

**Po Leung Kuk Lam Man Chan
English Primary School**

**School Complaints
Handling Mechanism**

Background

Hong Kong society values education highly. As the society is developing, the education level of people in all sectors is higher than ever and people understand more of their rights. They have more concerns about the school governance and the quality of services they provide. The school's stakeholders, especially parents, emphasize whole-person development of students. The stakeholders make enquiries, give opinions and give suggestions to the school on the school's performance in different areas. Therefore, it is vital for a school to have good communication with stakeholders to ensure the understanding between parties and build trustful relationships to avoid misunderstandings.

People seek for efficiency, transparency and accountability. Even schools formed mechanisms, administrative committees and built up communication channels to respond to enquiries and comments, there were still parties that complained the schools for different reasons and issues. In order to help schools set a school-based mechanism and procedure for handling complaints effectively, EDB formed "The School Complaints Handling Arrangements Committee" in 2011. The committee cross-referenced some handling mechanisms and procedures of other countries and consulted educators and school stakeholders to prepare EDB with a "Guide to The school Complaints Handling". EDB invited a number of schools to carry out the Pilot Scheme of The School Complaints Handling Arrangements in 2012/13. The schools revised the arrangement for handling complaints, and afterwards, promoted the revised arrangement and shared successful experiences with all government schools. Based on all these, our school sets a school-based complaints handling mechanism consultation document in accordance to "The School Complaints Handling Arrangement" issued by EDB in December 2012. Also, the school plans to launch the consulting of stakeholders' advices in coming academic years.

(1) Aims of Setting the Mechanism and Goals of the School

1.1 Aims of Setting the Mechanism

- 1.1.1 To build a well-established and effective complaint mechanism, set up different effective communication channels, receive opinions from different sectors, strive for the best and accumulate experiences to improve the school's administration and daily operation.

- 1.1.2 To maintain good communication with all the stakeholders and all sectors in the society, build relationships with parties, handle complaints effectively, enhance the management and credibility of the school, and provide supreme education to the society.

1.2 Goals of the School

Based on the belief of “One Team, One Mind”, the school builds a well-established and effective complaint handling mechanism for all stakeholders, sectors of society and students, sets up and manages communication channels, encourages parents, students and staff to utilize the related channels to voice out opinions, and builds up trustful relationships to avoid unnecessary misunderstandings. Through receiving opinions from the society, the school strives for the best and accumulates experiences to improve even further in hopes to provide a whole-person nurturing ground for students with a transparent, caring and ever-improving school body.

(2) Applicable Scope

- 2.1 This mechanism is applicable to handling complaints from parents, students and the public by all means of proper approaches, for example, post, fax, e-mail, phone calls or in person. The complaints can be about the following items that are related to the school:

2.1.1 The School Daily Operation and Internal Affair

- ◆ According to the school-based management principle and under the “Education Ordinance”, the school’s Incorporate Management Committee (IMC) is authorized as the supervising and managing body of the school, for any complaints that are related to daily operation and internal administration of the school. The complaints can be lodged directly with the school.
- ◆ If the complaint involves a special situation, for example, the mal-administration of IMC or serious failure of the school management, EDB can interfere directly.
- ◆ If the complaint involves the school and EDB, the school and the respective department of EDB should follow the issue together.

2.1.2 Education Ordinance, Policy or Service Provided by EDB

- ◆ If the complaint is related to the education ordinance, policy or service provided by EDB, even though the case may have happened in the school, the complainant should lodge the complaint with EDB directly and have EDB follow it. If the complaint involves laws in Hong Kong, it should be lodged with the related departments or organizations.
- ◆ When EDB handles the above complaints, internal regulations of EDB will be taken as reference.

2.2 This mechanism is **not applicable** to handling the following complaints:

- ◆ Complaints relating to ongoing legal proceedings.
- ◆ Complaints under the jurisdiction of other organizations/government departments.
- ◆ Complaints governed by other ordinances/legal requirements in HK, for example, corruption, cheating, stealing, etc.
- ◆ Complaints lodged by the school staff (staff complaints).

2.3 Complaints that **will not be accepted** by the school:

2.3.1 Anonymous Complaints:

- ◆ No matter the complaint is lodged in written form or face-to-face, the complainant should provide his/her name, address or email and contact number. If necessary, the school can request the complainant for his/her identity document for identity verification. If the complainant is unable to or reject to provide the above information, and thus the school is unable to investigate the complaint or make any written replies, the complaint will be regarded as anonymous complaint and the school can decide to dismiss the complaint.
- ◆ For any anonymous complaints, the school senior or middle management can decide whether to follow the case depending on the situation (if the evidence is sufficient, the case is urgent or serious) for follow-ups as internal reference, to acknowledge the complainants the complaint content or related compensation and improvement measures. If the school decides not to follow up on the anonymous complaint, the reasons have to be stated and

documented.

2.3.2 Complaints not lodged personally

- ◆ Complaints should be lodged personally. Another person has to be authorized by the aggrieved person(s) in order to become the representative to lodge the complaint on behalf of that person. If the complaint is related to a student (any person under the age of 18 or intellectually disabled), the parents/guardians or any authorized person by the parents/guardians can lodge the complaint on his/her behalf.
- ◆ If the complaint is lodged by more than one person, the school can request a specific person among the complainants to be the representative to keep in contact with the school.
- ◆ The school will not accept any complaints that are lodged by a third-person organization or party, for example Legislative Councilors, District Councilors, Labour Unions, media, etc., unless they can provide a written authorization by the aggrieved person(s).

2.3.3 Complaints with Insufficient Information

The school can request the complainant to provide substantial information on the case. If the complainant cannot provide sufficient information and thus the investigation cannot proceed, the school can decline the related complaint.

(3) Basic Principles

3.1 Clear and Transparent

3.1.1 The school should seek for the opinions from teachers and parents to ensure the mechanism is well accepted by the stakeholders.

3.1.2 The school should clearly explain the mechanism to all stakeholders including parents and school teaching staff by all means.

3.1.3 The school is responsible to make the staff who are being complained or dealing with the case understand and follow the complaint handling mechanism.

3.2 Prompt Action

All the enquiries, comments and complaints, no matter in verbal or written form, should be treated promptly in order to prevent any worsening of case situations. When front-line staff receives any enquiries, opinions or complaints, they should handle them directly or pass them to the designated person in the school to handle them promptly. If the designated person cannot solve the problems, they have to report to the senior management for assistance.

3.3 Keeping Confidentiality of Complaint Cases

3.3.1 The content of the complaint should be highly confidential and information gathered should only be used for internal purposes or checking of the related person or for internal record.

3.3.2 The school should follow the regulations and suggestions in accordance with Personal Data (Privacy) Ordinance when handling personal data, including stating the aims and the methods to collect personal information clearly; and the information gathered can be used only for the complaint and/or appeal.

3.3.3 The school should adopt appropriate security measures to protect personal information and privacy.

3.3.4 Only the authorized person can access the related information. Without authorization, the designated person cannot disclose or discuss the content and information of the case openly.

3.3.5 If a meeting with the involved person is needed, the school should:

- ♦ (when arranging the meeting), make clear to the involved person whether other parties, for example, relatives or law representatives, would join, and declare the side after the start of meeting.
- ♦ (before the meeting), state clearly whether audio or video recording is allowed, and before recording, the school must get the consent from the attendants, and declare the side before the end of the meeting.

3.4 Just and Fair

3.4.1 The school should have a positive attitude when handling any complaints and treat the complainant and the subject of complaint in a fair way. The school has to provide channels to appeal. When it is necessary, the school can decide to invite individuals to handle the complaint or appeal.

3.4.2 Before the investigation or under appropriate circumstances, if there is any conflict of interest, the involved person should declare it to the school, and the school can decide whether to let the person in question handle the complaint or access any information depending on the situation and after weighing the pros and cons.

3.4.3 To avoid any conflict of interest, any staff member who is the subject of complaint should not supervise the investigation, or sign any correspondence regarding the complainant.

3.4.4 The school should avoid affecting the complainant or involved person of their benefits and communication with the school.

3.5 Continuous Improvement

3.5.1 The school should evaluate the strategies, process and procedures of all complaint cases, and apply the experiences on refining the handling method for similar cases to prevent similar complaints be lodged again.

3.5.2 If the service or related policy is subject to change, the school should have appropriate remedial actions to provide better service.

3.5.3 The school will evaluate the policies, regulations and procedures

regularly for any necessary adjustments.

(4) Procedures for Handling (See Flow Chart)

4.1 The school receiving enquiries, opinions and complaints

- ♦ If the school receives any enquiries, opinions or complaints, no matter in verbal or written form, the front-line staff should listen carefully and answer promptly, or pass the related issues to other staff members for follow-up.

4.2 Contact the complainant by the designated person to understand the case

- ♦ Teaching staff who is designated to handle the complaint contacts or meets the complainant to clarify any misunderstanding, solve the queries or ease the negative feelings.
- ♦ The designated person should listen to the complainant carefully to understand the thinking or request of the complainant. If it is a minor case, he/she should provide assistance and information, respond to the concern, and solve the problem.
- ♦ The designated person and the complainant should agree upon the follow-up measures depending on the case, for example, the investigation process, services, internal evaluation, punishment, external assistance, etc.
- ♦ The designated person should inform the complainant sincerely the proposed remedial actions by the school, and decide on the appropriate communication method.
- ♦ The designated person should evaluate the seriousness of the case, report to the senior management regularly and seek assistance from them if needed.
- ♦ The designated person should follow the case, solve the problem promptly and respond to the complainant. If the complainant is satisfied, then the case will be closed.

4.3 The School's Appointment of an Administration Member to Further Investigate the Case

- ◆ If the designated person has tried his/her best to solve the problem but the complainant is disappointed, unsatisfied or angry with the result, or the problem is still unsolved, the designated person has the responsibility to report to the school management board, and the complainant can inform the school about his/her dissatisfaction, and the school has to appoint an appropriate person to investigate and reply.
- ◆ When handling the complaint, the school can decide the way of handling, for example, to settle the disputes through mediation, or invite individuals or professionals to provide opinions with their fair and objective attitude, assist the complainant (including the complainant or the person or organisation that are being complained) to solve the problem or conflict based on the genre of the case. Principal has the right to get involved in any cases.
- ◆ The school should get the consent from the complainant on getting the personal information or the information of the related complaint, and inform the complainant the name, position and telephone number of the designated person for contact purposes.
- ◆ Contact or meet with the complainant or related person if needed to understand the case thoroughly or ask about information from the related person or organisation.
- ◆ Handle the complaint and respond to the complainant about the investigation result readily. If the complainant accepts the result, the case will be closed. After the close of the case, the school should evaluate the related policy or handling method to see if it is appropriate or not, and suggest suitable measures to improve the handling method and prevent similar cases from occurring again.
- ◆ After handling the case, all documents (including letters, investigation reports and meeting records) should be properly documented by the school.

4.4 Handling Appeals

- ◆ If the complainant rejects the investigation result or the way of handling by the school, and if they can provide new or sufficient

evidence, then they can lodge an appeal to the school.

- ◆ The school has to appoint a suitable person, who is more senior than the previous investigator or from another group, to handle the appeal and reply to the complainant.
- ◆ The school should handle the appeal immediately and reply to the complainant with the appeal result.
- ◆ If the complainant accepts the appeal result, then the case will be closed. After the appeal period, the school should evaluate the related policy or the handling method and suggest suitable measures, if any, on improving the method and prevent the occurrence of similar cases.
- ◆ If the complainant is still not satisfied with the result and the way the school dealt with the appeal, the school should check the handling process again to make sure the procedures adopted are proper.
- ◆ If the complainant raises new complaint items, the school should open a new file to prevent pestering of the previous complaint.
- ◆ After handling the case with this procedure, the school should keep all the relevant documents, for example letters, investigation reports and meeting records, for record.

4.5 Keeping case record of complaint or appeal

- ◆ If the complaint is settled with compromise from both sides. The school will keep all the related documents.
- ◆ If there are any complaints that are still unsettled after the investigation or appeal, in this circumstance, the complainant or related organizations, including the school or EDB, can request EDB to form “The School Handling Complaints Review Committee” (henceforth Review Committee) to review the case:
 - Complainant has sufficient reasons or new evidences to prove the school or EDB handled the case improperly.
 - Related organization has followed the proper procedure on handling the complaint, but the complainant rejects the investigation result and complains continuously.

- ◆ Request the Review Committee to ensure that the case is handled with investigation and appeal processes by the school or EDB. Before the related person claims for a review, he/she has to provide substantial reason of the objection or sufficient supporting reason or new evidence, otherwise the Review Committee will dismiss the request.
- ◆ Refer to “Handling The School Complaints Guideline” of EDB for details of formation, duties, rights, review procedures and the results of review of the Review Committee.

(5) Handling Unreasonable Behaviour

In general circumstances, the school will not restrict complainants to contact the school. However, if complainants are having some unreasonable behaviours that may have bad influence on the school, for example, wasting manpower or interference with the normal running or service of the school, or threatening the safety of the person in charge or other stakeholders, the school has to set some suitable policies or measures to deal with those unreasonable behaviours in order to make sure that these will not affect the operation of the school, in such the school can continue to send funding from the government properly and provide good education service.

5.1 Definition of Unreasonable Behaviours

3 Categories of Unreasonable Behaviours of the Complainants:

(i) Unreasonable attitude and behaviours, for example:

- ◆ Do any violence or post any threat.
- ◆ Use foul languages, humiliating or discriminative words in the complaint.
- ◆ Provide false information or deceive the truth deliberately.

(ii) Unreasonable requests, for example:

- ◆ Requests for abundant information or special benefits.
- ◆ Call up continuously to request for a conversation, a meeting with some specific persons or a reply by them.
- ◆ Request to meet with some specific persons in a specific place and time.

(iii) Unreasonable continuous complaints, for example:

- ◆ After proper investigation procedures, the complainant insists on rejecting the result and explanation from the school, or insists on requesting the school/EDB to impose punishments on specific persons.
- ◆ Making the same complaint continuously or providing similar evidences on the same case, but unable to provide new evidences.
- ◆ Raise new complaints continuously or new targets on the same case and complainants cannot raise any substantial

evidences for this.

- ◆ Use unreasonable or irrational attitude to comprehend the case or pester some minor issues.

5.2 Handling Unreasonable Behaviour

In normal circumstances, Principal will judge whether the complainants' behaviour is unreasonable or not and decide the way to handle it. If the Principal is the subject of complaint, the decision will be made by the school supervisor or IMC.

(i) Unreasonable attitude and behaviours

- ◆ The school should not accept any unreasonable attitude and behaviours, including violence, threats, foul language and offensive or humiliating behaviours or languages, no matter it is made in person or by means of phone calls or written forms. The person who handles complaints should state clearly that no unreasonable attitude is accepted and the complainant has to change their attitude or stop the related behaviours; if the situation remains unchanged, once the school sends out warning, the designated person will terminate the meetings or conversations with the complainants.
- ◆ The school should remind the staff members who handle complaints to adopt measures to protect their own safety. If the act of complainants causes an apprehension of immediate personal violence or causes damage to personal interests, they can decide to terminate the meetings or conversations with the complainants and ask them to leave the meeting place based on the actual situation. In the circumstances of emergency or when necessary, the school can make resolute decisions, e.g. call the police or have lawful actions.

(ii) Unreasonable request

- ◆ If the complainant raises any unreasonable requests that will have bad influence on the school, for example, hindering the normal the school running or service, or affecting any stakeholders because of unreasonable behavior, the school can decide setting restrictions on the complainant. Restrictions include setting time, frequency, dates, duration and ways of communication (e.g. making appointments before visits, expressing opinions in written forms,

contacting designated school personnel). The school has to inform the complainant the arrangement and procedures by written notification.

- ◆ If the unreasonable behaviours of the complainant have ceased, the school can decide again whether to continue the related restriction or not. If the school decides to continue the restrictions, the restrictions should be reviewed regularly.

(iii) Unreasonable continuous complaints

- ◆ Dealing with the unreasonable and continuous complaints, if the school has already followed the set investigation and appeal procedures, and the case is settled with an investigation result; the person in charge can decide restricting or even stop the contact with the complainant and terminate the case.
- ◆ The school will stay firm and explain to the complainant the complaint results and decisions will not be altered to avoid any unreasonable expectation from the complainant.
- ◆ In case there are any repeated unreasonable complaints, the school will instruct the complainant to refer to the previous replies from the school and reiterate that the school will not make further replies or contact the complainant about the same issue.