

明愛青少年及社區服務
服務質素標準 16
16.1 確保服務使用者免受侵犯之政策及執行程序

1. 政策目的：

此政策之制定是確保負責職員於單位內和單位外提供服務時，令服務使用者的安全受到保障，不致受到任何形式的侵犯。負責職員一旦懷疑服務使用者或職員被侵犯時，須執行此政策內之各項處理程序和步驟。

2. 侵犯的定義：

2.1. 言語侵犯(Verbal Abuse)或恐嚇：泛指職員或服務使用者之間蓄意向某一方說出一些詆譏性、侮辱性、恐嚇性或侵犯性的言語，令對方恐懼或有羞辱、侵犯的感覺。

2.2. 身體侵犯(Physical Abuse)及性侵犯(Sexual Abuse)可參考社會福利署之虐兒個案處理程序內第二章之定義(Chapter 2, Procedures for Handling Child Abuse Case, Revised 2015, SWD)

2.3. 由於不同類型的侵犯形式眾多，難於全面性地概括定義，若職員遇上上述問題，可透過單位主管和服務總主任諮詢法律界專業人仕，才作定判。

3. 理念：

3.1. 盡力為服務使用者，職員和訪客提供安全的環境，免受任何形式的侵犯，例如言語上、身體上和性侵犯等傷害。

3.2. 確保職員和服務使用者遵從政策的執行，使其在和平的情況下交往，令各人的尊嚴得到保障。

3.3. 若任何類型的侵犯發生於職員或服務使用者身上，機構定以全面、積極和謹慎的態度處理和解決問題。

4. 政策：

4.1. 各服務單位須盡力預防任何形式的侵犯發生於職員或服務使用者身上，及令職員明白此政策的內容及程序。

4.2. 服務單位應讓服務使用者或其家人(如有需要)明白其權利及有關政策，令其知悉投訴及求助方法。

- 4.3. 職員須提高警惕避免侵犯(職員侵犯服務使用者，服務使用者之間侵犯，或服務使用者侵犯職員等)情況出現；並提醒職員對此類事件的跡象及徵兆的警覺。
- 4.4. 若有任何形式的侵犯徵狀出現，職員和服務使用者有權投訴和求助，機構將會詳細調查和依機構的投訴政策和程序處理。
- 4.5. 機構會以謹慎的態度，公平和不偏私的原則處理任何侵犯事件，並依從個人私隱條例和反性別歧視條例的精神，使個人的尊嚴和私隱得到保障。
- 4.6. 機構會盡快調查和處理任何侵犯事件，務使事件不致延誤而令被侵犯者的傷害加深。
- 4.7. 在處理侵犯事件問題上，若需要與其他機構合作，機構亦會尊重其他機構的政策，提供協助，務使以案主的最大福祉為依歸。

5. 預防及處理侵犯程序：

- 5.1. 預防性工作：職員提供服務，須緊記政策內的指示。同時，職員有責任時常提醒服務使用者，如何免被侵犯的預防方法和應有的權利。職員亦可為服務使用者提供解決問題、社交技巧和性教育的訓練及輔導，灌輸其互相尊重和平等交往的觀念。職員帶領活動時，必須遵守活動安全規則(參閱服務質素標準 9 內有關安全文件)，須警惕服務使用者不能帶任何危險物品及遵守規則。
- 5.2. 機構單位應透過督導、分享、舉辦簡介會或提供訓練機會予職員，以提升其對此政策的了解及對此類事件的警覺性。職員亦需時常翻閱有關文件及政策。
- 5.3. 單位應以口頭或告示形式(例如服務使用者權益及須知、使用活動室守則等)令服務使用者知悉其責任、權利、有關政策及投訴方法／程序。
- 5.4. 懷疑被侵犯的處理程序：
若職員被懷疑侵犯服務使用者，應立刻終止該職員對此當事人的服務，並轉介其他職員處理，事件即交由單位主任調查和以「投訴」程序處理，並須填寫投訴處理紀錄表；如有需要，高級督導主任會作進一步的跟進和調查。調查期間，該職員可能被停職，若事件屬實，服務單位會紀律處分該職員。若事態嚴重的話，機構會考慮解僱該職員或交由警方處理。

若懷疑服務使用者侵犯其他服務使用者的情況出現，負責職員應立即終止活動，調查事件情況，並向單位主管交待，徵詢意見和書寫特別事故報告。事態嚴重者，應諮詢單位主管、服務總主任和被侵犯者的家人的意見，決定報警與否。事件處理結果交由司法部門定判。整個調查及跟進過程應盡快進行及完成，以減低對任何一方的傷害。

若職員懷疑被服務使用者侵犯，單位主管與有關負責職員討論後，可考慮由另一負責職員跟進服務使用者或甚至暫停為其提供服務。事件交由單位主管調查。若事態嚴重，可交警方處理。事件亦需填寫特別事故報告。

- 5.5. 為確保受侵犯者的私隱得到保障，一切處理方法和程序皆以保密原則進行。除遇特別情況如涉及人身安全及法庭傳召等外，所有資料的公開(如報警)必須得到被侵犯者或其家人同意。在處理事件期間，受侵犯者有權要求提供適當的輔導；而職員亦應小心評估受侵犯者的情緒而主動提供服務輔導或轉介。

檢討： 本指引最少三年檢討一次

檢討日期： 2017年8月24日

Caritas Youth and Community Service
Service Quality Standards 16
16.1 Policy and Procedure for Preventing
Service Users / Staff from Abuses

1. Mission

The compilation of this policy is to ensure that staff members of individual service units and service users are not to be abused at the time of providing units' internal and/or external services. Should there be any doubt of service user or staff member being abused, responsible staff need to handle such unpleasant cases carefully in accordance with the following procedures.

2. Definitions of Abuses

2.1 Verbal Abuse or Intimidation includes words of slander; humiliation; intimidation and harassment orally revealed by any staff members or service users.

2.2 Physical Abuse and Sexual Abuse may be handled with reference to "Chapter 2 of Procedures for Handling Child Abuse Case, Revised 2015, SWD" for execution...

2.3 Should staff member come across any other cases other than the aforesaid abuses, he/she should refer such case(s) to Centre Supervisor and Service Head for seeking legal opinion before any further action.

3. Concept

3.1 It is the responsibility of the management to provide a comfortable and safety environment of service for staff members, service users and visitors with the intention to protect them from verbal, physical and sexual abuses.

3.2 To avoid embarrassment, staff member and service users need to respect each other and adhere to the established policy and regulations when providing and receiving units' services.

- 3.3 Should there be occurrence of any abuse to staff members or service users, Caritas – Hong Kong will positively look at each entire case and conduct detailed investigation for possible solution.

4. Policy

- 4.1 Individual service units need to try their utmost to prevent any possible occurrence of abuse(s) to staff members and/or service users. It should also facilitate staff members to understand the details of each established procedure and policy.
- 4.2 Individual service units should make known to service users and their families (if necessary) of the details of this policy and their rights, the ways of lodging complaint as well as the channels for seeking assistance.
- 4.3 Staff members are also reminded to highly alert for avoiding abuses (i.e. service users invade among each other, staff member invades service users and vice versa). Social Worker-in-charge / Social Work Supervisor should remind staff members to be aware the occurrence of abuse.
- 4.4 Staff members and service users certainly have their respective right to lodge complaint to and/or seek assistance from Caritas – Hong Kong for any forms of abuses.
- 4.5 Caritas – Hong Kong shall handle each abuse case impartially to protect individuals' privacy as stipulated in the Personal Data (Privacy) Ordinance and Sex Discrimination Ordinance.
- 4.6 Upon receipt of any reported abuse case, Caritas – Hong Kong shall immediately conduct an investigation to avoid any unnecessary delay and inconvenience to victim (or litigant).
- 4.7 Should there be any need to seek co-operation from other organization(s) for any investigation, Caritas – Hong Kong needs to respect their in-house rules with the aim to protect the best interest of parties concerned.

5. Procedures for preventing and handling abuses

5.1 Preventive Action:

At the time of providing services, it is the duty of staff members to acquaint themselves adequately with units' internal policy and regulations. Furthermore, they must from time to time keep on reminding service users how to prevent abuses and execute their rights. If the need arises, staff members may also provide advices and/or trainings (e.g. problem solving skills, social skills; sex-education; concept of respect and reciprocation etc.) for service users. At the time of organizing activities, staff members must adhere to the safety regulations as stipulated in the in-house "Service Quality Standards 9". Service users are also reminded to adhere to such in-house regulations and not to bring dangerous goods with them at any individual service units' activities.

5.2. The Management of Youth & Community Service should from time to time upgrade its staff members in familiarizing the most updated policy of this nature through supervision, sharing and orientation (or seminar, briefing sessions). Staff members are also advised to acquaint themselves adequately with the updated documents and policy.

5.3. Individual service units should inform service users verbally or in writing of their responsibilities, rights, adherence of regulations and channels of lodging complaints when they are being served.

5.4. Procedure for handling suspected abuse cases:

Should a staff member be suspected to invade service users, he/she must be immediately ceased duty for providing service to victim (or litigant). Thereafter, another staff member should then be assigned to continuously serve victim (or litigant). Such incident in complaint format needs to be submitted with a report to spell out the details of incident to Social Worker-in-charge for further investigation. If the need arises, Senior Social Work Supervisor shall be involved to follow up such an incident. During the investigation process, the duty of suspect might have to be temporarily suspended. If the incident is proved to be true, suspect will be subject to disciplinary action, termination of employment or be handled by the police.

When a service user is invaded by another service user at the time of participation in a service unit's activity, staff member must immediately cease such an activity and account for incident to Centre Supervisor with a detailed report for seeking his/her opinion for further action. In a crucial situation, staff member should seek further opinion from Centre Supervisor, Service Head and victim's (or litigant's) family to decide whether it should be reported to the Police. It is expected that such an unpleasant incident should be resolved as soon as possible to minimize harms to all parties involved.

When staff member is invaded by service user, he/she should refer such service to other colleague for following up with suspect or cease provision of service for suspect after discussion with his/her Centre Supervisor. Report of such incident is then to be submitted to Centre Supervisor for investigation. Under a crucial situation, such incident may be considered to be reported to the Police with the relevant details of incident as stated in a specific report.

- 5.5 To protect privacy of victim (or litigant), all such matters must be handled under confidential and ethical manner. Other than the involvement of personal safety and Court enquiry issues, any disclosure of the details of such incident must be permitted by victim (or litigant) or his/her family. During the period of investigation, victim (or litigant) has the right to seek counseling from Caritas – Hong Kong. Under such circumstances, staff member must carefully assess victim's (or litigant's) emotions and initiate provision of appropriate services of counseling or referral to him/her.

Review : This policy to be reviewed once every three years
Date of Review : 24 August 2017

**Caritas Youth and Community Service
Report on Incident**

Service Unit:

Date of Incident _____

Occurred: _____ **Time:** _____

Place of Incident _____

Occurred: _____

Name of Reporting _____

Staff: _____

Name of Victim: _____ **(Chinese)** _____ **(English)**

Details of Incident: _____

**(Extra paper can
be added)** _____

Remarks: _____

Social Work Supervisor (signed) _____ **Date:** _____

Senior Social Work Supervisor _____ **Date:** _____
(endorsed)

c.c. Service Head _____

Date of Review : 24 August 2017