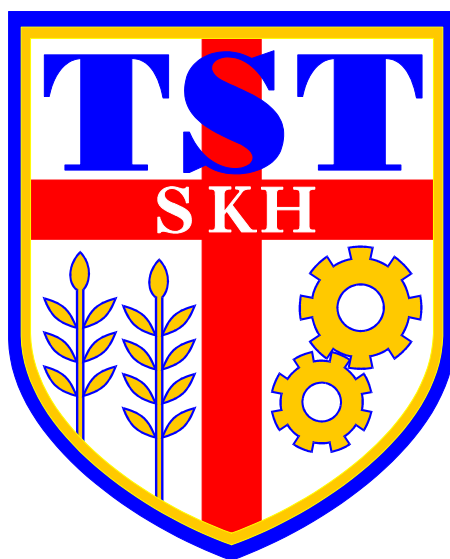


# **S.K.H. Tsang Shiu Tim Secondary School**

## **Guidelines for Handling School Complaints**



**Based on the revised version (May, 2018)  
from Education Bureau**

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## Chapter I Scope of Application

- 1.1 The principles, procedures and arrangements proposed in the Guidelines are designed to help schools handle complaints more effectively. They are applicable to the handling of the following types of complaints lodged by parents, students or the public through various means, including post, fax, email, phone or in person:

**(i) Complaints about the daily operation and internal affairs of schools**

- ◆ In the spirit of school-based management, the Education Ordinance has entrusted the Incorporated Management Committees (IMCs) with the power and responsibility to manage schools. Our school should, therefore, collaborate closely with our sponsoring bodies to develop our school-based mechanism and procedures for handling school affairs, including complaints related to our school. A complainant should lodge his/her complaint directly to the school for effective handling if it concerns the daily operation and internal affairs of the school (see Appendix I for relevant examples).
- ◆ Our school would handle complaints about daily operation and internal affairs in accordance with the Education Ordinance, Education Regulations, Codes of Aid, relevant circulars, guidelines and codes of practice to ensure compliance with the relevant requirements.
- ◆ Upon receipt of any complaints from members of the public, the EDB will seek the complainant's consent for referring the complaint to the school concerned for investigation and direct reply to the complainant.
- ◆ For complaints referred to the EDB by other organisations (such as the Chief Executive's Office, Legislative Council, Equal Opportunities Commission (the EOC), District Council, Offices of Councillors or other government departments), the EDB will seek the complainant's consent for referring the complaint to the school concerned for providing reports or response. After reviewing the information/reports/responses provided by the school, the EDB will conduct follow-up investigation before replying direct to the organisation concerned.
- ◆ If the complaint involves any serious incident or school maladministration, even without the complainant's consent, the EDB will, without disclosing any personal information, allow the relevant school access to the content of the complaint so that the school could make improvements to its administration system.

- ◆ The EDB may conduct direct investigation of any complaints under special circumstances, e.g. suspected breaches of the Education Ordinance, Education Regulations or Codes of Aid, non-compliance with the requirements stipulated in the relevant circulars, guidelines and codes of practice, student safety being endangered, school operation being seriously impeded, maladministration of the IMCs or serious mismanagement by the school.
  
- ◆ To ensure compliance with respective requirements, our school would at the same time refer to the relevant circulars, guidelines and codes of practice when handling complaints of different nature or complaints related to legislations other than Education Ordinance, such as:
  - Complaints about child abuse: EDB Circular No. 1/2016 “Handling Child Abuse and Domestic Violence cases”
  - Complaints about disability discrimination: EDB Circular No. 14/2001 “Commencement of the Code of Practice on Education”; and “Disability Discrimination Ordinance Code of Practice on Education” issued by the EOC
  - Complaints about equal opportunities: EDB Circular No. 33/2003 “The Principle of Equal opportunities”
  - Complaints about gender discrimination and sexual harassment: EDB Circular No. 2/2009 “Amendment to the Sex Discrimination Ordinance (Cap. 480)” and “Questions and Answers on Preventing Sexual Harassment in Schools” issued by the EOC
  - Complaints about race discrimination: EDB Circular No. 25/2008 “Race Discrimination Ordinance” and booklet on “Racial Equality and School Uniform” issued by the EOC
  - Complaints about procurement of services and goods (service of tuck shop): EDB Circular No. 4/2013 “Procurement Procedures in Aided Schools”, EDB Circular No. 10/2016 “Trading Operations in Schools”, and “Corruption Prevention Best Practice: Governance and Internal Control in Schools” issued by the Independent Commission against Corruption (ICAC)
  - Complaints about acceptance of advantages and donations: EDB Circular No. 14/2003 “Acceptance of Advantages and Donations by Schools and their Staff”

**(ii) Complaints about the Education Ordinance, education policies and services provided by the EDB**

- ◆ The EDB is responsible for formulating education policies, enforcing the Education Ordinance and providing education services. If a complaint falls into any of the following categories, it should be lodged to the EDB for direct handling, even though the case may have taken place in the school:
  - Complaints about education policies (e.g. class structure and class size);
  - Complaints about alleged contravention of the Education Ordinance (e.g. in relation to corporal punishment, unregistered teacher) or contravention of the Codes of Aid (e.g. exorbitant charges, expulsion of students); and
  - Complaints about services directly provided by the EDB (e.g. school place allocation, services provided by the Regional Education Offices).
- ◆ The EDB will also draw reference from relevant internal guidelines in handling the above complaints.
  - Complaints about services directly provided by the EDB (e.g. school place allocation, services provided by the Regional Education Offices).
- ◆ The EDB will also draw reference from relevant internal guidelines in handling the above complaints.

1.2 The Guidelines are **not applicable** to handling of the following types of complaints:

- ◆ Complaints related to ongoing legal proceedings;
- ◆ Complaints under the jurisdiction of other organisations/government departments;
- ◆ Complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft;
- ◆ Complaints lodged by school staff (if our school receives any such complaints, our school would handle them in accordance with the specifications of the school-based or our sponsoring body's mechanism and guidelines for staff complaints; if the EDB receives such complaints, it will handle them in accordance with the current procedures and reply to the complainant direct.)

If the complaints fall into the categories specified in paragraph 1.1 (i) above, our school would refer to the relevant circulars, guidelines and codes of practice in handling such complaints.

1.3 In general, our school **would not handle** the following types of complaints:

**(i) Anonymous complaints**

- ◆ Whether the complaint is made in written form or in person, the complainant should provide his/her name, correspondence/e-mail address and/or contact phone number. If in doubt, our school may request the complainant to show his/her identity documents. Should the complainant fail or refuse to provide these personal details, thus rendering it impossible for our school to investigate the complaint and reply in writing, the complaint will be deemed anonymous and our school may not handle it.
- ◆ However, under special circumstances (e.g. when there is sufficient evidence or when the case is serious or urgent), the Principal of our school may decide whether to follow up with an anonymous complaint, such as treating it as an internal reference, informing the respondent about the complaint, or taking appropriate remedial and improvement measures. If follow-up actions are considered unnecessary, the school should briefly state the reasons and put on file for record.

**(ii) Complaints not made by the person concerned**

- ◆ Generally speaking, the person concerned should lodge the complaint by himself/herself. Anyone who seeks to file a complaint on behalf of the person concerned has to obtain his/her prior written consent. If the case involves a student (or a minor, or an intellectually disabled person), then his/her parents/guardian, or the person authorised by the parents/guardian, may lodge a complaint on his/her behalf.
- ◆ If a complaint is lodged by more than one person on behalf of the person concerned, our school may require the person concerned to appoint one of them as the contact person.
- ◆ Sometimes a complaint is lodged on behalf of the person concerned or referred by other organisations/groups such as Legislative councillors, district councillors, trade unions or the media. Since there is no current legislation which empowers any organisation/group to complain on behalf of someone else, our school would not accept such kind of complaint. If, however, the organisation/group has obtained prior written authorisation from the person concerned, our school would handle the complaint in accordance with their prescribed procedures.

**(iii) Complaints involving incidents that happened more than one year**

- ◆ Complaints related to the daily operation of schools should be lodged within the same school year. If the incident involved had happened more than one year, the environment might have changed or evidence might have disappeared, or the complainant/respondent might have already left his/her post or the school. Our school will not be able to investigate the complaint because of the difficulty in collecting evidences. To provide greater flexibility, the one-year limit within which a complaint may be lodged should be one calendar year from the occurrence of the incident involved.
- ◆ Even though the complaint is filed after the incident had taken place more than one year, the school may decide to conduct an investigation under special circumstances, e.g. when there is sufficient evidence, or when the nature of the complaint is serious and urgent.

**(iv) Complaints with insufficient information**

Schools may require the complainant to provide concrete information regarding a case. If the complainant fails to provide further information as requested by the school to enable a proper or meaningful investigation, schools may consider not to conduct investigation and close the case. However, to avoid misunderstanding, the school should provide a written reply to the complainant explaining clearly why the case was not handled by the school.

## **Chapter II Guiding Principles for Handling Complaints**

- 2.1 In handling school-related complaints made by parents, students or the public, our school would refer to the following guiding principles:

### **Principle I: Handling of complaints by the appropriate party/parties**

- 2.2 Our school would handle those complaints relating to our daily operation and internal affairs, and the EDB should handle those complaints concerning the Education Ordinance, education policies and services. Complaints related to suspected breaches of other legislations of Hong Kong should be lodged to and handled by the relevant law enforcement agencies (e.g. the ICAC, Hong Kong Police Force). If the complaints fall into the categories specified in paragraph 1.1 (i) above, our school would refer to the relevant circulars, guidelines and codes of practice in handling such complaints.
- 2.3 If a complaint involves both our school and the EDB, it would be handled by our school and related division(s)/section(s) of the EDB.

### **Principle II: Timely and efficient handling**

- 2.4 Our school would handle and respond to all verbal or written inquiries, opinions or complaints within two working days to prevent any uninviting situation from worsening.
- 2.5 If an incident is referred or reported to our school by the media, our school would adopt the following measures:
- ◆ appoint a spokesman (e.g. the vice-principal or senior officer) to handle inquiries from the public/the media so as to avoid giving confusing messages.
  - ◆ provide appropriate responses or clarification to the public within two working days, including information about actions taken or preliminary investigation results, and ensure that the information provided is clear, accurate and in line with requirements under the Personal Data (Privacy) Ordinance.
  - ◆ inform all teaching staff, students and parents of the progress of the case as far as possible; observe whether students and staff have been emotionally affected by the incident; and provide them with appropriate counselling where necessary.



### **Principle III: Clear and transparent mechanism**

- 2.6 Our school would, in collaboration with our sponsoring bodies, set up a clear and effective school-based mechanism as well as procedures for speedy and proper handling of inquiries and complaints. Our school would consult teachers and parents to ensure that the relevant procedures are accepted by all stakeholders.
- 2.7 Our school would prepare guidelines for stakeholders on the relevant policies, procedures and responsible staff for handling complaints. We may make parents and staff fully aware of the details of the procedures through different channels, e.g. school websites, circulars and staff meetings etc.
- 2.8 To facilitate smooth implementation of the school-based mechanism, our school would ensure that all staff responsible for handling inquiries and complaints understand and comply with the relevant policies and guideline. To enhance mutual understanding and strengthen home-school co-operation, our school would inform parents of the policies and procedures of complaint handling in school through circulars issued at the beginning of each school year.
- 2.9 Our school would regularly review our complaint handling policies and guidelines by consulting our staff and parents, and revise the handling procedures whenever necessary.

### **Principle IV: Fair and impartial handling**

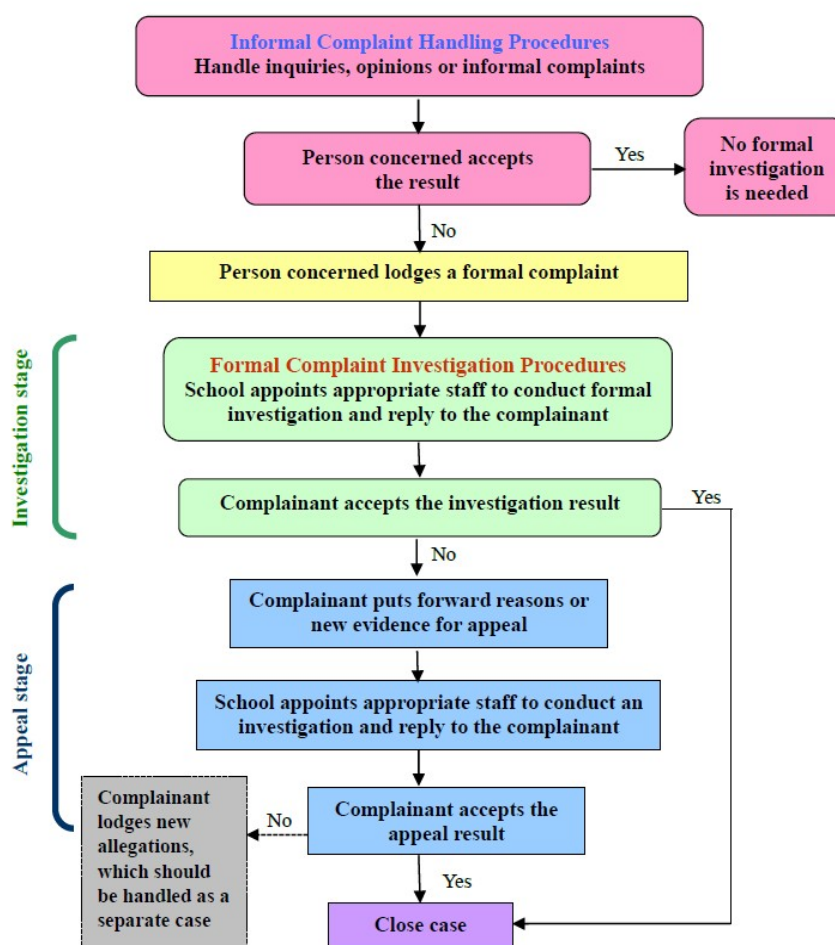
- 2.10 Our school would approach complaints positively and treat the complainants and respondents of the complaints fairly. Our school would ensure that sufficient appeal channels are provided and consider inviting independent persons to participate in the complaint/appeal handling process, if necessary.
- 2.11 Before an investigation begins or where appropriate, the designated staff and related individuals should declare interests. If there is any conflict of interest, the persons concerned should not be involved in handling the case or have access to information relating to it.
- 2.12 To avoid conflict of interest, any staff member who is the respondent of the complaint should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.
- 2.13 Our school would see to it that the rights of the complainants or other persons involved in the complaint are being protected and that their future communication and contact with the school would not be affected.

## Chapter III Procedures for Handling Complaints

### Interpretation of Complaints

- 3.1 To avoid confusion in the handling process, the frontline staff of schools should carefully differentiate between concerns and complaints. A concern refers to the inquiry or opinion expressed by the stakeholders for the interests of themselves, their children or the school, with a view to changing or improving the existing situation. A complaint is an expression of disappointment, dissatisfaction or grievance expressed by the complainant. They may demand the school to rectify its mistakes, take disciplinary action against the suspected offenders, or resolve the issue(s) raised in the complaint. The responsible staff should avoid mixing up concerns with complaints in order to decide the appropriate procedures to handle them.
- 3.2 In general, unless the person concerned insists on making a formal complaint, the responsible staff can promptly provide assistance or help resolve his/her problem by following the informal complaint handling procedures. Please refer to Diagram 1 for the flowchart of complaint handling procedures in schools.

**Diagram 1: Flowchart of School Complaint Handling Procedures**



## **Informal Complaint Handling Procedures**

### ***Immediate/prompt handling***

3.3 In order to handle inquiries or complaints efficiently and appropriately, our school would consider adopting the following arrangements:

- ◆ If the school receives an inquiry, opinion or informal complaint from the public, whether verbal or written, the frontline staff should clearly distinguish its nature and take appropriate action. In general, if the case does not require an investigation involving evidence collection, or the person concerned does not request a formal written reply, the frontline staff may handle the matter following the informal complaint handling procedures of the school.
- ◆ The frontline staff should listen to the concerns of the inquirer/complainant with care and understanding. If the incident is not serious, they should provide whatever assistance or information required or promptly respond to the concerns raised by the inquirer/complainant and help resolve the problems involved.
- ◆ If necessary, the school staff in charge of the relevant issue should have direct talks or interviews with the person(s) concerned to explain the schools' stance and remove any misunderstanding, misgivings or worries of them.
- ◆ The school would give an initial response within two working days.
- ◆ If necessary, the frontline staff should refer the case to a designated staff or a senior officer for prompt follow up actions and resolutions.

### ***Replying to complaints***

3.4 For verbal inquiries/opinions/complaints handled by the informal complaint handling procedures, oral replies will. For opinions/complaints which are presented in written form or if the school wishes to make clear its stance or provide necessary details, the responsible staff may decide whether a simple written reply to the person(s) concerned/complainant is appropriate.

### ***Complaint records***

3.5 Cases handled by the informal complaint handling procedures normally need not be documented in formal written records. If an inquiry/complaint has been answered or resolved instantly, the designated staff or the principal may record the key points in a log book for future reference.

### *Appropriate follow-up*

- 3.6 Our school would review whether the policies or procedures regarding complaints have been properly followed and suggest appropriate measures to improve the handling of similar cases or prevent similar cases from recurring. If necessary, the responsible staff may brief the person(s) concerned on the follow-up actions that the school has adopted and the results that follow.

## **Formal Complaint Investigation Procedures**

### *Arrangements for the investigation and appeal stages*

- 3.7 If the school has made its best efforts to resolve the problem through the informal complaint handling procedures but the complainant still does not accept the school's response or the problem remains unresolved, the following formal complaint investigation procedures (including an appeal mechanism) should be initiated:

(i) Investigation stage

If our school receives any formal complaints (including those referred by the EDB or other organisations), they should be handled according to the following procedures:

- ◆ in accordance with the school-based mechanism, assign appropriate staff to investigate the complaint and reply to the complainant;
- ◆ acknowledge receipt of the complaint, seek the complainant's consent to obtain his/her personal data and information relating to the complaint, and inform him/her of the name and post of the staff responsible for handling the case for contact purposes.
- ◆ if necessary, contact the complainant and other persons involved or arrange meetings with them in order to have a better grasp of the situation or request them to provide relevant information;
- ◆ handle the complaint as quickly as possible. In general, our school would complete the investigation within two months after receiving the complaint, and send a written reply to inform the complainant of the investigation result;
- ◆ if the complainant accepts the investigation result, conclude the case officially; and

- ◆ if the complainant does not accept the investigation result or the way the school handled the complaint, and is able to provide new evidence or sufficient justification, he/she may lodge an appeal in writing against the school's decision within 14 days from the date of its reply.

(ii) Appeal stage

Our school would adopt the following procedures with appeal cases:

- ◆ acknowledge receipt of the appeal;
- ◆ in accordance with the school-based mechanism, assign appropriate staff of a higher rank than those responsible for the investigation stage, or staff from a different section, to handle the appeal and reply to the complainant;
- ◆ handle and resolve the appeal as quickly as possible. In general, our school would complete the investigation within two months after receiving the request for appeal and send a written reply to inform the complainant of the appeal result;
- ◆ if the complainant accepts the appeal result, conclude the case officially;
- ◆ if the complainant does not accept the appeal result or the way the school handled the appeal, the school should cautiously review the appeal process to ensure that proper procedures have been followed.
- ◆ if the complainant raises other new allegations, our school would handle them separately in order to avoid mixing up the old complaints with the new ones.

### *Resolving conflict through mediation*

3.8 When handling complaints, our school may, having regard to the nature of individual cases, consider whether it is appropriate to adopt different means to resolve conflicts quickly. This includes seeking mediation service from a mediator, or inviting independent persons/professionals to provide impartial views to assist the persons concerned (including the complainants and the persons/organisations being complained against).

### *Responding to complaints/appeals*

3.9 If the complaint or appeal is in written form, our school would respond with a written reply. If the complaint is made verbally, the responsible staff may decide whether to respond orally or in writing. If the case is referred by the EDB/other organisation(s), a copy of the written reply would be forwarded to them for reference.

- 3.10 Generally speaking, the time limit for replying to a complaint/appeal should start from the date on which it is received or when the complainant agrees to let our school have access to his/her personal data. If the information submitted is incomplete, the time limit should start from the date on which our school receives from the complainant the necessary information. If a reply cannot be given within the specified period, interim replies should be issued to the complainant explaining why a longer handling time is needed to provide a substantive reply and, if possible, the estimated time frame for issuing a substantive reply.

#### *Complaint/appeal records*

- 3.11 Our school would keep a clear record of cases handled by the formal complaint investigation procedures.

#### *Appropriate follow-up*

- 3.12 At the end of the investigation/appeal stage, our school would review whether the complaint handling policies and procedures are appropriate, and suggest proper measures to improve the method of handling and to prevent similar incidents from recurring. The staff in charge should inform the person(s) concerned of the school's follow-up actions and outcome of the review.

## Chapter IV Arrangements for Handling Complaints

### Designated staff

- 4.1 Taking into account the nature of the complaint, its scope and the people involved, our school would assign a designated staff or set up a task force to handle the complaint with reference to the following arrangements:
- ◆ Staff members who are responsible for the appeal stage should be different from those responsible for the investigation stage. In principle, the staff dealing with the appeal should be of a higher rank than those responsible for the investigation. If this is not practicable, our school would make other arrangements, such as appointing staff from another department, to ensure fair handling.
  - ◆ Where necessary, our school/sponsoring bodies may establish a task force to handle special complaint cases. Depending on the situation, the task force may include members of the IMC and representatives from the school sponsoring bodies. To enhance credibility, the school may invite independent persons such as social workers, lawyers, psychologists, and parents or teachers not involved in the case to join the task force to provide professional advice and support.
  - ◆ The appointed staff should be proactive in communicating with the inquirers/complainants, and prompt in providing responses as well as the information they need. Our school would also ensure that frontline/ designated staff have proper authorisation and clearly understand their roles and responsibilities.
  - ◆ Concerning the deployment of staff for handling complaints at different stages, schools may refer to the examples in the table below:

Targets involved	Example	Investigation stage	Appeal stage
Teaching and school staff	1	Senior teacher	Vice Principal
	2	Vice Principal	Principal
	3	Principal	Supervisor
Principal	1	Supervisor	Designated staff of school-sponsoring body
	2	IMC Investigation Task Force*	IMC Appeal Task Force*
Supervisor / IMC		Designated staff of school sponsoring body / Task force	Designated staff of school sponsoring body / Task force

\* If a complaint involves the Principal, the IMC investigation/appeal task force may include independent persons/managers.

## Confidentiality

- 4.2 All contents and information of complaints should be kept strictly confidential and restricted to internal reference or reference by relevant persons only.
- 4.3 When the school need to collect personal data during the handling process or when we receive requests for the disclosure of data/records in respect of the complaint case, our school would observe the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance. This includes clearly stating the purpose and the form of collection of personal data, and that the data will only be used for handling the complaint or appeal cases. Our school will refer to the relevant provisions in the Personal Data (Privacy) Ordinance (Cap. 486) and on the webpage of the Office of the Privacy Commissioner for Personal Data at (<http://www.pcpd.org.hk/>).
- 4.4 Our school would adopt appropriate security measures to protect personal data and privacy, such as keeping the data in safe places (e.g. cabinets under lock and key). Computer data should be protected by passwords. Use of portable data storage devices should be tightly controlled. Where necessary, encrypted portable data storage devices should be used.
- 4.5 Our school would establish procedures to ensure that only authorised persons are allowed access to information relating to the case. The responsible persons should not disclose or discuss in public any contents or information relating to the case without authorisation.
- 4.6 Our school can incorporate the arrangements for interviews or meetings with relevant parties into the school-based complaint handling mechanism. To avoid misunderstanding, our school should:
- ◆ state clearly whether the person(s) concerned can be accompanied by others (e.g. relatives, legal representatives) during the interview/meeting and reiterate this stance before the interview/meeting starts; and
  - ◆ indicate before the interview/meeting starts whether audio/video recording is prohibited or whether the consent of all attendees must be obtained if the session is to be audio/video recorded. This stance should be reiterated before the end of the interview/meeting.
  - ◆ remind the complainant during the interview/meeting that both parties should observe and comply with the Data Protection Principles stated in Schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486) and be cautious of any unauthorized disclosure of personal data or other information of a third party



### **Follow-up and evaluation**

- 4.7 Our school would conduct a comprehensive review on the strategies, process and steps they have taken in handling complaints in order to benefit from past experiences, improve their way of handling, and avoid similar cases from recurring.
- 4.8 Our school would take appropriate follow-up measures to improve our services or revise relevant policies for enhancement of professional standards of our services.
- 4.9 Our school would regularly review the complaint handling policies and report to the IMCs by providing, for example, relevant data concerning complaint/appeal cases, and suggest, if necessary, improvement measures to enhance our school-based complaint handling mechanism and procedures.

### **Support and training**

- 4.10 Our school would provide appropriate training to assist staff to effectively handle inquiries/complaints. Moreover, we would encourage our staff to attend relevant courses organized by the EDB.

## **Chapter V Review of Complaints**

- 5.1 The independent review arrangement is only applicable to the complaint cases which remain unresolved after having gone through the investigation and appeal stages in accordance with the School-based Mechanism under the Enhanced Arrangements.
- 5.2 Most school-related complaints can be settled through the informal and formal complaint handling procedures. However, some complaints may remain unresolved after the investigation and appeal stages. Complainants or relevant organisations (including schools/the EDB) may request the “Review Board on School Complaints” (Review Board) to review these cases under the following circumstances:
- ◆ The complainant provides substantial grounds or new evidence to show that the school/EDB has handled the case improperly.
  - ◆ The complaint has been properly dealt with through established procedures by the school/EDB but the complainant refuses to accept the investigation result and continues to complain.

### **Membership of the Review Board**

- 5.3 The EDB has set up a Panel of Review Boards on School Complaints (the Panel)<sup>2</sup>. Its members are independent persons from the education and other sectors appointed by the Permanent Secretary for Education. The Panel comprises a Chairperson, a Deputy Chairperson and at least ten members. The tenure of members is two years.
- 5.4 Where necessary, the Panel may set up several Review Boards to review different complaint cases. Each Review Board is composed of the following members:
- (i) The Chairperson/Deputy Chairperson of the Panel; and
  - (ii) Two other members appointed by rotation from the Panel.

If necessary, the Review Board may invite up to two non-members (such as school staff, representatives of the EDB or professionals) to sit on the Board to provide information and/or advices on the case.

- 5.5 Members of the Review Board should declare interests. Persons who have any conflict of interest with the organisations and/or persons relating to the case under review are obliged to refrain from participating in the review.

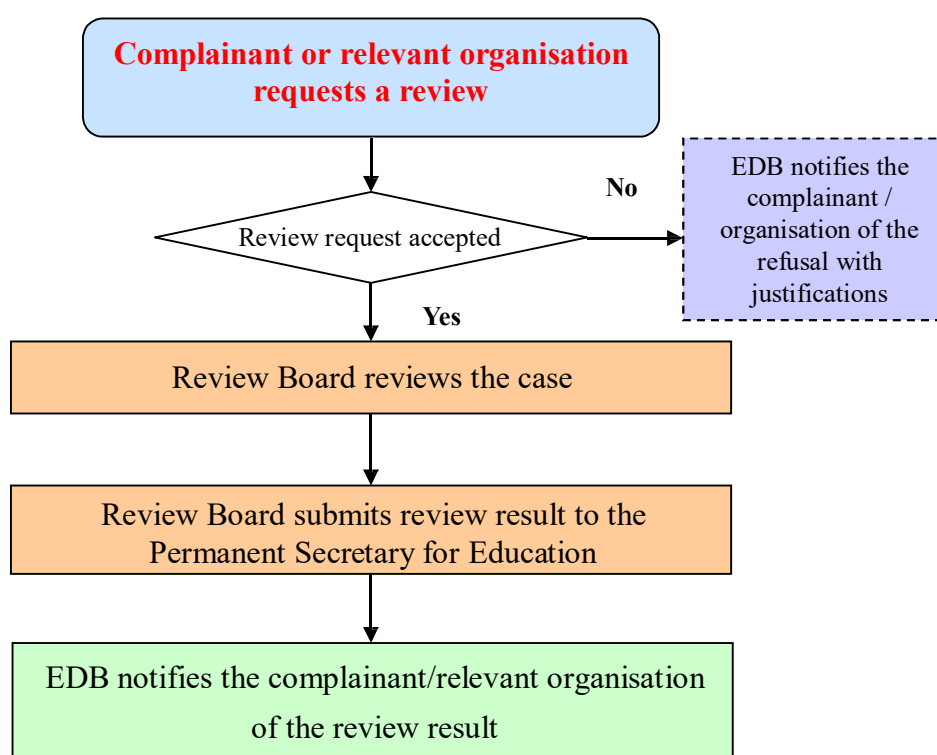
## Functions and powers of the Review Board

- 5.6 The Review Board is responsible for reviewing school-related complaint cases that have been gone through the investigation and appeal stages of the School-based Mechanism. The review results and recommendations will be submitted to the Permanent Secretary for Education for consideration.

### Review procedures

- 5.7 Please see Diagram 2 for the review procedures.

**Diagram 2: Review Stage**



- 5.8 Our school should inform complainants in their reply after the appeal that if they do not accept the result of their appeal or the way the appeal has been handled, they may apply in writing to the EDB for a review within 14 days from the date of our school's reply. In requesting a review, the complainant should state explicitly in the application the reasons for his/her discontent (e.g. the case has not been handled according to proper procedures or the investigation result is prejudiced) and provide substantial justifications or new evidence. The EDB will then forward the case to the Panel to decide whether a review should be conducted.

- 5.9 If the review application is accepted, the Panel will set up a Review Board to handle it. If the application is unsuccessful, the EDB will inform the applicant/relevant organisation in writing of the reasons for refusal.
- 5.10 The person who requests a review is required to sign a letter of consent, authorising the Review Board to forward information regarding the complaint to the school/school sponsoring body and/or other relevant organisation(s)/person(s). The Review Board also has the right to obtain information related to the complaint/review from the complainant, the school/school sponsoring body and/or other relevant organisation(s)/ person(s).
- 5.11 The review process mainly involves examination of investigation reports and related documents. Taking into account the subject matter and nature of the case, the Panel may:
- ◆ scrutinise the information provided by the complainant, respondent, school/school sponsoring body and/or EDB, as well as the files and records associated with the case;
  - ◆ require the complainant, respondent, school/school sponsoring body and/or EDB to clarify information and/or provide new evidence;
  - ◆ meet with the complainant, the respondent and/or other persons concerned respectively to collect further information.; and
  - ◆ invite the complainant, respondent, representative(s) of the school/school sponsoring body, and/or representative(s) of the EDB to attend case meetings.
- 5.12 To protect personal privacy, the Review Board/EDB may not disclose to anyone any personal information related to the complaint without the consent of the relevant parties (including the complainant, respondent, and/or the school/school sponsoring body).
- 5.13 If the Review Board wishes to interview specific persons or convene a meeting on the case, it will make the following arrangements:
- ◆ The persons to be present at the interview or case meeting must be involved in the complaint and have obtained the approval of attendance from the Chairperson of the Review Board.
  - ◆ During the interview or case meeting, the complainant is not allowed to question the respondent or other witnesses, and vice versa.
  - ◆ Audio/video recording is prohibited during the interview or case meeting.

## **Result of review**

- 5.14 The Review Board will examine whether the case has been handled properly according to the complaint handling procedures and whether the result of investigation by relevant party is fair and reasonable. It will then make recommendations on whether to close the case, settle the disputes through mediation, implement follow-up/remedial measures, or conduct a re-investigation. The review results and recommendations will be submitted to the Permanent Secretary for Education.
- 5.15 The EDB will draw a final conclusion with reference to the review result and recommendations of the Review Board. The relevant person(s)/organization(s) will be informed in writing of the outcome within three months after receipt of the request for review. If the EDB accepts closure of the case as recommended by the Review Board, the EDB and the school will cease to handle the complaint. If the persons/organisations requesting the review consider the result unacceptable, they may further appeal via other channels.
- 5.16 If the Review Board recommends that the case be re-investigated by the school/EDB, the school/EDB should assign staff at least one rank higher than those who handled the case previously to conduct the re-investigation. The re-investigation should be completed within two months and the result submitted in writing to the Review Board. Upon the Board's endorsement, the school/ EDB should issue a written reply to the complainant and copy it to the Board. If the school/EDB cannot complete the investigation within two months, it should notify the complainant in writing of the reasons and the time needed for a definite reply.

## Chapter VI Handling of Unreasonable Behaviour

- 6.1 Appropriate communication and mediation are conducive to removing misunderstanding and enhancing mutual trust. Under general circumstances, our school would not put any restrictions on complainants making contact with our school. However, sometimes certain unreasonable behaviour of complainants may have a negative impact on school, e.g. draining a considerable amount of the schools' human resources, interrupting our operations or services, as well as threatening the safety of staff and other stakeholders. Our school would therefore develop appropriate policies and measures to handle this kind of unreasonable behaviour to ensure that school operation would not be affected.

### Definition of unreasonable behaviour

- 6.2 Complainants' unreasonable behaviour can generally be classified into the following three types:

- (i) Unreasonable attitude or behaviour, such as:
  - ◆ Acts of violence or intimidation
  - ◆ Making complaints with abusive language or in an insulting and discriminatory tone
  - ◆ Providing false data or deliberately concealing facts
- (ii) Unreasonable demands, such as:
  - ◆ Requesting a huge amount of information or demanding special treatment
  - ◆ Making telephone calls incessantly to ask for a dialogue or an interview, or to command a certain staff member to reply
  - ◆ Commanding a certain staff member to meet at a specific time and place
- (iii) Unreasonable persistent complaints, such as:
  - ◆ Insisting on rejecting the explanations and findings of the school/EDB, and/or requiring the school/EDB to discipline certain person(s), even after appropriate investigation procedures have been taken
  - ◆ In respect of the same case, repeatedly making the same complaints or presenting similar justifications as before without providing any new evidence
  - ◆ In respect of the same case, persistently bringing in new allegations or new complaint targets, but failing to present concrete evidence
  - ◆ Interpreting things in an unreasonable or irrational manner, or wrangling over trivial details

## **Formulating school-based policy**

6.3 Our school would consider instituting the following policies and measures to deal with unreasonable behaviour of complainants:

- ◆ The Principal would ascertain whether a complainant's behaviour is reasonable, and decide what measures should be taken. However, if the complaint is lodged against the principal, such decisions should be made by the school supervisor or the IMC.
- ◆ Our school would integrate our policies regarding unreasonable behaviour of complainants into the school-based complaint handling mechanism and consult stakeholders' views.
- ◆ All stakeholders would be informed of the school's policy regarding unreasonable behaviour of complainants.

## **Handling of unreasonable behaviours**

6.4 The school policies and measures to deal with unreasonable behaviour of complainants:

(i) Unreasonable attitude or behaviour

- ◆ Any unreasonable attitude or behaviour, including acts of violence, intimidation, and abusive/offensive conduct or language, whether performed face-to-face, by phone, or in writing are unacceptable. The staff member handling the complaint should convey this message clearly to the complainant and demand that he/she stop acting in such a way. If the complainant refuses to comply after the warning, the staff member may terminate the meeting or conversation with him/her.
- ◆ Our school would develop contingency measures and guidelines to remind staff responsible for handling complaints to stay alert and take suitable action to protect their own safety. Our school would empower the staff member to make decision, depending on the situation, on whether to terminate the interview or dialogue with the complainant and ask the complainant to leave, if his/her behaviour poses an immediate threat to the staff's personal safety or damages their personal interests. In an emergency or if it is deemed necessary, our school would take appropriate and decisive action, such as reporting to the police or taking legal action.

(ii) Unreasonable demands

- ◆ If a complainant makes unreasonable demands which have an adverse impact on the school, e.g. interrupting its operation/services or other stakeholders are affected by the unreasonable behaviour of the complainant, our school may consider putting restrictions on the complainant's contacts with the school, including specifying the time, frequency, date, duration and modes of communication (for example, requiring the complainant to make an appointment before visiting the school, submit his/her views in writing, or contact only with the staff designated by the school). Our school would notify the complainant in writing of such arrangements and handling procedures.
- ◆ If the complainant's behaviour improves, our school will consider whether the restrictions should be lifted. If our school decides to keep the restrictions, it should regularly review the conditions for imposing them.

(iii) Unreasonable persistent complaints

- ◆ Faced with these complaints, if our school has carefully examined the case and handled it properly under the prescribed investigation and appeal procedures, and sent a detailed and unbiased written explanation regarding the outcome to the complainant, our school may decide whether to restrict or stop contacts with the complainant, and cease handling the case altogether.
- ◆ To avoid any unrealistic expectations on the part of the complainant, our school would communicate to him/her in a firm manner that a final decision has been made regarding the case and that the decision is irreversible.
- ◆ In response to these complaints, our school would send a written reply to the complainant, referring him/her to the replies previously given, and reiterate that the school will neither respond to the same complaint nor contact him/her again.



## **Chapter VII Conclusion**

### **Effective school-based mechanism**

- 7.1 To ensure that public inquiries/complaints are properly handled, our school would establish a school-based complaint handling mechanism and procedures relevant to our own circumstances and the needs of stakeholders. It should be:
- ◆ Clear and unambiguous
  - ◆ Open and transparent
  - ◆ Concise and easy to follow
  - ◆ Fair and just
  - ◆ Able to protect confidentiality of information
  - ◆ Under continuous review and improvement

### **Maintaining good communication**

- 7.2 In addition to formulating an effective complaint handling mechanism, our school would continue to maintain a close partnership with parents and staff by enhancing communication with them. Members of the Parent-Teacher Association of our school may serve as a bridge of communication by helping to explain the school policies to parents, relieving their sentiments of dissatisfaction, and playing the role of mediator when necessary. Our school would always assume an open attitude and listen to the views of our sponsoring bodies and stakeholders to identify room for improvement regarding our school-based inquiry/ complaint handling mechanism and procedures.

**Examples of Complaints Relating to  
Daily Operation and Internal Affairs of Schools\***

<b>Domain</b>	<b>Examples</b>
Management and Organisation	<ul style="list-style-type: none"> <li>• School accounts (e.g. accounting records )</li> <li>• Other charges (e.g. extra-curricular activities charges and registration fees)</li> <li>• School policies (e.g. system of reward and penalty, arrangements regarding students' suspension from school)</li> <li>• Standards of contractors' services (e.g. the tuck shop)</li> <li>• Service contracts (e.g. tendering procedures)</li> <li>• School environment and hygiene (e.g. noise pollution, mosquitoes problems)</li> </ul>
Learning and Teaching	<ul style="list-style-type: none"> <li>• School-based curriculum (e.g. subject lesson time)</li> <li>• Selection of subjects and class allocation (e.g. arrangements for students' choice of subjects)</li> <li>• Homework (e.g. amount of homework , school-based assessment criteria)</li> <li>• Students assessment (e.g. assessment criteria)</li> <li>• Staff performance (e.g. behaviour/attitudes of teaching staff, job performance)</li> </ul>
School Ethos and Student Support	<ul style="list-style-type: none"> <li>• School ethos (e.g. uniform and other aspects of appearance)</li> <li>• Home-school cooperation (e.g. consultation mechanism, communication channels)</li> <li>• Student support (e.g. support for students with special educational needs)</li> <li>• Extra-curricular activities (e.g. arrangements for interest groups and other student activities)</li> </ul>
Student Performance	<ul style="list-style-type: none"> <li>• Students' overall performance (e.g. academic results, conduct)</li> <li>• Student discipline (e.g. foul and abusive language, smoking, fighting, bullying)</li> </ul>

\* Schools should handle complaints about daily operation and internal affairs in accordance with the Education Ordinance, Education Regulations, Codes of Aid, relevant circulars, guidelines and codes of practice listed in paragraph 1.1(i) of the Guidelines to ensure compliance with the respective requirements.