

By Email

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Operators/Supervisors/Responsible Persons of Child Care Centres/Mutual Help Child Care Centres/Child Care Centres attached to Kindergartens,

### **Protecting the Well-being of Children in Child Care Centres**

The Social Welfare Department (SWD) writes to remind the operators/supervisors/responsible persons of child care centres/mutual help child care centres/child care centres attached to kindergartens (hereinafter referred to as “the centres”) on matters relating to the employment of staff to ensure the interest and well-being of the children are well protected.

### **Child Care Services Regulations (CCSR), Cap. 243A and Operation Manual for Pre-primary Institutions (Operation Manual)**

According to Regulation 15 of CCSR, no person shall administer corporal punishment to a child in a centre. Paragraph 4.6 of the Operation Manual also stated that all institutions should protect children from maltreatment. As such, all centres shall properly protect the well-being and safety of children and safeguard them from any form of harm.

Besides, as employers, the centres shall be stringent in the selection process and strengthen their administrative measures on appointment and related matters to guard against improper persons being appointed to take up any post of their centres. In order to ensure children’s safety, the centres are strongly advised to observe the following appointment procedures to make an informed decision on selecting suitable employees.

### **Appointment Procedures**

- (i) The centres should require the applicants to declare and provide details of the following accordingly, in the application forms for the posts and/or other



related documents:

- whether their registered status has been cancelled/refused (if applicable);
  - whether they have been convicted of any criminal offence in Hong Kong or elsewhere;
  - whether they are involved in any ongoing criminal proceedings or investigations (including but not limited to arrest or apprehension by the police) to the best of their knowledge; and
  - whether they are being investigated by any authority over professional misconduct allegations to the best of their knowledge.
- (ii) The centres should state clearly on the application forms for the posts and/or other related documents that if the appointees provide false information or withhold material information, they are subject to the dire consequences of criminal prosecution, and they may be dismissed by the centres;
- (iii) The centres should make every reasonable effort to be well informed of the applicants' personal backgrounds and give due consideration, including but not limited to the following:
- check the certificates of service issued by the candidates' previous employers, and with the candidates' consent, consult their previous employers about their performance including whether, to the best of their previous employers' knowledge, they are being investigated over professional misconduct allegations;
  - request prospective employees to undergo Sexual Conviction Record Check (SCRC) at the advanced stage of the employment process. This is to verify the sexual conviction records as declared by them. For implementation details of the mechanism, including the protocol and application procedures, the centres may browse the SCRC page of the Hong Kong Police Force website (<http://www.police.gov.hk/scrc>).

### **During Employment**

- (i) The centres should convey to all staff the centres' expectations regarding their performance (including professional conduct), on a regular basis through different channels (such as guidelines and staff meetings) and keep them well informed of the guidelines and mechanism on child care and protection;
- (ii) The centres should require staff to report as soon as they know that they are involved in any ongoing criminal investigation or proceeding, including but not limited to arrest or apprehension by the police. They should also report



results of such investigation or proceeding to the centres immediately upon its conclusion. Taking into account the nature of the case, the centres should reshuffle the duties of the staff member concerned as appropriate when investigation or criminal proceeding is still in progress. For cases of a serious nature, the centres should consider suspending the staff member from his/her duties or duties that may involve contacting children in private, with a view to protecting children's safety and well-being; and

- (iii) When knowing that a staff member is suspected to have committed any serious offence or act of misconduct, the centre must report the case to SWD immediately for considering whether any further action is necessary.

For any enquiries regarding the above matters, please contact Ms LEUNG Ka-po, Social Work Officer of the Child Care Centres Advisory Inspectorate on 3468 2416.

( Mrs SHEK CHAN Lai-wah, Judy )  
for Director of Social Welfare

cc.: Chief Social Work Officer (Family and Child Welfare)2  
Chief Social Work Officer (Subventions)2