



柏立基教育學院校友會
何壽基學校



**Policy for Handling
School Complaints
of
S.R.B.C.E.P.S.A.
Ho Sau Ki School**



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Objectives

1. Building a Culture of Communication

To provide effective communication channels, our school will 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.

2. Handling Complaints in a Positive Manner

To adopt an open attitude to diverging views, our school will handle complaints positively, with patience and understanding. We will also develop appropriate policies and measures to deal with such kind of unreasonable behaviour in order to ensure our school operation would not be affected.

3. Formulating a School-based Mechanism

Our school will consult our stakeholders to ensure that the relevant school-based mechanism and procedures are transparent and acceptable for effective implementation.

4. Enhancing Effectiveness of Governance

A good communication culture and a sound complaint management system are prerequisites for quality service and governance in school and enhance the governance and credibility of school.



Chapter I Scope of Application

1.1 This policy is 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 schools

- ◆ A complainant should lodge his/her complaint directly to the school for effective handling if it concerns the daily operations and internal affairs of the school.
- ◆ To ensure compliance with respective requirements, school must refer to the relevant circulars, guidelines and codes of practice when handling complaints, 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, provision of meal boxes, etc.): EDB Circular No. 4/2013 “Procurement Procedures in Aided Schools”, EDB Circular No. 24/2008 “Trading Operations in Schools”, and “Corruption Prevention Best Practice: Governance and Internal Control in Schools” and “The Integrity Management for Schools – A Practical Guidebook for School Staff” 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 Education Ordinance, education policies and services provided by the EDB

- ◆ If a complaint falls into any of the following categories, it should be lodged to the EDB for direct handling, even though the case may have taken place in the school:
 - Complaints about education policies (e.g. class structure and class size);
 - Complaints about alleged contravention of the Education Ordinance



(e.g. in relation to corporal punishment, unregistered teacher) or contravention of the Codes of Aid (e.g. exorbitant charges, expulsion of students); and

- Complaints about services directly provided by the EDB (e.g. school place allocation, services provided by the Regional Education Offices).

1.2 The Policy is **not applicable** to handling of the following types of complaints:

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

1.3 In general, school **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/or contact phone number. If in doubt, 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 the complaint and reply in writing, the complaint will be deemed anonymous and the school may not handle it.
- ◆ However, under special circumstances (e.g. when there is sufficient evidence or when the case is serious or urgent), the 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 respondent about the complaint, or taking appropriate remedial and improvement measures. If follow-up actions are considered unnecessary, the school should briefly state the reasons and put on file for record.

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

- ◆ Generally speaking, the person concerned should lodge the complaint



by himself/herself. Anyone who seeks to file a complaint on behalf of the person concerned has to obtain his/her prior written consent. If the case involves a student (or a minor, or an intellectually disabled person), then his/her parents/guardian, or the person authorised by the parents/guardian, may lodge a complaint on his/her behalf.

- ◆ If a complaint is lodged by more than one person on behalf of the person concerned, the school may require the person concerned to appoint one of them as the contact person.
- ◆ Sometimes a complaint is lodged on behalf of the person concerned or referred by other organisations/groups such as Legislative councillors, district councillors, trade unions or the media. Since there is no current legislation which empowers any organisation/group to complain on behalf of someone else, schools/sponsoring bodies may stipulate in their school-based mechanism whether they would accept such kind of complaint. If, however, the organisation/group has obtained prior written authorisation from the person concerned, schools should handle the complaint in accordance with their prescribed procedures.

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

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

(iv) Complaints with insufficient information

School may require the complainant to provide concrete information regarding a case. If the complainant fails to provide sufficient information to allow investigation to proceed, school may not handle the complaint concerned.



Chapter II Guiding Principles for Handling Complaints

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

- 2.1 A complaint should be directly handled by the organisation which is responsible for making the policies or providing the relevant services, or manages the persons/matters being complained.
- 2.2 If a complaint involves both school(s) and the EDB, it should be handled by the particular school(s) and related division(s)/section(s) of the EDB.

Principle II: Timely and efficient handling

- 2.3 Schools should handle and respond to all verbal or written inquiries, opinions or complaints as soon as possible to prevent any uninviting situation from worsening. Upon receipt of an inquiry/a complaint, the frontline staff should either directly handle it or immediately refer it to the designated staff/task force for action. If the responsible staff cannot resolve the problem, they should seek help from their seniors.
- 2.4 If an incident is referred or reported to our school by the media, we will adopt the following measures:
 - ◆ appoint the vice-principal to handle inquiries from the public/the media so as to avoid giving confusing messages.
 - ◆ provide appropriate responses or clarification to the public as soon as possible (within one or two days), including information about actions taken or preliminary investigation results, and ensure that the information provided is clear, accurate and in line with requirements under the Personal Data (Privacy) Ordinance.
 - ◆ inform 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

- 2.4 School will regularly review their complaint handling policies and guidelines by consulting its staff and parents, and revise the handling procedures whenever necessary.

Principle IV: Fair and impartial handling

- 2.5 Schools will approach complaints positively and treat the complainants and respondents of the complaints fairly. Schools should ensure that sufficient appeal channels are provided and consider inviting independent persons to participate in the complaint/appeal handling process, if necessary.
- 2.6 Before an investigation begins or where appropriate, the designated staff and



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related individuals should declare interests.

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

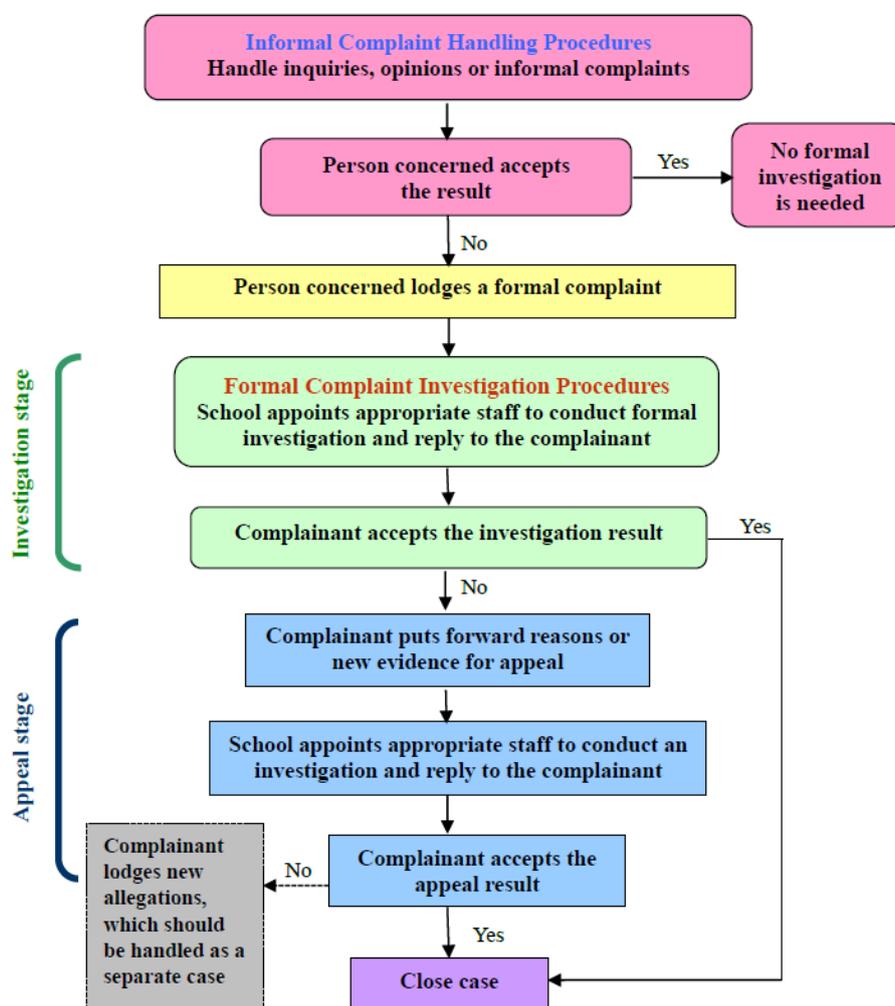


Chapter III Procedures for Handling Complaints

Interpretation of Complaints

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

Diagram 1: Flowchart of School Complaint Handling Procedures





Informal Complaint Handling Procedures

Immediate/prompt handling

3.3 Schools will adopt the following arrangements:

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

Replying to complaints

3.4 For verbal inquiries/opinions/complaints handled by the informal complaint handling procedures, oral replies will suffice and written replies are normally not required. For opinions/complaints which are presented in written form or if the school wishes to make clear its stance or provide necessary details, the responsible staff may decide whether a simple written reply to the person(s) concerned/complainant is appropriate.

Complaint records

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



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 person(s) concerned on the follow-up actions that the school has adopted and the results that follow.

Formal Complaint Investigation Procedures

Arrangements for the investigation and appeal stages

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

(i) Investigation stage

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

- ◆ in accordance with the school-based mechanism, assign appropriate staff to investigate the complaint and reply to the complainant;
- ◆ acknowledge receipt of the complaint, seek the complainant's consent to obtain his/her personal data and information relating to the complaint, and inform him/her of the name, post title and phone number of the staff responsible for handling the case for contact purposes;
- ◆ if necessary, contact the complainant and other persons involved or arrange meetings with them in order to have a better grasp of the situation or request them to provide relevant information;
- ◆ complete their investigation within two months after receiving the complaint.), and send a written reply to inform the complainant of the investigation result;
- ◆ if the complainant accepts the investigation result, conclude the case officially; and
- ◆ if the complainant does not accept the investigation result or the way the school handled the complaint, and is able to provide new evidence or sufficient justification, he/she may lodge an appeal in writing against the school's decision within 14 days from the date of its reply.



(ii) Appeal stage

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 (It is suggested that schools complete their investigation within two months after receiving the request for appeal.), and send a written reply to inform the complainant of the appeal result;
- ◆ if the complainant accepts the appeal result, conclude the case officially;
- ◆ if the complainant does not accept the appeal result or the way the school handled the appeal, the school should cautiously review the appeal process to ensure that proper procedures have been followed.
- ◆ if the complainant raises other new allegations, the schools should handle them separately in order to avoid mixing up the old complaints with the new ones.

Resolving conflict through mediation

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

Responding to complaints/appeals

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

Complaint/appeal records

3.10 Schools should keep a clear record of cases handled by the formal complaint investigation procedures. Schools will establish a complaint record management system to store relevant information (including correspondences, investigation reports and interview records). In addition, schools will keep statistics of complaints and appeals lodged through either the informal or formal handling procedures for future reference.



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Appropriate follow-up

- 3.11 At the end of the investigation/appeal stage, 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 also inform the person(s) concerned of the school's follow-up actions and outcome of the review.



Chapter IV Arrangements for Handling Complaints

Arrangement of designated staff

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

Designated staff could be the staff or the person in charge of the education office of the school sponsoring body.

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

Confidentiality

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

Follow-up and evaluation

4.2 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.

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

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



Chapter V Handling of Unreasonable Behaviour

5.1 Definition of unreasonable behaviour

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

5.2 Handling of unreasonable behaviours

- (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.



- ◆ Schools will remind staff responsible for handling complaints have to stay alert and take suitable action to protect their own safety. Schools will empower the staff member to make decision, depending on the situation, on whether to terminate the interview or dialogue with the complainant and ask the complainant to leave, if his/her 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 must notify the complainant in writing of such arrangements and handling procedures.

(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 may send a "Reply Card" 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.

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