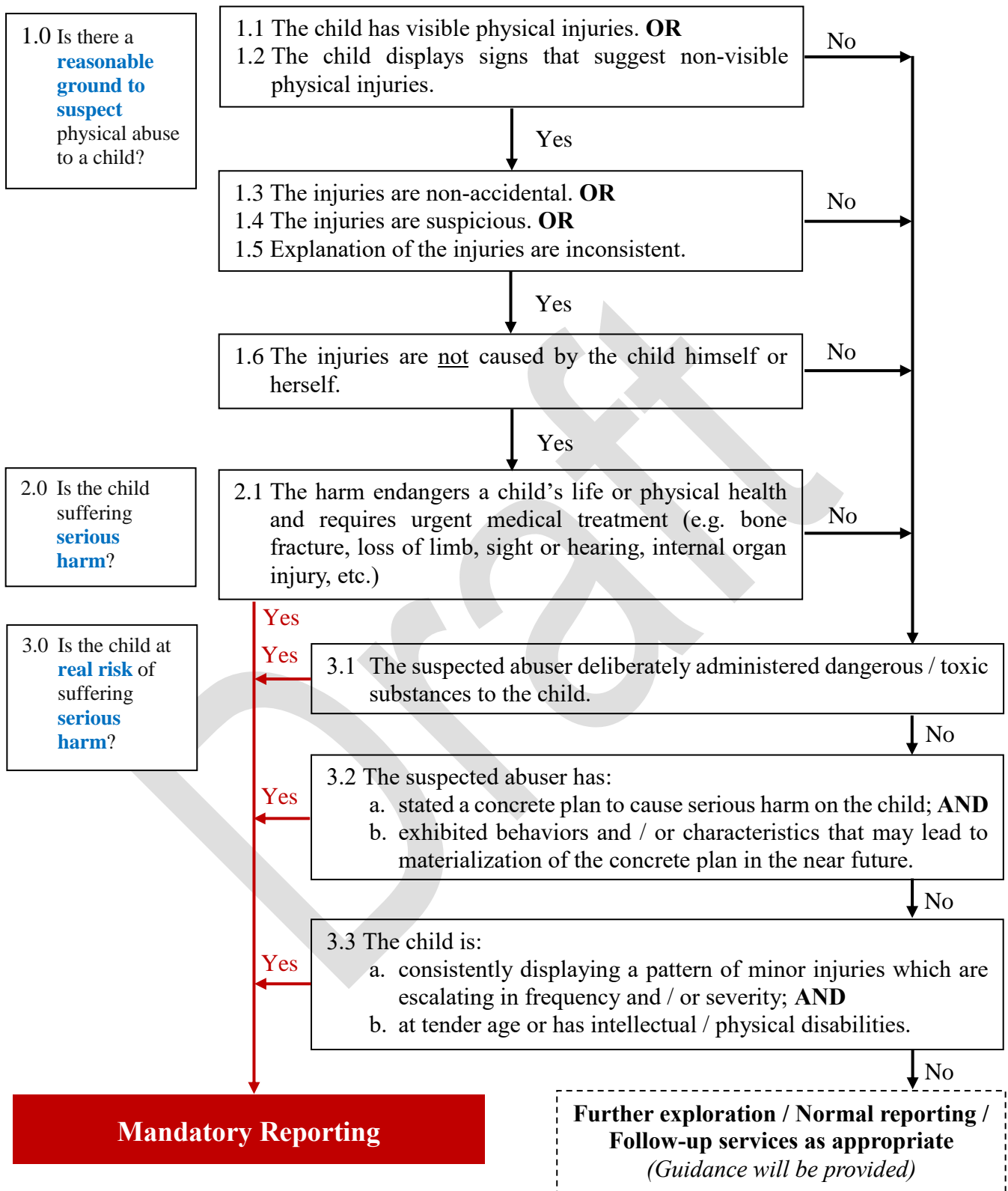
[Remarks: This part includes the following proposed contents which will be developed upon passage of the Bill.]

- The Guide will provide Decision Tree, Supplementary Analytical Framework and Application of Sample Case Scenarios for each type of abuse/neglect –

- 2.1 Physical Abuse**
- 2.2 Sexual Abuse**
- 2.3 Psychological Abuse**
- 2.4 Neglect**

- The draft Decision Tree of Suspected Physical Abuse and Sexual Abuse are at **Appendices 1** and **4** respectively. The checklist of “Factors for consideration” is to facilitate mandated reporters to make reporting decision, not only for cases of “serious harm”, but also those with “a real risk of serious harm”. Members of the Professional Consultative Panels recommend developing Decision Tree which can provide mandated reporters with clear steps for making a mandatory reporting decision.
- The draft Supplementary Analytical Framework of Suspected Physical Abuse and Sexual Abuse are at **Appendices 2** and **5** respectively. The Panels will further deliberate on each factor of considerations and guidance notes will be drawn up to facilitate the mandated reporters to address the commonly concerned questions.
- The draft sample case scenarios are at **Appendices 3** and **6**. The application of these case scenarios is to enable the mandated reporters to understand how to make use of the Decision Tree and Supplementary Analytical Framework to discern the case information of different circumstances. The Supplementary Analytical Framework in the format of an e-form will be provided to benefit the training of the mandated reporters and to facilitate their reporting to the Authority through an e-report platform under MRR.
- Subject to the final version of the Bill to be enacted by the Legislative Council, the Decision Tree, Supplementary Analytical Frameworks and the Sample Case Scenarios of the above four types of child serious harm/abuse will be developed and finalised.

Decision Tree for Guiding Mandatory Reporting of Suspected Physical Abuse (draft)



Note 1: Suspected abuser may be a parent / carer / any adult

Note 2: Under emergency situations where the child victim is in need of rescue, such as he / she has been seriously harmed with life-threatening risk or a crime has occurred that requires immediate law enforcement, the mandated reporter should seek emergency service or assistance from the Police by dialing 999.

Note 3: This decision tree is formulated to complement rather than replace professional judgement and does not prohibit a mandated reporter from any course of actions the mandated reporter believes are appropriate after taking into account the individual case merits.

**Supplementary Analytical Framework for Guiding
Mandatory Reporting of Suspected Physical Abuse (draft)**

Factors for Consideration		
1.0 Is there a reasonable ground to suspect physical abuse to a child?		
<input type="radio"/>	If Yes to any of	1.1, 1.2 AND 1.3, 1.4, 1.5 AND 1.6
<input type="radio"/>	If No to all of	1.1 to 1.6
<input type="checkbox"/>	1.1	The child has visible physical injuries.
<input type="checkbox"/>	1.2	The child displays signs that suggest non-visible physical injuries. <i>(Examples of non-visible physical injuries^{Note} will be provided.)</i>
<input type="checkbox"/>	1.3	The injuries are non-accidental. <i>(Examples of non-accidental and accidental physical injuries will be provided.)</i>
<input type="checkbox"/>	1.4	The injuries are suspicious. <i>(Examples of suspicious physical injuries will be provided.)</i>
<input type="checkbox"/>	1.5	Explanation of the injuries are inconsistent. <i>(Examples of inconsistent explanation will be provided.)</i>
<input type="checkbox"/>	1.6	The injuries are <u>not</u> caused by the child himself / herself.
2.0 Is the child suffering serious harm?		
<input type="radio"/>	If Yes to 2.1	Mandatory Reporting
<input type="radio"/>	If No to 2.1	Go to 3.0
<input type="checkbox"/>	2.1	The harm endangers a child's life or physical health and requires urgent medical treatment (e.g. bone fracture, loss of limb, sight or hearing, internal organ injury, etc.) <i>(Examples of serious harm will be provided.)</i>
3.0 Is the child at real risk of suffering serious harm?		
<input type="radio"/>	If Yes to any of	3.1, 3.2, 3.3 Mandatory Reporting
<input type="radio"/>	If No to all of	3.1, 3.2, 3.3 Further exploration / Normal reporting / Follow-up services as appropriate
<input type="checkbox"/>	3.1	The suspected abuser deliberately administered dangerous / toxic substances to the child. <i>(Examples of administering dangerous / toxic substances will be provided.)</i>
<input type="checkbox"/>	3.2	Answer "Yes" if statements in both 3.2 a and 3.2 b are true.
<input type="checkbox"/>	3.2a.	The suspected abuser has stated a concrete plan to cause serious harm on the child. <i>(Examples of concrete plan to cause serious harm will be provided.)</i>
<input type="checkbox"/>	3.2b.	The suspected abuser has exhibited behaviors and / or characteristics that may lead to materialization of the concrete plan in the near future. <i>(Examples of suspected abuser's behavior and / or characteristics leading to materialization of the concrete plan in the near future will be provided.)</i>
<input type="checkbox"/>	3.3	Answer "Yes" if statements in both 3.3 a and 3.3 b are true.
<input type="checkbox"/>	3.3a.	The child is consistently displaying a pattern of minor injuries which are escalating in frequency and / or severity.
<input type="checkbox"/>	3.3b.	The child is at tender age or has intellectual/physical disabilities

Note All examples listed in the Supplementary Analytical Framework are by no means exhaustive.

Application: Sample Case Scenarios

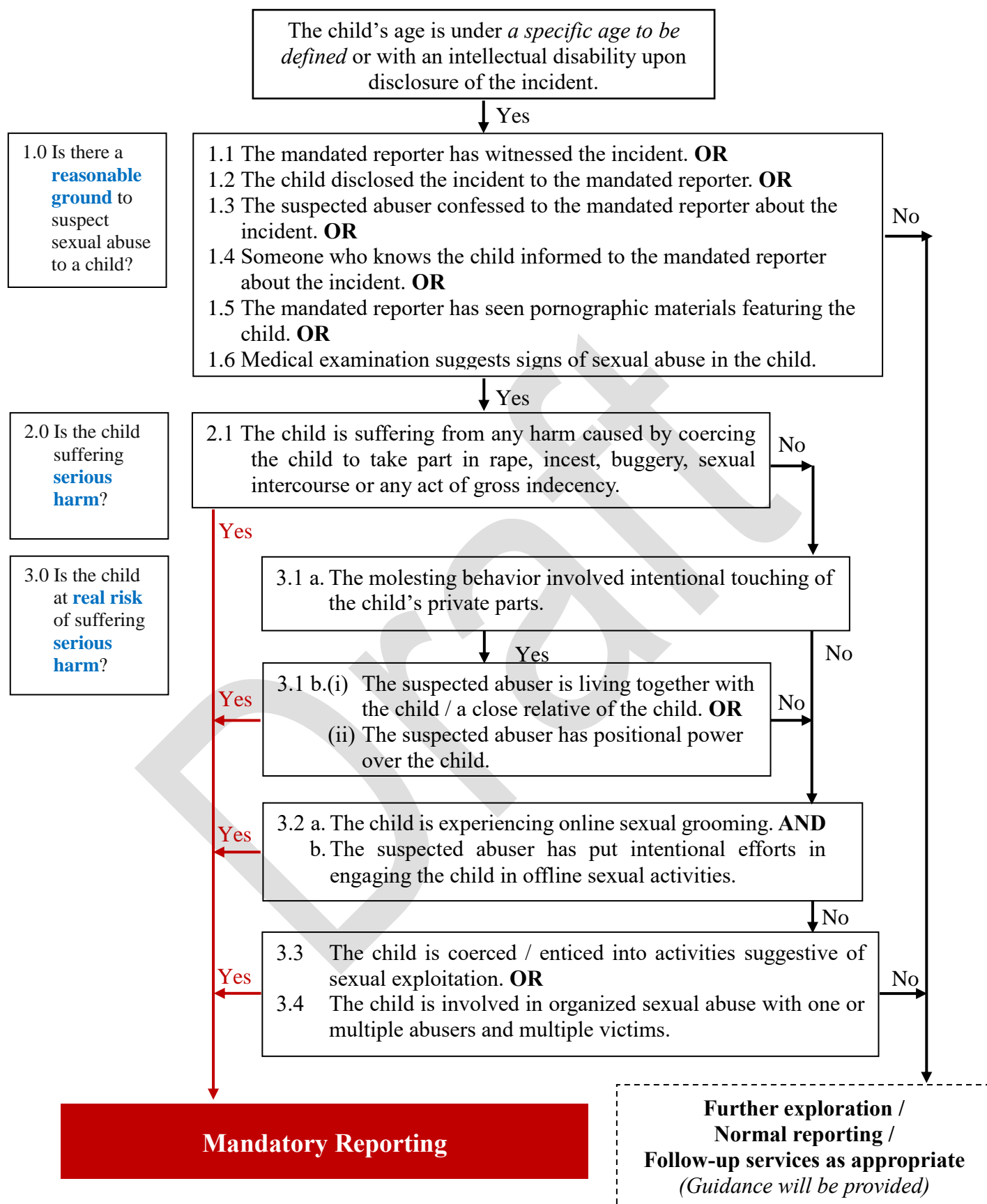
Case Scenario (1)

Sector	Healthcare Sector / Social Welfare Sector
Setting	Hospital
Mandated Reporters Involved	Medical Officer / Medical Social Worker
Suspected Child Abuse Incident	<ul style="list-style-type: none"> • A seven-year-old girl was discovered by her father to be experiencing breathing difficulties and loss of consciousness at home. Police assistance was sought and the girl was then sent to the hospital. • Upon medical examination and treatment, it was discovered that the girl's body was covered with over 20 old and fresh scars, some of which were suspected to be caused by rattan sticks, scissors and slippers. Some of the wounds were seriously infected.
Factors for Consideration	<input checked="" type="checkbox"/> 1.1 The child has visible physical harm / injury. (i.e. over 20 old and fresh scars over the body)
	<input checked="" type="checkbox"/> 1.3 The injuries are non-accidental.
	<input checked="" type="checkbox"/> 1.6 The injuries are not caused by the child himself or herself.
	<input checked="" type="checkbox"/> 2.1 The harm is serious that the child's life or physical health is endangered if she is left untreated. (i.e. breathing difficulty, loss of consciousness, seriously infected wounds)
Proposed Action to be Taken	<input checked="" type="checkbox"/> Mandatory Reporting is required as the child: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> is suffering serious harm. <input type="checkbox"/> is at real risk of suffering serious harm.

Case Scenario (2)

Sector	Education Sector
Setting	School
Mandated Reporters Involved	Primary School Teacher
Suspected Child Abuse Incident	<ul style="list-style-type: none"> • Class Teacher found that the child, aged 6, studying Primary One, looked tired and upset, sitting alone silently at a corner of the playground during recess. • Class Teacher showed concern and asked the child if he was worried about something. The child disclosed that his father deserted the family last week due to extra-marital affairs. Two days ago, the father returned home to discuss with the mother about divorce. • The mother was so desperate that she developed dependence on alcohol. She had become volatile in mood and expressed suicidal thought of burning charcoal. Worrying that no one can take care of the child in future, the mother had expressed her wish to end the child's life together. • The child saw that his mother had bought a bag of charcoal at a nearby convenient store back home. He was so afraid that he had only slept for three hours the night before.
Factors for Consideration	<input checked="" type="checkbox"/> 3.2 The suspected abuser has <ul style="list-style-type: none"> a. stated a concrete plan to cause serious harm on the child. (i.e. endangers the child's life with suicidal thought by burning charcoal together with the child); AND b. displayed behaviours and characteristics that may lead to materialization of the plan in the near future. (e.g. alcohol dependence, volatile in mood, suicidal thoughts).
Proposed Action to be Taken	<input checked="" type="checkbox"/> Mandatory Reporting is required as the child: <ul style="list-style-type: none"> <input type="checkbox"/> is suffering serious harm. <input checked="" type="checkbox"/> is at real risk of suffering serious harm

Decision Tree for Guiding Mandatory Reporting of Suspected Sexual Abuse (draft)



Note 1: Suspected abuser may be a parent / carer / any adult / another child

Note 2: If a serious sexual crime has already taken place (e.g. rape, buggery) and emergency service is required, the mandated reporter should first dial 999 to seek help and assistance from the Police.

Note 3: This decision tree is formulated to complement rather than replace professional judgement and does not prohibit a mandated reporter from any course of actions the mandated reporter believes are appropriate after taking into account the individual case merits.

Supplementary Analytical Framework for Guiding Mandatory Reporting of Suspected Sexual Abuse (draft)

Factors for Consideration		
1.0	Is there a reasonable ground to suspect sexual abuse to a child?	
<input type="radio"/>	If Yes to any of 1.1 to 1.6 ,	Go to 2.0
<input type="radio"/>	If No to all 1.1 to 1.6 ,	Further exploration / Normal reporting / Follow-up service as appropriate
<input type="checkbox"/>	1.1	The mandated reporter has witnessed the incident.
<input type="checkbox"/>	1.2	The child disclosed the incident to the mandated reporter.
<input type="checkbox"/>	1.3	The suspected abuser confessed to the mandated reporter about the incident.
<input type="checkbox"/>	1.4	Someone who knows the child informed the mandated reporter about the incident.
<input type="checkbox"/>	1.5	The mandated reporter has seen pornographic materials featuring the child.
<input type="checkbox"/>	1.6	Medical examination suggests signs of sexual abuse in the child.
2.0	Is the child suffering serious harm?	
<input type="radio"/>	If Yes to 2.1	Mandatory Reporting
<input type="radio"/>	If No to 2.1	Go to 3.0
<input type="checkbox"/>	2.1	The child is suffering from any harm caused by coercing the child to take part in rape, incest, buggery, sexual intercourse or any act of gross indecency.
3.0	Is the child at real risk of suffering serious harm?	
<input type="radio"/>	If Yes to any 3.1 to 3.4	Mandatory Reporting
<input type="radio"/>	If No to all of 3.1 to 3.4	Further exploration / Normal reporting / Follow-up service as appropriate
<input type="checkbox"/>	3.1	Answer “Yes” if statement in both 3.1a and 3.1b is true.
	3.1a.	The molesting behaviour involved intentional touching of the child’s private parts. (Examples of private parts will be provided)
	3.1b	Answer “Yes” if statement in 3.1b(i) or 3.1b(ii) is true.
	◇	(i) The suspected abuser is living together with the child / a close relative of the child. (Examples of live-in individuals / close relatives of the child will be provided))
	◇	(ii) The suspected abuser has positional power over the child. (Examples of individuals with positional power over the child will be provided.)
<input type="checkbox"/>	3.2	Answer “Yes” if statements in both 3.2 a and 3.2 b are true.
	3.2a.	The child is experiencing online sexual grooming. (Examples of online sexual grooming activities will be provided.)
	3.2b	The suspected abuser has put intentional efforts in engaging the child in offline sexual activities. (Examples of offline sexual activities for sexual exploitation will be provided.)
<input type="checkbox"/>	3.3	The child is coerced / enticed into activities suggestive of sexual exploitation. (Examples of coercion / enticement-based activities suggestive of sexual exploitation will be provided.)
<input type="checkbox"/>	3.4	The child is involved in organised sexual abuse with one or multiple abusers and multiple victims. (Examples of organized sexual abuse will be provided)

Application: Sample Case Scenarios

Case Scenario (1)

Sector	Social Welfare Sector / Healthcare Sector
Setting	School
Mandated Reporters Involved	Social Worker / Medical Officer
Suspected Child Abuse Incident	<ul style="list-style-type: none"> • A girl, aged 12, resumed schooling after she went missing for a few days last week. • She revealed to School Social Worker that during her missing period. She got acquaintance with a male friend, aged 17, through introduction of her friend when she stayed overnight at her friend's place. • She involuntarily had unsafe sex with the male friend, aged 17, and later reported abnormal vaginal discharge. She was worried and dared not tell her mother about her physical discomfort. • School Social Worker accompanied the girl for medical examination which confirmed that the girl was infected with sexually transmitted disease.
Factors for Consideration	<input checked="" type="checkbox"/> 1.2 The child disclosed that incident to the mandated reporter.
	<input checked="" type="checkbox"/> 2.1 The child involuntarily had unsafe sex with a male friend and was infected with sexually transmitted disease.
Proposed Action to be Taken	<input checked="" type="checkbox"/> Mandatory Reporting is required as the child: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> is suffering serious harm. <input type="checkbox"/> is at real risk of suffering serious harm.

Case Scenario (2)

Sector	Education Sector
Setting	School
Mandated Reporters Involved	Secondary School Teacher
Suspected Child Abuse Incident	<ul style="list-style-type: none"> • The girl, aged 16, disclosed to the class teacher after a sex education lesson that her mother’s live-in boyfriend had fondled her breast last Sunday when she was sleeping at her bedroom. The mother is working on night shift and the girl was alone with the mother’s boyfriend when her mother is at work. • This was not the first time the mother’s boyfriend molested the girl. The first incident happened about 3 months ago. • The girl was very frightened and dared not call for help at the time of incidents. She recalled that she had once told her mother but the mother adopted mistrusting attitude towards her.
Factors for Consideration	<input checked="" type="checkbox"/> 1.2 The child disclosed the incident to the mandated reporter.
	<input checked="" type="checkbox"/> 3.1 a. The molesting behavior involved intentional touching of the child’s private parts. AND b. The suspected abuser is an individual who is living together with the child
Proposed Action to be Taken	<input checked="" type="checkbox"/> Mandatory Reporting is required as the child: <ul style="list-style-type: none"> <input type="checkbox"/> is suffering serious harm. <input checked="" type="checkbox"/> is at real risk of suffering serious harm

Chapter 3 REPORTING, FOLLOW-UP ACTIONS & SERVICE PROVISION

3.1 How to make a Report and necessary information to be reported

The specified professional is required to provide information in writing including (1) sufficient information to identify the child concerned; (2) the ground to suspect that the child is suffering serious harm or is at real risk of serious harm; and (3) the contact information of the specified professional making the report.

