

Motion 1

The government should enhance the participatory rights of children in the residential child care service process

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Introduction

Residential child care services (including foster care services and children's homes) have received little attention from society, such that the rights of these children are often neglected. Abused or improperly cared for, these children leave their homes and make temporary stays in unfamiliar environments.

Article 12 of the Convention on the Rights of the Child states: "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." As a State Party, the Hong Kong Special Administrative Region Government has the duty to ensure children's views are properly heard during the residential child care service process. For this reason, the Government should enhance the participatory rights of children during the residential child care service process. Proper access to information makes child participation more effectual. During the process, children should have the right to grasp all necessary information and adults should adopt various "child-friendly" means according to the age of the children involved to facilitate their grasp of the necessary information. A trusting work relationship should be built between social workers, parents, and host of residential child care services, allowing children to express their views freely and participate in the decision-making process.

Current Situation

In 2014, a total 4,842 children were under residential child care service. Up until the end of February 2015, a total 589 children were in the waiting list for residential child care services. The starting age of children receiving residential child care services was between 0 and 3, accounting for 27% of the total with their number at 1,305; those between 4 and 6 accounted for 13% and numbered 625; and finally children between 13 and 18 years of age accounted for 24% and numbered 1,180. Up until the end of February 2015, the average time children spent in foster care homes was 46 months, whereas the average time spent in children's homes was 32 months.

Three aspects should be a prerequisite in regard to children's participation in the process. First, children should have a clear grasp of the events leading up to the existing state of affairs, the entire process, and what they face in the future. Second, a trusting work relationship should be built between social workers, parents, and host of residential child care services, allowing children to express their views freely, voice their needs and provide feedback. Third, children's views should be heard and respected, and not ignored or neglected because of their young age.

Through interviewing the Social Welfare Department (SWD), Mother's Choice, International Social Service and S.K.H. St. Christopher's Home, we gained an in-depth understanding about the operations and procedures of the service and about the service users – i.e. the children's understanding, comments, feedback and participation in the service. We also interviewed 159 children using a questionnaire survey and learnt about their worries and the information they need if they receive residential child care services. In addition, we interviewed the Hon. Fernando Cheung Chiu-hung, Legislative Councillor, and learnt about his views and suggestions for improvement regarding the service. Our findings are listed as follows:

1. Insufficient Understanding about Residential Child Care Services

According to the SWD, the residential care service process is as follows: the referral social worker first learns about the needs of particular children, matches them with suitable care services, then puts them on the waiting list for services through the SWD. The social worker then arranges a meeting between the children, their parents, and the hosts/guardians of the foster family/children's home, followed by regular contact and visits during their stay. A welfare meeting is also convened at least every six months to review the child's welfare plans and evaluate whether they should return to their own home or if other arrangements are necessary in the long-term. However, we discovered that children do not participate sufficiently in the process, especially when formulating their own welfare plans. We learnt from two children who received emergency residential child care services that they only followed the orders of the social worker and their own parents, and were "transferred" directly from the hospital to the foster families. They had no idea how the process worked and what life awaited them ahead. Their right-to-know was neglected. These children felt that they had no say in anything and were fraught with worry about their life in residential child care. The issue is even more severe for younger (kindergarten and primary school level) children and for children who receive residential child care for the first time. Also, among children who answered the questionnaire, nearly 90% admitted to knowing little about residential child care services. In the interview with Mother's Choice, social workers also mentioned that the referral form only provides a few options regarding the child's wish and response to residential child care, for example "Accepted readily"; "Accepted with counselling"; "Cannot accept but continuous counselling will be given"; "Cannot accept even with counselling" and "Not Known". Children's participation, wishes, level of participation in the process, views and worries about residential care are not fully revealed. Also, the government has no clear guidelines to safeguard children's right-to-know and to ensure their full participation in the process.

2. Children Fail to Build Up a Long-term Trusting Relationship with the Social Worker, and Feel that Their Views are not Respected by the "Adults"

Interviewed children said that they felt insecure about having to leave their parents and were uncertain about the future. At the initial stages of residential care, they had mixed feelings about their family of origin and were cautious about their foster home. Results of the questionnaire indicated that 70% of children felt they were living on another's charity; over 60% were worried that they might not adapt to the new environment; 40% were worried about discrimination and loss of freedom.

During the interview, children also pointed out that SWD social workers change service district every few years, and the referral social worker may not follow a case through. The social worker plays an important role in connecting the children, the original family and the foster home. Some children told us they had to switch between different foster homes, children's homes and social workers more than three times. Children are often in a passive role in these changing "environment", and they need a period of re-adaptation and building new relationships before they could open up to the social worker. Also, the questionnaire survey indicated that over 50% of children might choose to keep their thoughts to themselves because "it doesn't help to express them". This shows that children often find their views ignored and neglected.

Suggestions

Responding to the issues above, we offer the following four suggestions aimed at enhancing children's knowledge of residential child care services, alleviating their fear and fostering an

environment where children are encouraged to express themselves, so as to enhance children's participatory rights.

1. Enhance Children's Understanding of Residential Child Care Services through "Child-friendly" Means

The questionnaire survey showed over 50% of children focused most on knowing about the foster family/children's home – the learning environment, the living arrangements, and the procedures of such services – before accepting the services. 45% of children were concerned about the meeting arrangements with their parents after being placed under residential child care. Organisations involved may design a list detailing all such information as well as items that children would like to know about and ask the social worker to explain them in detail. The form will be signed by the children to indicate their understanding. Children may be asked to write down their living habits and preferences so that the foster family/children's home may learn more about each child. Organisations may also lay out the whole residential care service progress in story book format, or take reference from Mother's Choice by helping children to create their own "life story book", such that younger children may find it easier to understand the whole process. Also, when meeting a new family, besides chatting, games or drawing sessions may be added so as to prepare children for their future environment, learn more about one another, and give children a chance to voice their opinions.

2. Appoint Additional Case Volunteers

We suggest that the government should appoint case volunteers serving children who receive residential child care services for the first time, ensuring a smooth transition before accepting and in the initial stages of the service. Over 75% of questionnaire respondents indicated their wish to have one volunteer serving as an independent peer counsellor, who will take their side. The case volunteer should be a past recipient of residential child care services, who is trained to understand the emotional and material needs of children, and can act in the best interests of children. They should be able to offer suitable help and emotional support, and more importantly ensure that the children's views are heard and accepted so that they do not have to feel worried about being discriminated against.

3. Conduct a Full Review on Residential Child Care Services

In the UN Concluding Observation under the UNCC - The Hong Kong Chapter, suggestions have been made regarding improvements on residential child care services in Hong Kong. The Government may take reference from such countries as Australia and Bulgaria and appoint Child Advocates to collect children's views and requests. The Government should also conduct a full and independent review on child residential child care services, including reviewing relevant laws, helping children to return to their own home, and making suitable long-term welfare arrangements.

4. Enforce Public Education

The results of the questionnaire survey indicated that nearly 50% of children fear being discriminated against by others. Therefore, we propose enforcing public education through such means as school seminars, television commercials and posters. If the public is better informed about residential child care services, they will understand children's feelings and needs and more readily offer care and support. The same channels can be leveraged to call upon past recipients of residential child care services to come forward, receive training, and become case volunteers. Such education can also promote public understanding of the relevant processes and foster wider social concern for the participatory rights of children.

Conclusion

Not every child can afford to grow up in a normal home. Residential child care services are in place to offer children who cannot live with their parents the best possible growth environment outside their home. We hope to foster wider social concern for this issue and help this community of children, so that their voices do not fall upon deaf ears for no other reason than their young age. Therefore, we hope that the methods proposed above may enhance children's participatory rights in residential child care service progress, and help protect the less fortunate.

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