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## *Advocacy*

### **A Child Protection Policy Riddled with Gaping Wounds**

Recently, the city has been following the child abuse incident with enthusiasm. Although policies and mechanisms for the protection of children in Hong Kong exist, the system is not perfect and the implementation process is also difficult. This article examines problems of the long-established systems and reform proposals from multiple angles.

#### **1. Child protection system lacking in legal basis**

The Hong Kong system for the protection of children has always been based solely on the "Procedural Guide For Handling Child Abuse Cases", issued by the Social Welfare Department (SWD). Some primary schools and kindergartens without social workers do not understand the procedures to deal with child abuse cases according to procedures. We could not rule out that schools might have unconsciously dismiss the cases with a view to minimise the troubles and simplify the procedures. Schools that take suspected child abuse cases more seriously will consult the "Family and Child Protective Services Units" (hereinafter referred to as "Services") of the SWD. However, there are 11 teams of "Services" in Hong Kong. Different social workers have different risk standards in assessing cases. Social workers in the "Services" do not seem to have uniform assessment criteria and tools. They only give guidance based on personal experience. This lack of objective and reliable assessment tools and measurement indicators has indeed made it difficult to effectively handle suspected cases of abuse.

The above phenomenon is due to the lack of a legal basis for Hong Kong's child protection system. The most commonly cited legislation in Hong Kong for the protection of children is the "Protection of Children and Juveniles Ordinance (Cap 213)". However, the law provides that only police and social workers authorised by the Director of Social Welfare may apply for a protection order. From the experience of front line staff, it is not easy to apply for this protection order. Even if social workers from non-governmental organisations think that children need to apply for a protection order and report it to SWD, they may not necessarily be supported. From the perspective of the government and the courts, it is very difficult to override parental rights.



Therefore, unless parental consent is obtained, or if it is impossible to contact the parents for an extended period of time, the protection order will not be granted easily. However, in the case of child abuse, would it be easy to obtain parental consent to arrange for children to leave the family and stay in child care service? At the legal level, although children's protection in Hong Kong can be followed, it is difficult to implement them in practice. It is therefore necessary to re-examine the current legislative provisions and operating mechanisms and further legislate to protect children's rights and interests.

In addition, according to the "Procedural Guide For Handling Child Abuse Cases" issued by the SWD, if there are suspected cases of child abuse, social workers can initiate the mechanisms to protect children with suspected abuse, conduct investigations and convene "Multi-disciplinary Case Conference on Protection of Child with Suspected Abuse". However, different professionals have different levels of understanding and acceptance of child abuse. Even if the meeting eventually reaches consensus, the meeting's decision will have no statutory status. Parents may disagree or may not fulfill the decision of the meeting. Social workers who expose child abuse incidents are often the blamed by respective parents and may even be subject to complaints, making it difficult for social workers to provide further services to their families, and they come under surmounting pressure. Take the case of Children's Aid Society, a government-approved organisation in Ontario, Canada, as an example. It specialises in handling child abuse cases and has more than 40 offices across the province. It provides one-stop services for cases requiring child protection. Professional staff has clear and consistent standards for child abuse crisis assessment. This approach can clarify the role of different social workers and avoid the need for a social worker to support the family and play conflicting roles such as investigation and reporting at the same time. We suggest that Hong Kong can also refer to these modes to handle child abuse cases more effectively.

## **2. Front line pressure with insufficient resources**

After a series of child abuse incidents, the society hopes to increase the resources for primary schools and nurseries/kindergartens with stationing school social workers and implement the one school-one social worker service. However, the qualifications and stability of social workers are also very important. As the Education Department now requires primary schools to employ social workers by tender, the experience and qualifications of social workers are doubtful. With a high turnover rate of social workers who are relatively young, it would be hard to handle so many complicated family cases and effectively handle child abuse cases. It is suggested that the Government should regularise such service. Social workers stationed at schools must be graduate social workers with casework training and work under the support of a social work professional supervision team.

With regard to family services, since the establishment of the Integrated Family Service Centre



in 2004, non-government organisations have faced very severe restrictions on the remuneration package of social workers under the "Lump Sum Grant" system. In addition to the serious loss of manpower, the industry lacks experienced social workers, and management personnel are also struggling to recruit and train staff. The situation is extremely unhealthy. In addition, as the property market and rents of the Hong Kong community have increased over the past decade, many grass-roots families have faced various difficulties and pressures. Serious housing and financial problems are more likely to trigger many family crises, such as emotional and mental illnesses, alcohol abuse, drug abuse among family members, resulting in unemployment, domestic violence and child abuse. Without effective early intervention, the problems will only become more serious. However, in real life, many families with crisis would not take the initiative to seek help. Even if referred cases of high-risk family voluntarily accept services, they may still stop and refuse social workers follow-up at any time. This scenario reflects that existing mechanisms are still very ineffective in protecting children of high-risk families. It would be difficult for junior social workers with little experience to deal with these high-risk families. The SWD is advised to review the service indicators of the Integrated Family Service Centre to separate the serious and high-risk cases and to more effectively review and reflect the workload of high-risk cases with appropriate staffing.

### 3. Family Dilemma, Without Help

From our experience in handling child abuse cases, we found that many families with child abuse are facing heavy pressures. Some families have difficulties in taking care of children. While they do not want to leave children alone at home, nor do they want to harm their children; but when there is a lack of support from family members and friends, they do not know how to seek assistance. Once there is a trigger with emotional problems, they would easily seek to discipline children through scolding and beating. Among all those voices on child abuse problems, apart from examining how to report child abuse cases, it is more fundamental to face the difficulties and pressures of Hong Kong parents nowadays. Some higher-risk families, such as single parents at the grassroots level, parent or child suffering mental health problems, history of family violence and drug abuse, children with special development or children with learning difficulties, etc., would all need appropriate support and follow-up actions in the care and management of children. The government should make haste in comprehensively reviewing the services supporting parents, including child care, infant and child growth support, family life education, parental emotional support and counselling services.

Reference: Children's Aid Society in Canada (<http://www.torontocas.ca>)