

Hotung Secondary School

**Guidelines for Handling
School Complaints**

27 June 2018

Contents

| | |
|--------------------|---|
| Chapter I | Scope of Application |
| Chapter II | Guiding Principles for Handling Complaints |
| Chapter III | Procedures for Handling Complaints |
| Chapter IV | Arrangements for Handling Complaints |
| Chapter V | Review of Complaints |
| Chapter VI | Handling of Unreasonable Behaviour |
| Chapter VII | Conclusion |
| | |
| Appendix I | Examples of Complaints Relating to Daily Operation and Internal Affairs of Schools |

Chapter I Scope of Application

1.1 To assist government schools in setting up their School-based Mechanism for effective handling of complaints from the public, the EDB has prepared a “**Guidelines for Handling School Complaints (for Government Schools)**” (GS Guidelines), which sets out the principles, policies and procedures of handling complaints. With reference to the above guidelines, we established a School-based Mechanism for handling school complaints (The School Guideline).

1.2 The School Guideline (hereinafter referred to as this guideline) is applicable to the handling of the following types of complaints lodged to the EDB or the school 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 School Management Committees (SMCs) of government schools are entrusted with the power and responsibility to manage schools. The school should, therefore, collaborate closely with the SMC to develop school-based mechanism and procedures for handling school affairs, including complaints related to schools. 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).
- ◆ If complaints are lodged directly to the school, they will be directly handled and replied by the school according to School-based Mechanism.
- ◆ If formal complaints against the Principal or the SMC are received by the school, the Regional Education Office (REO) should be informed and the complaint will be directly handled by respective School Development Officer(s).
- ◆ If complaints are lodged directly to the EDB, the Bureau will decide on the appropriate way of handling according to the nature and gravity of the issue. In general, the EDB will seek the complainant’s consent for referring the complaint to the school concerned for investigation and direct reply to the complainant.
- ◆ If the allegations involve special circumstances, e.g. breaches of legislations, 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 SMC or serious mismanagement by the school, the case will be directly handled by respective School Development Officer(s) of REO.

- ◆ To ensure compliance with the relevant requirements, the school should handle complaints of different nature about daily operation and internal affairs or complaints related to other legislations in accordance with the relevant EDB circulars and internal circulars, guidelines and codes of practice as appropriate, 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 Equal Opportunities Commission (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: “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 directly 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, the school should re-direct it to the relevant division(s)/section(s) of the EDB as soon as possible for acknowledging receipt and 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, Education Regulations or violation of the provisions of relevant circulars or internal circulars; and
 - Complaints about services directly provided by the EDB (e.g. school place allocation, services provided by REO).
- ◆ The relevant division(s)/section(s) of the EDB will also draw reference

from relevant internal guidelines in handling the above complaints.

1.3 The Enhanced Arrangements is 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; or
- ◆ Complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft.

1.4 In general, the school may consider not to accept the following types of complaints:

(i) Anonymous complaints

- ◆ Whether the complaint is made in written form or in person, the complainant should be asked to provide his/her name, correspondence/e-mail address and/or contact phone number to facilitate investigation and reply. If in doubt, the school may request the complainant to show his/her identity documents. Should the complainant fail or refuse to provide such personal details, thus rendering it impossible for the school to investigate and reply to the complainant, the school may deem the complaint anonymous and not handle it.
- ◆ However, under special circumstances (e.g. when there is sufficient evidence or when the case is serious or urgent), the middle or senior management of the school may decide whether to follow up with an anonymous complaint, or treating it as an internal reference and informing the subject of the complaint about the case for 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, the school may require the person concerned to appoint one of them as the contact person.
- ◆ Sometimes a complaint is referred or lodged on behalf of the person concerned by other organisations/groups such as Legislative councillors,

district councillors, trade unions or the media. If the relevant organisation/group has obtained prior written authorisation from the person concerned, the school should handle the complaint in accordance with the prescribed procedures.

(iii) Complaints with insufficient information

If the complainant has not provided sufficient information and/or failed to provide further information requested by the school to enable a proper or meaningful investigation, the school 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.

1.5 Parents and the public are advised to lodge any complaints related to school daily operation and internal affairs 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/subject of the complaint might have already left his/her post or the school. The school will not be able to investigate the complaint because of the difficulty in collecting evidences. To provide greater flexibility, school advises parents and the public that a complaint should be lodged within one calendar year from the occurrence of the incident involved.

Chapter II Guiding Principles for Handling Complaints

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

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

2.2 A complaint should be directly handled by the organisation which is responsible for making the policies or providing the relevant services, or manages the persons/matters being complained. In this way, it can better understand and effectively address the concerns of the complainant. Accordingly, the school should handle those complaints relating to daily operation and internal affairs, and the relevant division(s)/section(s) of 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 1.2 (i) above, the school should refer to the relevant EDB circulars/internal circulars, guidelines and codes of practice as appropriate in handling such complaints.

2.3 If a complaint involves both the school and other division(s)/section(s) of the EDB, the related division(s)/section(s) should collaborate with the school(s) concerned on how to follow-up/handle the case. If a complaint is lodged to the school and the EDB at the same time, the Bureau will judge according to the nature and gravity of the issue whether the complaint should be referred to the school concerned for follow-up or directly handled by the respective School Development Officer(s) of REO.

Principle II: Timely and efficient handling

2.4 The school should handle and respond to all verbal or written enquiries, opinions or complaints as soon as possible to prevent any uninviting situation from worsening. Upon receipt of an enquiry/a complaint, the frontline staff should either directly handle it or immediately refer it to the designated staff/task force for action. If the responsible staff cannot resolve the problem, they should seek help from their seniors.

2.5 If an incident is referred or reported to the school(s) by the media, the school(s) should adopt the following measures:

- ◆ appoint a spokesman (e.g. the assistant principal/ Deputy Head) to handle enquiries from the public/the media so as to avoid giving confusing messages.
- ◆ provide appropriate responses or clarification to the public as soon as possible (within one or two 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 the SMC Chairman, all teaching and non-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 The school should, in collaboration with the SMC, set up a clear and effective School-based Mechanism for speedy and proper handling of enquiries and complaints. School will adequately communicate with teachers and parents to ensure that the relevant procedures are generally accepted by stakeholders.

2.7 The school should prepare guidelines for stakeholders on the relevant policies, procedures and responsible staff for handling complaints. The school may make parents and staff fully aware of the details of the procedures through different channels, e.g. school websites, circulars, student handbooks, staff meetings, parent-teacher meetings, seminars and school events.

2.8 To facilitate smooth implementation of the School-based Mechanism, the school should ensure that all staff responsible for handling enquiries and complaints understand and comply with the relevant policies and guideline. To enhance mutual understanding and strengthen home-school co-operation, the school should draw up strategies for regular communication with parents through different channels, e.g. briefings/information folders for new students and their parents, circulars issued at the beginning of each school year, etc. to inform them of the policies and procedures of complaint handling in the school.

2.9 The school should regularly review the complaint handling policies and guidelines by adequately communicate with its staff and parents, and revise the handling procedures whenever necessary.

Principle IV: Fair and impartial handling

2.10 The school should approach complaints positively and treat the complainants and the subjects of the complaints fairly. The school should provide sufficient appeal channels within the school 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 avoid handling the case or having access to information relating to it.

2.12 To avoid conflict of interest, any staff member who is the subject of the complaint should not be involved in conducting or supervising the investigation, or signing and issuing letters to the complainant.

2.13 The school should 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.

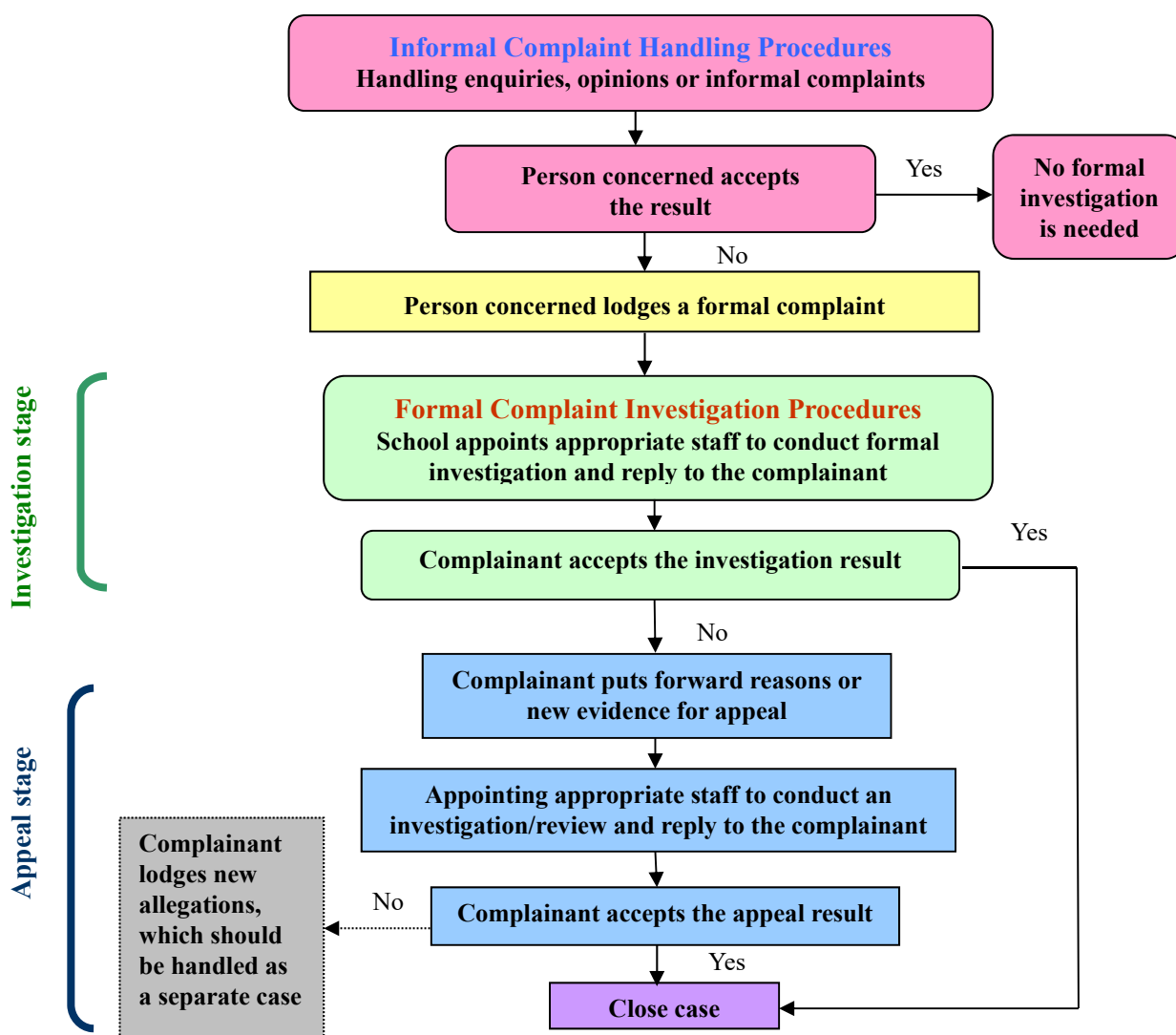
Chapter III Procedures for Handling Complaints

Interpretation of Complaints

3.1 To avoid confusion in the handling process, the frontline staff of the school should carefully differentiate between concerns and complaints. A concern refers to the enquiry or opinion expressed by the enquirers 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 complainants. 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 the school.

Diagram 1: Flowchart of School Complaint Handling Procedures



Informal Complaint Handling Procedures

Immediate/prompt handling

3.3 If the school handle enquiries or complaints efficiently and appropriately, the school will manage not only to remove misunderstandings and forestall crises, but also enhance own image. The school may consider adopting the following arrangements:

- (i) If the school receives an enquiry, 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.
- (ii) The frontline staff should listen to the concerns of the enquirer/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 enquirer/complainant and help resolve the problems involved.
- (iii) 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.
- (iv) The school may, according to its own situation, set a time limit for an initial response (e.g. about three school days). For complicated cases, which require a longer processing time, the school will inform the enquirer(s)/person(s) concerned of the progress of the case and the reasons why a longer time is needed to provide a reply.
- (v) If necessary, the frontline staff should refer the case to a designated staff or a senior officer for prompt follow up actions and resolutions. The principal may decide whether to take up the handling of the case, depending on the situation of the school and the nature of the case.

Replying to complaints

3.4 For verbal enquiries/opinions/complaints handled by the informal complaint handling procedures, oral replies will suffice and written replies are normally not required. 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, it is suggested that the designated staff or the principal may record the key points in a log book for future reference. A sample is provided in Appendix II.

Appropriate follow-up

3.6 The school should 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 complainant(s) 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 the school receive any formal complaints, 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 **within 10 days**, seek the complainant's consent to obtain his/her personal data and information relating to the complaint, and inform him/her of the name, post title and phone number of the staff responsible for handling the case for contact purposes. Samples of Acknowledgement Letters are provided in Appendixes III and IV;
- ◆ 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 (The school should complete the investigation **within 30 calendar days** after receiving the complaint and send a written reply to inform the complainant of the investigation result. For complicated cases which require a longer processing time, an interim reply should be issued to inform the complainant of the progress of the case and the reasons why a longer time is needed to provide a substantive reply and, if possible, the estimated time frame for

issuing a substantive reply);

- ◆ 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. The school may inform the complainant the time limit of making an appeal in its reply.

(ii) Appeal stage

The school should adopt the following procedures with appeal cases:

- ◆ acknowledge receipt of the appeal within 10 days;
- ◆ 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 (The school should complete the investigation **within 30 calendar days** 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; and
- ◆ if the complainant raises other new allegations, the school should 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, the 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, the school should respond with a written reply. If the complaint or appeal is made verbally, the responsible staff may decide whether to respond orally or in writing. If the case is referred by other divisions/sections of the EDB/other organisations, a copy of the written reply should 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 the school have access to his/her personal data. If the information submitted is incomplete, the time limit should start from the date on which the 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 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 The school should keep a clear record of cases handled by the formal complaint investigation procedures. A sample complaint record is given in Appendix V. The school may establish a complaint record management system to store relevant information (including correspondences, investigation reports and interview records). In addition, the school should keep statistics of complaints and appeals lodged through either the informal or formal handling procedures for future reference.

Appropriate follow-up

3.12 At the end of the investigation/appeal stage, the school should 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 complainant(s) 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, the school may 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, the school should make other arrangements, such as appointing staff from another department, to ensure fair handling.
- ◆ Where necessary, the school may establish a task force to handle special complaint cases. Depending on the situation, the task force may include members of the SMC and representatives from other division(s)/section(s) of the EDB. 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 enquirers/complainants, and prompt in providing responses as well as the information they need. The school should also ensure that frontline/designated staff have proper authorisation and clearly understand their roles and responsibilities.

4.2 The school may refer to the examples in the table below for deployment of staff in handling complaints:

| Targets involved | Example | Investigation stage | Appeal stage |
|--|---------|---------------------------------|---------------------------------|
| Teaching and school staff | 1 | Senior teacher | Assistant Principal/Deputy Head |
| | 2 | Assistant Principal/Deputy Head | Principal |
| | 3 | Principal | Designated staff of the EDB # |
| Remarks: If the school receive formal complaints against the Principal or SMC, the school should refer the complaint to REO for follow-up actions. | | | |

Designated staff of the EDB could be the relevant School Development Officer(s) of REO. REO staff would handle the complaints according to the established practice and route the investigation reports through the SMC Chairperson for information/comment.

Confidentiality

4.3 All contents and information of complaints should be kept strictly confidential and restricted to internal reference or reference by relevant persons only.

4.4 When the school need to collect personal data during the handling process or when the school receive requests for the disclosure of data/records in respect of the complaint case, the school should observe the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance. These include 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. The school may 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 (<https://www.pcpd.org.hk/>).

4.5 The school should 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. Complaints should normally be graded as “Restricted”.

4.6 The school should 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.

4.7 Where interviews or meetings with complainant(s) are involved in handling the complaint cases, the schools can incorporate the associated arrangements in their School-based Mechanisms. To avoid misunderstanding, the 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;
- ◆ indicate before the interview/meeting starts whether audio/video recording is prohibited or whether the consent of all attendees has been obtained if the session is to be audio/video recorded. This stance should be reiterated by the end of the interview/meeting;
- ◆ well brief the staff beforehand and ask the staff to remind the complainant(s) before the interview/meeting starts that both the staff and the complainant(s) should be cautious of any unauthorized release of third party information. They should also observe and comply with the six principles stipulated in Schedule 1 “Data Protection Principles” appended to Personal Data (Privacy) Ordinance (Cap. 486) during the interview/meeting; and
- ◆ advise the staff that government school staff in carrying out a public duty should not refuse audio/video recording requests made by complainants.

Whenever the dialogue on meeting/over phone touches on personal data and information of a third party, staff should reiterate the stance that he cannot disclose such information in compliance with Personal Data (Privacy) Ordinance (Cap. 486).

Follow-up and evaluation

4.8 The school should conduct a comprehensive review on the strategies, process and steps taken in handling complaints in order to benefit from past experiences, improve the way of handling, and avoid similar cases from recurring.

4.9 The school should take appropriate follow-up measures to improve the services or revise relevant policies for enhancement of professional standards of the services.

4.10 The school should regularly review its own complaint handling policies and report to the SMC by providing, for example, relevant data concerning complaint/appeal cases, and suggest, if necessary, improvement measures to enhance the School-based Mechanism.

Support and training

4.11 The school should provide appropriate training to assist staff to effectively handle enquiries/complaints, e.g. providing training programmes on communication, negotiation and mediation skills, or arranging experience sharing sessions for frontline/designated staff to enhance their capability in handling complaints and resolving conflicts.

4.12 To enhance the knowledge and skills of school staff (including principals, teachers, administrative and frontline staff) in the prevention and handling of complaints, the EDB and Civil Service Training and Development Institute have organised relevant training programmes. The school may visit the websites of EDB's Training Calendar System and the Civil Service Training and Development Institute for information on related training and encourage staff to attend relevant courses.

Chapter V Review of Complaints by Review Board ¹

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 School-based complaint handling procedures. However, some complaints may remain unresolved after the investigation and appeal stages. The complainants, the school or EDB may request the “Review Board on School Complaints” (Review Board) to review the complaint cases under the following circumstances:

- (i) The complainant provides substantial grounds or new evidence to show that the school and/or other division(s) / section(s) of the EDB have handled the case improperly; or
- (ii) The complaint has been properly dealt with through established procedures by the school/ other division(s) / section(s) of the EDB but the complainant refuses to accept the investigation result and continues to lodge the same complaint to the school/EDB.

Membership of the Review Board

5.3 The EDB has set up a Panel of Review Boards on School Complaints (the Panel). Its members are independent persons from the education and other sectors appointed by the Permanent Secretary for Education (PS(Ed)). The Panel comprises a Chairperson, a Deputy Chairperson and not less than ten members.

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.

¹ The EDB set up the Panel of Review Boards on School Complaints in January 2013. The independent review arrangement will only be applicable to those schools which have implemented the “Enhanced School Complaint Management Arrangements”. The complaints seeking review should have gone through the investigation and appeal procedures recommended in the GS Guidelines.

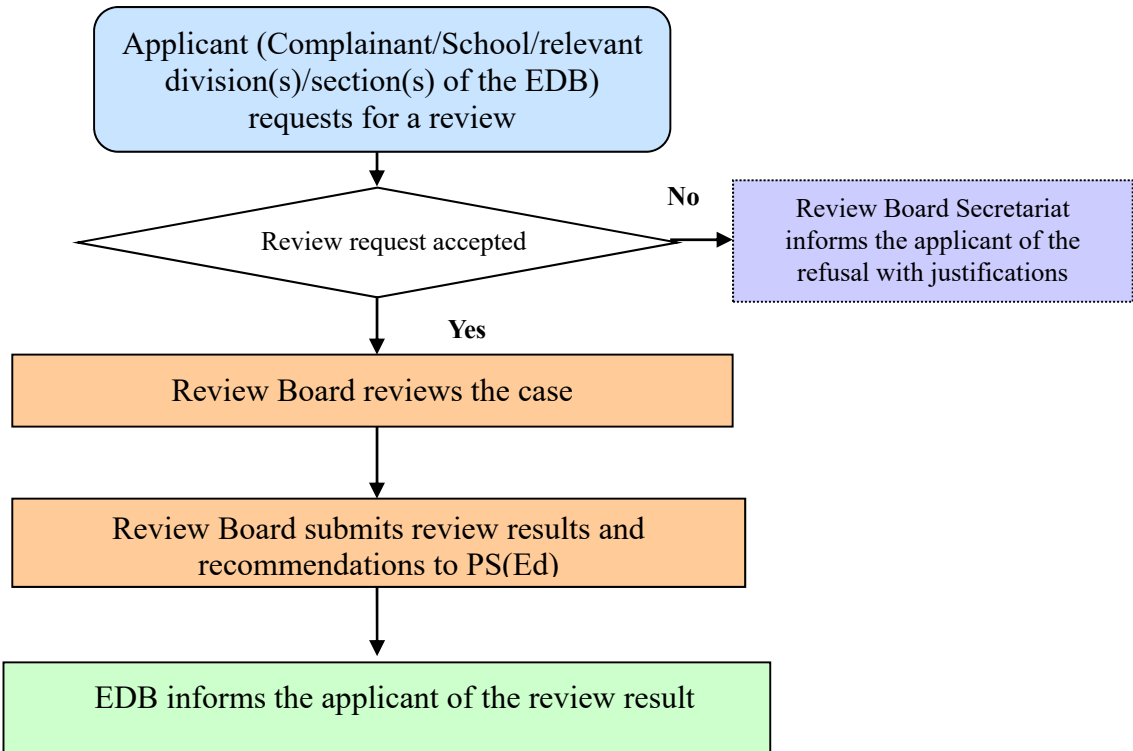
Functions and powers of the Review Board

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 PS(Ed) for consideration.

Review procedures

5.7 Please see Diagram 2 for the review procedures.

Diagram 2: Review Procedures



5.8 The school should inform the complainants in the reply after the appeal that if the complainants do not accept the result of the appeal or the ways the appeal have been handled, the complainants may apply in writing to the Review Board Secretariat for a review within 14 days from the date of the school replies. 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 Review Board Secretariat will then forward the case to the Panel to decide whether a review should be conducted.

5.9 If the review request is accepted, the Panel will set up a Review Board to handle it. If the request is unsuccessful, the Review Board Secretariat will inform the applicant (complainant/ school/ the relevant division(s)/ section(s) of EDB) in writing of the reasons for refusal.

5.10 The person who requests for a review is required to sign a letter of consent, authorising the Review Board to forward information regarding the complaint to the school 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 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 Review Board may:

- (i) scrutinise the information provided by the complainant, subject of the complaint, school and/or relevant division(s)/section(s) of EDB, as well as the files and records associated with the case;
- (ii) require the complainant, subject of the complaint, school and/or relevant division(s)/section(s) of EDB to clarify information and/or provide new evidence;
- (iii) meet with the complainant, the subject of the complaint and/or other persons concerned respectively to collect further information; and
- (iv) invite the complainant, subject of the complaint, representative(s) of the school, and/or representative(s) of the relevant division(s)/section(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, subject of the complaint and the school).

5.13 If the Review Board wishes to interview specific persons or convene a meeting on the case, it will make the following arrangements:

- (i) 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;
- (ii) During the interview or case meeting, the complainant is not allowed to question the subject of the complaint or other witnesses, and vice versa; and
- (iii) 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 PS(Ed) for consideration.

5.15 The PS(Ed) will draw a final conclusion with reference to the review result and recommendations of the Review Board. The applicant(s) will be informed in writing of the outcome within three months after receipt of the request for review. If the PS(Ed) accepts closure of the case as recommended by the Review Board, the EDB and the school will cease to handle the complaint. If the applicant(s) requesting the review consider the result unacceptable, they may appeal via other channels.

5.16 If the Review Board recommends that the case be re-investigated by the school/relevant division(s)/section(s) of EDB, the Bureau 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 endorsement of the Review Board, the school/relevant division(s)/ section(s) of EDB would issue a written reply to the complainant and copy it to the Review Board. If the school/ relevant division(s)/ section(s) of 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, the school should not put any restrictions on complainants making contact with the school. However, sometimes certain unreasonable behaviour of complainants may have a severe negative impact on schools, e.g. draining a considerable amount of the schools' human resources, interrupting their operations or services, as well as threatening the safety of staff and other stakeholders. The school will develop appropriate policies and measures to handle this kind of unreasonable behaviour to ensure that the 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/ relevant division(s)/ section(s) of the EDB, and/or requiring the school/ relevant division(s)/ section(s) of the 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 The school will institute appropriate policies and measures to deal with unreasonable behaviour of complainants:

- (i) The school should designate suitable staff members to ascertain whether a complainant's behaviour is reasonable, and decide what measures should be taken. Generally speaking, the principal can make such decisions. However, if the complaint is lodged against the principal/SMC, such decisions should be made by the designated staff of REO.
- (ii) The school will integrate the policies regarding unreasonable behaviour of complainants into the School-based Mechanism and consult stakeholders' views.
- (iii) All stakeholders should be informed of the school's policy regarding unreasonable behaviour of complainants.

Handling of unreasonable behaviours

6.4 While setting up policies and measures to deal with unreasonable behaviour of complainants, the school has the following arrangements:

- (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 the complainant stops acting in such a way or otherwise the meeting or conversation may be terminated. If the complainant refuses to comply after the warning, the staff member may terminate the meeting or conversation with the complainant.
 - ◆ The school should set up contingency measures and guidelines² to remind staff responsible for handling complaints to stay alert and take suitable action to protect their own safety. The school should 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, the school should take appropriate and decisive action, such as reporting to the police or taking legal action.

² Schools may make reference to the "Reference Guide on Handling Verbal Violence at Work" issued by the Civil Service Bureau when setting up contingency measures and guidelines.

(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, the school may consider suggesting to the complainant alternative communication methods (e.g. make appointment before visiting the school, submit his/her views in writing, contact the designated staff according to the school's arrangement, etc.). However, the school must notify the complainant in writing of such arrangements and handling procedures.
- ◆ If the complainant's behaviour improves, the school may consider whether the restrictions should be lifted. If the school decides to keep the restrictions, it should regularly review the conditions for imposing them.

(iii) Unreasonable persistent complaints

- ◆ Faced with these complaints, if the 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, the school may escalate the case via REO to a senior directorate ranked no less than D2 level for a decision on whether any further correspondence or action on the complaint should be discontinued.
- ◆ Upon agreement by the above senior management to cease handling the case, the school should communicate with the complainant in a firm manner that a final decision has been made regarding the case and that the decision is irreversible in order to avoid any unrealistic expectations on the part of the complainant.
- ◆ If repeated complaints are received from the complainant subsequently, the school may send a "Reply Card" to the complainant, referring him/her to the replies previously given. Please see Appendix VI for a sample "Reply Card".

Chapter VII Conclusion

Effective School-based Mechanism

7.1 To ensure that public enquiries/complaints are properly handled, the school should establish a School-based Mechanism to suit its 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

7.2 An effective School-based Mechanism not only increases public confidence in school governance, but also prevents public opinions/enquiries from evolving into formal complaints or unnecessarily escalating to the other division(s)/sections(s) of the EDB or other government departments/organisations.

Maintaining good communication

7.3 In addition to formulating an effective complaint handling mechanism, the school should continue to maintain a close partnership with parents and staff by enhancing communication with them. Members of the Parent-Teacher Association of the 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. To enhance the standards of the professional services they provide, the school should always assume an open attitude and listen to the views of the stakeholders to identify room for improvement regarding the school-based enquiry/complaint handling mechanism(s) and procedures.

Making continuous improvement

7.4 The EDB launched the “Project on Enhancement of Complaint Management in Schools” to make recommendations on the policies and procedures for handling complaints as well as to delineate the roles of various parties concerned. EDB believes that this is the first step towards supporting schools in enhancing/establishing their own enquiry/complaint handling mechanisms. EDB will continue keeping close contact with schools and stakeholders, listening to their views and enhancing the proposed mechanisms and procedures with the aim of helping schools to establish an effective framework for handling public complaints.

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

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

* The school should handle complaints related to the daily operation and internal affairs in accordance with the relevant EDB internal circulars and EDB circulars, guidelines and codes of practice to ensure compliance with the respective requirements.