

# Marymount Secondary School

## Guidelines for Handling School Complaints



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# Marymount Secondary School

## Policy on Handling School Complaints

As stakeholders have expectations of school performance in cultivating students' whole-person development, it is important for MSS to have effective communication channels to allow parents, students and staff to express their views and feelings to enhance mutual understanding and trust.

- The school has a clear and transparent mechanism to handle concerns / complaints timely and in a fair and impartial manner.
- Designated staff will ensure all contents and information of complaints are kept strictly confidential.
- For proper follow up, we do request stakeholders with concerns / complaints to indicate their name, address and phone number. Without these personal details, a concern /complaint is deemed anonymous and the school will not handle it. However, under special circumstances (e.g. sufficient evidence available or the complaint involves serious or emergency cases), the school will decide if it is necessary to follow up with an anonymous complaint.

***All staff are expected to know and understand the policy and procedures outlined in the Handling School Complaints Guidelines via the school website and the Booklet kept in the Staff Lounge.***

### Complaints Handling Procedure

| Domains concerned             | Targets involved   | Investigation stage           | Appeal stage                                      |
|-------------------------------|--|-------------------------------|---|
| 1. Learning and Teaching      | Teaching Staff, Office Staff and Janitors, Parents and Alumnae, Students | Senior teacher                | Vice Principal                                    |
|                               |  | Vice Principal                | Principal   |
| 2. Student Performance        | Principal  | Principal                     | Supervisor  |
| 3. Student Support            |  | Supervisor                    | Designated staff#                                 |
| 4. Management & organizations | Supervisor / IMC   | IMC Investigation Task Force* | Supervisor/ IMC Appeal Task Force*                |
| 5. School Ethos               |  | Designated staff# / Taskforce | Task force of sponsoring body / Designated staff# |

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

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

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## **Foreword**

### **Building a culture of communication**

Education is greatly valued in Hong Kong. With the advancement of society, people become more aware of their own rights and interests, and have growing expectation that schools should provide quality education to nurture future generations. They place a premium on the quality of management and services that schools provide. Key stakeholders, especially parents, consider the holistic development of students imperative. They often make enquiries and provide feedback and suggestions regarding the performance of schools. It is therefore vital for MSS to maintain good communication with their stakeholders. In addition to providing effective communication channels, MSS has also encouraged parents, students and staff to make good use of them to express their views and feelings, so as to build up mutual trust and confidence and avoid any unnecessary misunderstanding.

### **Handling complaints in a positive manner**

Striving for excellence and efficiency, and promoting accountability and transparency, are values that our society today upholds. Notwithstanding the availability of established systems and channels in MSS for public enquiry, consultation and communication, some people would still lodge complaints with the school for one reason or another. MSS will handle complaints positively, with patience and understanding, and provide prompt responses within an appropriate time frame. In fact, constructive criticisms and reasonable complaints should be valued as they may help the school improve. In addition to adopting an open attitude to diverging views, MSS will also review our existing policies, procedures and measures for the continuous improvement of their administration. Should misunderstanding or insufficient communication be identified as the actual cause of any complaints, MSS will undertake to explain to the complainant(s) fully and sincerely to remove their doubts. Despite that, MSS may sometimes face extremely unreasonable behaviours of some complainants, which may consume immense manpower or even hamper the operations or services of the school. As such, the school will formulate appropriate policies and measures to deal with such unreasonable behaviour to ensure their operations would not be adversely affected.

## Chapter I      Scope of Application

1.1      The Guidelines apply to the handling of the following types of complaints about MSS lodged by parents, student, staff or the public by whatever reasonable means including post, fax, email, telephone call or in person:

**(i)      Complaints about daily operations and internal affairs of MSS**

- ◆ In the spirit of school-based management, the Education Ordinance has entrusted the Incorporated Management Committees<sup>1</sup> (IMCs) with the power and responsibility to manage the school; therefore, MSS will collaborate closely with her sponsoring body to develop her school-based mechanism and procedures for handling school affairs, including complaints related to MSS. A complainant should lodge his/her complaint directly to the school for effective handling if it concerns the daily operations and internal affairs of MSS (see Appendix I for relevant examples).
- ◆ Upon receipt of any complaints about daily operations and internal affairs in accordance with the Education Ordinance, of schools from the public or referred from other organisations (such as Chief Executive's Office, Legislative Council, Equal Opportunities Commission, District Council, Offices of Councillors or other government departments), EDB will seek consent of the complainant to refer the complaint to the school for investigation and direct reply to the complainant. Without the consent of referral by the complainant, the case will not be handled by the school or EDB. If the complaint involves serious incidents or maladministration, regardless of the complainant's disagreement to the referral, EDB may, on condition that no personal information will be disclosed, inform the relevant school of the complaint for improvement of administration.
- ◆ EDB may conduct direct investigation of any complaints under special circumstances, e.g. complaints about misconducts of IMCs or malpractices of the school management.

- ◆ When handling complaints, MSS will refer to relevant circulars, guidelines and codes of practice to ensure compliance of respective requirements, such as:
  - Complaints about child abuse: EDB Circular No. 1/2020 “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 “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. 3/2022 “Acceptance of Advantages and Donations by Schools and their Staff”

**(ii) Complaints about Education Ordinance, education policies or services provided by EDB**

- ◆ EDB is responsible for formulating education policies, enforcing the Education Ordinance and providing education services. If the complaints involve the following aspects, even the incidents involved do not take place in MSS, they should be lodged to EDB for direct handling:
  - Complaints about education policies (e.g. class structure and class size);
  - Complaints about alleged contravention of 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 EDB (e.g. school places allocation, services provided by Regional Education Offices).

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

- ◆ Complaints relating to ongoing legal proceedings;
- ◆ Complaints under the jurisdiction of other organisations/government departments;
- ◆ Complaints governed by other ordinances or legal requirements, such as complaint about corruption, fraud and theft; or
- ◆ Complaints lodged by school staff [handled in accordance with school-based or sponsoring bodies' staff complaint mechanism and guidelines (if applicable)]

1.3 In general, the following types of complaints will not be handled by MSS:

**(i) Anonymous complaint**

- ◆ If a complaint is made in written form or in person, the complainant should provide his name, address/e-mail address phone number. If in doubt, the school may require the complainant to show his identity documents. If the complainant fails or refuses to provide the above personal particulars, the school may not be able to conduct investigation and give a written reply to the complainant. Such cases will be deemed as anonymous complaints and will not be handled by the school. Under special circumstances (e.g. sufficient evidence available or the complaint involves serious or emergency cases), the middle or senior management of the school will decide if it is necessary to follow up with an anonymous complaint, e.g. taking it for internal reference, informing the subject of complaint or taking relevant remedial improvement measures. If follow-up actions are considered unnecessary, brief reasons will be stated before filing the complaint for record.

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

- ◆ Generally speaking, complainants should bring forward their grievance in person. In case the aggrieved person is a minor or intellectually disabled, his parents/guardians or the person authorised by the parents/guardians may lodge a complaint on his behalf. If the aggrieved person is an adult, other persons can only complain on behalf of him with his prior written consent.
- ◆ If a complaint is lodged by more than one person on behalf of the aggrieved one, the aggrieved person should be required to designate a representative as the contact person with the school.
- ◆ As for complaints lodged/referred by other organizations /groups, such as Legislative councillors, district councillors, the trade union, the media, since there are no current legislations which empower any organisation/group to complain on behalf of someone, the organisation/group has obtained prior written authorisation from the person concerned, MSS will handle the complaint in accordance with their prescribed procedures.

**(iii) Complaints involving any incidents which occurred more than one year**

- ◆ Complaints related to daily operations of MSS should normally be lodged within the same school year. If the incident involved occurred more than one year, it would be difficult for the school to collect evidence for investigation as the objective environment/evidence might have been changed or disappeared; or the person concerned/the target of complaint had quitted the school already. To allow greater flexibility, the time limit for lodging a complaint should be set within one calendar year.
- ◆ Even the incident involved happened more than one year ago, the school will decide whether to conduct an investigation under special circumstances, e.g. there is sufficient evidence available, or the complaint is concerned about serious and urgent matters.

**(iv) Complaints with insufficient information**

MSS may require the complainant to provide sufficient information regarding the case for investigation. If the complainant fails to provide further information to facilitate an investigation, the school will refuse handling the relevant complaint. To avoid misunderstanding, the school will provide a written reply to the complainant explaining clearly why the case was not handled by the school.



## Chapter II Guiding Principles of Complaint Handling

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

### Principle I: Handling by due responsible parties

- 2.2 To help better understand the complainant's concern and facilitate effective response thereto, a complaint will be directly handled by the organisation which formulates the related policies, provides the related services or manages the persons/matters being complained. As such, complaints relating to daily operations and internal affairs of MSS will be handled by the school; while those complaints about Education Ordinance, education policies or EDB services will be handled by EDB; and those involving other laws of Hong Kong should be lodged to relevant law enforcement agencies (e.g. ICAC, Hong Kong Police Force or Equal Opportunities Commission, etc.) for handling.
- 2.3 Where a complaint involves both MSS and EDB, it will be followed up by the school and related section(s) of EDB respectively.

### Principle II: Timely Handling

- 2.4 For all inquiries, opinions or complaints, whether made in verbal or written form, the school will handle them promptly and reply as soon as possible to avoid the situation being aggravated. When receiving any inquiries/complaints, the frontline staff will handle them straight or refer to the designated officer/committee for timely handling. If the frontline officer cannot resolve the problem, he will solicit assistance from his seniors.
- 2.5 If an incident is referred or reported by the media, the school will adopt the following measures:
- (i) To appoint a spokesman (e.g. the Vice Principal) to handle inquiries from the public/the media so as to avoid giving confusing message to the public.
  - (ii) To make appropriate responses or clarifications to the public as soon as possible (within one or two days), including disclosing the actions taken or preliminary investigation result, and ensure that the information provided is clear, accurate and in line with the Personal Data (Privacy) Ordinance.
  - (iii) To inform all teaching and non-teaching staff, students and parents of the progress of the case as far as possible, and pay special attention to the emotional reaction of students and staff. Appropriate counselling services will be provided if necessary.

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

- 2.6 MSS will, in collaboration with her sponsoring body, set up clear and effective school-based mechanism and procedures to handle inquiries and complaints. Teachers and parents (if relevant) will be consulted to ensure that relevant procedures are accepted by stakeholders.
- 2.7 MSS will prepare clear guidelines informing stakeholders of relevant policies, procedures and responsible persons. Parents and staff will be informed of related procedures through various open channels, such as school websites, circulars, student handbooks, staff meetings, parent-teacher meetings, seminars and school events.
- 2.8 MSS will ensure that all staff responsible for handling inquiries and complaints are familiar and comply with the relevant policies and guidelines.
- 2.9 The relevant policies and guidelines will be regularly reviewed and the handling procedures should be updated whenever necessary.

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

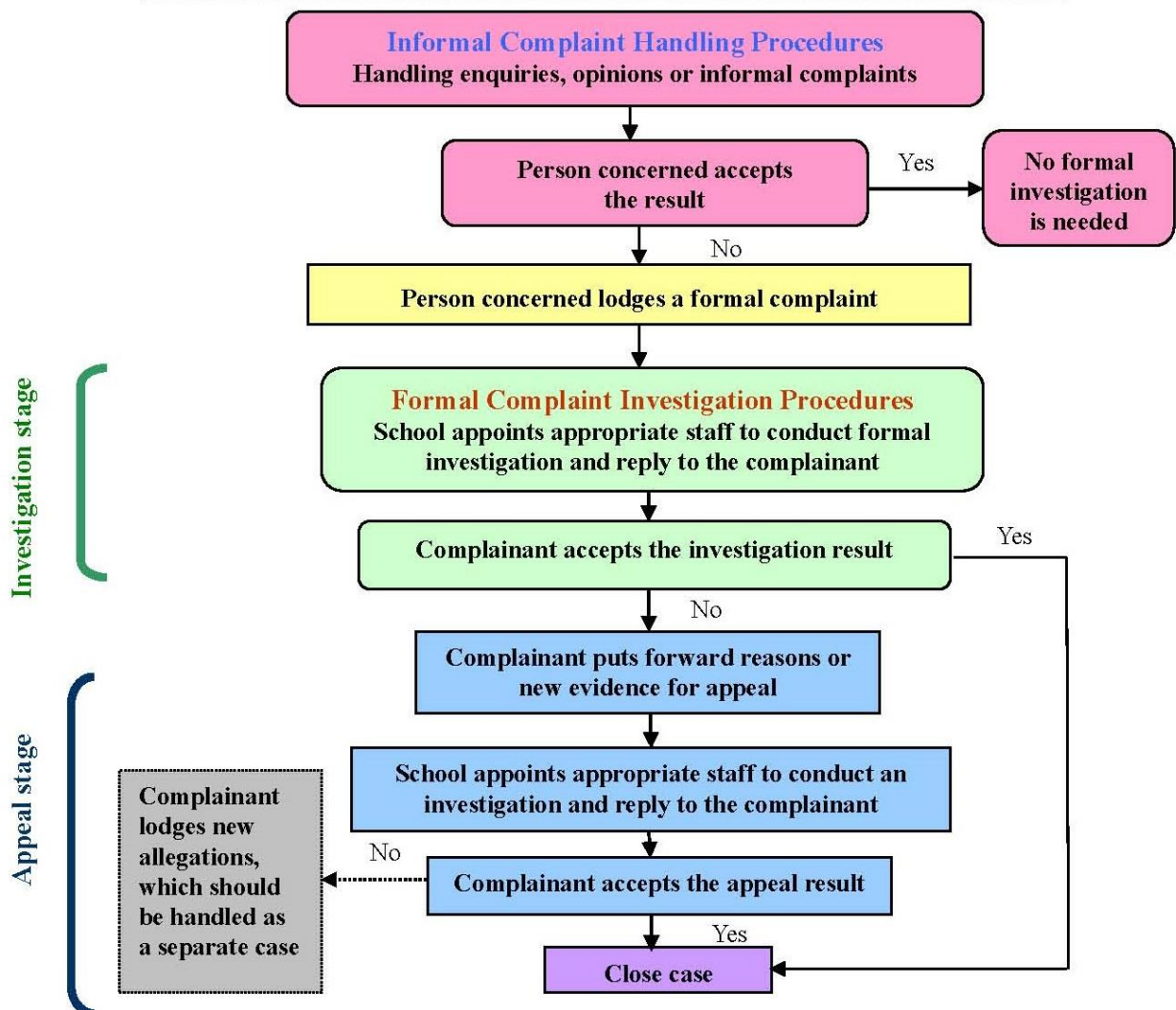
- 2.10 MSS will positively face complaints and fairly treat the complainants and the persons being complained. Sufficient appeal channels will be provided and if necessary, the school may consider inviting independent persons to participate in the complaint/appeal handling.
- 2.11 Before investigation or under appropriate circumstances, the designated officer and persons concerned will declare interests. If there is any conflict of interest, the relevant persons will avoid handling the case or accessing any information relating to the case.
- 2.12 To avoid conflict of interest, the subject(s) of the complaint will not be involved in the handling of the case or supervising the investigation, or signing any letters to the complainant.
- 2.13 MSS will ensure that the rights of the complainants or other related persons who had filed/involved in the complaint and their future communication/contact with the school would not be affected.

## Chapter III Complaint Handling Procedures

### Interpretations

- 3.1 To avoid complicating the handling process, frontline staff of the school will carefully differentiate between concerns and complaints. A concern means that parents make inquiries or express opinions to the school for the interest of themselves/their children or the school, with a view to changing or improving the existing situation. A complaint means expressing one’s disappointment, dissatisfaction or resentment, and requiring the school to make rectification, take disciplinary actions against the suspected offenders or seek solutions.
- 3.2 In general, unless the relevant person(s) insist on making a formal complaint, the responsible staff will provide them with prompt assistance or resolution by using informal handling procedures. Please refer to Diagram 1 for the complaint handling procedures in MSS.

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



## **Informal Complaint Handling Procedures**

### ***Immediate/prompt handling***

- 3.3 MSS will make reference to the following arrangements:
- (i) If the school receives any inquiries, opinions or informal complaints from the public, whether in verbal or written form, the frontline staff will distinguish the nature of the incident before taking appropriate measures. In general, if evidence collection and investigation are deemed not necessary or the person(s) concerned do not ask for a formal written reply, the frontline staff will handle the matter in accordance with specified informal complaint handling procedures of the school.
  - (ii) Frontline staff will carefully listen to the concerns of the inquirer / complainant and understand what they think and need. If the incident is not serious, assistance and necessary information should be provided as far as possible to address their concerns and resolve their problems.
  - (iii) If necessary, the school staff in charge of the issue will, through direct talks or interviews with the person(s) concerned, relay the MSS' stance, clear misunderstandings and remove any misgivings or worries.

### ***Replying complaints***

- 3.4 For verbal inquiries/opinions/complaints, verbal replies will be sufficed. For cases that have been handled according to the informal complaint handling procedures, written replies are normally not required. However, the person in charge will depending on the situation, e.g. the opinions/complaints are sent in written form or the school needs to make clear its stances/details accordingly, decide whether a simple written reply to the person(s) is needed.

## Formal Complaint Investigation Procedures

### *Arrangements for investigation and appeal stages*

3.5 Despite the efforts to resolving the problems by the informal complaint handling procedures, if the school still cannot address the complainant's concerns or resolve the problems, or the school's response is not accepted by the complainant, the formal complaint investigation procedures (including an appeal mechanism) will be launched to handle the case.

(i) Investigation stage

MSS will carry out investigation according to the following procedures if formal complaints (including those referred by EDB or other organisations) are received:

- ◆ According to the school-based mechanism, assign an appropriate staff to investigate the complaint and reply to the complainant.
- ◆ Acknowledge receipt of the relevant complaint, seek the complainant's consent to obtain his personal data and information relevant to the complaint, and inform him of the name, post title and phone number of the staff responsible for handling the case for contact purpose.
- ◆ Take immediate measures to preserve all records related to the complaint case, including text files, images, and/or audio recordings (if any), as evidence. The school must comply with the provisions of the Personal Data (Privacy) Ordinance when collecting, holding, processing, or using personal data;
- ◆ Contact or arrange interviews with the complainant and other person(s) concerned to learn more about the situation or ask the person(s)/organisation concerned to provide information, if necessary.
- ◆ Handle the complaint timely. MSS will complete investigation *within two months* after receiving a complaint and send a written reply to the complainant, informing him of the investigation result.
- ◆ If the complainant accepts the investigation result, the complaint case can be closed.
- ◆ If the complainant does not accept the investigation result or the way of handling by the school, and is able to provide new evidences or sound reasons, he may, within 14 days from the date of the school's reply, lodge an appeal against the school's decision in writing.

(ii) Appeal stage

If the school accepts an appeal case, the following procedures will be adopted:

- ◆ Acknowledge receipt of the appeal;
- ◆ According to the school-based appeal mechanism, assign appropriate staff who is at a higher rank than the person-in-charge of the investigation or an officer from a different section to handle the appeal and reply to the complainant.
- ◆ Handle the relevant appeal timely. MSS are suggested to complete investigation within two months after receiving the request for appeal and inform the complainant of the appeal result in a written reply.
- ◆ If the complainant accepts the appeal result, the case can be closed;
- ◆ If the complainant does not accept the appeal result or the way the school handle the appeal, the school should cautiously review the appeal process to ensure that proper procedures have been followed.
- ◆ If the complainant raises other new allegations, the MSS should handle them separately in order to avoid entangling of old and new complaints.

*Mediation service*

3.6 In handling complaints, MSS will, as the case may be, decide whether it is appropriate to seek assistance from mediator(s) or invite independent persons/professionals to provide fair comments to assist the persons concerned (including the complainant(s) and the person(s)/organisation(s) being complained) so that conflicts or disputes can be resolved quickly.

*Responding to complaints/appeals*

3.7 Written complaints or appeals will be replied in written form. If they are made verbally, the responsible staff may decide whether to respond in verbal or written form. If a case is referred by EDB/other organisation(s), the investigation result will be copied to EDB/relevant organisation(s) for information.

3.8 Generally speaking, the time limit for a reply should, as the case may be, start counting from the date on which the complaint was received or the complainant agreed to let the school access his personal data. In case the school requires the complainant to submit further information, the time limit should start counting from the date on which the school receives the required information. If a reply cannot be given within the specified period, the school should issue a letter explaining to the complainant the reasons for longer handling time of the complaint/appeal.

*Complaint/appeal record*

3.9 MSS will keep clear records of cases handled through the formal complaint investigation procedures. MSS will also keep the statistics of complaint and appeal cases being handled by informal or formal complaint handling procedures for future reference.  
(Attachment 1)

## Chapter IV Complaint Handling Arrangements

### Designated staff

- 4.1 According to the school-based inquiry/complaint handling mechanism, nature of the complaints and personnel and scope involved, MSS will assign a designated staff or set up a task force to handle complaints. Reference can be made to the following arrangements:
- ◆ Persons responsible for handling the investigation and appeal stages should be different. In principle, the person-in-charge of the appeal stage will be in a higher rank than the one responsible for the investigation. If the real situation does not permit, MSS will make other arrangements, such as appointing a person from another department to re-investigate the case to ensure fair handling.
  - ◆ Where necessary, the school/sponsoring body may establish a task force to handle special complaint cases. Depending on the situation, the task force may include IMC members and representatives from the sponsoring bodies. To enhance credibility, the school may invite independent person(s) such as social worker, lawyer, psychologist, parent or teacher who are not involved in the case to join the task force to provide professional advice and support.
  - ◆ Relevant staff will be proactive in communicating with the inquirer/ complainant, provide information they needed and respond promptly to them. MSS will ensure that frontline/designated staff have proper authorisation and clearly understand their roles and responsibilities.
  - ◆ For arrangements of respective person(s)-in-charge of various complaint handling stages, MSS may refer to the examples in the table below:

| Domains Concerned  | Targets involved  | Investigation stage                               | Appeal stage                          |
|--|---|---|---------------------------------------|
| 1. Learning and Teaching<br>2. Student Performance<br>3. Student Support<br>4. Management & Organizations<br>5. School Ethos | Teaching staff,<br>Office staff and janitors, parents, alumnae and students | Senior teacher                                    | Vice Principal                        |
|  |   | Vice Principal                                    | Principal                             |
|  |   | Principal   | Supervisor                            |
|  | Principal   | Supervisor  | Designated staff#                     |
|  |   | IMC Investigation Task Force*                     | Supervisor/<br>IMC Appeal Task Force* |
| Supervisor / IMC   | Designated staff# / Taskforce   | Task force of sponsoring body / Designated staff# |                                       |

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

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

## **Confidentiality**

- 4.2 All contents and information of complaints will be kept strict confidential and restricted to internal reference/responsible personally.
- 4.3 When handling complaints, if the school has to collect personal data or she receives request for collection of relevant data/records in respect of the complaint case, she will observe the relevant requirements and recommendations in Personal Data (Privacy) Ordinance, including clearly stating the purpose and methods of personal data collection and indicating that relevant data will only be used for handling complaints or appeals.
- 4.4 MSS will adopt appropriate security measures to protect personal data and privacy, such as keeping the data at safe places (like cabinets under lock). Computer data will be protected with passwords. The use of portable data storage devices will be under restriction and if necessary, using encrypted portable data storage devices.
- 4.5 MSS will establish procedures to ensure that only authorised persons can access relevant information. The responsible persons should not disclose nor discuss any contents or information relating to the case in public without authorisation.
- 4.6 MSS can stipulate in the school-based mechanism the relevant arrangements for interview or meeting with relevant parties. To avoid misunderstanding, the school will:
- (i) In making arrangement for an interview/a meeting, state clearly whether the person concerned can be accompanied by others (for example, relatives, legal representatives) and reiterate such stances before interview/meeting begins.
  - (ii) Before the interview/meeting, clarify whether audio/video recording is permitted during the process or consent of all parties attending the meeting should be obtained first. The message should be reiterated before the end of the interview/meeting; and
  - (iii) 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 MSS will conduct a comprehensive review on the strategies, procedures and steps taken in handling complaints so as to gain in order to benefit from the experiences, improve the handling measures in order to avoid reoccurrence of similar cases in future.

## **Support and training**

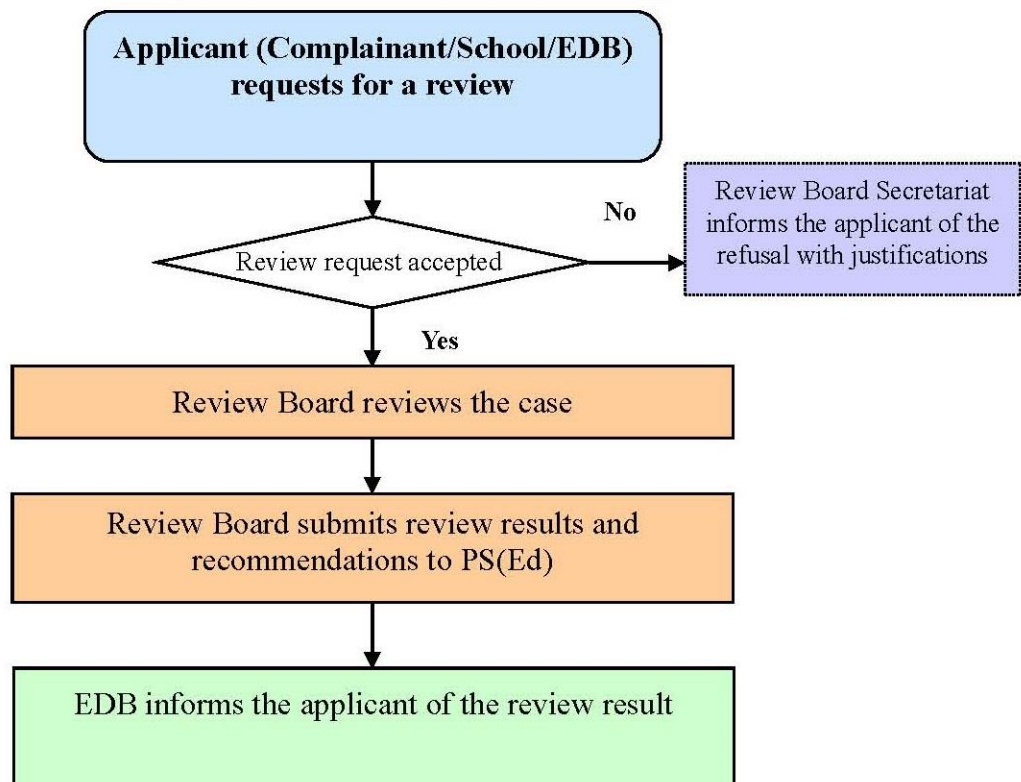
- 4.8 MSS will provide appropriate training to assist staff to handle enquiries/complaints effectively, e.g. training programmes on communication, negotiation and mediation skills; or sharing sessions on complaint handling experiences which could enhance the capacity of frontline/designated staff in handling complaints and resolving conflicts.



## Chapter V Review of Complaints

- 5.1 Most school-related complaints can be settled through the informal and formal complaint handling procedures. Some complaints may remain unsettled after the investigation and appeal stages. Complainants or relevant organisations (including MSS/EDB) may request the “School Complaints Review Board” established by EDB to review complaint cases under the following circumstances:
- ◆ The complainant provides substantial ground(s) or new evidences which show that the school/EDB has handled the case improperly.
  - ◆ The complainant refuses to accept the investigation result and continues to complain despite that the relevant organisation has properly handled the complaint according to the established procedures.
- 5.2 The case requested to be reviewed should have been handled by going through the investigation and appeal stages by the school/EDB. Before making a request for review, the complainant should explain explicitly the reasons for his discontent (e.g. relevant parties fail to handle the case according to proper procedures or the investigation result is prejudiced) and provide new or substantial supportive evidences. Otherwise, the Review Board may refuse the request for review. Please see Diagram 2 for the review procedures.

**Diagram 2: Review Procedures**



## **Membership of the Review Board**

- 5.3 A Review Boards Panel (the Panel) which is composed of independent persons from different sectors will be set up by EDB. The members are appointed by the Permanent Secretary for Education. The Panel will have a Chairman, a Vice Chairman and not less than 10 members. The tenure of membership is two years.
- 5.4 If necessary, the Panel may set up several Review Boards to review different complaint cases. A Review Board is composed of the following members:
- (i) Chairman/Vice Chairman of the Panel;
  - (ii) Two other members appointed by rotation from the members of the Panel.
- If necessary, the Review Board may invite not more than two non-members (such as school staff, representatives of EDB or professionals) to join the Board to provide information and/or opinions on the case.
- 5.5 Members of the Review Board should declare interests. Persons who have interest with the organisations and/or persons relating to the case under review should not serve as members of the Board.

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

- 5.6 The Review Board is responsible for reviewing school-related complaint cases that have been handled by MSS or EDB according to the investigation and appeal stages. The review results and recommendations will be submitted to the Permanent Secretary for Education for consideration.

## **Review procedures**

- 5.7 The complainant should be informed that if he does not accept the appeal result or the way the complaint is being handled, a written review request can be filed with EDB within 14 days from the date of the reply by school. EDB will forward the case to the Review Board for handling. The person who requests for a review should provide substantial supportive reasons or new evidences for consideration of the Review Board on whether to conduct a review on the case or not.
- 5.8 The person who requests for a review should sign a letter of consent, authorising the Review Board to forward the complaint information to relevant school/sponsoring body and/or other related organisation(s)/person(s). The Review Board can also obtain information related to the complaint/review from the complainant, relevant school/sponsoring body and/or other relevant organisation(s)/person(s).
- 5.9 If the review application is accepted, the case will be forwarded to the Review Board for handling. If the application is refused, EDB will send a written reply to the applicant/relevant organisation informing the reasons for refusal.

- 5.10 The review procedures mainly include review of relevant investigation reports and documents. Yet, the Review Board may, in the light of the subject matter and nature of the case, adopt appropriate review procedures which include:
- ◆ Inspecting information provided by the complainant, subject of complaint, relevant school, sponsoring body and/or EDB.
  - ◆ Requiring the complainant, subject of complaint, relevant school/sponsoring body and/or EDB to clarify information, and/or provide new evidence.
  - ◆ Meeting with the complainant, subject of complaint and/or other persons concerned separately to collect further information.
  - ◆ Inviting the complainant, subject of complaint, relevant school/sponsoring body and/or representative of EDB to attend case meeting(s).
- 5.11 To observe confidentiality, the Review Board/EDB cannot disclose any personal information relating to the complaint to any person without the consent of related parties (including the complainant/subject of complaint and relevant school/sponsoring body).
- 5.12 If there is a need to meet the relevant persons or convene a case meeting, the Review Board will make the following arrangements:
- ◆ Persons attending the interview or case meeting should be related to the complaint and should obtain approval for attendance from the Chairman of the Review Board.
  - ◆ During the interview or case meeting, no questioning is allowed between the complainant and the subject of complaint/other witnesses.
  - ◆ Audio/video recording is prohibited during the interview/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 investigation result is fair and reasonable before making recommendations on whether to close the case, settle the disputes through mediation, any necessary follow-up/remedial measures, or whether a re-investigation is necessary. The review result will be submitted to the Permanent Secretary for Education.
- 5.14 EDB will draw a final conclusion on the case with reference to the review result and recommendations of the Review Board. The relevant person/organisation will be informed in writing of the review result within three months after receipt of the review request. If EDB accepts closure of the case as recommended by the Review Board, neither EDB nor the school will handle the complaint any further. If the review result is not accepted by the requesting person(s)/organisation(s), they may appeal via other channels.
- 5.15 If the Review Board suggests a re-investigation of the case by the school/EDB, the school/EDB should assign a person at least one rank higher than the staff who handled the case previously to conduct the re-investigation. Relevant organisation should complete the re-investigation within two months and file the investigation result to the Review Board. Upon endorsement of the Review Board, relevant organisation should reply to the complainant in writing and copy the reply to the Review Board. If relevant organisation cannot complete the investigation within two months, it should inform the complainant the reasons and the time needed for reply.

## Chapter VI Handling of Unreasonable Behaviour

6.1 In general, contacts between complainants and MSS will not be Restricted because proper communication and mediation help remove misunderstanding. However, sometimes unreasonable behaviour of complainants may bring adverse influence on the MSS concerned, including consuming immense manpower in handling, interrupting school operations or services as well as threatening the safety of the responsible staff and other stakeholders. MSS will formulate appropriate policies and measures to handle such unreasonable behaviour to ensure smooth operation and proper use of public funds for providing quality education services.

### Definition of unreasonable behaviour

6.2 The unreasonable behaviour of complainants can generally be classified into the following three categories:

(i) Unreasonable attitudes or behaviour, such as:

- ◆ Violence or intimidation.
- ◆ Making complaints with abusive or insulting words.
- ◆ Providing false data or deliberately concealing facts.

(ii) Unreasonable demands, such as:

- ◆ Requiring large amounts of data or special treatment.
- ◆ Frequent telephone calls asking for dialogue, interview, or specifying certain person(s) to reply.
- ◆ Requesting to meet with certain person(s) at a certain time and place.

(iii) Unreasonable vexatious complaints, such as:

- ◆ After relevant investigation, firmly opposing to the explanations and findings of the school/EDB, and/or persistently requiring the school/EDB to discipline certain person(s).
- ◆ In respect of the same case, making repeated complaints or presenting similar grounds as previous ones but failing to provide any new evidences.
- ◆ In respect of the same case, keep on lodging new points of allegation or new complaint targets, but failing to present concrete evidence.
- ◆ Interpreting things with unreasonable or irrational attitudes, or badgering about trivial details.

## Handling of unreasonable behaviours

6.3 While formulating policies and measures against complainants' various unreasonable behaviours, MSS may take the following suggestions into consideration:

(i) Unreasonable attitudes or behaviours

- ◆ Any unreasonable attitudes or behaviours, including violence, intimidation, abusive/offensive behaviours or language, either expressed in person or via telephone/written forms, are unacceptable. The responsible staff should state clearly that they cannot accept such unreasonable attitudes or behaviour and demand the person to change his attitudes or stop such behaviours. If the person concerned insists on doing so, the responsible staff may, after giving 3 warnings, stop the meeting or communication with the complainant.
- ◆ The responsible staff could terminate the interview or communication with the complainant and ask the person to leave the meeting place if his behaviours pose immediate threat to or infringe the vital interests of the staff. Under urgent and necessary situation, the school may take appropriate/critical actions, such as reporting to the police or taking legal actions.

(ii) Unreasonable demands

- ◆ If a complainant raises unreasonable demands which may bring adverse impact to the school, for example, interrupting school's operation/services or affecting other stakeholders, the school may consider restricting contact with the complainant by specifying the times, frequency, date, time slot and ways of communication with the school (for example, making prior appointment is required before visiting the school, expressing views in written form only, contact with designated staff, etc.). The school must notify the complainant of relevant arrangements and handling procedures by written notice.
- ◆ If the complainant's behaviour improves, the school may consider whether relevant restrictions should be continued. If the school decides to continue with the measures, the restriction criteria will be reviewed regularly.

(iii) Unreasonable vexatious complaints

- ◆ In dealing with unreasonable vexatious complaints, the school can decide whether to restrict/stop the contact with the complainant and cease handling the case if it has already been carefully examined and properly handled by the school and an objective and a detailed written explanation has been given to the complainant regarding the result of the investigation which followed the specified investigation and appeal procedures.
- ◆ To avoid unreasonable expectations of the complainant, the school will affirm him that a final decision has been made regarding the case and such decision is irreversible.
- ◆ In case of unreasonable repeated complaints, the school will send a “Reply Letter for Persistent Complaints” to the complainant, asking him to refer to the previous replies given by the school, and reiterate that the school will not respond to the same complaint or contact the complainant again.

## Chapter VII Conclusion

### Effective School-based Mechanism

- 7.1 To ensure that public inquiries/complaints are properly handled, MSS will, according to their own conditions and the needs of stakeholders, should establish a set of school-based mechanism to complaint handling mechanism and procedures, which should:
- ◆ Be clear and unequivocal
  - ◆ Be open and transparent
  - ◆ Be concise and easy to follow
  - ◆ Be fair and just
  - ◆ Observe confidentiality
  - ◆ Ensure continual improvement
- 7.2 An effective school-based complaint handling mechanism not only increases public confidence in school governance, but also prevents public opinions/inquiries from evolving into formal complaints or unnecessarily escalating to EDB or other government departments/organisations.

### Maintaining good communication

- 7.3 In addition to formulating an effective complaint handling mechanism, MSS will enhance communication with parents and staff for maintaining a close partnership with them. Members of the Parent-Teacher Associations may also serve as a bridge of communication between the school and parents by helping to explain to parents the school policies, relieving their discontented sentiments, and serving the role as a mediator when necessary. In addition, MSS will listen to the views of their sponsoring bodies and stakeholders to identify any room for improvement of the school-based inquiry/complaint handling mechanism and procedures with a view to enhancing the standard of professional services provided by the school.

### Continuous improvement

- 7.4 EDB launched the “Project on Enhancement of Complaint Management in Schools” to make recommendations on the policies and procedures for handling complaints as well as to delineate the roles of various parties concerned. We believe that this is the first step towards supporting MSS in enhancing/establishing our own inquiry/complaint handling mechanisms. MSS will continue keeping close contact with stakeholders, listening to their views and enhancing the proposed mechanisms and procedures with the aim of helping MSS to establish an effective framework for handling public complaints.

### Complaints Relating to Daily Operations and Internal Affairs of MSS

| Scope                            | Particulars   |
|----------------------------------|---|
| 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 fee)</li> <li>• Policies (e.g. reward and penalty systems, school suspension arrangements)</li> <li>• Contractor services standard (e.g. school bus service, meal box supply)</li> <li>• Service contracts (e.g. tendering procedures)</li> <li>• School environment and hygiene (e.g. noise, mosquitoes problem)</li> </ul> |
| Learning and Teaching            | <ul style="list-style-type: none"> <li>• School-based curriculum (e.g. teaching hours of different subjects)</li> <li>• Selection of subjects and class allocation (e.g. arrangement for student choice of subject)</li> <li>• Homework (e.g. homework amount, school-based assessment standards)</li> <li>• Students assessment (e.g. assessment standards)</li> <li>• Staff performance (e.g. teaching staff behaviours/attitudes, job performance)</li> </ul>                                    |
| School Ethos and Student Support | <ul style="list-style-type: none"> <li>• School ethos (e.g. uniform, appearance)</li> <li>• Home-school cooperation (e.g. consultation mechanism, communication channels)</li> <li>• Student support (e.g. support for special educational needs)</li> <li>• Extra-curricular activities (e.g. interest group or activity arrangements)</li> </ul>  |
| Student Performance              | <ul style="list-style-type: none"> <li>• Students' overall performance (e.g. academic performance, conduct)</li> <li>• Student discipline (e.g. abusive language, smoking, fighting, bullying)</li> </ul>   |