

22 May 2020

Education Bureau Circular No. 3/2020
Measures for Strengthening the Protection of Students:
Appointment of Teaching and Non-teaching Staff in 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 the measures adopted to strengthen the protection of students with regards to the appointment of teaching and non-teaching staff in schools. Schools should verify the potential appointees' teacher registration status and examine whether they have any criminal conviction record and / or whether they are involved in any ongoing criminal proceedings or investigations, including but not limited to arrest or apprehension by the police, or whether they are being investigated by schools or the EDB over professional misconduct allegations. Schools should also verify related information through 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 No. 16/2017 issued on 6 October 2017, 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. Teachers play a vital role in passing on knowledge and nurturing students’ character and their every word and deed have far-reaching impact on students’ growth. It is therefore of utmost importance that teachers should abide by the law and a code of conduct as acceptable to the community as well as uphold professional ethics. They should be cautious about their words and deeds, and live up to public expectation of teachers’ moral and professional standards. To safeguard the well-being of students, the EDB has all along been working closely with schools to create a caring and 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 the registration application if the applicant has committed a serious offence or an illegal act, or cancel the registration of the teacher involved in an act of misconduct. Similarly, schools as employers should guard against improper persons to be appointed as teachers and non-teaching staff, including specialist staff, laboratory technicians, school executive officers as well as clerical and janitor staff etc., 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 job application forms and/or other related documents whether they have been convicted of any criminal offence in Hong Kong or elsewhere, or whether they are involved in any ongoing criminal proceedings or investigations to the best of their knowledge, including but not limited to arrest or apprehension by the police, whether their registered teacher or permitted teacher status has been cancelled/refused, or whether they are being investigated by schools or the EDB over professional misconduct allegations to the best of their knowledge, and to provide the details accordingly. Schools should state clearly on the job 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) 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, including whether, to the best of their previous employers' knowledge, they are being investigated over professional misconduct allegations;
 - (iv) Schools should, upon seeking the potential appointee's consent, apply to the EDB for releasing information regarding his/her registration status¹. The application form can be downloaded from the EDB website (EDB Homepage → Teachers Related → Qualifications, Training and Development → Qualification → Teacher Registration);
 - (v) Schools are reminded to observe the provisions of the Personal Data (Privacy) Ordinance when handling the applicants' personal data. In this regard, schools should state clearly on the job application forms and/or other related documents that, among others, the personal information collected will be used for processing the job applications and assessing the suitability of candidates for the job. The applicants shall provide all relevant information/be cooperative in procuring the same as and when required by the school/EDB, and failure to do so may result in the application not being processed.
 - (vi) 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. The circular memorandum can be downloaded from the EDB website (EDB Homepage → Curriculum Development → Resources and Support → NET Scheme → NET Appointment Matters);
 - (vii) Schools should ensure that all their potential appointees who are not yet registered have submitted applications for teacher registration before assumption of duty;

¹ The form provides information on validity of the potential appointee's teacher registration status, whether the registration/application has been cancelled/refused, and whether reprimand/warning/advisory letter has been issued in connection with the teacher registration or circumstances that warrant EDB's examination of his/her registration status.

- (viii) 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
- (ix) 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

- (x) 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;
- (xi) Schools should require teachers to report to the schools as soon as they know that they are involved in any ongoing criminal proceedings or investigations, including but not limited to arrest or apprehension by the police. Taking into account the nature of the case, schools should 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 should 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
- (xii) 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

- (xiii) 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.

Appointment of Non-teaching staff

3. Please note that items (i), (iii), (v), (viii), (ix), (x) and (xi) set out above are also applicable to the appointment of non-teaching staff, including specialist staff, laboratory technicians, school executive officers as well as clerical and janitor staff, etc.

4. 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 caring and safe learning environment.

Enquiries

5. 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.

Benjamin YUNG
for Permanent Secretary for Education