



TSUEN WAN PUBLIC  
HO CHUEN YIU MEMORIAL COLLEGE  
**Guidelines for Handling School Complaints**

**September 2018**

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## **Foreword**

Our school, Tsuen Wan Public Ho Chuen Yiu Memorial College (hereinafter referred to as “The school”), always values the relationships with different stakeholders, especially students and parents, and we strive to maintain good communication with them. The school aims at providing quality education to nurture our future generations. As we believe that constructive comments and reasonable complaints could help us improve, we always adopt an open and positive attitude to diverging views. To handle complaints more efficiently and effectively, the school has drawn up a school-based standard procedure (hereinafter referred to as “The procedure”) to handle complaints based on the ‘Guidelines for Handling School Complaints’ published by the Education Bureau.

## **Chapter I Scope of Application**

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

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

- ◆ In the spirit of school-based management, the Education Ordinance has entrusted the Incorporated Management Committees (IMCs) with the power and responsibility to manage the school. The school should, therefore, collaborate closely with our sponsoring bodies to develop our school-based mechanism and procedures for handling school affairs, including complaints related to 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 (see Appendix I for relevant examples).
- ◆ The school should handle complaints about daily operations 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 organization concerned.

- ◆ 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 compromised, school operation being seriously impeded, maladministration of the IMCs or serious mismanagement by the school.
- ◆ To ensure compliance with respective requirements, the school should 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 racial 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 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 Guidelines are **not applicable** to handling of the following types of complaints:

- ◆ Complaints related to ongoing legal proceedings;
- ◆ Complaints under the jurisdiction of other organizations/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 school receives any such complaints, the school shall 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.)

If the complaints fall into the categories specified in paragraph 1.1 (i) above, the school shall refer to the relevant circulars, guidelines and codes of practice in handling such complaints.

1.3 In general, the 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, the school may request the complainant to show his/her identity documents. Should the complainant refuse or fail to provide these personal details, and thus, rendering it impossible for the school to investigate the complaint and reply in writing, the complaint will be deemed anonymous and the school shall 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 on 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 should briefly state the reasons and put the complaint on file for record.

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

- ◆ As a general guide, 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 authorized by the parents/guardian, may lodge a complaint on his/her behalf.
- ◆ If a complaint is lodged by more than one person on behalf of the 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 organizations/groups such as Legislative councillors, district councillors, trade unions or the media. Since there is no current legislation which empowers any organization/group to file a complaint on behalf of another person, suitable person(s) in the school may refer to stipulated members in the school's procedure (P.18 note #1) whether the school would accept the complaint. If, however, the organization/group has obtained prior written authorization from the person

concerned, the school shall handle the complaint in accordance with the procedure.

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

- ◆ Normally, complaints related to the daily operation of the school should be lodged within the same school year. If more than a year has lapsed since the incident, the environment might have changed/circumstantial evidence might have been removed, 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.
- ◆ If the complaint is filed after more than one year from when the incident had taken place, an investigation may be conducted by the school 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**

- ◆ 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, schools 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 or the public, the school shall 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 organization which is responsible for making the policies or providing the relevant services, or manages the persons/matters being complained about. In this way, the relevant organisation can better understand and effectively address the concerns of the complainant. Accordingly, the school will handle the complaints relating to the school's daily operation and internal affairs; likewise, 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 shall 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, the case shall be handled by the school and the related division(s)/section(s) of the EDB.

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

2.4 The school shall handle and respond to all verbal or written inquiries, opinions or complaints at the soonest time possible to prevent any uninviting situation from worsening. Upon receipt of an inquiry/a complaint, the frontline staff should either directly handle it or refer it immediately to the designated staff (P.18 note #1) for action immediately. Should the staff responsible be unable to resolve the problem, they should seek help from their seniors.

2.5 If an incident is referred or reported to the school(s) by the media, the school shall adopt the following measures:

- ◆ appoint a spokesman to handle inquiries from the public/the media so as to avoid giving confusing and/or contradictory messages.
- ◆ provide appropriate responses or clarification to the public at the soonest time 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 accordance with requirements under the Personal Data (Privacy) Ordinance.

- ◆ inform all teaching staff, students and parents on the progress of the case as much as possible; observe whether students and staff have been emotionally affected by the incident; and provide students and staff with appropriate counselling where necessary.

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

- 2.6 The school shall, in collaboration with their sponsoring bodies, set up a clear and effective school-based mechanism as well as procedures for speedy and proper handling of inquiries and complaints. Teachers and parents will be consulted to ensure that the relevant procedures are agreed upon by all stakeholders.
- 2.7 The school will prepare guidelines for stakeholders on the relevant policies, procedures and responsible staff for handling complaints. Parents and staff will be made 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 the smooth implementation of the school-based mechanism, the school will ensure that all staff responsible for handling inquiries and complaints understand and comply with the relevant policies and guidelines. To enhance mutual understanding and strengthen home-school co-operation, the school will draw up guidelines for regular communication with parents through different channels, e.g. briefings/information folders for new students and their parents, circulars issued at the beginning of each school year, etc. to inform them of the policies and procedures with which complaints are handled in the school.
- 2.9 The school will regularly review the guidelines to handle complaints by consulting its staff and parents, and revise the handling procedures whenever necessary.

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

- 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 independent persons may be invited 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 undertake a statement of declaration of 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 the complaint.

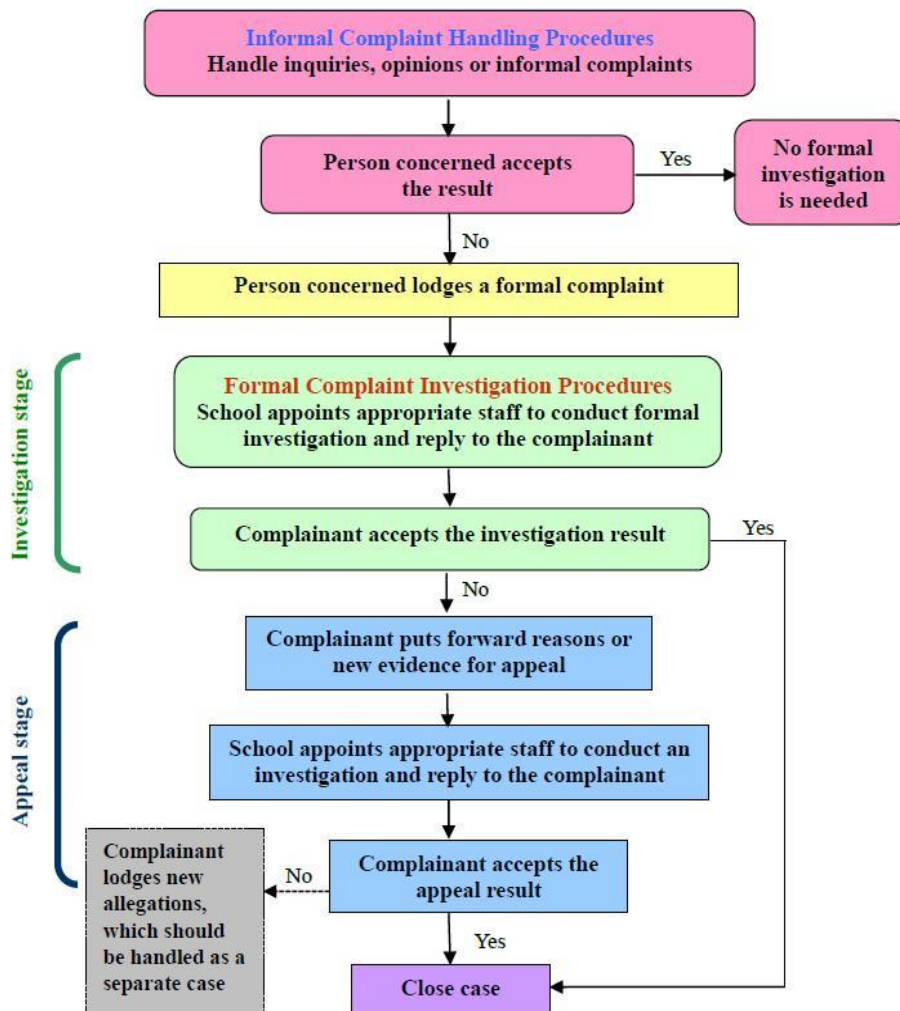
- 2.12 To avoid conflict of interest, any staff member who is the subject of the complaint should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.
- 2.13 The school will ensure that the rights of the complainants or other persons involved in the complaint are being protected and that their future communication and contact with the school shall not be affected by the case.

## Chapter III Procedures for Handling Complaints

### Interpretation of Complaints

- 3.1 To avoid confusion in the process of handling complaints, the frontline staff of the school should differentiate carefully 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 staff responsible should avoid confusing concerns with complaints so that appropriate procedures will then be adopted to handle each case effectively.
- 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 for the procedures in handling complaints in the school.

**Diagram 1: Flowchart of School Complaint Handling Procedures**



## **Informal Complaint-Handling Procedures**

### ***Immediate/prompt handling of complaints***

3.3 The school will handle inquiries or complaints efficiently and appropriately. In the event of an inquiry or complaint, the school will follow the basic procedure to ensure that any misunderstanding be clarified and that crises be arrested. To do so, the school will adopt the following arrangements:

- ◆ The frontline staff should listen to the concerns of the inquirer/complainant with care and understanding. If the incident is not serious, the school will provide whatever assistance or information required or promptly respond to the concerns raised by the inquirer/complainant and help resolve the problems involved.
- ◆ If necessary, the school staff in charge of the relevant issue (P.18 note #1) should speak to the person(s) concerned directly to explain the school's stance and remove any misunderstanding, misgivings or worries on the part of the concerned party (parties).
- ◆ The school may, according to the situation, provide an initial response within two working days.

### ***Replying to complaints***

3.4 For verbal inquiries/opinions/complaints handled via the informal complaint-handling procedures, verbal replies will suffice and written replies are usually 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 staff responsible may decide whether a simple written reply to the person(s) concerned/complainant is appropriate.

### ***Complaint records***

3.5 Cases handled via the informal procedures for handling complaints usually need not be documented in formal written records. If an inquiry/complaint has been handled or resolved with immediate action, the Vice Principal may record the key points in a log book for future reference.

### ***Appropriate follow-up action(s)***

3.6 The school will review and check whether the policies or procedures regarding complaints have been properly followed and suggest appropriate measures to improve the handling of similar cases or prevent the recurrence of similar cases. If necessary, the staff responsible may brief the person(s) concerned on the follow-up actions that the school has adopted and the subsequent results.

## Formal Complaint Investigation Procedures

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

3.7 In a situation where the school had 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 the school receives any formal complaints (including those referred by the EDB or other organizations), they should be handled according to the following procedures:

- ◆ in accordance with the school-based mechanism, assign appropriate staff (P.18) to investigate the complaint and respond 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, title and phone number of the staff responsible for handling the case for contact purposes. Samples of Acknowledgement Letters are provided in Appendixes II and III;
- ◆ if necessary, contact the complainant and other persons involved or arrange meetings with them in order to have a better grasp of the situation or request the parties involved to provide relevant information;
- ◆ handle the complaint as quickly as possible (It is suggested that schools 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 in which the school has 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 the school's reply.

(ii) Appeal stage

The school shall adopt the following procedures with appeal cases:

- ◆ acknowledge receipt of the appeal;

- ◆ in accordance with the school-based mechanism, assign appropriate staff (P.18), to handle the appeal and respond 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 in which the school has handled the appeal, the school would cautiously review the appeal process to ensure that proper procedures have been followed.
- ◆ if the complainant raises new allegations, the school shall handle them separately to avoid mixing up the old complaints with the new ones.

### ***Resolving conflict through mediation***

3.8 When handling complaints, the school may, having reviewed 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/organizations being complained against).

### ***Responding to complaints/appeals***

3.9 If the complaint or appeal is in written form, the school shall 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 organization(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 should start from the date on which it is received or when the complainant agrees to let the school have access to his/her personal data. If the information submitted is incomplete, the time limit should 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, the school will explain to the complainant in writing why a longer handling time is needed.

### ***Complaint/appeal records***

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

### ***Appropriate follow-up action(s)***

3.12 Once the investigation/appeal stage has concluded, the school will review and check that the complaint handling policies and procedures are appropriate, and may suggest further measures to improve the method of handling complaints and to prevent the recurrence of similar incidents. The staff in charge should inform the person(s) concerned of the school's follow-up actions and the 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 may 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 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 shall make other arrangements, such as appointing staff from another department, to ensure fair handling of the case.
- ◆ Where necessary, the school/the 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 bodies. To ensure credibility, the school may invite independent persons such as social workers, lawyers, psychologists, and parents or teachers not involved in the case to be on 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. The school will also ensure that frontline/ designated staff have proper authorized access to the case and understand their roles and responsibilities clearly.

- ◆ The deployment of staff for handling complaints at different stages shall be as follows:

<b>Targets involved</b>	<b>Example</b>	<b>Investigation stage</b>	<b>Appeal stage</b>
Teaching and school staff	1	Appropriate staff <sup>1</sup>	Vice Principal
	2	Vice Principal	Principal
	3	Principal	Supervisor
Principal	1	Supervisor	Designated staff of school sponsoring body <sup>2</sup>
	2	IMC Investigation Task Force <sup>2</sup>	Supervisor / IMC Appeal Task Force <sup>2</sup>
Supervisor / IMC		Designated staff of school sponsoring body <sup>2</sup> / Task force	Designated staff of school-sponsoring body <sup>2</sup> / Task force

Note:

- 1 Appropriate staff refers to the staff of a higher rank than the staff involved in the case.
- 2 Should the complaint involve the Principal, the Supervisor / IMC, the IMC investigation / appeal task force may include independent persons / managers of the school.

## **Confidentiality**

- 4.2 All contents and information of complaints should be kept strictly confidential and restricted to internal reference or reference by relevant persons only.
- 4.3 Should the school need to collect personal data during the handling process or when requests are received for the disclosure of data/records in respect of the complaint case, the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance should be observed. This includes stating clearly 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 will adopt appropriate security measures to protect personal data and privacy, such as keeping the data in safe places (e.g. school cabinets under lock and key). Computer data should be protected by passwords. The use of portable data storage devices should be tightly controlled. Where necessary, encrypted portable data storage devices should be used.
- 4.5 The school will establish procedures to ensure that only authorized 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 authorization.
- 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 shall:
- ◆ 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 should be reiterated before the end of the interview/meeting; and
  - ◆ 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 unauthorized disclosure of personal data or other information of a third party.

## **Follow-up action(s) and and evaluation**

- 4.7 The school will conduct a comprehensive review on the strategies, process and steps they have taken in handling complaints in order to benefit from past experiences, improve the handling process, and prevent the recurrence of similar cases.

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

### **Support and training**

- 4.9 The school will provide appropriate training to assist staff, e.g. providing training programmes or arranging experience sharing sessions, and encourage staff to attend relevant courses organized by EDB to effectively handle inquiries/complaints and for frontline/designated staff to enhance their capability in handling complaints and resolving conflicts.

## **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 Most school-related complaints can be settled through the informal and formal procedures for handling complaints. However, some complaints may remain unresolved after the investigation and appeal stages. Complainants or relevant organizations (including schools/the EDB) may request the “Review Board on School Complaints” (Review Board) to review these cases under the following circumstances:

- ◆ The complainant provides substantial grounds or new evidence to show that the school/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 schools which have implemented “Enhanced School Complaint Management Arrangements”. The complaints seeking review should have gone through the investigation and appeal procedures recommended in the Guidelines.)

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

5.3 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 fewer than ten members. The tenure of each member is two years.

5.4 Where necessary, the Panel may set up several Review Boards to review different complaint cases. Each Review Board is comprised 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 advice on the case.

5.5 Members of the Review Board should undertake a statement of declaration of interests. Persons who have any conflict of interest with the organizations and/or persons relating to the case under review are obliged to refrain from participating in the review.

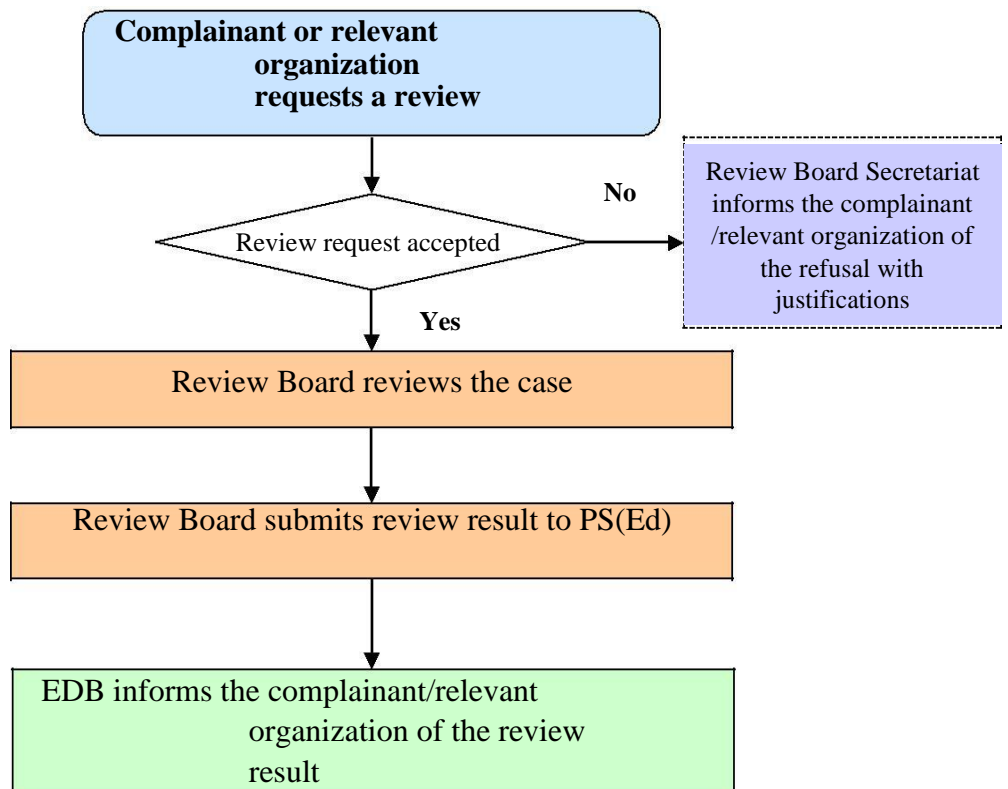
### Functions and powers of the Review Board

5.6 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.

### Review procedures

5.7 Please see Diagram 2 for the review procedures.

**Diagram 2: Review Stage**



5.8 The school shall inform complainants in writing after the appeal that if they do not accept the result of their appeal or the way the appeal has been handled, they may apply in writing to the EDB for a review within 14 days from the date of the school's reply. 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 EDB will then forward the case to the Panel to decide whether a review should be conducted.
- 5.9 If the review application is accepted, the Panel will set up a Review Board to handle the case. If the application is unsuccessful, the Review Board Secretariat will inform the applicant/relevant organization in writing of the reasons for refusal.
- 5.10 The person who requests a review is required to sign a letter of consent, authorizing the Review Board to forward information regarding the complaint to the school/school sponsoring body and/or other relevant organization(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 organization(s)/ person(s).
- 5.11 The review process involves the examination of investigation reports and related documents. Taking into account the subject matter and nature of the case, the Panel may:
- ◆ scrutinize the information provided by the complainant, subject of the complaint, school/school sponsoring body and/or the EDB, as well as the files and records associated with the case;
  - ◆ require the complainant, subject of the complaint, school/school sponsoring body and/or the EDB to clarify information and/or provide new evidence;
  - ◆ meet with the complainant, the subject of the complaint and/or other persons concerned respectively to collect further information.; and
  - ◆ invite the complainant, subject of the complaint, representative(s) of the school/school sponsoring body, and/or representative(s) of the EDB to attend case meetings.
- 5.12 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).
- 5.13 If the Review Board wishes to interview specific persons or convene a meeting on the case, it will make the following arrangements:
- ◆ The persons to be present at the interview or case meeting must be involved in the complaint and have obtained the approval of attendance from the Chairperson of the Review Board.

- ◆ During the interview or case meeting, the complainant is not allowed to question the subject of the complaint or other witnesses, and vice versa.
- ◆ Audio/video recording is prohibited during the interview or case meeting.

### **Result of review**

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



## Chapter VI Handling Unreasonable Behaviour

6.1 Appropriate communication and mediation are conducive to removing misunderstanding and enhancing mutual trust. Under general circumstances, schools should not put any restrictions on complainants making contact with the school. However, sometimes certain unreasonable behaviour of complainants may have a negative impact on the school, e.g. draining a considerable amount of the school's human resources, interrupting their operations or services, as well as threatening the safety of staff and other stakeholders. The school may therefore develop appropriate policies and measures to handle such unreasonable behaviour to ensure the smooth operation of the school.

### **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 may consider instituting appropriate policies and measures to deal with unreasonable behaviour of complainants:

- ◆ Designate suitable staff members to ascertain whether a complainant's behaviour is reasonable, and decide what measures should be taken. As a general guide, 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.
- ◆ Integrate the school's policies regarding unreasonable behaviour of complainants into the school-based complaint-handling mechanism and consult stakeholders' views.
- ◆ Inform all stakeholders of the school's policy regarding unreasonable behaviour of complainants.

## **Handling 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 should 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 should 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 should 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 staff member should report to Principal / Vice Principal and 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 operations/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.
- ◆ If the complainant's behaviour improves, the school may consider whether the restrictions should be lifted. If the school decides to keep the restrictions, it should 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 contact with the complainant, and cease handling the case altogether.
- ◆ 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".

**Examples of Complaints Relating to  
Daily Operation and Internal Affairs of Schools\***

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

\* 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 listed in paragraph 1.1(i) of the Guidelines to ensure compliance with the respective requirements.



**TSUEN WAN PUBLIC HO CHUEN YIU MEMORIAL COLLEGE**

**Sample Acknowledgement Letter (1)**

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

DD MM YYYY

Name of the complainant:

Address of the complainant:

Dear Mr/Ms \*XX:

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

If you have any inquiries, please contact Mr/Ms X (Teacher/Panel Chairperson/Vice Principal\*) at 24966000 (telephone number).

(Signature)

Principal / Name and post  
of the designated staff\*

\* Please delete where inappropriate



**TSUEN WAN PUBLIC HO CHUEN YIU MEMORIAL COLLEGE**

**Sample Acknowledgement Letter (2)**

[For cases where referral of the complaint to a third party (e.g. government departments or contractors of school services) is needed.]

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms\* XX:

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

If you have any inquiries, please contact Mr/Ms X (Teacher/Panel Chairperson/Vice Principal\*) at 24966000 (telephone number).

(Signature)

Principal / Name and post  
of the designated staff\*

\* Please delete where inappropriate

**Sample Acknowledgement Letter (2)**  
**Reply Form**

To: Name of School

File No.: (if applicable)

Name of the complainant: Mr/Ms \_\_\_\_\_

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

# Correspondence Address: \_\_\_\_\_

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# Contact No.: \_\_\_\_\_

I understand that the personal information provided above will only be used for investigating the complaint.

To assist the school in handling this complaint, I consent/object\* to::

1. the school's reproduction of this complaint and any materials submitted and the transfer of copies of such materials to relevant persons/ organisations for processing my complaint.
2. the school's obtaining my personal data and other information kept by relevant persons/organisations that are considered relevant and necessary for the purpose of processing my complaint.

\_\_\_\_\_ Date

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

# Item that must be completed.



## TSUEN WAN PUBLIC HO CHUEN YIU MEMORIAL COLLEGE

### Sample Complaint Record

**Date received** \_\_\_\_\_

**Source:**             Directly lodged to the school  
                           Referred by the EDB  
                           Referred by other organizations: \_\_\_\_\_

**Mode:**    Phone         Letter     Email     Fax     In person  
                   Others: \_\_\_\_\_

**Personal information of the complainant:**

Name: Mr/Ms/Mrs \_\_\_\_\_

Identity:     Parent     Councillor     Public  
                   Organization \_\_\_\_\_  
                   Others \_\_\_\_\_

Authorized representative of the complainant (please state the name, address and contact telephone number of the representative and his/her relation with the complainant):

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

**Subject(s) of complaint:**

Principal     Teacher     Staff  
 Others: \_\_\_\_\_

**Areas of Complaint:**

Management and Organization             Learning and Teaching  
 School Ethos and Student Support         Student Performance  
 Others \_\_\_\_\_





**TSUEN WAN PUBLIC HO CHUEN YIU MEMORIAL COLLEGE**

**Appeal stage** (if applicable)

**Date of appeal:** \_\_\_\_\_

**Person-in-charge:** \_\_\_\_\_

Issue of Notice of Acknowledgement (date : \_\_\_\_\_)

Telephone contact (date : \_\_\_\_\_)

Interview with the complainant (date: \_\_\_\_\_)

Issue of written reply (date: \_\_\_\_\_)

**Summary of appeal result:**

**Follow-up actions or recommendations (if applicable)**

**Signature of person-in-charge:** \_\_\_\_\_

## Appendix VI



### TSUEN WAN PUBLIC HO CHUEN YIU MEMORIAL COLLEGE

#### Sample Reply Card

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms\* XX:

We received your letter dated DD MM YYYY. Our stance on the relevant issue has been detailed in our reply/replies dated DD MM YYYY (and dates of other replies [if applicable]). We will neither respond to the same complaint nor contact you again.

(Signature)

Principal /

Name and post of the designated staff\*

\* Please delete where inappropriate