



**RESPONSE TO THE PROPOSAL ON
MANDATORY REPORTING FOR SUSPECTED
CHILD ABUSE CASES**

**SUBMISSION BY
PLAN INTERNATIONAL HONG KONG**

SEPTEMBER 2022



INTRODUCTION

Plan International Hong Kong (“Plan International”) is submitting this briefing in response to the Hong Kong Special Administrative Region’s Government’s (“the Hong Kong Government”) invitation for stakeholders’ views on mandatory reporting for suspected child abuse cases.

Plan International is an independent development and humanitarian organisation that advances children’s rights and equality for girls. Plan International initially operated a field office in Hong Kong from 1953 to 1973, helping nearly 12,000 local children and their families by providing support in education, food, healthcare, housing and career counselling. Plan International re-opened its Hong Kong office in July 2009, giving the Hong Kong community the chance to give back by supporting child development programmes in Asia, Africa, the Americas, Oceania and the Middle East.

Plan International Hong Kong advocates a holistic approach to protecting and promoting children’s rights through preventive and responsive measures so that all children can grow, thrive, lead and live in safety, free from harm, abuse and neglect. Committed to ending violence against children and promoting meaningful child participation, Plan International Hong Kong has rolled out local programmes and influencing work through evidence-based research, partnerships, policy influencing and public education since 2017.

Plan International welcomes the Hong Kong Government’s practice of inviting stakeholders for views in legislation proposals, and would appreciate any opportunity to present additional information, in writing or in person, to the Hong Kong Government.

EXECUTIVE SUMMARY

Plan International welcomes the government's proposal on mandatory reporting for suspected child abuse cases, and we believe that it is a powerful initiative in encouraging child-related professionals to fulfil their child safeguarding responsibility and facilitating early intervention into suspected child abuse cases.

However, for mandatory reporting mechanism to be effectual in protecting children under abuse, we suggest the government consider the following recommendations in improving the reporting mechanism and the supplementary measures along with it, including:

- a) **Extending the scope of mandated reporters to more child-related practitioners**
- b) **Establishing clear guidelines for child-related organisations to report and prevent child abuse**

SECTION I: EXTENDING THE SCOPE OF MANDATED REPORTERS

1. It is mentioned in the consultation briefing paper that the scope of mandated reporters should include 'practitioners who have frequent contact with children and whose course of profession is subject to some form of regulation'. The updated list of mandated reporters include teachers, social workers, medical practitioners, as well as the heads of schools and institutions providing child residential care services.
2. **Plan International is glad to learn that the scope of mandated reporters has been extended from frontline practitioners to the heads of institutions**, which is a major change in the scope of "persons having the statutory duty to report" since the last stakeholder consultation in 2021.
 - 2.1 Reporting institutional child abuse to the authorities could be especially difficult for frontline practitioners, as it requires the individual to go against the institution to make a report that might hurt its reputation. Placing the responsibility to report on the head of the institution as well can therefore enhance the transparency of the investigation into institutional child abuse and make sure cases are not being swept under the carpet.
 - 2.2 This statutory reporting requirement on the head of the institution will also drive institutions to pay due regard to child safeguarding to avoid potential costs to the reputation of the organisation, so that frontline practitioners will receive more support from the organisation on safeguarding children.

2.3 The results in our previous ‘Situation Analysis Study on Child Safeguarding Policy’ also indicated the need and support for this extended scope of mandated reporters. Many teachers reported difficulties in intervening in incidents of harm to children in their schools with no proper mandatory guidelines on reporting in focus groups, and 78% of the respondent teachers expressed support for “mandating heads of the institutions to report institutional child abuse cases to the authorities” in survey¹, indicating strong support for this extension of scope of mandated reporters.

3. However, as practitioners in many other types of child-related organisations also have frequent contact with children in their daily operation, **Plan International recommends government to consider extending the scope of mandated reporters to include practitioners and heads of sports institutions, tutorial centres, religious institutions and child-related social service organisations to report on institutional child abuse, so as to build a stronger safety net for children.**

3.1 The past decade witnessed a litany of child abuse cases in sports institutions², tutorial centres³, churches⁴ and social service organisations which provide services other than residential care for children⁵, both locally and globally, revealing the urgent need to prevent and intervene in the child abuse cases that happen within the institutions.

3.2 The extension of the scope of mandatory reporting to the practitioners and heads of these child-related institutions can help ensure there is timely state intervention in the suspected child abuse cases in the institutions, and also encourage heads of the these institutions at large to adopt Child Safeguarding Policy to prevent child abuse from arising in their organisations.

4. There have been views that extending the scope of mandated reporters beyond teachers, social workers and medical practitioners might be challenging as other child-related practitioners may not have the adequate capacity to identify suspected child abuse cases within their course of profession. We believe it is a genuine concern, yet we contend that

¹ Hong Kong Public Opinion Research Institute and Plan International Hong Kong. (August 2021). *Situation Analysis Study on Child Safeguarding Policy (Parents, Children, and the Education Sector)—Survey Report on Education Sector*. p.8. (Section 3.13) Retrieved from: https://www.plan.org.hk/wp-content/uploads/2021/09/PLAN_CSP_org_survey-report_final_pori.pdf

² Su Xinqi and Christy Leung. (30 November 2017). ‘Hong Kong hurdler Vera Lui’s claim that a coach sexually assaulted her when she was 13 sparks outcry, police probe’ *South China Morning Post*. Retrieved from: <https://www.scmp.com/news/hong-kong/law-crime/article/2122203/coach-sexually-assaulted-her-when-she-was-13-hong-kong>

³ 〈上水補習社女導師疑功課問題出手打 8 歲男童 事後報案被捕〉。2022 年 8 月 13 日。《香港 01》。取自：https://www.hk01.com/sns/article/803608?utm_source=01articlecopy&utm_medium=referral

⁴ Catholic Church child sexual abuse scandal. (5 October 2021). *BBC News*. Retrieved from: <https://www.bbc.com/news/world-44209971>

⁵ 〈教練摸童軍下體又為對方口交 被判入教導所 官斥利用地位犯案〉。2018 年 12 月 12 日。《香港 01》。取自：<https://bit.ly/3dz7KsE>

this should instead be addressed by the **provision of adequate training for the child-related practitioners at large**, so that these other practitioners are in better position to make sensible judgements on suspected child abuse cases.

SECTION II: ESTABLISHING CLEAR GUIDELINES FOR CHILD-RELATED ORGANISATIONS

5. To facilitate practitioners to fulfil their statutory reporting duty, **Plan International recommends the Social Welfare Department to consider providing clear guidelines for child-related organisations on establishing their internal reporting mechanism on suspected child abuse cases, so as to avoid the ‘bystander effect’.**
 - 5.1 As usually more than one frontline practitioner is involved in identifying a suspected child abuse case, it is a common practice for practitioners to report or discuss the case with the senior management or relevant colleagues before reporting it to the authorities, which may create confusion on the responsibility to report. If no proper guidelines are provided, practitioners may either deem their reporting duty fulfilled if their concern has already been made known to their supervisor, or it is believed that other colleagues may have already reported the case to the authority, causing a ‘bystander effect’ on institutional child abuse reporting.
 - 5.2 To avoid this ‘bystander effect’, the government may consider establishing detailed guidelines for organisations to report suspected child abuse cases within the institution, and further clarify regarding the lines of accountability on reporting.
 - 5.2.1 **To assist organisations in establishing an internal reporting mechanism which facilitates timely reporting to the authorities, the government may consider developing clear guidelines on the expected reasonable steps and recommended timescale on the notification procedures within the institution**, including when and how to report suspected child abuse within the institution, as well as the procedures of conducting initial risk assessment on suspected child abuse, immediate child protection measures and regular review of alleged child abuse cases until the case is closed.
 - 5.2.2 The government may also consider taking references from other countries to **help clarify the individual accountability on reporting with clear guidelines**. For instance, 15 states in the U.S. have established that the mandatory reporter is not relieved of his or her responsibility to report regardless of any internal

reporting policies within the organisation⁶. Some U.S. states like Kansas go further in stipulating that ‘believing another mandatory reporter has made a report’ is not a proper defense for not making a report⁷. Also, frontline practitioners should never be relieved of the duty to report to the authorities if they suspect the head of the institution is the alleged perpetrator of child abuse; for example, a flow chart of internal handling and reporting of suspected child abuse case(s) should be clearly illustrated for practitioners’ understanding and use to avoid non-reporting due to the identity of the suspected abuser.

6. Apart from establishing guidelines on reporting institutional child abuse, **Plan International also recommends the Social Welfare Department to consider establishing relevant guidelines for preventing child abuse from arising in the institution**—namely the minimum child safeguarding standards for organisations.

6.1 While timely reporting is an important step to protect children, it is only a secondary measure to prevent further harm to the children who are already abused or are under significant risks of maltreatment. To prevent children from being harmed in the first place, the Social Welfare Department may consider establishing clear guidelines for child-related organisations to prevent child abuse from arising in the institution.

6.2 **Plan International recommends that the Social Welfare Department to consider providing clear guidelines for organisations to fulfil the Service Quality Standard 16 and stipulate what ‘reasonable steps’ a service unit needs to take to prevent children from harm.**

6.2.1 Plan International has developed a suggested Child Safeguarding Policy (CSP) framework (Appendix I) following a comprehensive literature review of relevant legal requirements from other jurisdictions and high risk factors underlying institutional child abuse. This framework outlines 4 dimensions and 20 minimum child safeguarding standards, which was used to benchmark the implementation of CSP in sports sector and education sector in Hong Kong in our Situation Analysis Study on Child Safeguarding Policy⁸. We hope that our suggested CSP framework could provide an evidence-based reference for the Social Welfare Department to establish and incorporate minimum child safeguarding standards into the Service Quality Standards.

⁶ Children’s Bureau. (August 2015). *Mandatory Reporters of Child abuse and neglect*. Retrieved from: <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/manda/> (15 states being Alaska, California, Florida, Indiana, Iowa, Kentucky, Maine, Michigan, Missouri, North Dakota, Oklahoma, Oregon, Tennessee, Texas, and Wyoming)

⁷ The Kansas Department for Children and Families. (July 2016). *A Guide to Reporting Child Abuse and Neglect*. p.14

⁸ Plan International Hong Kong. (September 2021). *Situation Analysis Study on Child Safeguarding Policy (Parents, Children, and the Education Sector)*. p.18. Retrieved from: https://www.plan.org.hk/wp-content/uploads/2021/09/CSP-Research_ES_EN_vf.pdf

APPENDIX 1: SUGGESTED FRAMEWORK OF CHILD SAFEGUARDING POLICY

Policy

1. To commit to child safeguarding and state measures to be taken to guarantee children's safety.
2. To provide a clear code of conduct describing appropriate and inappropriate behaviours.
3. Policy is applied to all staff with acknowledgement by signing.
4. Policy is applied to all relevant persons (volunteers, associates, and partners) with acknowledgement by signing.

Procedures

5. To provide clear guidelines to employees, parents and children, so as to support them in reporting any suspicions of child abuse.
6. All incidents, allegations and complaints should be clearly recorded and stored.
7. To establish a clear time limit on case handling for child abuse allegation.
8. To establish clear guidelines ensuring children are well-protected during the investigation of a child abuse allegation.
9. To establish a whistleblowing policy where employees should be able to report abuse or suspicions of abuse without fear of retribution and discrimination in the workplace.
10. To identify, manage and minimise potential risks to children in daily operation.
11. To respect and protect the privacy of children and seek the consent of the child and parent before distributing the child's personal information or pictures.

People & Culture

12. To check job candidates' sexual conviction record.
13. To understand the candidates' attitude and ability towards child protection during recruitment to confirm that he/she fits for the role.
14. To provide employees with regular training and support on how to maintain child safety.
15. To provide training to volunteers, partners and other persons who have contact with children to maintain child safety.
16. To assign child safeguarding responsibilities to at least 1 designated staff in order to promote CSP's implementation within the organisation.
17. To cultivate a culture where workers feel that they can openly discuss issues related to harm to children.

Accountability

18. Keep the Child Safeguarding Policy public and accessible to all, especially children and parents.
19. To consult children and families on reviewing the effectiveness of child safeguarding policy & procedures.
20. To conduct regular reviews on existing child safeguarding policy and procedures every 1-2 years.