

St. Catharine's School for Girls

Guidelines for Handling School Complaints

October 2020

(Revised Version)

Contents

Chapter I	Scope of Application	1
Chapter II	Guiding Principles for Handling Complaints	5
Chapter III	Procedures for Handling Complaints	7
Chapter IV	Arrangements for Handling Complaints	11
Chapter V	Review of Complaints	14
Chapter VI	Handling of Unreasonable Behaviour	15
Chapter VII	Conclusion	18
Appendix I	Examples of Complaints Relating to Daily Operation and Internal Affairs of the School	19

Chapter I Scope of Application

1.1 The principles, procedures and arrangements in the Guidelines 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 operation and internal affairs of our school**

- ◆ In the spirit of school-based management, the Education Ordinance has entrusted the Incorporated Management Committee (IMC) with the power and responsibility to manage St. Catharine’s School for Girls (hereafter ‘the school’). The school would, therefore, collaborate closely with the sponsoring body to develop the school-based mechanism and procedures for handling school affairs, including complaints related to the school. A complainant should lodge his/her complaint directly to the school for effective handling if it concerns the daily operation and internal affairs of the school (see Appendix I for relevant examples).
- ◆ The school would handle complaints about daily operation and internal affairs in accordance with the Education Ordinance, Education Regulations, Codes of Aid, relevant circulars, guidelines and codes of practice to ensure compliance with the relevant requirements.
- ◆ Upon receipt of any complaints from members of the public, the EDB will seek the complainant’s consent for referring the complaint to the school concerned for investigation and direct reply to the complainant.
- ◆ For complaints referred to the EDB by other organisations (such as the Chief Executive’s Office, Legislative Council, Equal Opportunities Commission (the EOC), District Council, Offices of Councillors or other government departments), the EDB will seek the complainant’s consent for referring the complaint to the school concerned for providing reports or response. After reviewing the information / reports / responses provided by the school, the EDB will conduct follow-up investigation before replying direct to the organisation concerned.
- ◆ If the complaint involves any serious incident or school maladministration, even without the complainant’s consent, the EDB may, without disclosing any personal information, allow the school access to the content of the complaint so that the school could make improvements to its administration system.
- ◆ The EDB may conduct direct investigation of any complaints under special circumstances, e.g. suspected breaches of the Education Ordinance, Education Regulations or Codes of Aid, 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 IMC or serious mismanagement by the school.
- ◆ To ensure compliance with respective requirements, the school would at the same time refer to the relevant circulars, guidelines and codes of practice when handling complaints of different nature or complaints related to legislations other than Education Ordinance, such as:
 - Complaints about child abuse: EDB Circular No. 1/2016 “Handling Child Abuse and Domestic Violence Cases”
 - Complaints about disability discrimination: EDB Circular No. 14/2001 “Commencement of the Code of Practice on Education”; and “Disability Discrimination Ordinance Code of Practice on Education” issued by the 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 (such as school bus service, provision of meal boxes, etc.): EDB Circular No. 4/2013 “Procurement Procedures in Aided Schools”, EDB Circular No. 10/2016 “Trading Operations in Schools”, 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, it would 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).
- ◆ The EDB will also draw reference from relevant internal guidelines in handling the above complaints.

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

- ◆ Complaints related to ongoing legal proceedings;
- ◆ Complaints under the jurisdiction of other 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 the complaints fall into the categories specified in paragraph 1.1 (i) above, the school would refer to the relevant circulars, guidelines and codes of practice in handling such complaints.

1.3 In general, the school **would 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, 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 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 subject of the complaint about the case, or taking appropriate remedial and improvement measures. If follow-up actions are considered unnecessary, the school would briefly state the reasons and put on file for record.

(ii) Complaints not made by the person concerned

- ◆ Generally speaking, the person concerned would 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, 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, the school would not accept such kind of complaint. If, however, the organisation/group has obtained prior written authorisation from the person concerned, the school would handle the complaint in accordance with our prescribed procedures.

(iii) Complaints involving incidents that happened more than six months

- ◆ Normally, complaints related to the daily operation of the school would be lodged within six months. If the incident involved had happened more than six months, the environment might have changed or evidence might have disappeared, or the complainant/subject of the complaint might have already left his/her post or the school. The school will not be able to investigate the complaint because of the difficulty in collecting evidence. The six-month limit within which a complaint may be lodged should be six months from the occurrence of the incident involved.
- ◆ Even though the complaint is filed after the incident had taken place more than six months, the school may decide to conduct an investigation under special circumstances, e.g. when there is sufficient evidence.

(iv) Complaints with insufficient information

The school may require the complainant to provide concrete information regarding a case. If the complainant fails to provide further information as requested by the school to enable a proper or meaningful investigation, the school may consider not to conduct investigation and close the case.

However, to avoid misunderstanding, the school would provide a written reply to the complainant explaining clearly why the case was not handled by the school may consider not to conduct investigation and close the case. However, to avoid misunderstanding, the school would provide a written reply to the complainant explaining clearly why the case was not handled by the school.

Chapter II Guiding Principles for Handling Complaints

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

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

2.2 A complaint would be directly handled by the organisation which is responsible for making the policies or providing the relevant services, or manages the persons/matters being complained. In this way, it can better understand and effectively address the concerns of the complainant. Accordingly, the school would handle those complaints relating to its daily operation and internal affairs, and the EDB should handle those complaints concerning the Education Ordinance, education policies and services. Complaints related to suspected breaches of other legislations of Hong Kong should be lodged to and handled by the relevant law enforcement agencies (e.g. the ICAC, Hong Kong Police Force). If the complaints fall into the categories specified in paragraph 1.1 (i) above, the school would refer to the relevant circulars, guidelines and codes of practice in handling such complaints.

2.3 If a complaint involves both the school and the EDB, it would be handled by the school and related division(s)/section(s) of the EDB.

Principle II: Timely and efficient handling

2.4 The school would 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 would either directly handle it or immediately refer it to the designated staff/task force for action. If the staff responsible cannot resolve the problem, they would seek help from their seniors.

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

- ◆ determine the way of reply (in writing, face-to-face interview or by phone) according to the situation.
- ◆ appoint a spokesman (e.g. the vice-principal) to handle inquiries from the public/the media so as to avoid giving confusing messages.
- ◆ if the media comes to the school and requests an instant response, the designated staff may ask the reporter to leave his name, contact number and questions and pass the information to the spokesman to follow up.
- ◆ provide appropriate responses or clarification to the public as soon as possible (within one or two 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 all teaching & non-teaching staff, students and parents of the progress of the case as far as possible; observe whether students and staff have been emotionally affected by the incident; and provide them with appropriate counselling where necessary.

Principle III: Clear and transparent mechanism

2.6 The school would, in collaboration with their sponsoring body, set up a clear and effective school-based mechanism as well as procedures for speedy and proper handling of inquiries and complaints. They would consult teachers and parents to ensure that the relevant procedures are accepted by all stakeholders.

2.7 The school would prepare guidelines for stakeholders on the relevant policies, procedures and responsible staff for handling complaints. It would make parents and staff fully aware of the details of the procedures through different channels, e.g. staff meetings, school website, parents' letters, student diary, and/or parent-teacher meetings.

2.8 To facilitate smooth implementation of the school-based mechanism, the school would ensure that all staff responsible for handling inquiries and complaints understand and comply with the relevant policies and guideline. To enhance mutual understanding and strengthen home-school co-operation, the school would draw up strategies for regular communication with parents through different channels, e.g. staff meetings, school website, parents' letters, student diary, and/or parent-teacher meetings.

2.9 The school would 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

2.10 The school would approach complaints positively and treat the complainants and the subjects of the complaints fairly. The school would ensure that sufficient appeal channels are provided and consider inviting independent persons to participate in the complaint/appeal handling process, if necessary.

2.11 Before an investigation begins or where appropriate, the designated staff and related individuals would declare interests. If there is any conflict of interest, the persons concerned would not be involved in handling the case or have access to information relating to it.

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

2.13 The school would see to it that the rights of the complainants or other persons involved in the complaint are being protected and that the future communication and contact with the school would not be affected.

Principle V: Timely and appropriate mediation

2.14 To mediate as timely and appropriate as possible so as to clear any misunderstanding or resolve the problem before blowing up or escalating. The SSB can offer assistance in referrals and provide training for staff.

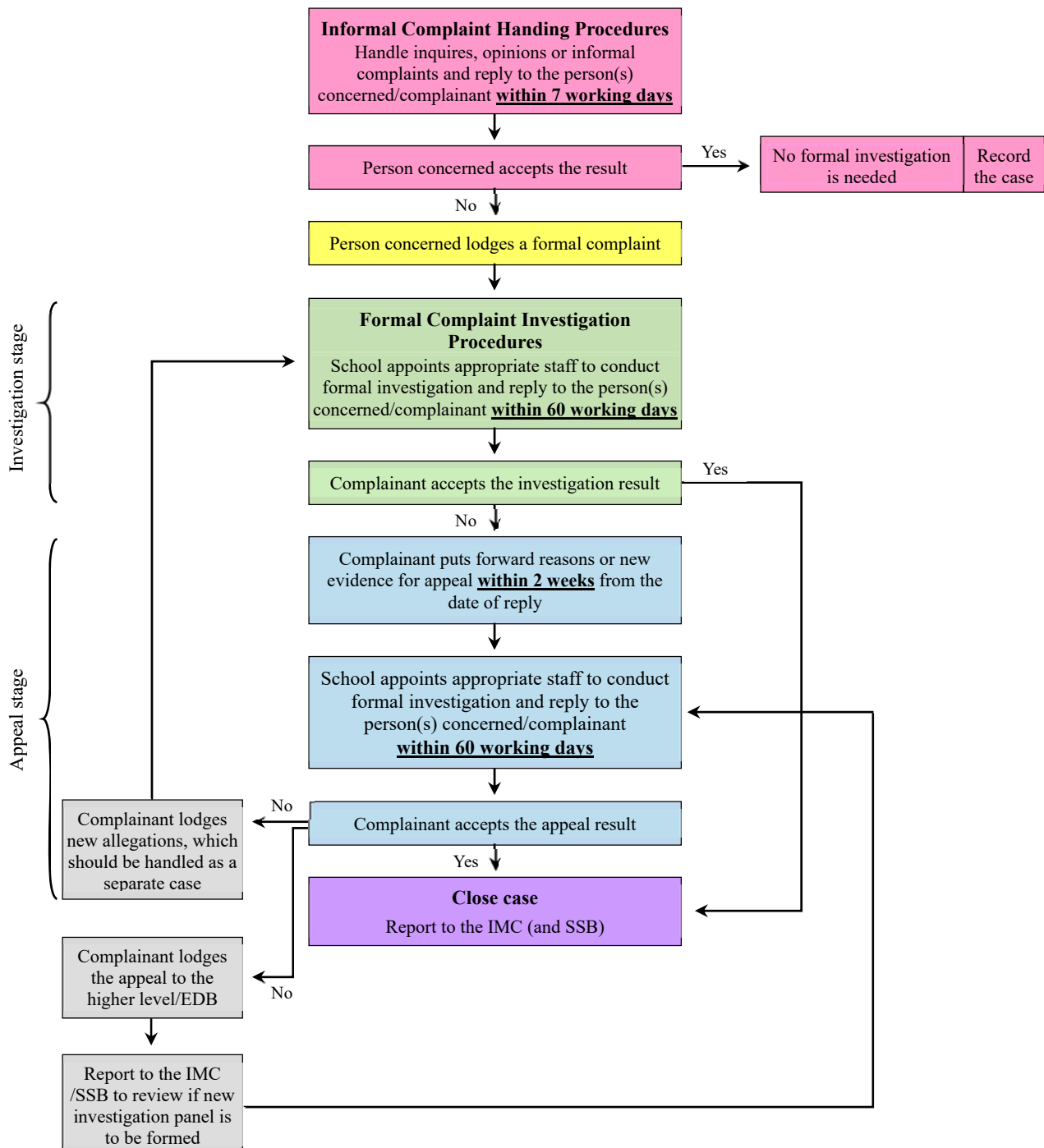
Chapter III Procedures for Handling Complaints

Interpretation of Complaints

3.1 To avoid confusion in the handling process, the frontline staff of the school would 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 would 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 staff responsible can promptly provide assistance or help resolve his/her problem by following the informal complaint handling procedures. Please refer to **Diagram 1** for the flowchart of complaint handling procedures in the school.

Diagram 1: Flowchart of School Complaint Handling Procedures



Informal Complaint Handling Procedures

Immediate/prompt handling

3.3 The school may consider adopting the following arrangements:

- ♦ If the school receives an inquiry, opinion or informal complaint from the public, whether verbal or written, the frontline staff would 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 would listen to the concerns of the inquirer/complainant with care and understanding. If the incident is not serious, they would 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 would 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 would set a seven-working-day¹ limit, counted from the date after receiving the inquiry, opinion or informal complaint, for an initial response.
- ♦ If necessary, the frontline staff would 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 would 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. A sample is provided in Appendix II.

Appropriate follow-up

3.6 The school would 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 staff responsible may brief the person(s) concerned on the follow-up actions that the school has adopted and the results that follow.

¹ "Working day" in this Guidelines includes Monday to Friday and excludes Saturday and public holiday.

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) would be initiated:

(i) Investigation stage

If the school receives any formal complaints (including those referred by the EDB or other organisations), they would 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. Samples of Acknowledgement Letters are provided in Appendixes III and IV;
- ◆ if necessary, contact the complainant and other persons involved or arrange meetings with them in order to have a better grasp of the situation or request them to provide relevant information;
- ◆ handle the complaint as quickly as possible. The school would complete the investigation within 60 working days after receiving the complaint, and send a written reply to inform the complainant/the person(s) concerned of the investigation result;
- ◆ if the complainant accepts the investigation result, the case would be concluded 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 would adopt the following procedures with appeal cases:

- ◆ acknowledge receipt of the appeal;
- ◆ 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 would complete the investigation within 60 working days after receiving the request for appeal, and send a written reply to inform the complainant/the person(s) concerned of the appeal result;
- ◆ if the complainant accepts the appeal result, the case would be concluded officially;
- ◆ if the complainant does not accept the appeal result or the way the school handled the appeal, the school would cautiously review the appeal process to ensure that proper procedures have been followed.
- ◆ if the complainant raises other new allegations, the school would handle them separately in order to avoid mixing up the old complaints with the new ones.

(iii) Reporting to IMC/SSB

Timely report to the Supervisor, IMC and SSB (EDB) as appropriate (factors to consider: nature of the complaint, scope, seriousness, people involved and public interest, etc.) is needed. For example but not limited to: complaints related to the Principal, with legal consequence and impact like bribery and sexual harassment; complaints intervened or reported by media and complaints reported repeatedly.

No regular and annual complaint report is required unless it is requested by SSB in due course.

Resolving conflict through mediation

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

Responding to complaints/appeals

3.9 If the complaint or appeal is in written form, the school would respond with a written reply. If the complaint is made verbally, the staff responsible 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 would be forwarded to them for reference.

3.10 Generally speaking, the time limit for replying to a complaint/appeal would start from the working day following the date on which it is received or when the complainant agrees to let the school have access to his/her personal data. If the information submitted is incomplete, the time limit would start from the date on which the school receives from the complainant the necessary information. If a reply cannot be given within the specified period, interim replies would be issued to the complainant explaining why a longer handling time is needed to provide a substantive reply and, if possible, the estimated time frame for issuing a substantive reply.

Complaint/appeal records

3.11 The school would keep a clear record of cases handled by the formal complaint investigation procedures. A sample complaint/appeal record is given in Appendix V. The school would establish a complaint record management system to store relevant information (including correspondences, investigation reports and interview records). In addition, the school would keep statistics of complaints and appeals lodged through either the informal or formal handling procedures for future reference.

Appropriate follow-up

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

Chapter IV Arrangements for Handling Complaints

Designated staff

4.1 Taking into account the nature of the complaint, its scope and the people involved, the school would assign a designated staff or set up a task force to handle the complaint with reference to the following arrangements:

- ◆ Staff members who are responsible for the appeal stage would be different from those responsible for the investigation stage. In principle, the staff dealing with the appeal would be of a higher rank than those responsible for the investigation. If this is not practicable, the school would make other arrangements, such as appointing staff from another department, to ensure fair handling.
- ◆ Where necessary, the school/sponsoring body may establish a task force to handle special complaint cases. Depending on the situation, the task force may include members of the IMC and representatives from the school sponsoring body. To enhance credibility, the school may invite independent persons such as social workers, lawyers, psychologists, and parents or teachers not involved in the case to join the task force to provide professional advice and support.
- ◆ The appointed staff should be proactive in communicating with the inquirers/complainants, and prompt in providing responses as well as the information they need. The school would also ensure that frontline/ designated staff have proper authorisation and clearly understand their roles and responsibilities.
- ◆ Concerning the deployment of staff for handling complaints at different stages, the school would refer to the examples in the table below:

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	IMC Appeal Task Force*
	2	IMC Investigation 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

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

4.3 When the school 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, the school would observe the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance. This includes clearly stating the purpose and the form of collection of personal data, and that the data will only be used for handling the complaint or appeal cases. The school may refer to the relevant provisions in the Personal Data (Privacy) Ordinance (Cap. 486) and on the webpage of the Office of the Privacy Commissioner for Personal Data at (<http://www.pcpd.org.hk/>).

4.4 The school would adopt appropriate security measures to protect personal data and privacy, such as keeping the data in safe places (e.g. cabinets under lock and key). Computer data would be protected by passwords. Use of portable data storage devices should be tightly controlled. Where necessary, encrypted portable data storage devices would be used.

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

4.6 The school can incorporate the arrangements for interviews or meetings with relevant parties into the school-based complaint handling mechanism. To avoid misunderstanding, the school would:

- ◆ state clearly whether the person(s) concerned can be accompanied by others (e.g. relatives, legal representatives) during the interview/meeting and reiterate this stance before the interview/meeting starts;
- ◆ indicate before the interview/meeting starts whether audio/video recording is prohibited or whether the consent of all attendees must be obtained if the session is to be audio/video recorded. This stance would be reiterated before the end of the interview/meeting; and
- ◆ remind the complainant during the interview/meeting that both parties would observe and comply with the Data Protection Principles stated in Schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486) and be cautious of any unauthorized disclosure of personal data or other information of a third party.

Follow-up and evaluation

4.7 The school would 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.

4.8 The school would take appropriate follow-up measures to improve its services or revise relevant policies for enhancement of professional standards of its services.

4.9 The school would regularly review its 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 To enhance the knowledge and skills of school staff (including principals, teachers, administrative and frontline staff) in the prevention and handling of complaints, the school would encourage the staff to visit the website of the EDB's Training Calendar System to attend relevant courses.

Chapter V Review of Complaints

5.1 The independent review arrangement is only applicable to the complaint cases which remain unresolved after having gone through the investigation and appeal stages in accordance with the School-based Mechanism under the Enhanced Arrangements.

5.2 If complaints remain unresolved after the investigation and appeal stages. Complainants or relevant organisations (including schools/the EDB) may request the “Review Board on School Complaints” established by the EDB (hereafter ‘Review Board’) 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.
- ♦ The complaint has been properly dealt with through established procedures by the school/EDB but the complainant refuses to accept the investigation result and continues to complain.

(Note: The independent review arrangement will only be applicable to those complaints have gone through the investigation and appeal procedures recommended in the Guidelines.)

Result of review

5.3 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 (PS(Ed)) for consideration.

5.4 The EDB will draw a final conclusion with reference to the review result 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.

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

Chapter VI Handling of Unreasonable Behaviour

6.1 Appropriate communication and mediation are conducive to removing misunderstanding and enhancing mutual trust. Under general circumstances, the school would 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 schools' human resources, interrupting their operations or services, as well as threatening the safety of staff and other stakeholders. The school may therefore develop appropriate policies and measures to handle this kind of unreasonable behaviour to ensure that their 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 would consider instituting appropriate policies and measures to deal with unreasonable behaviour of complainants:

- ◆ The school would designate suitable staff members to ascertain whether a complainant's behaviour is reasonable, and decide what measures would be taken. Generally speaking, the principal can make such decisions. However, if the complaint is lodged against the principal, such decisions should be made by the school supervisor or the IMC.
- ◆ The school would integrate its policies regarding unreasonable behaviour of complainants into the school-based complaint handling mechanism and consult stakeholders' views.
- ◆ All stakeholders would 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 would 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.
- ◆ The school would develop contingency measures and guidelines² to remind staff responsible for handling complaints to stay alert and take suitable action to protect their own safety. The school would 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 would 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.

² Schools may make reference to the publications on Prevention of Workplace Violence issued by the Occupational Safety and Health Council when setting up contingency measures and guidelines. For details, please visit the website of Occupational Safety and Health in the Civil Service.

- ◆ If the complainant's behaviour improves, the school may consider whether the restrictions would be lifted. If the school decides to keep the restrictions, it would 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 would 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. Please see Appendix VI for a sample "Reply Card".

Chapter VII Conclusion

Maintaining good communication

7.1 In addition to formulating an effective complaint handling mechanism, the school would continue to maintain a close partnership with parents and staff by enhancing communication with them. Members of the Parent-Teacher Association of the school may serve as a bridge of communication by helping to explain the school policies to parents, relieving their sentiments of dissatisfaction, and playing the role of mediator when necessary. To enhance the standards of the professional services they provide, the school would always assume an open attitude and listen to the views of their sponsoring body and stakeholders to identify room for improvement regarding their school-based inquiry/complaint handling mechanism and procedures.

Making continuous improvement

7.2 The school will continue to keep close contact with the stakeholders, listen to their views in order to help the school establish an effective framework for handling public complaints.

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

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

* The school would handle complaints about daily operation and internal affairs in accordance with the Education Ordinance, Education Regulations, Codes of Aid, relevant circulars, guidelines and codes of practice listed in paragraph 1.1(i) of the Guidelines to ensure compliance with the relevant requirements.