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## Views of Against Child Abuse

### Institutional Child Abuse: Lessons Learnt and Opportunities Moving Forward

Children need to be raised in safe and nurturing relationships with appropriate social and emotional support, in addition to the provision of food, shelter, education and healthcare. Protective factors in the family and the community environment are conducive to children's optimal growth and development. Child abuse reflects a malfunction or failure of the society from the micro to macro system at various levels. The situation is worsening at a fast pace.

ACA advocates on various issues affecting children. Considering the past local tragic child abuse incidents and the lessons learnt from many institutional child abuse overseas, Hong Kong needs to urgently examine where the gaps are to construct a better system. From our observations, we would like to make the following suggestions to improve the child protection system, in particular, the care of looked-after children in institutions.

#### 1. Criminal Law Reform

- a) Early Identification and Reporting of Abuse - Child abuse needs to be identified and intercepted at the earliest stage. After many consultations and debates, the focus should now move from 'why' to 'how' of Mandatory Reporting of Child Abuse. We must seize the opportunity to speed up the legislation process. Resource injection must match with what the scheme professes to achieve. Professionals must be well trained, the scheme carefully implemented and evaluated. This is a response system that Hong Kong should work to improve.
- b) Prevention and Deterrence of Abuse – The Law Reform Commission has proposed to introduce a new "Failure to Protect Offence" in which a person who owes a duty of care to a child, will be held legally liable if this person knowingly fails to take steps to protect the child from abuse or neglect. This offence is applicable both in institutional and domestic settings. It underscores prevention and deterrence rather than punishment. Again, the government must seize the opportunity to pass this long-awaited legislation.

2. Child Protection Policy - This is a set of internal policies, code of conduct, rules and procedures in organizations rendering services for children. The Policy ensures that children's safety and interests are taken as first priorities. In practice, staff preemployment check is performed, training on child protection is carried out, situations that make child abuse difficult to detect avoided, and the management and the frontline practitioners are alerted to respond timely and appropriately to alleged child abuse in the organization. The Policy is regularly reviewed, evaluated and revised responding to the needs of the child clients. The Child Protection Policy, although established in a number of organizations, should be widely promoted in Hong Kong.

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3. Authority overseeing NGO Childcare Providers - The Authority is responsible for the auditing of practices by NGOs entrusted with care of children. Childcare practices should be audited against a specific set of quality and safety standards for children. The Criteria and Assessment Indicators of Service Quality Standard 16 "Freedom from Abuse" should be child orientated according to the organization's needs. Obviously infant, toddlers and young children are unable to verbalise their needs. The responsible officer must skilfully identify the underlying problem and uncover the hidden harm of the abused. Child-orientated tools could be developed to aid the audit process.
4. Inquiry - In circumstances where public interest is at stake, there must be an inquiry instigated by the government. The inquiry needs to be independent and with a focused remit. Victims are accorded justice. Reparation such as apology is made. Dynamics of institutional abuse is understood. Policy and practices are improved such that the institution is a safer place for children to stay. Lessons can be learnt from Inquiries of institutional child abuse in European countries, USA, Canada, Australia and New Zealand. These lessons are well described in the literature.
5. Corporate Governance - Safety, service quality and child's best interest should be key considerations of the governing board of an organization. Effective governance ensures that organizational risk and performance are monitored, and appropriate processes and structures are in place to safeguard children. Important processes include, for example, regular surveillance, surprise checks, supervisory rounds, compliance checks, environmental and infection scanning, documentation of growth and developmental status of institutionalized children, and the necessary follow up actions.
6. Training and Curriculum in Child Protection - It should be in the curriculum of undergraduate or diploma studies leading to a career in childcare (e.g., Child Care Worker). It is a fact that corporal punishment is explicitly prohibited in childcare centres as stipulated in the Child Care Services Regulations since 1976. Further, professionals should undertake a level of mandatory training commensurate with their roles in any accredited work with children.
7. Data Bank on Childhood Vulnerability - Data on vulnerable children is needed for revising child welfare policies and allocation of related resources. Childhood vulnerability describes the group of children at risk. The well-being of looked-after children needs to be closely examined (Appendix).

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8. Broader Initiatives - Lessons Learnt and Opportunities Moving Forward. These include public awareness of child abuse, child rights, child protection, and the banning of corporal punishment, etc. There should be research studies in breadth and depth for child protection, timely advocacy and early intervention of child abuse.

Public education, professional training, family support and advocacy are areas where ACA work to prevent child abuse from occurring. Apart from prevention, our remedial work includes responding to reports of child abuse through ACA Hotline. This is followed by investigation and subsequent handling of the abuse report. Our other tasks include providing therapy for the abused and the abusers. Our mission is to promote a caring and non-violent environment for the optimal growth and development of children.

**Against Child Abuse**

**10 February 2022**

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## Appendix

### Data Bank on Childhood Vulnerability

#### 7a. Risk factors for child abuse:

- i. caregivers with mental health or substance abuse problems
- ii. caregivers who are young or single
- iii. caregivers practicing corporal punishment
- iv. household with domestic violence
- v. children with special needs (educational, physical, or mental disabilities)
- vi. children with behavioural or emotional problems
- vii. children in poverty
- viii. other factors - low education level, unstable housing, food insecurity

#### 7b. Looked-after children - children in public care where parents are unable to provide ongoing care.

- i. percentage of successful family reunions
- ii. percentage of actioned permanency plans
- iii. number of child-floaters and placement changes
- iv. percentage of social worker changes
- v. number of children ageing out of the system
- vi. health status including growth and development, mental health, education status, etc
- vii. the state of facility for the looked-after children such as shelter capacity, waiting time of foster care homes, small group homes and residential homes, staff workforce, training, knowledge and skills on responsive caring and proper developmental stimulation
- viii. (Children-in-need are vulnerable children who are unlikely to achieve a reasonable level of health or development without the provision of services. This includes children who are not under any child protection plans)