

Guidelines for Handling School Complaints

Sha Tin Government Secondary School

December 2016

Contents

Foreword

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 Behavior
Chapter VII	Conclusion

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

Appendix II **Sample Record Sheet of Cases Handled by Informal Procedures**

Appendix III **Sample Acknowledgement Letter (1)**

Appendix IV **Sample Acknowledgement Letter (2)**

Appendix V **Sample Complaint Record**

Appendix VI **Sample Reply Card**

Foreword

Building a Culture of Communication

Education is greatly valued in Hong Kong. With the advancement of society, people become more aware of their own rights and interests, and have growing expectation that schools should provide quality education to nurture future generations. They place a premium on the quality of management and services that schools provide. Key stakeholders, especially parents, consider the holistic development of students imperative. They often make inquiries and provide feedback and suggestions regarding the performance of schools. It is therefore vital for schools to maintain good communication with their stakeholders. In addition to providing effective communication channels, schools also encourage parents, students, and staff to make good use of them to express their views and feelings, so as to build up mutual trust and confidence and avoid any unnecessary misunderstanding.

Handling Complaints in a Positive Manner

Striving for excellence and efficiency, and promoting accountability and transparency, are values that our society today upholds. Notwithstanding the availability of established systems and channels in schools for public inquiry, consultation, and communication, some people would still lodge complaints with schools for one reason or another. Schools should handle complaints positively, with patience and understanding, and provide prompt responses within an appropriate time frame. In fact, constructive criticisms and reasonable complaints should be valued as they may help improve. In addition to adopting an open attitude to diverging views, schools should also review their existing policies, procedures, and measures from time to time for the continuous improvement of the administration. Should misunderstanding or insufficient communication be identified as the actual cause of any complaints, schools should undertake to explain to the complainant(s) fully and sincerely to remove their doubts. Nevertheless, manpower might sometimes be found greatly sapped, or services being adversely affected as a result of the effort and time devoted to the handling of unreasonable behavior of certain complaint(s). Schools should therefore ensure that school operation would not be affected, and appropriate policies and measures have been developed to deal with such kind of unreasonable behavior.

Formulating a School-based Mechanism

In order to handle complaints more speedily and effectively, and to respond to the reasonable demands from complainants, Sha Tin Government Secondary School (STGSS) has established a school-based mechanism and procedures according to

different situations and needs. This school-based complaint handling mechanism is to help the school get to the root of the issues and take appropriate follow-up actions, such as introducing new measures or improving the existing policies and practices to prevent similar problems from recurring. The school will adequately communicate with stakeholders to ensure that the relevant mechanism and procedures are transparent and acceptable for effective implementation.

In view of the above, STGSS published the *Guidelines for Handling School Complaints* in December 2016, which sets out the principles, policies and procedures for handling school complaints. With reference to the Guidelines and different situations, the school will review related policies and measures in order to establish a mechanism and a set of procedures for complaint handling that will suit the needs of both the school and the stakeholders.

Enhancing Effectiveness of Governance

A good communication culture and a sound complaint management system are prerequisites for quality service and school governance. The school will continue to strengthen communication and maintain a close partnership with all stakeholders. Enhanced governance and credibility will be foreseen through the introduction of a school-based mechanism and procedures for the effective handling of public complaints.

Chapter I Scope of Application

1.1 The Guidelines are 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 the school

- ◆ In the spirit of school-based management, the School Management Committee of STGSS (the SMC) is entrusted with the power and responsibility to manage the school. The school will, therefore, collaborate closely with the SMC to develop the school-based mechanism and procedures for handling school affairs, including complaints related to the 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).
- ◆ If complaints are lodged directly to the school, they will be directly handled and replied by the school according to the school-based mechanism.
- ◆ If formal complaints against the Principal or the SMC are received by the school, the Regional Education Office (REO) will be informed and the complaint will be directly handled by the 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, if the complaint allegations are related to daily operation and internal affairs of the school, the case will be referred 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 the respective School Development Officer(s) of REO.

(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, the school will 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 the Regional Education Offices).

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 organizations/government departments;
- ◆ Complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft.

1.3 In general, the school may consider NOT handling the following types of complaints:

(i) Anonymous complaints

- ◆ Whether the complaint is made in written form or in person, the complainant will 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 these 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, such as treating it as an internal reference, informing the subject of the complaint about the case, 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 authorized 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 organizations/groups such as Legislative councilors, district councilors, trade unions, or the media. If the relevant organization/group has obtained prior written authorization from the person concerned, the school will 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 decide not to conduct investigation and close the case. To avoid misunderstanding, the school will provide a written reply to the complainant, explaining clearly why the case is not handled by the school.

1.4 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 evidence. To provide greater flexibility, parents and the public may be advised 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 will refer to the following guiding principles:

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

2.2 A complaint will be directly handled by the organization which is responsible for making the policies, or providing the relevant services, or managing the persons/matters being complained. In this way, it can be better understood and, effectively address the concerns of the complainant. Accordingly, the school will handle those complaints relating to the daily operation and internal affairs, and the relevant division(s)/section(s) of the EDB will handle those complaints concerning the Education Ordinance, education policies, and services. Complaints related to suspected breaches of other legislations of Hong Kong will 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, the school will 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) will collaborate with the school 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 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 will handle and respond to all verbal or written inquiries, opinions, or complaints as soon as possible to prevent any uninviting situation from worsening. Upon receipt of an inquiry/a complaint, the frontline staff will 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 will seek help from their seniors.

2.5 If an incident is referred or reported to the school by the media, the school will adopt the following measures:

- ◆ appoint a spokesman (e.g. Assistant Principal) to handle inquiries 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 will, in collaboration with the SMC, set up a clear and effective school-based mechanism as well as procedures for speedy and proper handling of inquiries and complaints. There will be adequate communication between teachers and parents to ensure that the relevant procedures are generally accepted by the stakeholders.

2.7 The school will prepare guidelines for stakeholders on the relevant policies, procedures and responsible staff for handling complaints. They 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 will 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, the school will 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 schools.

2.9 The school will regularly review the complaint handling policies and guidelines by adequately communicating with the staff and parents, and revising the handling procedures whenever necessary.

Principle IV: Fair and impartial handling

2.10 The school will approach complaints positively and treat the complainants and the subjects of the complaints fairly. The school will provide sufficient appeal channels within the school (see para. 3.7(ii)), and consider inviting independent persons (see para. 4.1) 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 will declare interests. If there is any conflict of interest, the persons concerned will 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 will not be involved in conducting or supervising the investigation, or signing and issuing letters to the complainant.

2.13 The school will 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.

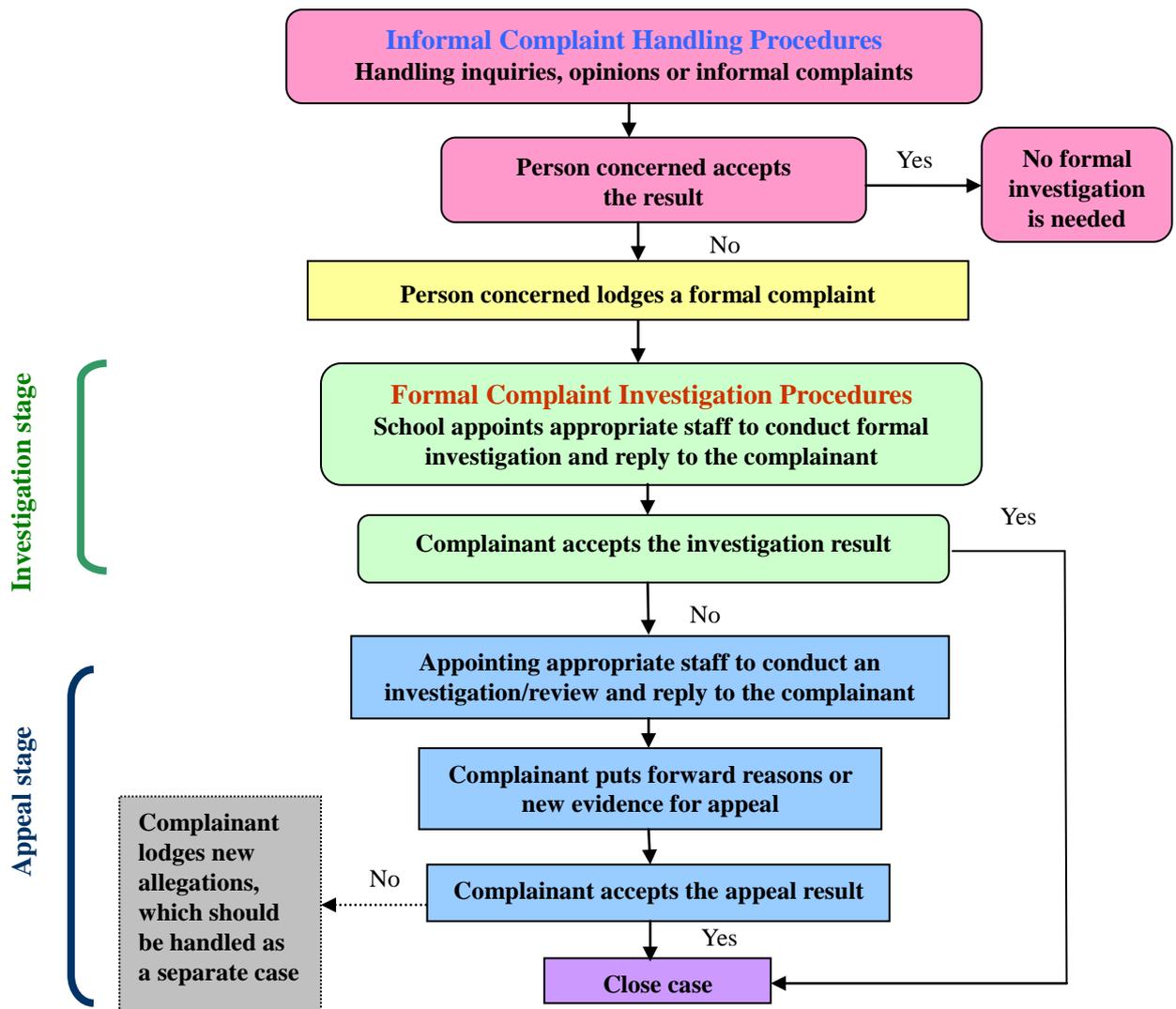
Chapter III Procedures for Handling Complaints

Interpretation of Complaints

3.1 To avoid confusion in the handling process, the frontline staff of the school will 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 will 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 handles inquiries, or complaints efficiently and appropriately, not only will the misunderstandings and forestall crises be removed, but also enhance the school image. The school may 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 will 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 will listen to the concerns of the inquirer/complainant with care and understanding. If the incident is not serious, they will 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 will have direct talks or interviews with the person(s) concerned to explain the school's stance and remove any misunderstanding, misgivings, or worries of them.
- ◆ The school may, according to the situation, set a time limit for an initial response (e.g. within two days).
- ◆ If necessary, the frontline staff will 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 inquiries/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 the 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 will 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) will be initiated:

(i) Investigation stage

If the school receives any formal complaints, they will 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 will 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 will 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 will inform the complainant

the time limit of making an appeal in its reply.

(ii) Appeal stage

The school will adopt the following procedures with appeal cases:

- ◆ 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 will 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 will cautiously review the appeal process to ensure that proper procedures have been followed.
- ◆ if the complainant raises other new allegations, the school will 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 regarded 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/organizations being complained against).

Responding to complaints/appeals

3.9 If the complaint or appeal is in written form, the school will respond with a written reply. If the complaint is made verbally, the responsible staff may decide whether to respond orally or in writing.

3.10 Generally speaking, the time limit for replying to a complaint/appeal will 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 will 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, the school will explain to the complainant in writing 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 will keep a clear record of cases handled by the formal complaint investigation procedures. A sample complaint record is given in Appendix V. The school will establish a complaint record management system to store relevant information (including correspondences, investigation reports, and interview records). In addition, the school will 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 will 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 will 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 will 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 will be different from those responsible for the investigation stage. In principle, the staff dealing with the appeal will be of a higher rank than those responsible for the investigation. If this is not practicable, the school will make other arrangements, such as appointing staff from another department, to ensure fair handling.
- ◆ Where necessary, the school will 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 will be proactive in communicating with the inquirers/complainants, and prompt in providing responses as well as the information they need. The school will also ensure that frontline/designated staff have proper authorization 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
	2	Assistant Principal	Principal
	3	Principal	Designated staff of EDB [#]
Remarks: If the school receives formal complaints against the Principal or SMC, they will be referred 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 current practice and route the investigation reports through the SMC Chairperson for information/comment.

Confidentiality

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

4.4 When the school needs to collect personal data during the handling process or when receiving requests for the disclosure of data/records in respect of the complaint case, the school will 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. 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 will 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 will be protected by passwords. Use of portable data storage devices will be tightly controlled. Where necessary, encrypted portable data storage devices will be used.

4.6 The school will establish procedures to ensure that only authorized persons are allowed access to information relating to the case. The responsible persons will not disclose or discuss in public any contents or information relating to the case without authorization.

4.7 Where interviews or meetings with complainant(s) are involved in handling the complaint cases, the school can make associated arrangements. To avoid misunderstanding, the school will:

- ◆ 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;
- ◆ 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 unauthorized release of third party information and hence should refrain from divulging any such information over phone. They should also observe and comply with Data Protection Principles appended to Personal Data (Privacy) Ordinance (Cap. 486) during the interview/meeting; and
- ◆ advise the staff that the school staff in carrying out a public duty may put in a request for audio/video recording during the interview/meeting and

should not refuse complainant(s) to request likewise. Whenever the dialogue touches on personal data and information of a third party, staff should reiterate the stance that he/she cannot disclose such information in compliance with Personal Data (Privacy) Ordinance (Cap. 486).

Follow-up and evaluation

4.8 The school will 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 will 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 will regularly review the 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 complaint handling mechanism and procedures.

Support and training

4.11 The school will provide appropriate training to assist staff to effectively handle inquiries/complaints, e.g. providing training programmes on communication, negotiation and mediation skills, or arranging experience sharing sessions for frontline/designated staff to enhance the 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, they will attend relevant training programmes organized by the EDB. The school will visit the websites of the 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 Most school–related complaints will be settled through the informal and formal complaint handling procedures. However, some complaints may remain unresolved after the investigation and appeal stages. The complainant/school or the EDB² 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 / other division(s) / section(s) of the EDB has handled the case improperly.
- ◆ 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 complain.

Membership of the Review Board

5.2 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. The Panel comprises a Chairperson, a Deputy Chairperson, and at least ten members. The tenure of membership is two years.

5.3 Where necessary, the Panel will 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.

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

¹ 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 Guidelines.

² Applicable to complaints directly handled by staff of REO or other division(s)/section(s) of EDB.

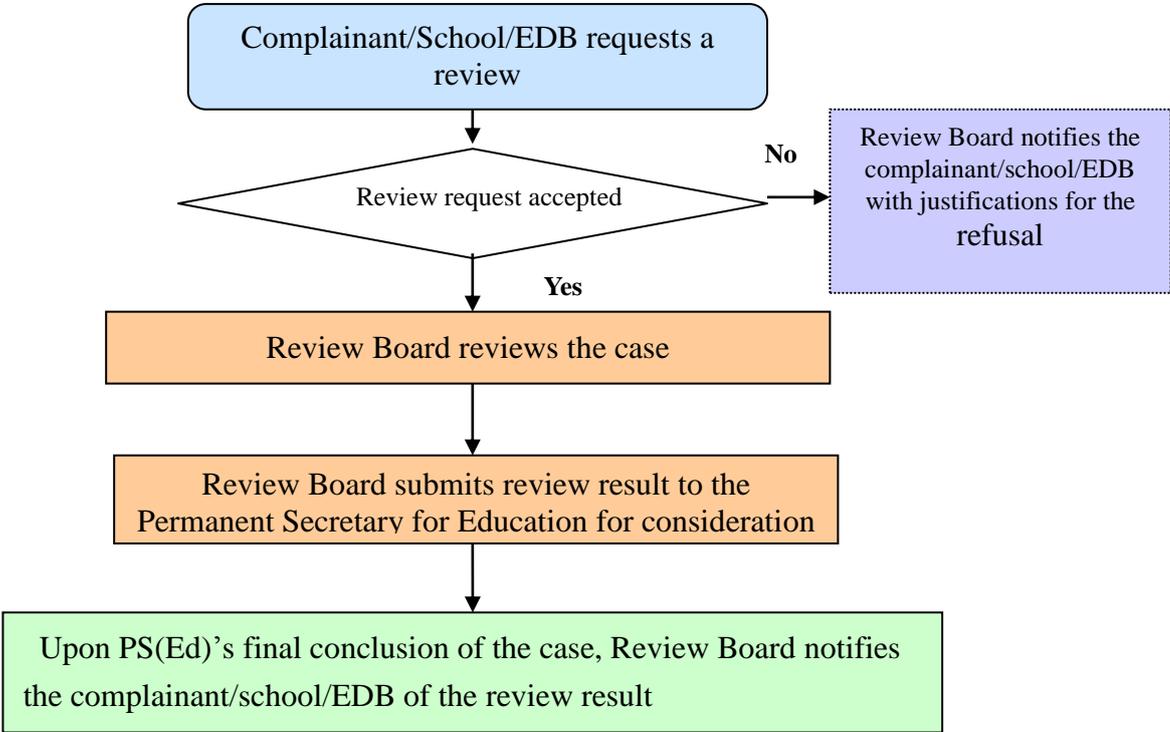
Functions and powers of the Review Board

5.5 The Review Board is responsible for reviewing school-related complaint cases that have been handled by the school or relevant division(s)/section(s) of the EDB through the investigation and appeal stages. The review results and recommendations will be submitted to the Permanent Secretary for Education for consideration.

Review procedures

5.6 Please see Diagram 2 for the review procedures.

Diagram 2: Review Stage



5.7 The school will inform complainants in the 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 Review Board for a review within 14 days from the date of the 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 case will be forwarded to the Panel to decide whether a review should be conducted.

5.8 If the review application is accepted, the Panel will set up a Review Board to handle it. If the application is unsuccessful, the Review Board will inform the applicant/school/EDB in writing of the reasons for refusal.

5.9 The person who requests a review is required to sign a letter of consent, authorizing the Review Board to forward information regarding the complaint to the school, and/or other relevant organization(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 organization(s)/ person(s).

5.10 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:

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

5.11 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).

5.12 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 subject of the complaint or other witnesses, and vice versa.
- ◆ Audio/video recording is prohibited during the interview or case meeting.

Result of review

5.13 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 for consideration.

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

5.15 If the Review Board recommends that the case be re-investigated by the EDB, the Bureau will assign staff at least one rank higher than those who handled the case previously to conduct the re-investigation. The re-investigation will be completed within two months and the result submitted in writing to the Review Board. Upon the Board's endorsement, the Bureau will issue a written reply to the complainant and copy it to the Review Board. If the Bureau cannot complete the investigation within two months, it will notify the complainant in writing of the reasons and the time needed for a definite reply.

Chapter VI Handling of Unreasonable Behavior

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

Definition of unreasonable behavior

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

- (i) Unreasonable attitude or behavior, 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 The school may institute appropriate policies and measures to deal with unreasonable behavior of complainants:

- ◆ The school will designate suitable staff members to ascertain whether a complainant's behavior 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 will be made by the designated staff of REO.
- ◆ The school will integrate the policies regarding unreasonable behavior of complainants into the school-based complaint handling mechanism and consult stakeholders' views.
- ◆ All stakeholders will be informed of the school's policy regarding unreasonable behavior of complainants.

Handling of unreasonable behaviors

6.4 While developing policies and measures to deal with unreasonable behavior of complainants, the school has adopted the following suggestions:

(i) Unreasonable attitude or behavior

- ◆ Any unreasonable attitude or behavior, 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 will convey this message clearly to the complainant and demand that he/she stops 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.
- ◆ The school will develop contingency measures and guidelines to remind staff responsible for handling complaints to stay alert and take suitable action to protect their own safety. The school will 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 behavior 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 will 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 behavior of the complainant, the school may consider suggesting to the complainant(s) alternative communication methods (e.g. make appointment before visiting the school, submit his/her views in writing, contact only the staff designated by the school, contact the school staff according to the time, frequency, date, duration and modes of communication specified by the school). The school must notify the complainant in writing of such arrangements and handling procedures.
- ◆ If the complainant's behavior improves, the school may consider whether the restrictions should be lifted. If the school decides to keep the restrictions, the conditions for imposing them should be regularly reviewed.

(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 will 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 inquiries/complaints are properly handled, the school will establish a school-based complaint handling mechanism and procedures relevant to their own circumstances and the needs of stakeholders. It will 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 complaint handling mechanism not only increases public confidence in school governance, but also prevents public opinions/inquiries from evolving into unnecessary misunderstanding.

Maintaining good communication

7.3 In addition to formulating an effective complaint handling mechanism, the school will 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, the school will always assume an open attitude and listen to the views of the stakeholders to identify room for improvement regarding the school-based inquiry/complaint handling mechanism and procedures.

Making continuous improvement

7.4 The aim of the Guidelines is to make the school-based mechanism more rapid and effective in handling inquiries or complaints, delineating the roles of various parties concerned and taking appropriate follow-up actions to respond to reasonable demands. The school will continue to keep close contact with the stakeholders, listen to their views and refine the complaint handling policies and procedures with a view of helping the school establish an effective framework for handling public complaints.

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

Domain	Examples
Management and Organization	<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 , school-based assessment criteria) • Students assessment (e.g. assessment criteria) • Staff performance (e.g. behavior/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)

**Sha Tin Government Secondary School
Record Sheet of Cases Handled by Informal Procedures**

Date of enquiry/complaint: _____ *Time :* _____ am/pm

Mode : Call the General Office Call the Principal/Assistant Principal/ Deputy Head/
Class Teacher/ Responsible Teacher*

In person By e-mail/ fax* Others (Please specify:_____)

Name of the Enquirer/ Complainant : _____

Role of Enquirer/ Complainant : Parent Student Other (Please specify:_____)

Contact information (by telephone/ fax /e-mail) :* _____

Enquiries/Concern(s) : _____

Information/ Document attached : No Yes (Please specify: _____)

Action Taken : Contacted by phone Interview Others (Please specify:_____)

Result : Enquirer/ Complainant accepted the reply. No further action is required.

Others (Please specify: _____)

Signature of
Senior Teacher/Responsible Person : _____ *Date :* _____
(Name/ Post)

* Please delete where inappropriate

Appendix III

**Sha Tin Government Secondary School
Acknowledgement Letter (1)**

[For cases where complainants have provided their personal particulars and no referral is needed.]

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr./Ms. *XX:

We received your written/verbal* complaint on DD MM YYYY. The case is being investigated and a reply will be sent to you within XX days/as soon as possible.

If you have any inquiries, please contact Mr./Ms. X (Teacher/Panel Chairperson/Assistant Principal/Deputy Head*) at 2691 4744.

(Signature)

Principal/Post*

Name of the designated staff

* Please delete where inappropriate

Sha Tin Government Secondary School

Acknowledgement Letter (2)

[For cases where referral of the complaint to a third party (e.g. government departments or contractors of school services) is needed.]

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr./Ms.* XX:

We received your written/verbal* complaint on DD MM YYYY. To facilitate our investigation and follow-up, please fill in the **reply form** attached and send it to us before DD MM YYYY. We will notify you of the outcome when the investigation is completed.

If you have any inquiries, please contact Mr./Ms. X (Teacher/Panel Chairperson/Assistant Principal/Deputy Head*) at 2691 4744.

(Signature)

Principal/Post*

Name of the designated staff

* Please delete where inappropriate

Sha Tin Government Secondary School

Acknowledgement Letter (2)

Reply Form

To: Sha Tin Government Secondary School

File No.: (if applicable)

Name of the complainant: Mr./Ms. _____

[Please write the name as appears on your HK I.D. Card]

Correspondence Address: _____

Telephone No.: _____

I understand that the personal information provided above will only be used for investigating the complaint.

To assist the school in handling this complaint, I agree that:

1. The school may forward copies of the complaint and other information I present to relevant persons/ organizations; and
2. The school may ask relevant persons/organizations for my personal details and other information related to this complaint.

Date

Signature of the complainant

[Note:

- The information, including the personal data, submitted by you to the Education Bureau in this reply form will be used for the purpose of handling your complaint only.
- The provision of any requested information, including personal data, in the reply form is voluntary. However, it may not be possible to process your complaint if the requested information provided by you, including personal data, is not in sufficient detail.
- Any information, including personal data, submitted by you may be disclosed to other government departments, persons, organizations or agencies for the purpose of handling your complaint.
- Having submitted your personal data, you have the right to request access to and correction of your personal data held by us. Request for access to or correction of personal data should be made in the Data Access Request Form and sent to the Controlling Officer (Data Protection), 15/F Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong. For more information about the privacy policy, please visit the EDB website: "<http://www.edb.gov.hk/en/privacy-policy.html>".]

Item must be completed.

**Sha Tin Government Secondary School
Complaint Record**

Date received _____

Source: Directly lodged to the school
 Referred by EDB
 Referred by other organizations: _____

Mode: Phone Letter Email Fax In person
 Others: _____

Personal information of the complainant:

Name: Mr./Ms./Mrs. _____

Identity: Parent Councillor Public
 Organization _____
 Others _____
 Authorized representative of the complainant (please state the name,
 address and contact telephone number of the representative and
 his/her relation with the complainant): _____

Tel: _____ Fax: _____ Email: _____

Address: _____

Subject(s) of complaint:

Principal Teacher Staff
 Others: _____

Areas of Complaint:

Management and Organization Learning and Teaching
 School Ethos and Student Support Student Performance
 Others _____

Summary of complaint:

Investigation stage

Person-in-charge _____

Issue of Notice of Acknowledgement (date: _____)

Telephone contact (date: _____)

Interview with the complainant (date: _____)

Issue of written reply (date: _____)

Summary of findings:

Appeal stage (if applicable)

Date of appeal: _____

Person-in-charge: _____

Issue of Notice of Acknowledgement (date : _____)

Telephone contact (date : _____)

Interview with the complainant (date: _____)

Issue of written reply (date: _____)

Summary of appeal result:

Follow-up actions or recommendations (if applicable)

Signature of person-in-charge: _____

Sha Tin Government Secondary School

Reply Card

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr./Ms.* XX:

This acknowledges receipt of your letter dated DD MM YYYY. For our stance on the relevant issue, please refer to our reply/replies dated DD MM YYYY (and dates of other replies [if applicable]).

(Signature)

Principal/Post*

Name of the designated staff

* Please delete where inappropriate