

6 October 2017

Education Bureau Circular No. 16/2017
Measures for Strengthening the Protection of Students:
Appointment Matters of Schools

[Note: This circular should be read by

- (i) Supervisors and Heads of all Kindergartens, Primary and Secondary Schools and Private Schools Offering Non-formal Curriculum – for action; and
- (ii) Heads of Sections – for information]

Summary

This circular aims to update schools on measures to be adopted for strengthening the protection of students in respect of appointment matters of schools. These include strictly examining the potential appointees' teacher registration status and making use of the Sexual Conviction Record Check (SCRC) Scheme to ensure that the appointees are fit and proper persons for employment. This circular supersedes the Education Bureau (EDB) Circular Memorandum No. 65/2010 issued on 28 May 2010, and should be read and followed in conjunction with the EDB circular and circular memoranda listed below:

- EDB Circular No. 11/2007 on “Revised Procedures for Teacher Registration” issued on 19 September 2007;
- EDB Circular Memorandum No. 179/2011 on “Sexual Conviction Record Check Scheme” issued on 29 November 2011; and
- EDB Circular Memorandum No. 180/2011 on “Adoption of Sexual Conviction Record Check Scheme in Private Schools Offering Non-formal Curriculum” issued on 29 November 2011 (only applicable to private schools offering non-formal curriculum).

Details

2. To safeguard the well-being of students, the EDB has all along been working closely with schools to create a safe learning environment for students. In respect of teacher registration, the EDB attaches great importance to the professional conduct of teachers (including principals). We will refuse or cancel the teacher registration of a person if he/she has committed a serious offence. On the other hand, schools as employers must guard against improper persons to be appointed as teachers by being stringent in the selection process and strengthening their administrative measures on appointment and related matters. In this connection, schools must observe the following employment procedures in order to ensure students' safety:

Appointment of Teachers

- (i) Schools should require the applicants to declare in the application forms and/or other related documents whether they have been convicted of any criminal offence in Hong Kong or elsewhere, or whether their registered teacher or permitted teacher status have been cancelled/refused, and to provide the details accordingly. In addition, schools should state clearly on the application forms and/or other related documents the dire consequence of criminal prosecution that the appointee may face for providing false information or withholding material information;
- (ii) Schools should carefully verify the original copy of the teacher registration documents and documentary evidence of qualifications produced by applicants, and keep record of copies of teacher registration documents (applicable to both registered and permitted teachers) for future checking;
- (iii) In case of doubt about a potential appointee's teacher registration status, schools may, upon seeking his/her consent, apply to the EDB for releasing information regarding his/her registration status. The application form can be downloaded from the EDB website (EDB Homepage → Teachers Related → Qualifications, Training and Development → Qualifications → Teacher Registration);
- (iv) Schools should check the certificates of service issued by the candidates' previous employers, and with the candidates' consent, consult their previous employers about their performance;
- (v) In accordance with the enhanced measures introduced by the EDB since the 2009 school year, schools recruiting their own Native-speaking English Teachers (NETs) should require the new appointees to produce a Certificate of

No Criminal Conviction or other legitimate documentary proof issued by their countries of residence. Please refer to the latest EDB circular memorandum on the employment of NETs for details;

- (vi) Schools should ensure that all their teachers who are not yet registered have submitted applications for teacher registration before assumption of duty;
- (vii) Schools should request prospective employees to undergo SCRC at the advanced stage of the employment process (please refer to the EDB Circular Memorandum No. 179/2011 on “Sexual Conviction Record Check Scheme” for details) with a view to verifying the sexual conviction records as declared by them. This can facilitate schools to make an informed decision on selecting suitable employees for working in schools. For implementation details of the Scheme, including the protocol and application procedures, schools may browse the SCRC page of the Hong Kong Police Force website (<http://www.police.gov.hk/scrc>); and
- (viii) Unless with the permission in writing of the Permanent Secretary for Education, persons who have had their teacher registrations cancelled/ refused shall not enter or remain in any school.

Teachers under Employment

- (ix) Schools should convey to all staff the expectations regarding teacher conduct and performance on a regular basis through different channels, such as staff meetings and the teachers’ handbook;
- (x) Schools should request teachers that they must report to the schools immediately if they are involved in criminal proceedings. Taking into account the nature of the case, schools may reshuffle the duties of the teacher concerned as appropriate when criminal proceedings or investigations are instituted against him/her. For cases of a serious nature, schools may refer to the situation described in the Code of Aid, and consider suspending the teacher concerned from his/her teaching duties or duties that may involve contacting students in private, with a view to taking care of students’ emotional needs or safeguarding their safety; and
- (xi) If a teacher is suspected to have committed any serious offence or act of misconduct, the school must report the case to the EDB for considering whether any further action is necessary (including reviewing the teacher registration status of the teacher concerned).

Teachers Leaving Employment

- (xii) A school should set out in the certificates of service the reasons for which teachers leave its employment, e.g. resignation, retirement, expiration of employment contract, dismissal or summary dismissal, for the reference of other schools in their appointment matters.

[Please note that items (i), (iv), (vii), (viii), (ix) and (x) set out above are applicable to non-teaching staff as well.]

3. The EDB will continue to adopt a stringent approach in vetting and monitoring the registration status of teachers. We believe that the continued close cooperation between schools and the EDB is conducive to providing our students with a safe learning environment.

Enquiries

4. For enquiries, please contact the respective Senior School Development Officer or the Senior Services Officer of the Joint Office for Kindergartens and Child Care Centre.

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for Permanent Secretary for Education