

# **Mandatory Reporting of Child Abuse Regime**

## **Frequently Asked Questions**

(School personnel may also refer to the other FAQs provided in Chapter 4 of the “[Guide for Mandated Reporters](#)”)

**Q1: What actions should a specified professional of the school take if he/she discover signs of injury on a student but are uncertain whether the case warrants mandatory reporting?**

A1: The [Mandatory Reporting of Child Abuse Ordinance](#) (the Ordinance) requires specified professionals to make reports if, during the course of their work, they have reasonable grounds to suspect that a child “is suffering serious harm” or “is at real risk of suffering serious harm”. Specified professionals of the school should refer to the elements that constitute serious harm specified in Schedule 2 of the Ordinance. They may also make reference to the decision trees and supplementary analytical frameworks provided in the “[Guide for Mandated Reporters](#)” in making reporting decision upon their comprehensive analysis and professional judgement. It is not compulsory for specified professionals to go through the decision tree before making a report.

When the initial assessment indicated that the suspicion of child abuse is substantiated but the extent of which does not reach the threshold of mandatory reporting, the specified professionals of the school should follow up with the case through normal reporting.

When the information obtained is insufficient for making a reporting decision, the specified professionals of the school should further explore the situation. Where necessary, they should consult other professionals of the school (such as school social workers) according to the school-based procedures and take appropriate follow-up actions.

**Q2: Does a specified professional of the school need to inform or obtain consent of the principal/school management, or other parties (e.g. parents/guardians/caregivers) prior to making a mandatory report?**

A2: As specified in the Ordinance, if a specified professional has reasonable ground to suspect that a child “is suffering serious harm” or “is at real risk of suffering serious harm”, he/she must report to the Authority [i.e. the Social Welfare Department (SWD) or the Hong Kong Police Force (Police)] in accordance with the reporting requirements as soon as practicable to fulfill his/her personal legal obligation.

The Ordinance does not require the specified professional to obtain prior consent from any individual (including principals/parents/guardians/caregivers) before making a report. Yet, according to the Ordinance, a person must not wilfully inhibit or obstruct a specified professional from making a report. A person who contravenes will subject to criminal liability.

When making a mandatory report, specified professionals of the school should, following the school's prevailing mechanism, notify the principal to activate the school-based contingency mechanism/Crisis Management Team, and follow up in accordance with the principles and procedures of handling suspected child abuse cases, including the formulation of follow-up plans for the student concerned.

**Q3: Who should make the report when more than one specified professional in a school comes to notice that a student is suffering serious harm?**

A3: In schools' operation, different school personnel (e.g. class teachers, subject teachers and school social workers) may simultaneously come to notice that a student "is suffering serious harm" or "is at real risk of suffering serious harm". Each specified professional is personally liable under the Ordinance to make a report. Nevertheless, to facilitate specified professionals who work in teams to make a report in respect of the same cases<sup>1</sup> and to avoid reporting the same case repeatedly, the "Reporting Platform – Mandatory Reporting of Child Abuse" accepts team reporting. Specified professionals may, following the school-based mechanism, agree to have one of them making a team reporting in accordance with the procedures set out in Chapter 3 of the "Guide for Mandated Reporters". The specified professionals may choose to report separately. If a specified professional honestly and reasonably believes that another specified professional had reported the same (or substantially the same) serious harm or real risk, he/she is not required to make a report. Under the Ordinance, a person must not wilfully inhibit or obstruct a specified professional from making a report or impose any guideline or requirement that has such an effect.

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<sup>1</sup> In accordance with Section 4 of the Ordinance, same case refers to the same (or substantially the same) serious harm or real risk of the serious harm suffered by the child.

**Q4: Can a specified professional of the school discuss with and gather information from his/her supervisors or other school personnel about a suspected case of serious child abuse?**

A4: According to the Ordinance, if specified professionals have reasonable grounds to suspect that a child “is suffering serious harm” or “is at real risk of suffering serious harm”, they are required to report to the Authority (i.e. SWD or Police) to fulfill their personal legal obligation, without the need to consult or obtain consent from others.

In practical work settings, when a specified professional of the school suspects a student of being abused, it may be necessary for him/her to report the matter to school management or consult professionals and gather information before taking forward further actions. The requirements of the Ordinance do not affect the school’s existing case follow-up arrangement or the multi-disciplinary approach in handling suspected child abuse cases. Yet, specified professionals of the school should note that mandatory reporting of serious child abuse cases is a personal legal obligation, and that reporting to or consulting the principal or other school personnel does not substitute the requirement to report to the Authority.

**Q5: If, for various reasons (e.g. the student does not want to disclose the incident to others), a student suspected of being seriously abused requests a specified professional of the school not to report his/her case, can the specified professional refrain from reporting in accordance to the student’s wish?**

A5: Specified professionals of the school should clearly explain to the student concerned the purpose and procedures of referring the matter to the Authority (i.e. SWD or Police) for follow-up and should not promise the student confidentiality regarding the suspected abuse.

If the student disagrees and displays emotional distress, specified professionals should firstly address the needs and safety of the student, and where necessary, seek assistance from other professionals of the school. They should make a report as soon as practicable after addressing the student’s emotions. The Ordinance provides a defence for the specified professional who honestly and reasonably believes that a delay in reporting is in the child’s best interests and has, during the delay, taken actions that are reasonably necessary in the circumstances to protect the child’s interests (e.g. addressing appropriate accommodation to prevent further abuse).

**Q6: If a specified professional of the school suspects that a student “is suffering serious harm” or “is at real risk of suffering serious harm”, and the case is already known to the Family and Child Protective Services Unit (FCPSU) of SWD, is a report under the Ordinance still required?**

A6: As the responsible social worker of FCPSU or casework unit may not be immediately aware of serious child abuse happening to the case he/she is handling, to safeguard the student’s safety, if the specified professional comes to notice of a serious child abuse case and suspects a student “is suffering serious harm” or “is at real risk of suffering serious harm”, he/she should comply with the legal obligation to make a report. However, if the specified professional is informed by the Authority (i.e. SWD or Police) of the same (or substantially the same) serious harm or real risk of serious harm suffering by the student, the specified professional is not required to make a report on the incident.

**Q7: Are specified professionals of the school who become aware of an act of serious harm to a child outside their course of work required to report under the requirements of the Ordinance?**

A7: If a specified professional, who is not in the course of his/her work as a specified professional, comes to the notice of a child “suffering serious harm” or “is at real risk of suffering serious harm” (e.g. suspecting a child in the neighbourhood is being abused), he/she is not subject to the regulation of the Ordinance. Nevertheless, guided by the principle of safeguarding children’s safety and best interests, any person who suspects that a child has suffered from serious harm or is in immediate danger should report the matter to the Police or FCPSU of SWD as soon as possible.

**Q8: Does prolonged absence of a student constitute neglect? Do specified professionals of the school require to make a mandatory report if the school has already reported to EDB a student’s absence for seven consecutive school days?**

A8: The establishment of reporting mechanism for absentees is to uphold students’ right to education. The mechanism cannot replace the requirement of mandatory reporting of serious child abuse cases. If a specified professional has reasonable ground to suspect that a child “is suffering serious harm” or “is at real risk of suffering serious harm”, he/she must report to the Authority (i.e. SWD or Police) as soon as practicable even if the school has already reported to EDB the student’s absence.

Specified professionals may refer to the decision trees and supplementary analytical frameworks provided in the “Guide for Mandated Reporters” to decide if the student’s absence will constitute serious child abuse upon their professional judgement. Generally speaking, it is considered a stronger protective factor if a student has regular school attendance with stable emotional and behavioural performance. However, the stability of school attendance should not be a quantitative standard, specified professionals should understand and assess the case from various perspectives (e.g. reasons, frequency and pattern of the absence and family support) when making the reporting decision.

EDB requires all primary and secondary schools to report a case on the seventh school day of the students’ continuous absence, regardless of the reason for the absence. Kindergartens, kindergarten-cum-child care centres and schools with kindergarten classes must report to EDB on students’ absence for seven consecutive days without reasons or under doubtful circumstances.

**Q9: Are specified professionals of the school protected when they make a report?**

A9: In accordance with the Ordinance, a person (including principals or other school personnel) must not wilfully inhibit or obstruct a specified professional from making a report, or disclose the identity of the specified professional as the person who made a report or information from which such identity could be deduced. A person who contravenes will subject to criminal liability. In addition, a specified professional does not incur any civil or criminal liability or be held to have breached any code of professional conduct or ethics, or to have departed from any accepted standards of professional conduct only by making a report.

Schools should handle the relevant information with care when following up with the serious child abuse case to protect the identity of the person who made a report.

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