

Plan International Hong Kong Our initiative on child safeguarding

PURPOSE OF THIS DOCUMENT

This document sets out Plan International Hong Kong's policy position on child safeguarding to inform Plan's child safeguarding movement and serve as the basis for broader communications and messaging for the child safeguarding campaign.

WHAT IS CHILD SAFEGUARDING

Safeguarding is a new broader approach to preventing child maltreatment. According to Gilbert, instead of seeing child maltreatment as the mere result of placing children in the wrong hands of unscrupulous caretakers, and aims at protecting individual children identified as suffering or at risk of suffering significant harm, child safeguarding aims at providing preventative and all-encompassing solution to prevent maltreatment to all children.¹ While it is common to conceive that most significant harm comes from the family of the children², there has been a recent recognition that children are increasingly exposed to maltreatment in different contexts like schools, neighbourhoods and other physical environments when they grow up, and there are particular risk factors in those contexts to be addressed in order to better protect children from harm.

As child-related organisations have frequent contact with children in their daily operation, they have a large role to play in ensuring their environments are safe for children. In recognition of this, there has been a global trend for child-related organisations to set up an internal child safeguarding policy to protect children within the organisation.

At the heart of Child Safeguarding Policy is the **'do-no-harm' principle**³. It means any organisation or agency working with children has a moral and legal responsibility to take all reasonable measures to ensure that the risks of harm (both intentional and unintentional) to children's welfare are minimized, and that children are not exposed to harm and abuse as a result

¹ Gilbert, N. (2012). A comparative study of child welfare systems: Abstract orientations and concrete results. *Children and Youth Services Review*, 34, 532–536.

² Waldfogel, J. (1998). Rethinking the paradigm for child protection. *Future of Children*, 8(1), 104-119. Retrieved from <https://search-proquest-com.eproxy.lib.hku.hk/docview/1761682808?accountid=14548>

³ Keeping Children Safe. (2014). Child Safeguarding Standards and How to Implement them. Retrieved from <https://www.keepingchildrensafe.org.uk/how-we-keep-children-safe/capacity-building/resources/child-safeguarding-standards-and-how-implement>

of their contact with the organisation, its staff, its representatives, or their participation in the organisation's projects and activities or as a result of any operational processes and activities. Furthermore, where there are concerns about children's welfare, appropriate actions should be taken to address those concerns. An organisation may be held liable for the failure to take "reasonable steps" to prevent harm and would be considered negligent if its' actions or omissions contributed to the harm.

In short, a Child Safeguarding Policy

- governs the behaviour of staff and associates of an organisation ensuring that individuals do not abuse the power of trust that comes from being associated with the organisation;
- requires the organisation to rigorously assess and reduce risks to children and young people they engage with in all of the organisation's operations, programmes (including child protection programmes and child protection in emergency responses), processes, projects, activities, initiatives, partner relationships and any other contractual arrangements; and
- commits an organisation, its staff and associates to report and respond concerns over a child's or young person's welfare in line with the organisation's procedures on the same.

LIMITATIONS OF THE EXISTING CHILD SAFEGUARDING MEASURES

Existing child safeguarding measures in Hong Kong are largely piecemeal and inadequate. Although minimal protection is provided by the recently established Sexual Conviction Record Check Scheme, and the codes of conduct of a number of child-related professionals offer some degree of guidance on the proper conduct towards children, there are very few regulations to hold child-related *organisations* accountable in protecting the children they frequently contact.

(A) Minimal protection provided by Sexual Conviction Record Check

Since 2011, the Police has set up the Sexual Conviction Record Check mechanism that provides employers with access to information about the related conviction history of their prospective employees with frequent contact with children on a voluntary basis. However, the measure only serves as a secondary prevention attempt to prevent ex-sex offenders to abuse children again by holding child-related jobs, and is far from a pre-emptive measure to prevent organisational sexual abuse from happening in the first place.

(B) Code of conduct governing the education and social service sector

Both teachers and social workers are abided by their code of conduct that prohibits certain forms of child abuse (e.g. sexual abuse). The Code for the Education Profession launched by the Council on Professional Conduct in Education and the Code of Practice issued by the Social Workers Registration Board lay down the general principles of commitment in professional conduct for teachers and social workers respectively. Different forms of child

abuse would mean severe deviance from the code of conduct and would result in disciplinary actions.

Undeniably, sexual conviction record check and codes of conduct in different child-related professions offer some degree of assurance in controlling the conduct of child-related professionals. However, as mentioned earlier, child maltreatment does not only stem from intrapersonal factors like the characteristics of the perpetrators, but is also facilitated or prevented by a network of organisational policies and practices. By setting up an internal Child Safeguarding Policy within a child-related organisation, we can ensure every aspect of the organisation's internal practices are all *standardized, transparent and consistent* in keeping children safe, and offers more sustainability in preventing child maltreatment on top of the existing child safeguarding measures.

DEVELOPING A CHILD SAFEGUARDING POLICY FRAMEWORK

Having reviewed the common institutional risk factors and existing international child safeguarding frameworks⁴, we have put forward the following child safeguarding policy framework which outlines the essential components that make child safeguarding effective in an organisational setting. The following graph shows the four pillars of an effective child safeguarding policy, which are inseparable for creating a child safe environment in an organisation, and should be read holistically and not in isolation.

⁴ International Safeguards for Children in Sport (2016) International Safeguarding children in Sport Working Group. Final Report Volume 6. Making Institutions Child Safe (2017) Royal Commission into Institutional Responses to Child Sexual Abuse. p.25-27

Keeping Children Safe. (2014). Child Safeguarding Standards and How to Implement them. Retrieved from <https://www.keepingchildrensafe.org.uk/how-we-keep-children-safe/capacity-building/resources/child-safeguarding-standards-and-how-implement>

Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children. (July 2018). p.56-57



Figure 1. Four pillars of an effective organisational child safeguarding: policy, procedures, people and accountability

A. Policy

The first and foremost element is a written, endorsed and public child safeguarding policy which demonstrates the organisation's commitment to child safeguarding.

In particular, a policy should be able to

i. *Demonstrate a public commitment to child safeguarding that applies to everyone in the organisation*

- A written policy can make it clear to everyone that children must be safeguarded and not put at risk of harm because of the organisation's contact or impact.
- The policy endorsed by all staff and associates promotes clarity everyone on organisational policies and procedures in keeping children safe, and provides a benchmark for regular monitoring, enforcement and review.
- By launching a public child safeguarding policy, the leader of the organisation can start to create an institutional culture where children's safety is taken seriously in the institution and is at the heart of the organisation's operation.

ii. *Set up a clear code of conduct on behavior towards children*

- The policy should set a clear guideline on what is acceptable and unacceptable behavior or practice with regards to children, to be agreed and signed off by staff

and associates for compliance. The policy should also make it clear on what values, beliefs and practices that staff, associates and volunteers should ascribe to.

iii. Clearly designate people with a safeguarding role in the organisation

- For smooth implementation of the child safeguarding policy, the organisation should appoint at least one properly trained senior staff member(s) to act as a 'focal point' or 'safeguarding lead' with responsibilities of integrating measures throughout the organisation, and liaising externally when child abuse arises.

B. Procedures

Setting up procedures, on the other hand, makes sure safeguarding measures are integrated into all areas of the organisation and details the steps to carry out the policy. Having formal procedures in place can also help to avoid a reliance on specific people and practice inconsistencies when people leave the organisation. Child-safeguarding procedures should include:

i. Risk assessment and mitigations

Every institution is different according to their service nature, size and organisation characteristics and therefore differs in the types and degree of risks they expose to children. For instance, making sure children are not physically hurt by overtraining in sports may be a concern for sports associations but not so much for residential care homes. Therefore, to have an effective risk assessment that orbits around children's safety, organisations need to actively anticipate children's diverse circumstances and vulnerabilities, and look into every aspect of its operation to identify and mitigate risks in its daily operation and environment.

Different aspects in daily operation could range from recruitment, programme management, partnership management to media and communications, depending on the context of each organisation.

ii. Responsive complaint procedures

To make sure complaint procedures are fair, transparent and responsive,

- a) More than one complaint route should be set up to make sure no one in the organisation is immune to allegations of abuse.
- b) A robust whistleblowing policy should be in place so that staff are able to report abuse or suspicions of abuse without fear of retribution.
- c) All children and families should have access to the information to seek help within the organisation, and be informed of the progress of ongoing investigation of institutional child abuse.

- d) All incidents, allegations and complaints should be recorded, monitored and stored properly for future reference and cooperation with external authorities on child abuse.
- e) Set a clear time scale on case conclusion for child abuse allegation in the organisation
- f) Staff in the organisation should be aware of the local procedures to promote the welfare of children, mindful of information sharing procedures and make proper referrals for appropriate service provision.
- g) Measures should be taken to ensure children are well-protected during investigation of allegation before the case is concluded (forbidding the alleged abuser to gain access to children again)

iii. Monitoring and evaluation

Working towards the goal of child safety is a dynamic process or journey and on-going efforts are required to reinforce and sustain any change. Therefore, monitoring and evaluation should be conducted regularly to identify patterns of risk and areas for improvement, as well as allowing staff members to voice out concerns on child safeguarding, reflect and learn from each other. The procedures and practices should also be reviewed immediately after a conclusion of an allegation of institutional child abuse, to prevent similar events from happening in the future.

C. People and culture

At the heart of child safeguarding policy is the human beings who operate it, so making sure people are suitable and supported, and creating a culture that puts child safeguarding first is the bedrock of an effective policy implementation.

i. Safer recruitment

Staff and any associates or volunteers whom are with close engagement with children, should go through sexual conviction record checks, and a recruitment process that aims at learning the potential candidates' values towards children. All staff should receive an appropriate induction on their child safety responsibilities and be supported by regular training on how to fulfil their obligations. Organisations should also take a proportionate risk-based approach to the level of information or training that is provided to volunteers and associates who have contact with children depending on their role and duties involved.

ii. Partner assessment

An organisation should use its influence to promote the implementation of safeguarding measures whenever possible, and work to ensure that everyone, including volunteers and associates are safe around children. Child safeguarding should represent an essential part of any partnership agreement to make sure

partners of the organisation share the same expectations around safeguarding. They should also be supported through training or written guidance depending on their degree of contact with children.

D. Accountability

“Being accountable to the children we serve” and ‘safeguarding children’s best interests’ is at the heart of implementing a child safeguarding policy and procedures. The following measures and mechanisms should be embedded in the organisation to ensure the policy is followed thoroughly by staff and associates, and make sure that the organisation is accountable to the children, families and communities in honouring its undertakings.

i. Involve children in their own protection

To ensure children have a say on matters that affect them, children should be constantly informed of the policy, practices and complaint procedures to keep them safe, consulted at the ongoing review of the child safeguarding policy, and be provided with information on their rights. By identifying risks in different programmes and procedures, children could help to design, run and review programmes and processes to make the organisation safer. A robust reporting mechanism and a child-friendly culture should also be established so that children are provided with opportunities to raise their concerns on child safeguarding in the organisation.

ii. Family participation

Families should be informed of the policy, practices and complaint procedures, and consulted at the development and on-going review of the policy to express their views with regards to child safeguarding. By genuinely involving children in decision-making, the organisation can better ensure that the policy operates around children’s needs in safety and well-being.

iii. Sanction measures and disciplinary actions

The policy should outline what sanction measures or disciplinary actions will be taken should there be breaches of code of conduct and be followed thoroughly. Child safety should be a concern of primacy in response to allegations of abuse, meaning that any harm or risks of harm should be removed as soon as possible.

OUR ACTIONS ON CHILD SAFEGUARDING

A. *Child safeguarding situational analysis research*

'Evidence-based' has always been one of our working principles that guide our campaigning and influencing work. By conducting a situational analysis research into Child Safeguarding Policy implementation level among child-related organisations, parents' attitude towards Child Safeguarding Policy and children's awareness of self-protection in safeguarding, we aim to provide solid evidence for the public to inform future advocacy work of the movement.

B. *Child safeguarding knowledge hub on website*

In order to build parents' awareness on child safeguarding and provide a platform for child-related organisations to get access to relevant resources, we are now building a child safeguarding knowledge hub on website to build a network of professionals who are committed to safeguarding children.

C. *Provide training and consultancy service for child-related organisations*

Many case studies found that institutions could fail to protect children and respond appropriately to complaints, despite having the required policies and procedures in place⁵. Therefore, genuine cultural change, rather than mere compliance, is ultimately needed to make institutions child safe. The value of capacity building, hence lies in its function to foster a long-term practice change in institutions in a practical phased approach.

In view of the importance of training to foster cultural change, we are developing training and consultancy services to support child-related organisations on their pathway towards establishing child safe practices in their organisations according to their operation context.

POLICY RECOMMENDATIONS ON CHILD SAFEGUARDING

Plan International Hong Kong advises the government create ***an enabling environment*** for child-related institutions to adopt proactive and effective child safeguarding practices by the following measures. While training is the ultimate measure to foster genuine practice change in

⁵ Royal Commission into Institutional Responses to Child Sexual Abuse, Report of Case Study No 2: YMCA NSW's response to the conduct of Jonathan Lord, Sydney, 2014; Royal Commission into Institutional Responses to Child Sexual Abuse, Report of Case Study No 6: The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes, Sydney, 2015, p 22;

child-related institutions continuously, a mandatory reporting duty and government regulation on the implementation of child safeguarding standards are the real driving forces behind that provide incentives for organisations to change.



Figure 2. Measures to increase the implementation of child safeguarding policy among child-related organisations