

## **Pentecostal Lam Hon Kwong School**

### **Guidelines for Handling School Complaints**

The guidelines have been translated into English from the Chinese version which was passed in the IMC in April 2023. If there is any inconsistency or ambiguity between the English version and the Chinese version, the Chinese version shall prevail.

#### **Contents**

##### **Chapter I Scope of Application**

##### **Chapter II Guiding Principles for Handling Complaints**

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

##### **Chapter IV Arrangements for Handling Complaints**

##### **Chapter V Review of Complaints**

##### **Chapter VI Handling of Unreasonable Behaviour**

##### **Chapter VII Conclusion**

## **Chapter I     Scope of Application**

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

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

- 1.1.1     In the spirit of school-based management, the Education Ordinance has entrusted the school's Incorporated Management Committee (IMC) with the power and responsibility to manage the school. The school will, therefore, collaborate closely with its sponsoring body to develop its 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. The school will 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.
- 1.1.2     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.
- 1.1.3     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.
- 1.1.4     If the complaint involves any serious incident or school maladministration, even without the complainant's consent, the EDB will, without disclosing any personal information, allow the relevant school access to the content of the complaint so that the school could make improvements to its administration system.

1.1.5 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, malpractices of the IMC, or serious mismanagement by the school.

1.1.6 To ensure compliance with respective requirements, the school will 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. 1/2012 “Handling Suspected Cases of Child Maltreatment and Domestic Violence ”
- Complaints about disability discrimination: EDB Circular No.14/2001 “Commencement of the Code of Practice on Education”; and “Code of Practice on Education under the Disability Discrimination Ordinance Code” 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. 24/2008 “ 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 directly provided by the EDB**

1.1.7 The EDB is responsible for formulating education policies, enforcing the Education Ordinance and providing education services. If a complaint falls into any of the following categories, it should be lodged to the EDB for direct handling, even though the case may have taken place in the school:

- 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 Enhanced Arrangements is not applicable to handling of the following types of complaints:**

- (i) Complaints related to ongoing legal proceedings;
- (ii) Complaints under the jurisdiction of other organisations/government departments;
- (iii) Complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft, etc.

**1.2.1 If the complaints fall into the categories specified in the relevant circulars, guidelines and codes of practice, the school will refer to the relevant circulars, guidelines and codes of practice in**

### **handling such complaints.**

#### **1.3 In general, the school may consider not to accept the following types of complaints:**

##### **(i) Anonymous complaints**

- 1.3.1 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 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 such 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 consider not to handle it.
- 1.3.2 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 will decide whether to follow up with an anonymous complaint, such as treating it as an internal reference and informing the subject of the complaint about the case or for 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**

- 1.3.3 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.
- 1.3.4 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 school's contact person.
- 1.3.5 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. If the 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 involving incidents that happened more than one year**

1.3.6 Normally, complaints related to the daily operation of the school 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/subject of the complaint might have already left his/her post or the school. The school will not be able to investigate the complaint because of the difficulty in collecting evidence. To provide greater flexibility, the one-year limit within which a complaint may be lodged should be one calendar year from the occurrence of the incident involved.

1.3.7 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**

1.3.8 The school may require the complainant to provide sufficient 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 should 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, the public or teaching staff, the school will refer to the following guiding principles:

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

- 2.2 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. In this way, it can better understand and effectively address the concerns of the complainant. Accordingly, the school will handle those complaints relating to its daily operation and internal affairs, and the EDB will handle those complaints concerning the Education Ordinance, education policies and services. Complaints related to suspected breaches of other legislations of Hong Kong will be lodged to and handled by the relevant law enforcement agencies (e.g. the ICAC, Hong Kong Police Force). If the complaints fall into the categories specified in the relevant circulars, guidelines and codes of practice, the school will refer to the relevant circulars, guidelines and codes of practice in handling such complaints.
- 2.3 If a complaint involves both school(s) and the EDB, it will be handled by the particular school and related division(s)/section(s) of the EDB collaboratively.

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

- 2.4 The school will handle and respond to all verbal or written enquiries, opinions or complaints as soon as possible to prevent any uninviting situation from worsening. Upon receipt of an enquiry/a complaint, the frontline staff will either directly handle it or immediately refer it to the designated staff/task force for action. If the responsible staff cannot resolve the problem, they will seek help from their seniors.
- 2.5 If an incident is referred or reported to the school by the media, the school will adopt the following measures:
- 2.5.1 appoint a spokesman (e.g. the vice-principal) to handle enquiries from the public/the media so as to avoid giving confusing messages.
  - 2.5.2 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.
  - 2.5.3 inform all teaching and non-teaching staff, students and parents of the progress of the case as far as possible; observe whether students and staff

have been emotionally affected by the incident; and provide them with appropriate counselling where necessary.

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

- 2.6 The school will, in collaboration with its sponsoring body, set up a clear and effective School-based Mechanism for speedy and proper handling of enquiries and complaints. It will consult teachers and parents to ensure that the relevant procedures are accepted by all stakeholders.
- 2.7 The school will prepare guidelines for stakeholders on the relevant policies, procedures and responsible staff for handling complaints. It will make parents and staff fully aware of the details of the procedures through different channels, e.g. school websites, circulars, student handbooks, staff meetings, parent-teacher meetings, seminars and school events.
- 2.8 To facilitate smooth implementation of the School-based Mechanism, the school will ensure that all staff responsible for handling enquiries and complaints understand and comply with the relevant policies and guideline. To enhance mutual understanding and strengthen home-school co-operation, the school will also draw up strategies for regular communication with parents through different channels, e.g. briefings/information folders for new students and its parents, circulars issued at the beginning of each school year, etc. to inform them of the policies and procedures of complaint handling in the school.
- 2.9 The school will regularly review its 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 will approach complaints positively and treat the complainants and the subjects of the complaints fairly. The school will 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 should declare interests. If there is any conflict of interest, the persons concerned should 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 should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.
- 2.13 The school will see to it that the rights of the complainants or other persons



involved in the complaint are being protected and that its future communication and contact with the school would not be affected.

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

### **Interpretation of Complaints**

- 3.1 To avoid confusion in the handling process, the frontline staff of the school will carefully **differentiate between concerns and complaints**. A concern refers to the enquiry or opinion expressed by the complainants 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 complainants. 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.

### **Informal Complaint Handling Procedures: Immediate/prompt handling**

- 3.3 If the school handle enquiries or complaints efficiently and appropriately, it will manage not only to remove misunderstandings and forestall crises, but also enhance its own images. The school may consider adopting the following arrangements:
- 3.3.1 If the school receives an enquiry, opinion or informal complaint from the public, whether verbal or written, the frontline staff will clearly distinguish its nature and take appropriate action. In general, if the case does not require an investigation involving evidence collection, or the person concerned does not request a formal written reply, the frontline staff may handle the matter following the informal complaint handling procedures of the school.
- 3.3.2 The frontline staff will listen to the concerns of the enquirer/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 enquirer/complainant and help resolve the problems involved.
- 3.3.3 If necessary, the school staff in charge of the relevant issue will have direct talks or interviews with the person(s) concerned to explain the school's stance and remove any misunderstanding, misgivings or

worries of them.

- 3.3.4 The school will, according to its own situation, set a time limit for an initial response (e.g. within two days). If necessary, the frontline staff will refer the case to a designated staff or a senior officer for prompt follow up actions and resolutions. The principal may decide whether to take up the handling of the case, depending on the situation of the school and the nature of the case.

### **Replying to complaints**

- 3.4 For verbal enquiries/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 enquiry/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 and file for future reference.

### **Appropriate follow-up**

- 3.6 The school will review whether the policies or handling methods 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 will also 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) 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:

- 3.7.1 in accordance with the School-based Mechanism, assign appropriate staff to investigate the complaint and reply to the complainant.
- 3.7.2 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.
- 3.7.3 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.
- 3.7.4 handle the complaint as quickly as possible (It is suggested that the school complete its investigation within two months after receiving the complaint.), and send a written reply to inform the complainant of the investigation result.
- 3.7.5 if the complainant accepts the investigation result, conclude the case officially.
- 3.7.6 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:**

- 3.7.7 acknowledge receipt of the appeal.
- 3.7.8 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.

- 3.7.9 handle and resolve the appeal as quickly as possible (It is suggested that the school complete its investigation within two months after receiving the request for appeal.), and send a written reply to inform the complainant of the appeal result.
- 3.7.10 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 again to ensure that proper procedures have been followed. If the complainant raises other new allegations, the school will handle them separately in order to avoid mixing up the old complaints with the new ones.**

### **Resolving conflict through mediation**

- 3.8 When handling complaints, the school may, having 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 will respond with a written reply. If the complaint or appeal is made verbally, the responsible staff may decide whether to respond orally or in writing. If the case is referred by the EDB/other organisation(s), a copy of the written reply should be forwarded to them for reference.
- 3.10 Generally speaking, the time limit for replying to a complaint/appeal will start from the date on which it is received or when the complainant agrees to let the school have access to his/her personal data. If the information submitted is incomplete, the time limit will start from the date on which the school receives from the complainant the necessary information. If a reply cannot be given within the specified period, interim replies will 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 will keep a clear record of cases handled by the formal complaint investigation procedures. The school will establish a complaint record management system to store relevant information (including correspondences, investigation reports and interview records). In addition, the school will keep statistics of complaints and appeals lodged through either the informal or formal handling procedures for future reference.

### **Appropriate follow-up**

- 3.12 At the end of the investigation/appeal stage, the school will review whether the complaint handling policies and procedures are appropriate, and suggest proper measures to improve the method of handling and to prevent similar incidents from recurring. The staff in charge will inform the 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 will assign a designated staff or set up a task force to handle the complaint with reference to the following arrangements:**

- 4.1.1 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 should be of a higher rank than those responsible for the investigation. If this is not practicable, the school will make other arrangements, such as appointing staff from another department, to ensure fair handling.
- 4.1.2 Where necessary, the school/sponsoring body will 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.
- 4.1.3 The appointed staff will be proactive in communicating with the enquirers/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 clearly understand their roles and responsibilities.
- 4.1.4 Concerning the deployment of staff for handling complaints at different stages, the school may refer to the examples in the table below:

Targets involved	Example	Designated Staff	
		Investigation stage	Appeal stage
Teaching 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

### Confidentiality

- 4.2 All contents and information of complaints will be kept strictly confidential and restricted to internal reference or reference by relevant persons only.
- 4.3 When the school needs to collect personal data during the handling process or when it receives requests for the disclosure of data/records in respect of the complaint case, it will observe the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance. These include 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 will refer to the relevant provisions in the Personal Data (Privacy) Ordinance (Cap. 486) and on the webpage of the Office of the Privacy Commissioner for Personal Data at (<http://www.pcpd.org.hk/>).
- 4.4 The school will adopt appropriate security measures to protect personal data and privacy, such as keeping the data in safe places (e.g. cabinets under lock and key). Computer data will be protected by passwords. Use of portable data storage devices will be tightly controlled. Where necessary, encrypted portable data storage devices can be used.
- 4.5 The school will establish procedures to ensure that only authorised persons are allowed 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.



- 4.6 The school will incorporate the arrangements for interviews or meetings with relevant parties into its School-based Mechanism. To avoid misunderstanding, the school will:
- 4.6.1 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;
  - 4.6.2 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 will be reiterated before the end of the interview/meeting; and
  - 4.6.3 remind the complainant during the interview/meeting that both parties should 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 unauthorised disclosure of personal data or other information of a third party.

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

- 4.7 The school will conduct a comprehensive review on the strategies, process and steps it has taken in handling complaints in order to benefit from past experiences, improve its ways of handling, and avoid similar cases from recurring.
- 4.8 The school will 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 will regularly review its 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 and procedures to enhance its School-based Mechanism.

#### **Support and training**

- 4.10 The school will provide appropriate training to assist staff to effectively handle enquiries/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.
- 4.11 To enhance the knowledge and skills of school staff (including principals, teachers, administrative and frontline staff) in the prevention and handling of

complaints, the EDB will organise relevant training programmes. The school will visit the website of the EDB's Training Calendar System and encourage staff 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.

Most school-related complaints can be settled through the informal and formal school-based complaint handling procedures. However, some complaints may remain unresolved after the investigation and appeal stages. The complainants, the school or EDB may request the “Review Board on School Complaints” (Review Board) to review the complaint cases under the following circumstances:

- 5.1.1 The complainant provides substantial grounds or new evidence to show that the school/EDB have handled the case improperly.
- 5.1.2 The complaint has been properly dealt with through established procedures by the school, but the complainant refuses to accept the investigation result and continues to lodge the same complaint to the school/EDB.

### **Membership of the Review Board**

- 5.2 The EDB has set up a Panel of Review Boards on School Complaints (the Panel). Its members are independent persons from the education and other sectors appointed by the Permanent Secretary for Education (PS(Ed)). The Panel comprises a Chairperson, a Deputy Chairperson and not less than ten members.
- 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 the EDB or professionals) to sit on the board to provide information and/or advices on the case.

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

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

- 5.5 The Review Board is responsible for reviewing school-related complaint cases that have been gone through the investigation and appeal stages of the School-based Mechanism. The review results and recommendations will be submitted to the PS(Ed) for consideration after the completion of the review by the Review Board.
- 5.6 Review procedures
- (i) Applicant (Complainant/School/EDB) requests for a review
  - (ii) Review request accepted
  - (iii) Review Board reviews the case
  - (iv) Review Board submits review results and recommendations to PS(Ed)
  - (v) EDB informs the applicant of the review result
- 5.7 The school will inform the complainants in its replies after the appeal that if the complainants do not accept the results of the appeal or the ways the appeal have been handled, the complainants may apply in writing to the Review Board Secretariat in the EDB for a review within 14 days from the dates of the school's replies. In requesting a review, the complainant should state explicitly in the application the reasons for his/her discontent (e.g. the case has not been handled according to proper procedures or the investigation result is prejudiced) and provide substantial justifications or new evidence. The Review Board Secretariat will then forward the case to the Panel to decide whether a review should be conducted.
- 5.8 If the review request is accepted, the Panel will set up a Review Board to handle it. If the request is unsuccessful, the Review Board Secretariat will inform the applicant (complainant/organisation) in writing of the reasons for refusal.
- 5.9 The person who requests for a review is required to sign a letter of consent, authorising the Review Board to forward information regarding the complaint to the school/school sponsoring body and/or other relevant organisation(s)/person(s). The Review Board also has the right to obtain information related to the complaint/review from the complainant, the school/school sponsoring body 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 Review Board may:

- 5.10.1 scrutinise the information provided by the complainant, subject of the complaint, the school/school sponsoring body and/or EDB, as well as the files and records associated with the case.
  - 5.10.2 require the complainant, subject of the complaint, the school/school sponsoring body and/or EDB to clarify information and/or provide new evidence.
  - 5.10.3 meet with the complainant, the subject of the complaint and/or other persons concerned respectively to collect further information.
  - 5.10.4 invite the complainant, subject of the complaint, representative(s) of the school/school sponsoring body, and/or representative(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/or the school/school sponsoring body).
- 5.12 If the Review Board wishes to interview specific persons or convene a meeting on the case, it will make the following arrangements:
- (i) 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.
  - (ii) During the interview or case meeting, the complainant is not allowed to question the subject of the complaint or other witnesses, and vice versa.
  - (iii) 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 PS(E<sub>d</sub>) for consideration.
- 5.14 The EDB will draw a final conclusion with reference to the review result and recommendations of the Review Board. The applicant(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 applicant(s)/organization(s) requesting the review consider the result unacceptable, they may further appeal via other channels.

- 5.15 If the Review Board recommends that the case be re-investigated by the school/EDB, the school/EDB will assign staff at least one rank higher than those who handled the case previously to conduct the re-investigation. The re-investigation should be completed within two months and the result submitted in writing to the Review Board. Upon the endorsement of the Review Board, the school/EDB would issue a written reply to the complainant and copy it to the Review Board. If the school/EDB 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, the school will not put any restrictions on complainants making contact with the school. However, sometimes certain unreasonable behaviour of complainants may have a severe negative impact on the school, e.g. draining a considerable amount of the school's human resources, interrupting its operations or services, as well as threatening the safety of staff and other stakeholders. The school will therefore set up appropriate policies and measures to handle this kind of unreasonable behaviour to ensure that its 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, 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 will be taken. Generally speaking, the principal will make such decisions. However, if the complaint is lodged against the principal, such decisions will be made by the school supervisor or the IMC.
  - The school will integrate its policies regarding unreasonable behaviour of complainants into its School-based 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 setting up policies and measures to deal with unreasonable behaviour of complainants, the school will 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 should convey this message clearly to the complainant and demand the complainant stops acting in such a way or otherwise the meeting or conversation may be terminated. If the complainant refuses to comply after the warning, the staff member may terminate the meeting or conversation with the complainant.
  - The school will set up contingency measures and guidelines to remind staff responsible for handling complaints to stay alert and take suitable action to protect their own safety. The school will empower the staff member to make decision, depending on the situation, on



whether to terminate the interview or dialogue with the complainant and ask the complainant to leave, if his/her 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 will consider suggesting to the complainant alternative communication methods (e.g. make appointment before visiting the school, submit his/her views in writing or contact the designated staff according to the school's arrangement, etc.). The school will notify the complainant in writing of such arrangements and handling procedures.
- If the complainant's behaviour improves, the school will 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 will decide whether to restrict or stop contacts with the complainant, and cease handling the case.
- 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 for Persistent Complaints” 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 enquiries/complaints are properly handled, the school will establish a School-based Mechanism and Procedures to suit its 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 Mechanism not only increases public confidence in school governance, but also prevents public opinions/enquiries from evolving into formal complaints or unnecessarily escalating to the 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 will also 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 its sponsoring body and stakeholders to identify room for improvement regarding its school-based enquiry/complaint handling mechanism(s) and procedures.