

Guidelines for Handling School Complaints

**(Sir Ellis Kadoorie Secondary School)
(West Kowloon)**

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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 will 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 will 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. Schools will handle complaints positively, with patience and understanding, and provide prompt responses within an appropriate time frame. In fact, constructive criticisms and reasonable complaints will be valued as they may help schools improve. In addition to adopting an open attitude to diverging views, schools will also review their existing policies, procedures and measures for the continuous improvement of her administration. Should misunderstanding or insufficient communication be identified as the actual cause of any complaints, schools will undertake to explain to the complainant(s) fully and sincerely to remove their doubts. To ensure that schools operation would not be affected, schools will develop appropriate policies and measures to deal with such kind of unreasonable behaviour.

Formulating a School-based Mechanism

In order to handle complaints more speedily and effectively, and to respond to the reasonable demands from complainants, the school will establish or enhance its school-based mechanism and procedures according to its own situations and needs. A sound school-based complaint handling mechanism can help 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. Schools will adequately communicate with their stakeholders to ensure that the relevant mechanism and procedures are transparent and acceptable for effective implementation.

Enhancing Effectiveness of Governance

A good communication culture and a sound complaint management system are prerequisites for quality service and governance in schools. Schools will strengthen communication and maintain a close partnership with their stakeholders. The governance and credibility of the school can be enhanced 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 directly to government schools 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 school

- ◆ In the spirit of school-based management, the School Management Committee (SMC) is entrusted with the power and responsibility to manage the school. The School will, therefore, collaborate closely with the SMC to develop its school-based mechanism and procedures for handling school affairs, including complaints related to 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 the complaints are lodged directly to EDB, it would be handled by Regional Education Office (REO) staff directly.
- ◆ If the school receives formal complaints against the Principal or the SMC, it will inform REO and the complaint will be directly handled by respective School Development Officer(s).
- ◆ REO staff may conduct direct investigation of any complaints under 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.
- ◆ To ensure compliance with the relevant requirements, school will handle complaints of different nature about daily operation and internal affairs or complaints related to legislations other than Education Ordinance in accordance with the relevant EDB circulars and internal circulars, guidelines and codes of practice as appropriate, such as :
 - EDB Internal Circular No. 8/2009 “Public Complaints Procedure”
 - Complaints about child abuse: EDB Circular No. 1/2016 “Handling Child Abuse and Domestic Violence Cases”
 - Complaints about disability discrimination: EDB Circular No. 14/2001 “Commencement of the Code of Practice on Education”; and “Disability Discrimination Ordinance Code of Practice on Education” issued by the EOC
 - Complaints about equal opportunities: EDB Circular No. 33/2003 “The Principle of Equal Opportunities”
 - Complaints about gender discrimination and sexual harassment: EDB Circular No. 2/2009 “Amendment to the Sex Discrimination Ordinance (Cap. 480)” and “Questions and Answers on Preventing

Sexual Harassment in Schools” issued by the EOC

- Complaints about race discrimination: EDB Circular No. 25/2008 “Race Discrimination Ordinance” and booklet on “Racial Equality and School Uniform” issued by the EOC
- Complaints about procurement of services and goods: Guide on Financial Management in EDB, EDBIC No. 4/2015 “Procedures for Procurement of Stores”, EDBIC No. 3/2015 “Tender Procedures for Procurement of Services and Revenue Contracts with a value exceeding \$1.43 million” and “Corruption Prevention Best Practice: Governance and Internal Control in Schools” issued by the Independent Commission against Corruption (ICAC)
- Complaints about acceptance of advantages and donations: EDB Circular No. 14/2003 “Acceptance of Advantages and Donations by Schools and their Staff”

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

- ◆ The EDB is responsible for formulating education policies, enforcing the Education Ordinance and providing education services. If a complaint falls into any of the following categories, the school will re-direct it to the relevant division(s)/section(s) of EDB as soon as possible for acknowledging receipt and direct handling even though the case may have taken place in 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).
- ◆ The relevant division(s)/section(s) of EDB will also draw reference from relevant internal guidelines in handling the above complaints.

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

- ◆ Complaints related to ongoing legal proceedings;
- ◆ Complaints under the jurisdiction of other organisations/government departments;
- ◆ Complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft;

1.3 In general, school will not handle 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 will briefly state the reasons and put on file for record.

(ii) Complaints not made by the person concerned

- ◆ Generally speaking, the person concerned should lodge the complaint by himself/herself. Anyone who seeks to file a complaint on behalf of the person concerned has to obtain his/her prior written consent. If the case involves a student (or a minor, or an intellectually disabled person), then his/her parents/guardian, or the person authorised by the parents/guardian, may lodge a complaint on his/her behalf.
- ◆ If a complaint is lodged by more than one person on behalf of the person concerned, the school may require the person concerned to appoint one of them as the contact person.
- ◆ Sometimes a complaint is referred or lodged on behalf of the person concerned by other organisations/groups such as legislative councillors, district councillors, trade unions or the media. If the relevant organisation/group has obtained prior written authorisation from the person concerned, the school will handle the complaint in accordance with its 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 was 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 evidences. To provide greater flexibility, the school may advise parents and the public that a complaint should be lodged within one calendar year from the occurrence of the incident involved.

Chapter II Guiding Principles for Handling Complaints

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

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

2.2 The school will handle those complaints relating to its daily operation and internal affairs.

2.3 The relevant division(s)/section(s) of EDB will handle those complaints concerning the Education Ordinance, education policies and services.

2.4 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).

2.5 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.

2.6 If a complaint involves both school and other division(s)/section(s) of EDB, the related division(s)/section(s) will collaborate with the school concerned on how to follow-up/handle the case. If a complaint is lodged to both the school and EDB at the same time, the case will be handled by REO / other division(s)/section(s) of EDB according to the current practice.

Principle II: Timely and efficient handling

2.7 The school will handle and respond to all verbal or written inquiries, opinions or complaints as soon as possible, and promise to confirm the receipt of complaint within 3 working days.

2.8 If a formal complaint is confirmed, the school will send an 'Acknowledgement Letter' **within 10 working days**. Investigation will be completed and reply will be sent to the complainant **within 30 working days**.

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

- ◆ Appoint an 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 2 working days**), including information about actions taken or preliminary investigation results, and ensure that the information provided is clear, accurate and in line with requirements under the Personal Data (Privacy) Ordinance.

- ◆ Inform the SMC chairperson, all teaching staff, students and parents of the progress of the case as far as possible; observe whether students and staff have been emotionally affected by the incident; and provide them with appropriate counselling where necessary.

Principle III: Clear and transparent mechanism

2.10 The school in collaboration with SMC will set up a clear and effective school-based mechanism as well as procedures for speedy and proper handling of inquiries and complaints. School will adequately communicate with teachers and parents to ensure that the relevant procedures are generally accepted by stakeholders.

2.11 The school will clearly explain to stakeholders on the relevant policies, procedures and responsible staff for handling complaints. It 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.

2.12 The school will regularly review its complaint handling policies and guidelines, and make appropriate amendments.

Principle IV: Fair and impartial handling

2.13 The school will approach complaints positively and treat the complainants and respondents of the complaints fairly.

2.14 Before an investigation begins or where appropriate, the designated staff and related individuals will declare interests.

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

2.16 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.

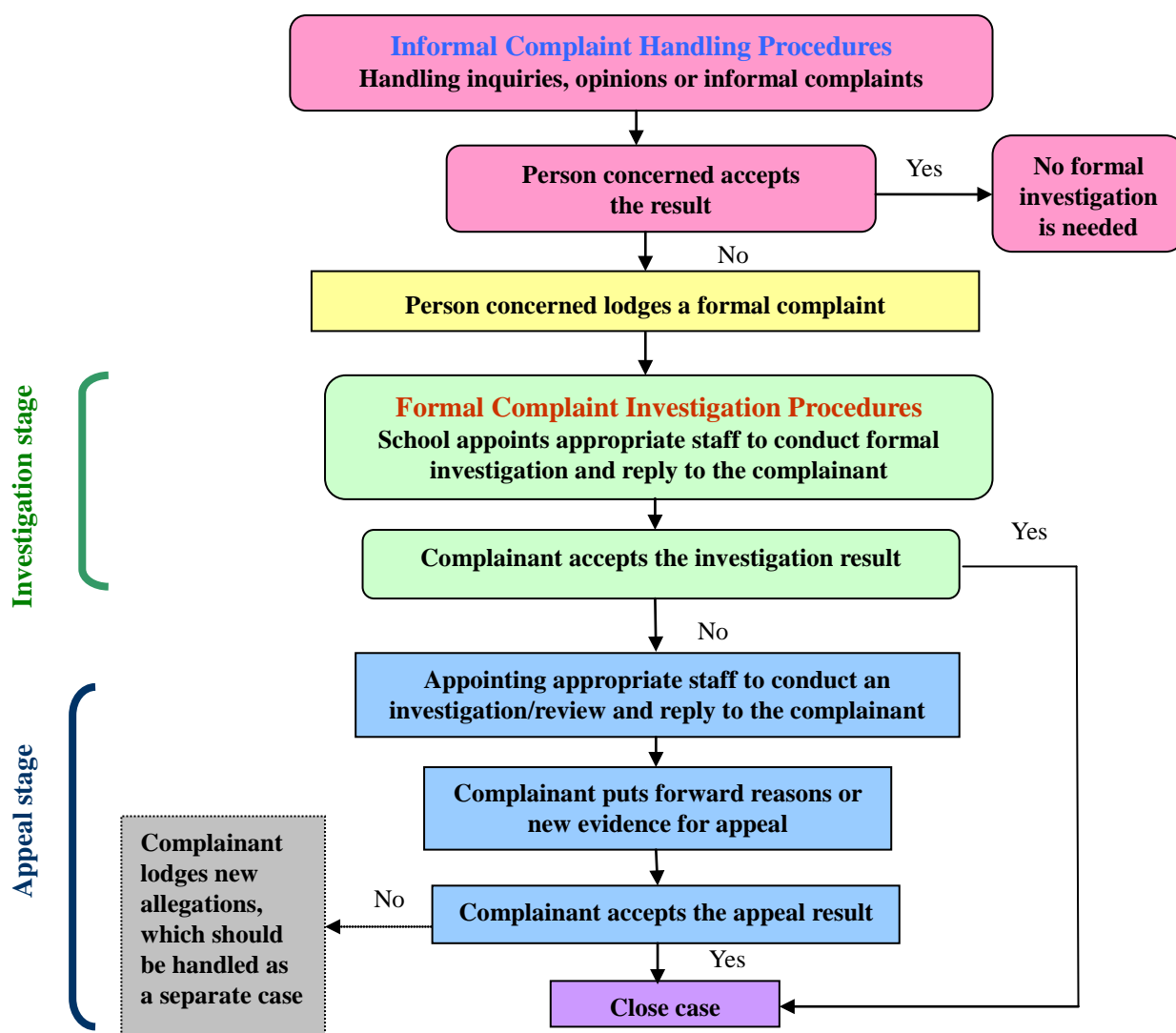
Chapter III Procedures for Handling Complaints

Interpretation of Complaints

3.1 To avoid confusion in the handling process, the frontline staff of 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. School 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 school.

Diagram 1: Flowchart of School Complaint Handling Procedures



Informal Complaint Handling Procedures

Immediate/prompt handling

3.3 School will adopt the following arrangements:

- ◆ If the school receives an inquiry, opinion or informal complaint from the public, whether verbal or written, and the case does not require an investigation involving evidence collection, or the person concerned does not submit a written request for 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 and clarify 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, staff in charge of the relevant issue will have direct talks or interviews with the person(s) concerned to explain the school stance and remove any misunderstanding, misgivings or worries of them 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.
- ◆ School may set a time limit for an initial response according to the situation. **3 working days** are required in general.

Replying to complaints

3.4 For verbal inquiries/opinions/complaints, oral replies will be sufficed under the informal complaint handling procedures. For opinions/complaints presented in written form, school may decide whether a simple written reply to the complainant is appropriate.

Complaint records

3.5 Cases handled by the informal complaint handling procedures normally need not be documented in formal written records. If an inquiry/complaint has been answered or resolved instantly, the designated staff or the Principal may record the key points in a log book for future reference. (**Appendix II**: Record Sheet of Cases Handled by Informal Procedures)

Appropriate follow-up

3.6 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 (including those referred by the EDB or other organisations), they will be handled according to the following procedures:

- ◆ In accordance with the school-based mechanism, assign appropriate staff to handle the complaint and reply to the complainant (please see **Appendix I**);
- ◆ Acknowledge receipt of the complaint **within 10 school 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. (please see 'Acknowledgement Letter' in **Appendixes III and IV**);
- ◆ If necessary, the school will contact the complainant and other persons involved or arrange meetings with them in order to have a better grasp of the situation or request persons involved/ organization(s) to provide relevant information;
- ◆ Handle the complaint as quickly as possible (the school will complete the investigation **within 30 school days** after receiving the complaint and send a written reply to inform the complainant of the investigation result. For complicated cases which require a longer processing time, an interim reply should be issued to inform the complainant of the progress of the case and the reasons why a longer time is needed to provide a substantive reply and, if possible, the estimated time frame for issuing a substantive reply);
- ◆ If the complainant accepts the investigation result, conclude the case officially; and
- ◆ If the complainant does not accept the investigation result or the way the school handled the complaint, and is able to provide new evidence or sufficient justification, he/she may lodge an appeal in writing against the school's decision **within 14 school days** from the date of 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 school 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 according to the procedure in order to avoid mixing up the old complaints with the new ones.

Resolving conflict through mediation

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

Responding to complaints/appeals

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

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.

Formal complaint/ appeal record

3.10 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

3.11 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 in accordance with the school-based complaint/inquiries handling mechanism, the school will assign a designated staff or set up a task force to handle the complaint in different stages with reference to the following arrangements:

- ◆ Staff members who are responsible for the appeal stage should be different from those responsible for the investigation stage. In Principle, the staff dealing with the appeal will be of a higher rank than those responsible for the investigation.
- ◆ Where necessary, the school may establish a task force to handle special complaint cases. Depending on the situation, the task force may include members of the SMC and representatives from other division(s)/section(s) of 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 communication 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 authorisation and early understand their roles and responsibilities.

4.2 Deployment of staff in handling and investigating complaints

Targets involved	Example	Investigation stage	Appeal stage
Teaching and school staff	1	Senior teacher	Assistant Principal/ Deputy Head
	2	Assistant Principal/ Deputy Head	Principal
	3	Principal	Designated staff of EDB [#]
Remarks: If formal complaints against the Principal or the SMC are received by the school, they will be referred to REO for follow-up actions.			

[#] Designated staff of 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. Computer data will be protected by passwords.

4.4 When the school need to collect personal data during the handling process or receive requests for the disclosure of data/records in respect of the complaint case, she 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 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/> will be referred.

4.5 The school will adopt appropriate security measures to protect personal data and privacy, such as keeping the data in safe places. 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. According to EDBIC No. 8/2009, complaints should normally be graded as “Restricted”.

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

4.7 Where interviews or meetings with complainant(s) are involved in handling the complaint cases, the school will incorporate the associated arrangements into the school-based complaint handling mechanism. To avoid misunderstanding, schools will:

- ◆ State clearly whether the person(s) concerned can be accompanied by others during the interview/meeting and reiterate this stance before the interview/meeting starts; and
- ◆ Indicate before the interview/meeting starts whether audio/video recording is prohibited or whether the consent of all attendees 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.

Follow-up and evaluation

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

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

4.10 The school will regularly review their own complaint handling policies and report to the SMC by providing, for example, relevant data concerning complaint/appeal cases, and suggest, if necessary, improvement measures to enhance their 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 their capability in handling complaints and resolving conflicts.

4.12 To enhance the knowledge and skills of school staff (including the Principal, assistant principals, teachers, administrative and frontline staff) in the prevention and handling of complaints, the school will provide relevant training for them. Attending EDB's Training related courses are strongly encouraged and supported.

Chapter V Review of Complaints by Review Board ¹

5.1 Most school-related complaints can be settled through the informal and formal complaint handling procedures. However, some complaints may remain unresolved after the investigation and appeal stages. The complainant/school or 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 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 EDB but the complainant refuses to accept the investigation result and continues to complain.

Membership of the Review Board

5.2 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 may set up several Review Boards to review different complaint cases. Each Review Board is composed of the following members:

- (i) The Chairperson/Deputy Chairperson of the Panel; and
- (ii) Two other members appointed by rotation from the Panel.

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

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

¹ EDB set up the Panel of Review Boards on School Complaints in January 2013. The independent review arrangement will only apply 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 this Guidelines.

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

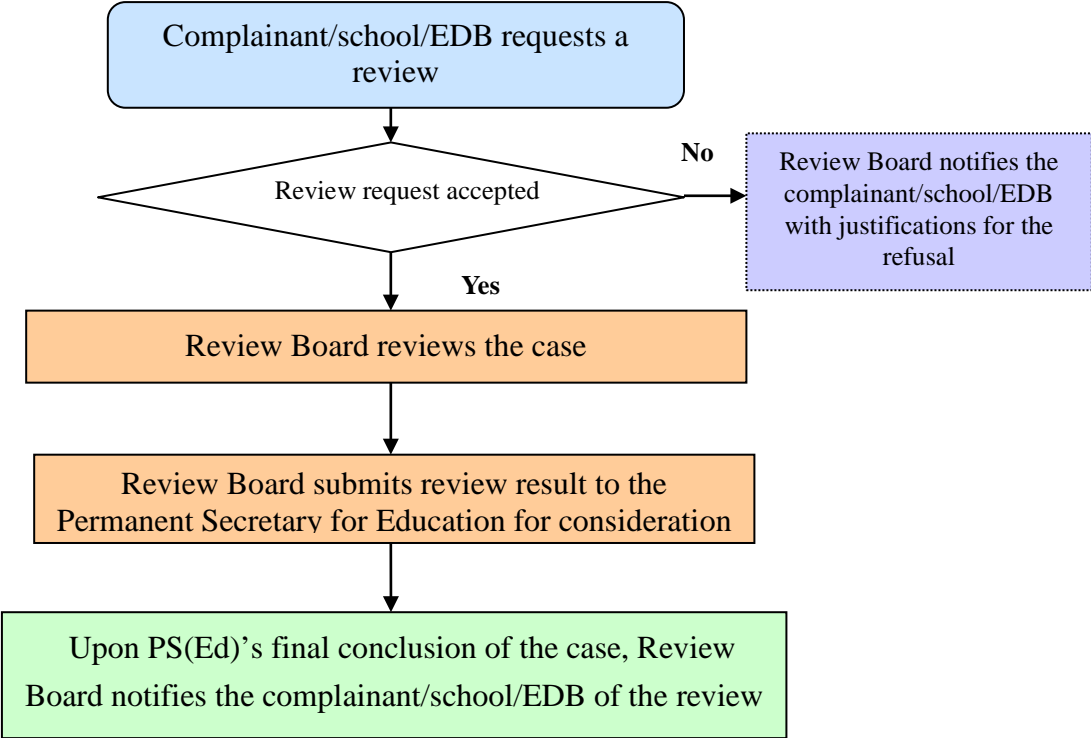
Functions and powers of the Review Board

5.5 The Review Board is responsible for reviewing school-related complaint cases that have been handled by schools or relevant division(s)/section(s) of 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 their reply after the appeal that if they do not accept the result of their appeal or the way the appeal has been handled, they may apply in writing to the Review Board for a review **within 14 days** from the date of the school's reply. In requesting a review, the complainant will 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, authorising the Review Board to forward information regarding the complaint to the school and/or other relevant organisation(s)/person(s). The Review Board also has the right to obtain information related to the complaint/review from the complainant, the school and/or other relevant organisation(s)/ person(s).

5.10 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:

- ◆ Scrutinise the information provided by the complainant, subject of the complaint, the school and/or relevant division(s)/section(s) of 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 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 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(Ed) will draw a final conclusion with reference to the review result and recommendations of the Review Board. The complainant(s)/school(s) will be informed in writing of the outcome within three months after receipt of the request for review. If the PS(Ed) accepts closure of the case as recommended by the Review Board, 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 EDB.

5.15 If the Review Board recommends that the case be re-investigated by 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 Behaviour

6.1 Appropriate communication and mediation are conducive to removing misunderstanding and enhancing mutual trust. Under general circumstances, school will not put any restrictions on complainants making contact with the school. However, sometimes certain unreasonable behaviour of complainants may have a negative impact on the school, e.g. draining a considerable amount of the school's human resources, interrupting their 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 behaviour to ensure that the operation would not be affected.

Definition of unreasonable behaviour

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

- (i) Unreasonable attitude or behaviour, such as:
 - ◆ Acts of violence or intimidation
 - ◆ Making complaints with abusive language or in an insulting and discriminatory tone
 - ◆ Providing false data or deliberately concealing facts
- (ii) Unreasonable demands, such as:
 - ◆ Requesting a huge amount of information or demanding special treatment
 - ◆ Making telephone calls incessantly to ask for a dialogue or an interview, or to command a certain staff member to reply
 - ◆ Commanding a certain staff member to meet at a specific time and place
- (iii) Unreasonable persistent complaints, such as:
 - ◆ Insisting on rejecting the explanations and findings of the school/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 will consider instituting appropriate policies and measures to deal with unreasonable behaviour of complainants:

- ◆ The school will designate suitable staff members to ascertain whether a complainant's behaviour is reasonable, and decide what measures should be taken. Generally speaking, the Principal can make such decisions. However, if the complaint is lodged against the Principal/SMC, such decisions should be made by the designated staff of REO.
- ◆ The school will integrate its policies regarding unreasonable behaviour 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 behaviour of complainants.

Handling of unreasonable behaviours

6.4 While developing policies and measures to deal with unreasonable behaviour of complainants, the school may consider the following suggestions:

(i) Unreasonable attitude or behaviour

- ◆ Any unreasonable attitude or behaviour, including acts of violence, intimidation, and abusive/offensive conduct or language, whether performed face-to-face, by phone, or in writing are unacceptable. The staff member handling the complaint will convey this message clearly to the complainant and demand that he/she stop acting in such a way. If the complainant refuses to comply after the warning, the staff member may terminate the meeting or conversation with him/her.
- ◆ Depending on the situation, staff can decide whether to terminate the interview or dialogue with the complainant and ask the complainant to leave, if his/her behaviour poses an immediate threat to the staff's personal safety or damages their personal interests. In an emergency or if it is deemed necessary, the school 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 behaviour of the complainant, the school may consider putting restrictions on the complainant's contacts with the school, including specifying the time, frequency, date, duration and modes of communication (for example, requiring the complainant to make an appointment before visiting the school, submit his/her views in writing, or contact only with the staff designated by the school). The school will notify the complainant in writing of such arrangements and handling procedures.
- ◆ If the complainant's behaviour improves, the school may consider whether the restrictions should be lifted. If the school decides to keep the restrictions, it will regularly review the conditions for imposing them.

(iii) Unreasonable persistent complaints

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

Chapter VII Conclusion

Effective school-based mechanism

7.1 To ensure that public inquiries/complaints are properly handled, the school establishes 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 the school governance, but also prevents public opinions/inquiries from evolving into formal complaints or unnecessarily escalating to the other division(s)/sections(s) of EDB or other government departments/organisations.

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 serve as a bridge of communication by helping to explain the school policies to parents, relieving their sentiments of dissatisfaction, and playing the role of mediator when necessary. To enhance the standards of the professional services they provide, the school will always assume an open attitude and listen to the views of the stakeholders to identify room for improvement regarding its school-based inquiry/complaint handling mechanism and procedures.

**Complaints Relating to
Daily Operation and Internal Affairs of School**

Domain	Events	Inquiry or Investigation stage (Please contact the person(s) in charge listed below)	Appeal Stage
Management and Organisation	School accounts (e.g. accounting records)	Clerical Officer/ Assistant Principals	Principal
	Other charges (e.g. ECA Fund, Scholarship)	Clerical Officer	Assistant Principals
	School policies (e.g. system of reward and penalty, arrangements regarding students' suspension from school)	Teacher i/c of Discipline Committee Assistant Principals	Principal
	Standards of contractors' services (e.g. supply of meal boxes, Tuckshop service)	Teacher responsible for Tuckshop Service	Assistant Principals
	Service contracts (e.g. tendering procedures)	Clerical Officer/ Teacher i/c	Assistant Principals
	School environment and hygiene (e.g. infectious diseases, mosquitoes problems)	Clerical Officer / Green Manager / Teacher i/c of Health and Sex Education Committee	Assistant Principals
Learning and Teaching	School-based curriculum (e.g. subject lesson time)	Head of Departments	Assistant Principals
	Selection of subjects and class allocation (e.g. arrangements for students' choice of subjects)	Teacher i/c of Career Education Committee	Assistant Principals
	Homework (e.g. amount of homework, SBA criteria)	Head of Departments	Assistant Principals
	Students assessment (e.g. assessment criteria)	Head of Departments	Assistant Principals
	Staff performance (e.g. behaviour/attitudes of	Assistant Principals	Principal

	teaching staff, job performance)		
School Ethos and Student Support	School ethos (e.g. uniform and other aspects of appearance)	Teacher i/c of Discipline Committee	Assistant Principals
	Home-school cooperation (e.g. consultation mechanism, communication channels)	PTA Teacher i/c	Assistant Principals
	Student support (e.g. support for students with special educational needs)	Teacher i/c of Guidance Committee Teacher i/c of SEN	Assistant Principals
	Extra-curricular activities (e.g. arrangements for interest groups and other student activities, Life-wide Learning)	Teacher i/c of ECA Committee	Assistant Principals
Student Performance	Students' overall performance (e.g. academic results, conduct)	Teacher i/c of Guidance Committee Teacher i/c of MNE Committee Assistant Principals	Principal
	Student discipline (e.g. foul and abusive language, bullying)	Teacher i/c of Discipline Committee Teacher i/c of Guidance Committee Assistant Principals	Principal

Appendix III



SIR ELLIS KADOORIE SECONDARY SCHOOL (WEST KOWLOON)

No. 22 Hoi Fan Road, Tai Kok Tsui, West Kowloon, Kowloon.

Tel: 2576 1871 Fax: 2882 4548

E-mail address: sekss100@edb.gov.hk

School Website: seksswk.edu.hk

Acknowledgement Letter (1)

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

(DD MM YYYY)

File No.: _____

Address of the complainant:

Name of the complainant: Mr/Ms* _____

Name of student: _____ class: _____

Dear Mr/Ms* _____:

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

If you have any inquiries, please contact Mr/Ms* _____ (Teacher / Panel Chairperson / Assistant Principal*) at _____ (telephone number).

(Signature)

(Name of the designated staff)

(Post of the designated staff)

* Please delete where inappropriate



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E-mail address: sekss100@edb.gov.hk

School Website: seksswk.edu.hk

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)

File No.: _____

Address of the complainant:

Name of the complainant: Mr/Ms* _____

Name of student: _____ class: _____

Dear Mr/Ms* _____:

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

If you have any inquiries, please contact Mr/Ms* _____ (Teacher/ Panel Chairperson/ Assistant Principal*) at _____ (telephone number).

(Signature)

(Name of the designated staff)

(Post of the designated staff)

* Please delete where inappropriate

Acknowledgement Letter (2)
Reply Form

To: Sir Ellis Kadoorie Secondary School (WK)

File No.: _____

#Name of the complainant: Mr/Ms _____

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

Correspondence Address:

Contact No.: _____

E-mail: _____

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/ 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



SIR ELLIS KADOORIE SECONDARY SCHOOL (WEST KOWLOON)

No. 22 Hoi Fan Road, Tai Kok Tsui, West Kowloon, Kowloon.

Tel: 2576 1871 Fax: 2882 4548

E-mail address: sekss100@edb.gov.hk

School Website: seksswk.edu.hk

Complaint Record

Date received : _____

File No.: _____

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

Mode: Phone Letter Email Fax In person
 Others: _____

Personal information of the complainant:

Name: Mr/Ms/Mrs _____

Identity: Parent Councillor Public
 Organisation: _____
 Others: _____

Authorised 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 Organisation Learning and Teaching
 School Ethos and Student Support Student Performance
 Others: _____

Summary of complaint:

Investigation stage

Person-in-charge: _____

(Declaration of interest:

I have no conflict of interest.

I have conflict of interest.

_____)

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: _____



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School Website: seksswk.edu.hk

Reply Letter for Closed Case

(DD MM YYYY)

File No.: _____

File No.: _____

Address of the complainant:

Name of the complainant: Mr/Ms* _____

Dear Mr/Ms* _____:

We received your letter dated _____. For our stance on the relevant issue, please refer to our reply/ replies dated _____ (and dates of other replies [if applicable]). We consider this case closed, and no further contact/reply will be made.

(Signature)

(Name of the designated staff)

(Post of the designated staff)

* Please delete where inappropriate