Tak Oi Secondary School
Guidelines for Handling School Complaints

September, 2015
# Contents

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td></td>
</tr>
<tr>
<td>Chapter I</td>
<td>Scope of Application</td>
</tr>
<tr>
<td>Chapter II</td>
<td>Guiding Principles for Handling Complaints</td>
</tr>
<tr>
<td>Chapter III</td>
<td>Procedures for Handling Complaints</td>
</tr>
<tr>
<td>Chapter IV</td>
<td>Arrangements for Handling Complaints</td>
</tr>
<tr>
<td>Chapter V</td>
<td>Review of Complaints</td>
</tr>
<tr>
<td>Chapter VI</td>
<td>Handling of Unreasonable Behaviour</td>
</tr>
<tr>
<td>Appendix I</td>
<td>Complaints Relating to Daily Operations and Internal</td>
</tr>
<tr>
<td></td>
<td>Affairs of Schools</td>
</tr>
<tr>
<td>Appendix II</td>
<td>Acknowledgement Letter (1)</td>
</tr>
<tr>
<td>Appendix III</td>
<td>Acknowledgement Letter (2)</td>
</tr>
<tr>
<td>Appendix IV</td>
<td>Complaint Record</td>
</tr>
<tr>
<td>Appendix V</td>
<td>Reply Letter</td>
</tr>
</tbody>
</table>
Foreword

Our school aims at providing quality education to nurture our future generations. As we believe that constructive criticisms and reasonable complaints could help us improve, we always deal with complaints positively and promptly. Through the formulation of the “Guidelines for Handling School Complaints” by joining the “Pilot Project on Strengthening Schools’ Administration Management”, polices and measures have been set up to further strengthen the communication and close partnership with our stakeholders as well as to handle complaints effectively.
Chapter I  Scope of Application

1.1 The principles, procedures and arrangements proposed in the Guidelines are designed to help us 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 operations and internal affairs of schools

- In the spirit of school-based management, the Education Ordinance has authorised the Incorporated Management Committee (IMC) the power and responsibility to manage schools. Should a complaint concern the daily operations and internal affairs of a school (see Appendix I for relevant examples), the complainant should lodge it directly to the school for effective handling.

- Upon receipt of any complaints about the daily operations and internal affairs of our school from members of the public or via other organisations (such as the Chief Executive’s Office, Legislative Council, Equal Opportunities Commission, District Council, Offices of Councillors or other government departments), the EDB will seek the complainant’s consent to refer the complaint to the school for investigation and direct response. If the complainant does not consent to referral, the EDB will not participate in the investigation. If, however, the complaint involves any alleged serious misconduct or maladministration, the EDB may, regardless of the complainant’s disinclination for referral, take action by allowing the school access to the content of the complaint without disclosing any personal information so that we could make timely improvements to our administration.

- The EDB may conduct direct investigation of any complaints under special circumstances, e.g. complaints about the maladministration of the IMCs or malpractices of the school management.

- When handling complaints, the school should refer to the relevant circulars, guidelines and codes of practice to ensure compliance of respective requirements, such as:
  - Complaints about child abuse: EDB Circular No. 1/2012 “Handling Child Abuse and Domestic Violence Cases”
  - Complaints about equal opportunities: EDB Circular No. 33/2003 “The Principle of Equal Opportunities”
  - Complaints about gender discrimination and sexual harassment: EDB Circular No. 2/2009 “Amendment to the Sex Discrimination Ordinance (Cap. 480)”
  - Complaints about race discrimination: EDB Circular No. 25/2008 “Race Discrimination Ordinance”
Complaints about procurement of services and goods (such as school bus service, sale of textbooks and exercise books, as well as meal charges): EDB Circular No. 4/2013 “Procurement Procedures in Aided Schools”, EDB Circular No. 24/2008 “Trading Operations in Schools”, and the documents issued by the Independent Commission against Corruption (ICAC) - “Corruption Prevention Best Practice: Governance and Internal Control in Schools” and “The Integrity Management for Schools – A Practical Guidebook for School Staff”

Complaints about acceptance of advantages and donations: EDB Circular No. 14/2003 “Acceptance of Advantages and Donations by Schools and their Staff”

(ii) Complaints about Education Ordinance, education policies and services provided by the EDB

- 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 premise:
  - 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, teacher registration) or contravention of 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 to relevant internal guidelines in handling the above complaints.

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 regulations such as complaints about corruption, fraud or theft;
- Complaints lodged by school staff (if the school receives any such complaints, we will handle them in accordance with the specifications of the school-based mechanism; if the EDB receives such complaints, it should handle them in accordance with the current official procedure and respond to the complainant direct.)
1.3 In general, the school **will 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 contact phone number. If in doubt, the school can request the complainant’s identity documents. Should the complainant fail or refuse to provide these personal details, thus hindering the school from carrying out investigations or replying in writing, his or her complaint will be deemed anonymous. In such a situation, the school may not take any action.
- However, the Complaint Handling Group (P.14 note #2) of the school may, under special circumstances (e.g. when there is sufficient evidence or when the case is serious or urgent), decide whether to follow up on an anonymous complaint by treating it as a matter for internal reference, informing the respondent about the complaint, or take relevant remedial and enhancement measures. If follow-up actions are considered unnecessary, the school should briefly state the reasons and put the case on file.

**(ii) Complaints not made personally by the complainant**
- Generally speaking, complainants should present their grievance in person. Anyone who seeks to file a complaint on their behalf has to obtain their prior written consent. If the complainant happens to be a student (or a minor, or an intellectually disabled person), then the complainant’s 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 complainant, the school can require the complainant to appoint a representative as the contact person.
- Sometimes a complaint is lodged or referred by organisations/groups such as Legislative councillors, district councillors, trade unions and the media. Since there is no current legislation which empowers any organisation/group to complain on behalf of someone else, the Complaint Handling Group of the school will determine whether we would accept this kind of complaint. If, however, the organisation/group has obtained prior written authorisation from the complainant, the school should handle the complaint in accordance with the prescribed procedures.
(iii) Complaints involving any incidents which have occurred for more than one year

♦ Normally, complaints related to the daily operations of schools should be lodged during the school year. If a complaint is delayed so much so that it is filed only after the incident has occurred for more than one year, the school will have difficulty conducting investigations. This is because the circumstances/evidence might have changed or disappeared, or the complainant/respondent might have left the school already. Nonetheless, for greater flexibility, the time limit for lodging a complaint is one calendar year instead of the school year.

♦ The school may decide whether to conduct an investigation under special circumstances, even though the complaint is filed after the incident has taken place for more than one year, 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 substantial and adequate information regarding the case for investigation. If the complainant fails to do so, we may refuse handling the complaint.
Chapter II  Guiding Principles for Handling Complaints

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

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

2.2 A complaint should be directly handled by the organisation whose policies or services, or the persons/matters it manages, are the cause of protest. In this way, it can obtain a clear, first-hand understanding of the complainant’s concern and thus make an effective response. Accordingly, the school will directly handle complaints relating to their daily operations and internal affairs, and the EDB should directly handle those concerning the Education Ordinance, education policies and services. Complaints involving other laws of Hong Kong should be lodged to and handled by relevant law enforcement agencies (e.g. the ICAC, Hong Kong Police Force or Equal Opportunities Commission).

2.3 Where a complaint involves both our school and the EDB, it should be handled by the particular us and the related section(s) of the EDB.

Principle II: Timely and efficient handling

2.4 The school will handle and reply to all inquiries, opinions or complaints, verbal or written, as soon as possible to prevent any potentially uninviting situation from worsening. When there is an inquiry/a complaint, the frontline staff should either directly handle it themselves or immediately refer it to the Complaint Handling Group. If the frontline staff are unable to resolve the problem themselves, they should seek help from the appropriate personnel (See P.14 note#1) or the Complaint Handling Group (See P. 14 note#2).

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

- Appoint a spokesman (e.g. a member of the Complaint Handling Group) to handle inquiries from the public/the media so as to avoid giving confusing messages.
- Provide appropriate responses or clarifications to the public as soon as possible (within one or two days), including information about actions taken or preliminary investigation results, and to ensure that the information provided is clear, accurate and in line with the Personal Data (Privacy) Ordinance.
- Inform all teaching staff, students and parents of the progress of the case.
as far as possible, and pay special attention to the emotional reactions of students and staff. Counselling services should be provided where necessary.

**Principle III: Clear and transparent mechanism**

2.6 The school will handle inquiries and complaints according to the “Guidelines for Handling School Complaints” formulated.

2.7 The school will communicate effectively the relevant details of the “Guidelines for Handling School Complaints” through the school website, circulars, staff meetings and parent-teacher meetings.

2.8 The school will ensure that all staff responsible for handling inquiries and complaints are familiar and comply with relevant policies and guidelines.

2.9 The policies and guidelines will be regularly reviewed and the handling procedures will be updated whenever necessary.

**Principle IV: Fair and impartial handling**

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

2.11 Before an investigation begins or where appropriate, the designated staff and related individuals should declare interests. If there is any conflict of interest, the persons concerned are obliged to abstain from handling the case or accessing information relating to the case.

2.12 To avoid conflict of interest, staff members who happen to be the respondent of the complaint should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.

2.13 The school will see to it that the rights of the complainants or other persons involved in the complaint are ensured and that their future communication with the school would not be affected.
Chapter III  Procedures for Handling Complaints

Interpretations

3.1 To avoid confusion in the handling process, the frontline staff of schools should carefully differentiate between concerns and complaints. A concern refers to the inquiry or opinion that stakeholders make for the interests of themselves, their children or the school itself, with a view to changing or improving the existing situation. A complaint is an expression of disappointment, dissatisfaction or resentment. A person who makes a complaint may often request schools to make rectifications, take disciplinary actions against the suspected offenders, or seek solutions to problems. The responsible staff should avoid mixing up concerns and complaints and adopt appropriate procedures to handle them.

3.2 In general, unless the person insists on making a formal complaint, the school staff can promptly respond and help resolve his/her problem by following the informal complaint handling procedures. Please refer to Diagram 1 for the complaint handling procedures in schools.
Informal Complaint Handling Procedures

Immediate/prompt handling

3.3 In order to remove misunderstandings and forestall crises, the school will handle inquiries or complaints efficiently and appropriately by making reference to the following arrangements:

- The frontline staff will listen to and address the concerns of the inquirer/complainant with care and understanding. If the incident is not serious, they will provide whatever information required and promptly help resolve the inquirer’s/complainant’s problem(s).
- The school staff in charge of the complaint or inquiry (Refer to Designated
Staff on P.14) will, where necessary, relay the schools’ stance, clear misunderstandings and remove any misgivings or worries through direct talks or interviews with the person(s) concerned.

- The time limit for an initial response will be made within two working days.

**Replying to complaints**

3.4 For verbal inquiries/opinions/complaints, verbal replies will suffice.

**Complaint records**

3.5 Cases handled through the informal complaint handling procedures normally need not be documented in formal written records. The Vice Principal may record the key points in a log book for future reference.

**Appropriate follow-up**

3.6 The school will review whether policies or procedures regarding complaints have been properly followed and suggest appropriate measures to improve the handling of similar cases or prevent similar cases from arising again in the future.

**Formal Complaint Investigation Procedures**

**Arrangements for the investigation and appeal stages**

3.7 The school staff will carefully differentiate the case between a concern or a formal complaint (see P.8) in order to take appropriate handling procedures. If after going through the informal complaint handling procedures, the school still cannot resolve the complaint, or the complainant is still not satisfied with the school’s reply, the following formal complaint investigation procedures (including an appeal mechanism) should be adopted:

(i) **Investigation stage**

If we receive any formal complaints (including those referred by the EDB or other organisations), the following procedures will be carried out:

- Assign appropriate staff (See P.14) to investigate the complaint and reply to the complainant.
- Acknowledge receipt of the complaint if necessary (Appendixes II and III), seek the complainant’s consent to obtain his/her personal data and information relevant to the complaint, and inform him/her of the name, post title and phone number of the staff responsible for handling the case for contact purposes.
- If necessary, contact the complainant and other persons involved or arrange an interview with them to have a clear grasp of the situation or request relevant information.
• Handle and resolve the complaint as quickly as possible (The investigation should be completed within two months after receiving the complaints.), and send a written reply to inform the complainant of the result.

• If the complainant accepts the investigation result, the case is officially concluded.

• If the complainant does not accept the investigation result or the way the school handles the complaint, and is able to provide new evidence or sufficient justification, the complainant may lodge an appeal against the school’s decision in writing within 14 days from the date of its reply.

(ii) **Appeal stage**

With appeal cases, the school will adopt the following procedures:

• Assign appropriate staff (See P. 14) to handle the appeal and reply to the complainant.

• Handle and resolve the appeal as quickly as possible (The investigation should be completed within two months after receiving the complaints.), and send a written reply to inform the complainant of the appeal result.

• If the complainant accepts the appeal result, the case is officially concluded.

• If the complainant does not accept the appeal result or the way the appeal was handled, the school should cautiously review its procedures to ensure that they have been properly followed.

• If the complainant raises other new allegations, the schools should handle them separately in order to avoid mixing up the old and new complaints.

**Mediation service**

3.8 When handling complaints, the school will consider the nature of individual cases and decide whether it is appropriate to adopt different means to promptly find solutions and resolve conflicts. This includes seeking assistance from a mediator, and inviting independent persons/professionals to provide impartial and informed views to assist the persons concerned (including the complainants and the persons/organisations being complained against).

**Responding to complaints/appeals**

3.9 If the complaint or appeal is presented in written form, the school will respond with a written reply. If the complaint is made verbally, the responsible staff may decide whether to respond orally or in writing. If the case is referred by the EDB/other organisation(s), a written copy of the investigation result will 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. In the case that the information submitted is incomplete, the time limit should start from the date on which the school receives from the complainant all necessary information. If a reply cannot be given within the specified period, the school will issue a letter explaining to the complainant why a longer handling time is needed.

**Complaint/appeal record**
3.11 The school will keep a clear record of cases handled through the formal complaint investigation procedures (See Appendixes IV and V). In addition, the statistics of complaints and appeals lodged through either the informal or formal handling procedures will be kept for future reference.

**Appropriate follow-up**
3.12 At the end of the investigation/appeal stage, the school will review whether the complaint handling policies and procedures are appropriate, and suggest proper measures to improve the method of handling and to prevent similar incidents from recurring.
Chapter IV  Arrangements for Handling Complaints

Designated staff

4.1   Following the school-based inquiry/complaint handling mechanism, and taking into account the nature of the complaint, its scope and the people involved, the school will assign designated staff to handle the complaint. The following arrangements will be adopted:

♦   Different staff members will be deployed to handle the investigation and appeal stages. In principle, the staff dealing with the appeal stage should be of a higher rank than those responsible for the investigation stage. If this is not possible, schools should make other arrangements, such as appointing staff from another department, to re-investigate the case to ensure fairness.

♦   Where necessary, the school/sponsoring body may establish a task force to handle special complaint cases. Depending on the situation, the task force may include members of the IMC and representatives from the school sponsoring body. To enhance credibility, the school may invite independent persons such as social workers, lawyers, psychologists, parents and teachers not involved in the case to join the task force to provide professional advice and support.

♦   The appointed staff should be proactive in communicating with the inquirers/complainants, and prompt in providing responses as well as the information they need. The school will also ensure that frontline/designated staff have proper authorisation and clearly understand their roles and responsibilities.

♦   The table below shows the deployment of staff responsible for different stages of handling complaints:
Table 1: Designated Staff

<table>
<thead>
<tr>
<th>Targets involved</th>
<th>Investigation stage</th>
<th>Appeal stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student/ Teaching and school staff</td>
<td>Appropriate staff(^1)/ Complaint Handling Group (^2)</td>
<td>Vice Principal / Principal</td>
</tr>
<tr>
<td>Principal</td>
<td>Supervisor</td>
<td>IMC Investigation Task Force Group (^3)</td>
</tr>
<tr>
<td>Supervisor / IMC</td>
<td>Investigation Task Force Group assigned by the School Sponsoring Body (^4)</td>
<td>Appeal Task Force Group assigned by the School Sponsoring Body (^4)</td>
</tr>
</tbody>
</table>

1. If the complainant is a student, appropriate staff refers to the teaching staff concerned. If the complaint involves the teaching staff, appropriate staff refers to the staff of a higher rank than him/her.
2. Members of the Complaint Handling Group include: Vice Principal Ms Debbi Tsang (Group Leading), Vice Principal Ms Janet Chan, Discipline Mistress Ms Rose Leung and Guidance Mistress Ms Jeannie Ho.
3. If a complaint involves the Principal, the IMC Investigation Task Force Group/ IMC Appeal Task Force Group may include independent persons/ managers.
4. If a complaint involves the Supervisor/ IMC, the Investigation Task Force Group and Appeal Task Force Group assigned by the School Sponsoring Body may include independent persons/ managers.

Confidentiality

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

4.3 When the school needs to collect personal data during the handling process or when we receive requests for the disclosure of data/records in respect of the complaint case, the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance will be observed. This includes clearly stating the purpose as well as the way the personal data will be collected and that the data will only be used for handling the complaint or appeal.

4.4 The school will adopt appropriate security measures to protect personal data and privacy, such as keeping the data in safe places (e.g. cabinets under lock and key). Computer data are protected with passwords. Portable data storage devices are used under strict restriction.

4.5 Only the authorised persons in charge (including teachers and office staff) can access the information. The responsible persons should not disclose or discuss any contents or information relating to the case in public without authorisation.
4.6 Regarding interviews or meetings with relevant parties, the school will
  ♦ State clearly whether the person(s) concerned can be accompanied by
    others (for example, relatives, legal representatives) during the
    interview/meeting and reiterate their stance prior to starting.
  ♦ Clarify before the interview/meeting whether audio/video recording is
    permitted or obtain the consent of all attendees if the session is to be
    audio/video recorded. Such procedure should also be reiterated before
    the end of the interview/meeting.

Follow-up and evaluation

4.7 The school will conduct a comprehensive review on the strategies, process and
  steps undertaken in handling complaints so as to benefit from past experiences,
  improve the methods, and avoid the recurrence of similar cases in future.

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

Support and training

4.9 Depending on the need, the school will provide appropriate training to assist
  staff to handle inquiries/complaints effectively, e.g. training programmes on
  communication, negotiation and mediation skills, or experience sharing sessions 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. However, some complaints may remain unresolved after the investigation and appeal stages. Complainants or relevant organisations (including schools/the EDB) may request the “Review Board on School Complaints” (Review Board)\(^1\) established by the EDB 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.
- Although the complaint has been properly dealt with through established procedures, the complainant refuses to accept the investigation result and seeks to appeal further.

5.2 A case will not be reviewed unless it has undergone the investigation and appeal stages of handling by the school/EDB. Before requesting a review, the complainant should state explicitly 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 new or substantial supporting evidence. Otherwise, the Review Board may refuse the request for review. Please see Diagram 2 for the review procedures.

---

\(^1\) For the formation of the Review Board on School Complaints, please refer to Sections 5.3 and 5.4
Membership of the Review Board on School Complaints

5.3 The Panel of Review Boards on School Complaints (The Panel)\(^2\) is set up by the EDB and is composed of independent persons from the education and other sectors. The members are appointed by the Permanent Secretary for Education. The Panel comprises a Chairperson, a Deputy-Chairperson and at least 10 members. The tenure of membership is two years.

5.4 Where necessary, the Panel can set up various Review Boards to review different complaint cases. Each Review Board is composed of the following members:

(i) The Chairperson/Deputy-Chairperson of the Panel; and
(ii) Two other members appointed by rotation from the rest of the Panel.

If necessary, the Review Board may invite up to two non-members (such as school staff, representatives of the EDB or outside professionals) to join the Committee to provide information and/or opinions on the case.

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

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 schools or the EDB during 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 school should inform complainants in the reply that if they do not accept the result of their appeal or the way the appeal is handled, they could write to the EDB to apply for review within 14 days from the date of the school reply. The EDB will then forward the case to the Panel for consideration. The person who requests a review should provide substantial reasons or new evidence to help the Panel decide whether a review should be conducted.

5.8 If the review application is accepted, the Panel will set up a Review Board to handle it. If the application is unsuccessful, the EDB will send a written reply to

---

\(^2\) The EDB set up the Panel of Review Boards on School Complaints in January 2013. At the moment, the independent review committee will only review complaint cases related to those schools participating in “Pilot Project on Enhancement of Complaint Management in Schools”.
inform the applicant/relevant organisation of the reasons for refusal.

5.9 The person who requests a review is required to sign a letter of consent, authorising the Review Board to forward information regarding the complaint to the school/sponsoring body and/or other relevant organisation(s)/person(s). The Review Board also has the right to obtain information related to the complaint/review from the complainant, the school/sponsoring body and/or other relevant organisation(s)/person(s).

5.10 The review largely comprises the re-examination of investigation reports and related documents. However, taking into account the subject matter and nature of the case, the Panel may adopt other appropriate review procedures, which include:

- Scrutinizing the information provided by the complainant, respondent, school/school-sponsoring body and/or EDB, as well as the files or records associated with the case.
- Requiring the complainant, respondent, school/school-sponsoring body and/or EDB to clarify information and/or provide new evidence.
- Meeting with the complainant, the respondent and/or other persons concerned separately to collect further information.
- Inviting the complainant, respondent, representative(s) of the school/school-sponsoring body, and/or representative(s) of the EDB to attend case meetings.

5.11 For confidentiality reasons, the Review Board/EDB cannot disclose to anyone the personal information of any individuals or parties related to the complaint (including the complainant, respondent, and/or the school/school-sponsoring body) without their consent.

5.12 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 would need to be involved in the complaint and obtain the Chairperson of the Panel’s approval for attendance.
- During the interview or case meeting, the complainant is not allowed to question the respondent or other witnesses, and vice versa.
- Audio/video recording is prohibited during the interview or case meeting.

**Result of review**

5.13 The Review Board will examine whether the case has been handled properly according to the complaint handling procedures and whether the investigation result 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 result will be submitted to the Permanent Secretary for Education.

5.14 The EDB will draw a final conclusion with reference to the evaluation results 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.

5.15 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 as well. 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 of Unreasonable Behaviour

6.1 Appropriate communication and mediation are conducive to removing misunderstanding and increasing mutual trust. Under normal circumstances, the school will not put any restrictions on contact with complainants. However, sometimes the unreasonable behaviour of complainants can have a negative impact on the school, e.g. placing a high strain on the schools’ human resources, interrupting their operations or services, as well as threatening the safety of staff and other stakeholders. The school may therefore develop appropriate policies and measures to handle problems of this kind to ensure that we can continue to operate smoothly and that public funds could be meaningfully used to provide quality education services.

Definition of unreasonable behaviour

6.2 Complainants’ unreasonable behaviour can generally be classified into the following three types:

(i) Acting unreasonably or showing unreasonable attitudes, such as:
   - Acting violently or making intimidations
   - Making complaints with abusive language or in a disparaging and insulting tone
   - Providing false data or deliberately concealing facts

(ii) Making unreasonable demands, such as:
   - Requesting a huge amount of information or demanding special treatment
   - Constantly making telephone calls to ask for a dialogue or an interview, or to specify a certain person to reply
   - Requesting to meet with a certain staff member at a certain time and place

(iii) Persistently making unreasonable complaints, such as:
   - Firmly rejecting the explanations and findings of the school/EDB, and/or persistently requiring the school/EDB to discipline certain person(s), even after appropriate investigation procedures have been undertaken
   - Repeatedly making the same complaints as already lodged or presenting similar justifications as before, but without providing any new evidence
   - Persistently adding new matters or persons to the case for complaint, but failing to present concrete evidence.
   - Interpreting things unreasonably or irrationally, or wrangling over trivial details
Formulating school-based policy

6.3 The Complaint Handling Group will ascertain whether the complainants’ behaviour is reasonable and decide what measures should be taken. Otherwise, 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 IMC.

Handling of unreasonable behaviours

6.4 (i) Acting unreasonably or showing unreasonable attitudes

- Any unreasonable attitude or behaviour, including acts of violence, intimidation, and abusive/offensive conduct or language, is unacceptable, whether they are performed face-to-face or by phone/writing. The staff in charge must convey this message clearly in the event they encounter any complainant with such behaviour or attitudes, in addition to demanding that he/she stops acting in such a way. If the complainant refuses to comply, paying no heed to the staff’s warning, the latter may terminate the meeting or conversation.

- The staff responsible for handling complaints must stay alert and take suitable action to protect themselves. They may terminate the interview or communication, and ask the complainant to leave, if his/her behaviour poses an immediate threat to their personal safety or if it seeks to cause damage to their personal interests. In the case where the situation is urgent or it is deemed necessary, the staff should report to the principal/vice principal and take appropriate and decisive action, such as reporting to the police or taking legal action.

(ii) Making unreasonable demands

- If a complainant makes unreasonable demands which may impact the school adversely, e.g. interrupting its operation/services or causing interference with other stakeholders, the school will consider restricting contact with the complainant by specifying the time of meeting, frequency, date, duration and modes of communication (for example, requiring the complainant to make an appointment before visiting the school, submitting his/her views in written form, or to meet with the designated staff only). The school will 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 carry on with them, review of the criteria for implementing the restrictions will be conducted regularly.
(iii) Persistently making unreasonable complaints

- The complainant may still persistently confront the school with unreasonable complaints, even though we have carefully examined his/her case, and handled it properly by following the prescribed investigation and appeal procedures, as well as sending a detailed, unbiased written explanation regarding the outcome. In such a situation, the principal, together with the Complaint Handling Group, will decide whether to restrict contact with the complainant, or to terminate communication and cease handling the case altogether.

- In response to persistent and unreasonable complaints, the school may send a “Reply Letter” (Appendix VI) to the complainant, referring him/her to the reply previously given, and reiterate that the school will neither respond to the same complaint nor contact him/her again.
## Appendix I

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

<table>
<thead>
<tr>
<th>Domain</th>
<th>Examples</th>
</tr>
</thead>
</table>
| **Management and Organisation**     | • Policies (e.g. medium of instruction, arrangements regarding students’ suspension from school)  
• Office staff Performance (e.g. behaviour/attitude of office staff, job performance)  
• Charges (e.g. extra-curricular activities charges and registration fees)  
• Standards of contractor services (e.g. tuck shop services, supply of meal boxes)  
• Service contracts (e.g. tendering procedures)  
• School environment and hygiene (e.g. noise pollution, mosquitoes problems) |
| **Learning and Teaching**           | • School-based curriculum (e.g. lesson time of individual subjects)  
• Selection of subjects and class allocation (e.g. arrangements for students’ choice of subjects)  
• Homework (e.g. amount of homework, school-based assessment criteria)  
• Students assessment (e.g. assessment criteria)  
• Teaching staff performance (e.g. behaviour/attitudes of teaching staff, job performance) |
| **School Ethos and Student Support**| • Students’ character formation (e.g. principles of discipline and guidance, merit and demerit system)  
• Student support (e.g. support for students with special educational needs)  
• Extra-curricular activities (e.g. arrangements for interest groups and other student activities)  
• Home-school cooperation (e.g. consultation mechanism, communication channels)  
• School facilities (e.g. illumination and ventilation system) |
| **Student Performance**             | • Students’ overall performance (e.g. academic results, conduct)  
• Student discipline (e.g. foul and abusive language, smoking, fighting, bullying) |
Tak Oi Secondary School
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 (Designated staff/Vice Principal*) at 23238504.

(Signature)
Vice Principal of XXXXXXX School /
Name and post
of the designated staff*

* Please delete where inappropriate
Tak Oi Secondary School
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 YYYYY

Name of the complainant
Address of the complainant

Dear Mr/Ms* XX:

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

If you have any inquiries, please contact Mr/Ms X (Designated staff /Vice Principal*) at 23238504.

(Signature)

Vice Principal of XXXXXX School /
 Name and post
 of the designated staff*

* Please delete where inappropriate
Tak Oi Secondary School
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: ______________________________________
______________________________________________________________

# 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 agree that:

1. The school may photocopy the complaint and other information I present, and forward the copies to relevant persons/organisations; and
2. The school may ask relevant persons/organisations for my personal details and other information related to this complaint.

_________________________________  ___________________________________
Date                                Signature of the complainant

# Item that must be completed.
Appendix IV

Tak Oi Secondary School
Complaint Record

Date received __________________

Source:  □ Directly lodged to the school
         □ Referred by the EDB
         □ Referred by other organisations: ____________

Mode:   □ Phone    □ Letter    □ Email    □ Fax    □ In person
         □ Others: __________________

Personal information of the complainant:
Name: Mr/Ms/Mrs ______________________________
Identity:  □ Parent    □ Councillor    □ Public
         □ Organisation _________________
         □ Others _________________
         □ Authorised 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 Organisation    □ Learning and Teaching
□ School Ethos and Student Support    □ Student Performance
□ Others ___________________________
Summary of complaint:

**Investigation stage**
Person-in-charge  

Issue of Notice of Acknowledgement (date: ____________)
Telephone contact (date: ________________)
Interview with the complainant (date: ________________)
Issue of written reply (date: ________________)

**Summary of findings:**

**Appeal stage** (if applicable)(Please refer to Appendix V)
Tak Oi Secondary School
Appeal Case

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: ________________
Dear Mr/Ms* XX:

We received your letter dated DD MM YYYY. Our assessment of the complaint you lodged has been detailed in our reply/replies dated DD MM YYYY (and dates of other replies [if applicable]). We consider this case closed, and no further contact/reply will be made.

(Signature)

Principal

XXXXXX School/

Name and post of the designated staff*

* Please delete where inappropriate