

**Ho Yu College and Primary School  
(Sponsored by Sik Sik Yuen)**

**Guidelines for Handling  
School Complaints**

December 2013

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## **Foreword**

### **Building a culture of communication**

Education is greatly valued in Hong Kong. As society advances, with people becoming more aware of their own rights and interests, they have higher expectations of schools in providing quality education and nurturing future generations. They place a premium on the quality of management and services that schools provide. The school welcomes inquiries, feedback and suggestions regarding the performance of the school from key stakeholders, especially parents. We firmly believe that it is vital for the school to maintain good communication with the stakeholders.

### **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 well-established systems and channels in schools for public inquiry, consultation and communication, schools are bound to receive complaints for one reason or another. The school is willing to deal with complaints positively, approach them with patience and understand your opinions and criticisms, and respond to them promptly or within an appropriate time frame. In fact, constructive criticisms and reasonable complaints are valued as they could help the school improve. Should misunderstanding or insufficient communication be identified as the actual cause of any complaints, the school would be pleased to explain to the complainant(s) fully and sincerely to remove their doubts.

### **Formulating a school-based complaint handling mechanism**

To handle complaints efficiently, the school has established a mechanism and a set of procedures in accordance with our context in order to take appropriate follow-up actions promptly and prevent similar problems from happening again. The school will consult our stakeholders to ensure that the planned mechanism and procedures are transparent and acceptable for effective implementation.

In accordance with the *Guidelines for Handling School Complaints* published by the Education Bureau, the school has formulated the school-based “Guidelines for Handling School Complaints” (the Guidelines) which set out the principles, policies and procedures for handling school complaints in detail.

## **Enhancing effectiveness of governance**

The EDB and the school sector share the common vision of strengthening school governance and providing quality education service within the community. A healthy school governance culture is conducive to reducing misunderstandings and complaints. A strong communication culture and a sound complaint management system are critical pre-conditions for quality service and governance. The school would like to strengthen our communication efforts and forge a close partnership with the stakeholders.

## **Chapter I Scope of Application**

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

### **(i) Complaints about the daily operations and internal affairs of the school**

- ◆ Should a complaint concern the daily operations and internal affairs of a school (see Appendix I for relevant examples), the complainant should lodge it directly to the school for effective handling.
- ◆ Upon receipt of any complaints about the daily operations and internal affairs of a school from members of the public or via other organisations (such as the Chief Executive's Office, Legislative Council, Equal Opportunities Commission, District Council, Offices of Councillors or other government departments), the EDB will seek the complainant's consent to refer the complaint to the school for investigation and direct response. If the complainant does not consent to referral, the EDB will not participate in the investigation. If, however, the complaint involves any alleged serious misconduct or maladministration, the EDB may, regardless of the complainant's disinclination for referral, take action by allowing the school access to the content of the complaint without disclosing any personal information, so that the school could make timely improvements to its administration.
- ◆ The EDB may conduct direct investigation of any complaints under special circumstances, e.g. complaints about the maladministration of the IMC or malpractices of the school management.
- ◆ When handling complaints, the school will refer to the relevant circulars, guidelines and codes of practice to ensure compliance of respective requirements, such as:
  - Complaints about child abuse: EDB Circular No. 1/2012 "Handling Child Abuse and Domestic Violence Cases"
  - 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)"
  - Complaints about race discrimination: EDB Circular No. 25/2008 "Race Discrimination Ordinance"
  - Complaints about procurement of services and goods (such as school bus service, sale of textbooks and exercise books, as well as

meal charges): EDB Circular No. 4/2013 “Procurement Procedures in Aided Schools”, EDB Circular No. 24/2008 “Trading Operations in Schools”, and the documents issued by the Independent Commission against Corruption (ICAC) - “Corruption Prevention Best Practice: Governance and Internal Control in Schools” and “The Integrity Management for Schools – A Practical Guidebook for School Staff”

- 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 Education Ordinance, education policies and services provided by the EDB**

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

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

- ◆ Complaints relating to ongoing legal proceedings;
- ◆ Complaints under the jurisdiction of other organisations/government departments;
- ◆ Complaints governed by other ordinances or legal regulations such as complaints about corruption, fraud or theft;
- ◆ Complaints lodged by school staff (if the school receives any such complaints, it should handle them in accordance with the specifications of the school-based mechanism or guidelines for staff complaints; if the EDB receives such complaints, it should handle them in accordance with the current official procedure and respond to the complainant direct.)

1.3 In general, schools **need not handle** the following types of complaints:

**(i) Anonymous complaints**

- ◆ Whether the complaint is made in written form or in person, the complainant should provide his/her name, correspondence/e-mail address and contact phone number. If in doubt, the school can request the complainant's identity documents. Should the complainant fail or refuse to provide these personal details, thus hindering the school from carrying out investigations or replying in writing, his or her complaint will be deemed anonymous. In such a situation, the school needs not take any action.
- ◆ If follow-up actions are considered unnecessary, the school will briefly state the reasons and put the case on file.

**(ii) Complaints not made personally by the complainant**

- ◆ Generally speaking, complainants should present their grievance in person. Anyone who seeks to file a complaint on their behalf has to obtain their prior written consent. If the complainant happens to be a student, then the complainant's 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 complainant, the school can require the complainant to appoint a representative as the contact person.
- ◆ Sometimes a complaint is lodged or referred by organisations/groups such as Legislative councillors, district councillors, trade unions and the media. Since there is no current legislation which empowers any organisation/group to complain on behalf of someone else, the school will handle the complaint in accordance with our prescribed procedures only if the organisation/group has obtained prior written authorisation from the complainant.

**(iii) Complaints involving any incidents which have occurred for more than one year**

- ◆ Normally, complaints related to the daily operations of the school should be lodged during the school year. If a complaint is delayed so much so that it is filed only after the incident has occurred for more than one year, the school will have difficulty conducting investigations. This is because the circumstances/evidence might have changed or disappeared, or the complainant/respondent might have left the school already. Nonetheless, for greater flexibility, it is proposed that the time limit for lodging a complaint be extended to one calendar year.

**(iv) Complaints with insufficient information**

The school may require the complainant to provide substantial and adequate information regarding the case for investigation. If the complainant fails to do so, the school may refuse handling the complaint.



## **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 The school will handle complaints relating to its daily operations and internal affairs, and the EDB should directly handle those concerning the Education Ordinance, education policies and services. Complaints involving other laws of Hong Kong should be lodged to and handled by relevant law enforcement agencies (e.g. the ICAC, Hong Kong Police Force or Equal Opportunities Commission).

2.3 Where a complaint involves both the school and the EDB, it will be handled by the school and related section(s) of the EDB.

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

2.4 The school will handle and reply to all inquiries, opinions or complaints, verbal or written, as soon as possible to prevent any potentially uninviting situation from worsening. When there is an inquiry/a complaint, the frontline staff will either directly handle it themselves or immediately refer it to the designated staff/task group. If the frontline staff are unable to resolve the problem themselves, they will seek help from their seniors.

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

2.5 The school will in collaboration with the sponsoring body, set up a clear and effective school-based mechanism as well as procedures to handle inquiries and complaints. Teachers and parents will be consulted to ensure that the procedures are recognized and accepted by stakeholders.

2.6 The school will prepare clear guidelines for stakeholders concerning relevant policies, procedures and responsible staff for handling complaints. The school will pursue different channels to effectively communicate the relevant details to parents and staff, e.g., school websites, circulars, staff meetings and parent-teacher meetings.

2.7 The school will ensure that all staff responsible for handling inquiries and complaints are familiar and comply with relevant policies and guidelines.

2.8 The policies and guidelines will be regularly reviewed and the handling procedures will be updated whenever necessary.

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

2.9 The school will approach complaints positively, and treat the complainants and the persons being complained about fairly. The school will also ensure that sufficient appeal channels are provided and consider, if necessary, inviting independent persons to participate in the complaint/appeal handling process.

2.10 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 are obliged to abstain from handling the case or accessing information relating to the case.

2.11 To avoid conflict of interest, staff members who happen to be the respondent of the complaint will not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.

2.12 The school will see to it that the rights of the complainants or other persons involved in the complaint are ensured and that their future communication with the school would not be affected.

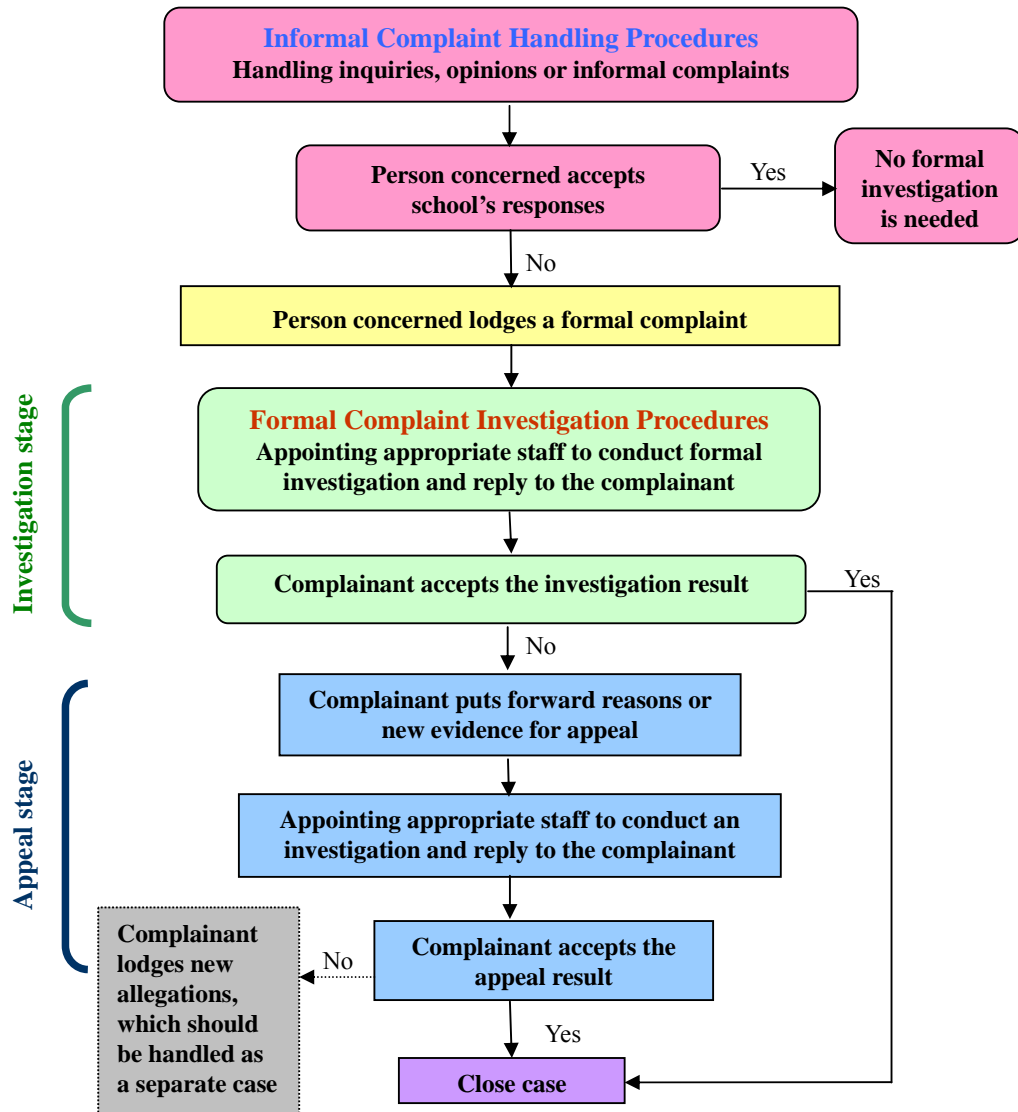
## **Chapter III Procedures for Handling Complaints**

### **Interpretations**

3.1 To avoid confusion in the handling process, the frontline staff of schools should carefully differentiate between concerns and complaints. A concern refers to the inquiry or opinion that stakeholders make for the interests of themselves, their children or the school itself, with a view to changing or improving the existing situation. A complaint is an expression of disappointment, dissatisfaction or resentment. A person who makes a complaint may often request schools to make rectifications, take disciplinary actions against the suspected offenders, or seek solutions to problems. The responsible staff should avoid mixing up concerns and complaints and adopt appropriate procedures to handle them.

3.2 In general, unless the person insists on making a formal complaint, the school staff can promptly respond and help resolve his/her problem by following the informal complaint handling procedures. Please refer to Diagram 1 for the school's complaint handling procedures.

**Diagram 1: The School’s Complaint Handling Procedures**



**Informal Complaint Handling Procedures**

***Immediate/prompt handling***

3.3 The school will handle inquiries or complaints efficiently and appropriately, in order to remove misunderstandings and forestall crises.

- ♦ 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 before taking appropriate action. In general, if the case does not warrant extensive investigation involving evidence collection, or the person concerned does not request a formal written reply, the frontline staff may handle the matter in accordance with the informal complaint handling procedures of the school.

- ◆ The frontline staff should listen to and address the concerns of the inquirer/complainant with care and understanding. If the incident is not serious, they should provide whatever information required and promptly help resolve the inquirer's/complainant's problems.
- ◆ The school staff in charge of the complaint or inquiry will, where necessary, relay the school's stance, clear misunderstandings and remove any misgivings or worries through direct talks or interviews with the person(s) concerned.
- ◆ The school will, according to our own situation, consider providing an initial response within three working days.
- ◆ If necessary, the frontline staff should seek support by referring the case to a designated or 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 school context and the nature of the case.

***Replying to complaints***

3.4 For verbal inquiries/opinions/complaints, the school will provide verbal replies. For opinions/complaints presented in written form, the school will provide a simple written reply.

***Complaint records***

3.5 Cases handled through the informal complaint handling procedures normally are not documented in formal written records.

***Appropriate follow-up***

3.6 The school will review whether policies or procedures regarding inquiries/complaints have been properly followed and suggest appropriate measures to improve the handling of similar cases or prevent similar cases from arising again in the future. If necessary, the person in charge should inform the person or party concerned on the follow-up actions that the school has adopted and the results that follow.

**Formal Complaint Investigation Procedures**

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

3.7 If after going through the informal complaint handling procedures, the school still cannot resolve the complaint, or the complainant is still not satisfied with the school's reply, the following formal complaint investigation procedures (including an appeal mechanism) will be adopted:

(i) Investigation stage

If the school receives any formal complaints (including those referred by the EDB or other organisations), the school will carry out the following procedures:

- ◆ In accordance with the school-based mechanism, assign appropriate staff to investigate the complaint and reply to the complainant.
- ◆ Acknowledge receipt of the complaint, seek the complainant's consent to obtain his/her personal data and information relevant 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 II and III.
- ◆ If necessary, contact the complainant and other persons involved or arrange an interview with them to have a clear grasp of the situation or request relevant information from other persons/organisations involved.
- ◆ Handle and resolve the complaint as quickly as possible (the investigation will be completed within two months after receiving the complaint), and send a written reply to inform the complainant of the result.
- ◆ If the complainant accepts the investigation result, the case is officially concluded.
- ◆ If the complainant does not accept the investigation result or the way the school handles the complaint, and is able to provide new evidence or sufficient justification, the complainant may lodge an appeal against the school's decision in writing within 14 days from the date of its reply.

(ii) Appeal stage

With appeal cases, the school will adopt the following procedures:

- ◆ 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 investigation will be completed within two months after receiving the request for appeal), and send a written reply to inform the complainant of the appeal result.
- ◆ If the complainant accepts the appeal result, the case is officially concluded.
- ◆ If the complainant does not accept the appeal result or the way the appeal was handled, the school should cautiously review its procedures to ensure that they have been properly followed.
- ◆ If the complainant raises other new allegations, the school should handle them separately in order to avoid mixing up the old and new complaints.

### ***Mediation service***

3.8 When handling complaints, the school may consider the nature of individual cases and decide whether it is appropriate to adopt different means to promptly find solutions and resolve conflicts. This includes seeking assistance from a mediator, and inviting independent persons/professionals to provide impartial and informed 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 presented in written form, the school will 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 the EDB/other organisation(s), a written copy of the investigation result 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. In the case that the information submitted is incomplete, the time limit should start from the date on which the school receives from the complainant all necessary information. If a reply cannot be given within the specified period, the school should issue a letter explaining to the complainant why a longer handling time is needed.

### ***Complaint/appeal record***

3.11 The school will keep a clear record of cases handled through the formal complaint investigation procedures. A sample complaint record is given in Appendix IV.

### ***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 should inform the person(s) concerned of the school's follow-up actions and outcome of the investigation.

## Chapter IV Arrangements for Handling Complaints

### Designated staff

4.1 Following the school-based inquiry/complaint handling mechanism's recommendations, and taking into account the nature of the complaint, its scope and the people involved, the school will assign designated staff or set up a task force to handle the complaint. The arrangements are as follows:

- ◆ Different staff members should be deployed to handle the investigation and appeal stages. In principle, the staff dealing with the appeal stage should be of a higher rank than those responsible for the investigation stage.
- ◆ There is an Appeal Committee under the IMC of the school to handle special complaint cases. The Task Force Chairman is Mr. LEUNG Hing Fung, Independent Manager, and the committee members are Mr. LEUNG Yu Wah, School Manager, and Mr. LEE Tat Luen, School Manager.
- ◆ The parties responsible for different stages of handling complaints are as follows:

Targets involved	Investigation stage	Appeal stage
Teaching and school staff	Vice Principal, Supervisor of the teaching/school staff concerned	Principal / Appeal Committee of the IMC
Vice Principal	Principal	Appeal Committee of the IMC
Principal	IMC Chairman / IMC Investigation Task Force	Appeal Committee / School-sponsoring body
Supervisor / IMC	Designated staff of school-sponsoring body	Task force of School-sponsoring body

### Confidentiality

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

4.3 When schools need to collect personal data during the handling process or when they receive requests for the disclosure of data/records in respect of the complaint case, they should observe the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance. This includes clearly stating the purpose as well as the way the personal data will be collected and that the data will only be used for handling



the complaint or appeal. The school will refer to the relevant provisions in the Personal Data (Privacy) Ordinance (Cap. 486) and on the webpage of the Office of the Privacy Commissioner for Personal Data at <http://www.pcpd.org.hk/chinese/ordinance/ordglance.html>.

4.4 The school will adopt appropriate security measures to protect personal data and privacy.

4.5 The school will establish procedures to ensure that only the authorised persons can access the information. The responsible persons should not disclose or discuss any contents or information relating to the case in public without authorisation.

4.6 To avoid misunderstanding regarding interviews or meetings with relevant parties, the school will:

- ◆ State clearly whether the person(s) concerned can be accompanied by others (for example, relatives, legal representatives) during the interview/meeting and reiterate their stance prior to starting.
- ◆ Clarify before the interview/meeting whether audio/video recording is permitted or obtain the consent of all attendees if the session is to be audio/video recorded. Such procedure should also be reiterated before the end of the interview/meeting.

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

4.7 Schools should conduct a comprehensive review on the strategies, process and steps they have undertaken in handling complaints so as to benefit from past experiences, improve their methods, and avoid the recurrence of similar cases in future.

4.8 In order to enhance their professional standards, the school will implement appropriate follow-up measures to improve their services or revise particular policies.

4.9 The school will regularly review their own complaint handling policies, and report to the IMC by providing, for example, relevant data concerning complaint/appeal cases, and suggest, if necessary, improvement measures to enhance their school-based complaint handling mechanism and procedures.

### **Support and training**

4.10 The school will provide appropriate training to assist staff to handle inquiries/complaints effectively, e.g. training programmes on communication, negotiation and mediation skills, or experience sharing sessions which could enhance the capacity of frontline/designated staff in handling complaints and resolving

conflicts.

4.11 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 will organise relevant training programmes. The school encourages staff to attend relevant courses.

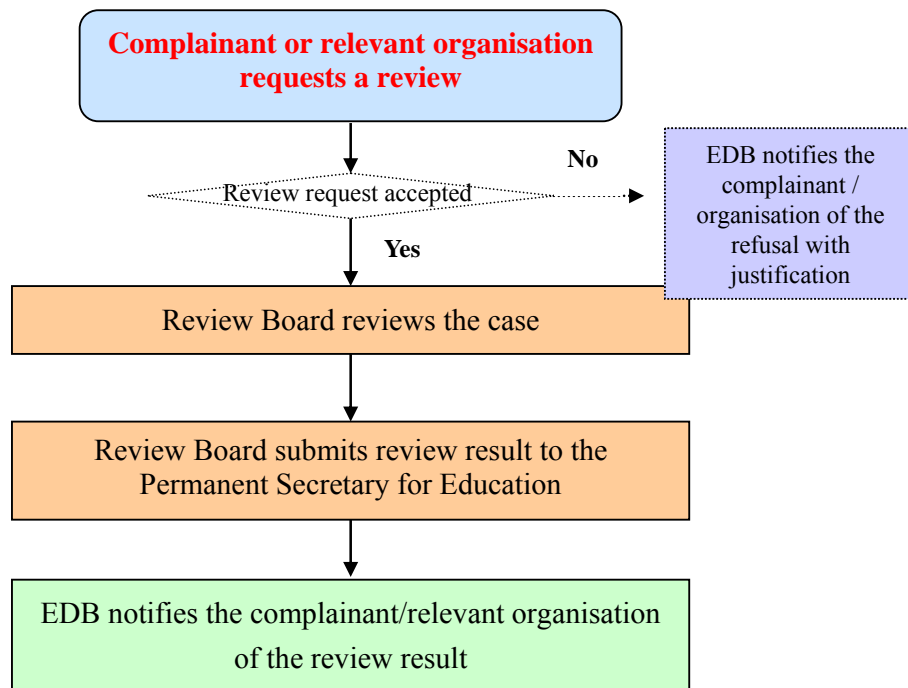
## Chapter V Review of Complaints

5.1 Some complaints may remain unresolved after the investigation and appeal stages. Complainants or relevant organisations (including the school/EDB) may request the “Review Board on School Complaints” (Review Board)<sup>1</sup> established by the EDB to review these cases under the following circumstances:

- ♦ The complainant provides substantial grounds or new evidence to show that the school/EDB has handled the case improperly.
- ♦ Although the complaint has been properly dealt with through established procedures, the complainant refuses to accept the investigation result and seeks to appeal further.

5.2 A case will not be reviewed unless it has undergone the investigation and appeal stages of handling by the school/EDB. Before requesting a review, the complainant should state explicitly 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 new or substantial supporting evidence. Otherwise, the Review Board may refuse the request for review. Please see Diagram 2 for the review procedures.

**Diagram 2: Review Stage**



<sup>1</sup> For the formation of the Review Board on School Complaints, please refer to Sections 5.3 and 5.4

## **Membership of the Review Board on School Complaints**

5.3 The Review Boards<sup>2</sup> are composed of independent persons from various sectors. The members are appointed by the Permanent Secretary for Education. The Panel comprises a Chairperson, a Deputy-Chairperson and at least 10 members. The tenure of membership is two years.

5.4 Where necessary, the Panel can set up various 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 rest of the Panel.

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

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

## **Functions and powers of the Review Board**

5.6 The Review Board is responsible for reviewing school-related complaint cases that have been handled by the school or the EDB during the investigation and appeal stages. The review results and recommendations will be submitted to the Permanent Secretary for Education for consideration.

## **Review procedures**

5.7 Schools should inform complainants in their reply that if they do not accept the result of their appeal or the way the appeal is handled, they could write to the EDB to apply for review within 14 days from the date of the school reply. The EDB will then forward the case to the Panel for consideration. The person who requests a review should provide substantial reasons or new evidence to help the Panel 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 EDB will send a written reply to inform the applicant/relevant organisation of the reasons for refusal.

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<sup>2</sup> The EDB set up the Panel of Review Boards on School Complaints in January 2013. At the moment, the independent review committee will only review complaint cases related to those schools participating in “Pilot Project on Enhancement of Complaint Management in Schools”.

5.9 The person who requests a review is required to sign a letter of consent, authorising the Review Board to forward information regarding the complaint to the school/sponsoring body and/or other relevant organisation(s)/person(s). The Review Board also has the right to obtain information related to the complaint/review from the complainant, the school/sponsoring body and/or other relevant organisation(s)/person(s).

5.10 The review largely comprises the re-examination of investigation reports and related documents. However, taking into account the subject matter and nature of the case, the Panel may adopt other appropriate review procedures, which include:

- ◆ Scrutinizing the information provided by the complainant, respondent, school/school-sponsoring body and/or EDB, as well as the files or records associated with the case.
- ◆ Requiring the complainant, respondent, school/school-sponsoring body and/or EDB to clarify information and/or provide new evidence.
- ◆ Meeting with the complainant, the respondent and/or other persons concerned separately to collect further information.
- ◆ Inviting the complainant, respondent, representative(s) of the school/school-sponsoring body, and/or representative(s) of the EDB to attend case meetings.

5.11 For confidentiality reasons, the Review Board/EDB cannot disclose to anyone the personal information of any individuals or parties related to the complaint (including the complainant, respondent, and/or the school/school-sponsoring body) without their consent.

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 would need to be involved in the complaint and obtain the Chairperson of the Panel's approval for attendance.
- ◆ During the interview or case meeting, the complainant is not allowed to question the respondent or other witnesses, and vice versa.
- ◆ Audio/video recording is prohibited during the interview or case meeting.

### **Result of review**

5.13 The Review Board will examine whether the case has been handled properly according to the complaint handling procedures and whether the investigation result 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 result will be submitted to the Permanent Secretary for Education.

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

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

## Chapter VI Handling of Unreasonable Behaviour

6.1 Appropriate communication and mediation are conducive to removing misunderstanding and increasing mutual trust. Under normal circumstances, the school does not put any restrictions on contact with complainants. However, sometimes the unreasonable behaviour of complainants can have a negative impact on the school. The school therefore develops appropriate policies and measures to handle problems of this kind to ensure that the school can continue to operate smoothly, students' learning is not affected and that public funds could be meaningfully used to provide quality education services.

### Definition of unreasonable behaviour

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

- (i) Acting unreasonably or showing unreasonable attitudes, such as:
  - ◆ Acting violently or making intimidations
  - ◆ Making complaints with abusive language or in a disparaging and insulting tone
  - ◆ Providing false data or deliberately concealing facts
  
- (ii) Making unreasonable demands, such as:
  - ◆ Requesting a huge amount of information or demanding special treatment
  - ◆ Constantly making telephone calls to ask for a dialogue or an interview, or to specify a certain person to reply
  - ◆ Requesting to meet with a certain staff member at a certain time and place
  
- (iii) Persistently making unreasonable complaints, such as:
  - ◆ Firmly rejecting the explanations and findings of the school/EDB, and/or persistently requiring the school/EDB to discipline certain person(s), even after appropriate investigation procedures have been undertaken
  - ◆ Repeatedly making the same complaints as already lodged or presenting similar justifications as before, but without providing any new evidence
  - ◆ Persistently adding new matters or persons to the case for complaint, but failing to present concrete evidence.
  - ◆ Interpreting things unreasonably or irrationally, or wrangling over trivial details

## School-based policy

- 6.3 In view of the complainants' unreasonable behaviour:
- ◆ The school will designate suitable staff members to ascertain whether the complainants' behaviour are reasonable or otherwise, and decide what measures should be taken. Generally speaking, the principal can make such decisions. However, if the complaint is lodged against the principal, such decisions will be made by the IMC.

## Handling of unreasonable behaviours

- 6.4 (i) Acting unreasonably or showing unreasonable attitudes
- ◆ Any unreasonable attitude or behaviour, including acts of violence, intimidation, and abusive/offensive conduct or language, are unacceptable, whether they are performed face-to-face or by phone/writing. The staff should convey this message clearly in the event they encounter any complainant with such behaviour or attitudes, in addition to demanding that he/she stop acting in such a way. If the complainant refuses to comply, paying no heed to the staff's warning, the latter may terminate the meeting or conversation.
  - ◆ If the complainant's behaviour poses an immediate threat to the staff's personal safety or if it seeks to cause damage to their personal interests, the staff may terminate the interview or communication and ask the complainant to leave. In the case where the situation is urgent or it is deemed necessary, the school will take appropriate and decisive action, such as reporting to the police or taking legal action.
- (ii) Making unreasonable demands
- ◆ If a complainant makes unreasonable demands which may impact the school adversely, e.g. interrupting its operation/services or causing interference with other stakeholders, the school will consider restricting contact with the complainant by specifying the time of meeting, frequency, date, duration and modes of communication. 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 carry on with them, the school will conduct review of the criteria for implementing the restrictions regularly.
- (iii) Persistently making unreasonable complaints
- ◆ The complainant may still persistently confront the school with



unreasonable complaints, even though it has carefully examined his/her case, and handled it properly by following the prescribed investigation and appeal procedures, as well as sending a detailed, unbiased written explanation regarding the outcome. In such a situation, the school can decide whether to restrict contact with the complainant, or to terminate communication and cease handling the case altogether.

- ◆ In response to persistent and unreasonable complaints, the school will send a written reply to the complainant, referring him/her to the reply previously given, and reiterate that the school will neither respond to the same complaint nor contact him/her again. Please see Appendix V for a sample of the correspondence.

## **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 or set of procedures relevant to our own context and stakeholders' needs. It should be:

- ◆ Clear and unambiguous
- ◆ Open and transparent
- ◆ Concise and easy to follow
- ◆ Fair and just
- ◆ Maintaining confidentiality
- ◆ Ensuring continuous improvement

### **Maintaining good communication**

7.2 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. Members of the Parent-Teacher Association may serve as a bridge of communication by helping to explain school policies to parents, relieving any sentiments of dissatisfaction on their side, and playing the role of mediator when necessary. To enhance the standards of the professional services they provide, the school always assumes an open attitude and listens to the views of the sponsoring body and stakeholders to identify room for improvement regarding the school-based inquiry/complaint handling mechanism and procedures.

## Appendix I

### Complaints Relating to Daily Operations and Internal Affairs of the School

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

## Appendix II

### Sample 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/Vice Principal\*) at 21091001.

(Signature)

Principal

Ho Yu College and Primary School

(Sponsored by Sik Sik Yuen) /

Name and post of the designated staff\*

\* Please delete where inappropriate

## Appendix III

### Sample 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 work, 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/Vice Principal\*) at 21091001.

(Signature)

Principal

Ho Yu College and Primary School

(Sponsored by Sik Sik Yuen) /

Name and post of the designated staff\*

\* Please delete where inappropriate

**Sample Acknowledgement Letter (2)**

**Reply Form**

To: Name of 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: \_\_\_\_\_

\_\_\_\_\_

# Contact 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 photocopy the complaint and other information I present, and forward the copies to relevant persons/ organisations; and
2. The school may ask relevant persons/organisations for my personal details and other information related to this complaint.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the complainant

# Item that must be completed.



**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:** \_\_\_\_\_



**Sample Written Reply**

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms\* XX:

We received your letter dated DD MM YYYY. Our assessment of the complaint you lodged has been detailed in our reply/replies dated DD MM YYYY (and dates of other replies [if applicable]). We consider this case closed, and no further contact/reply will be made.

(Signature)

Principal

Ho Yu College and Primary School

(Sponsored by Sik Sik Yuen) /

Name and post of the designated staff\*

\* Please delete where inappropriate