**St. Joan of Arc Secondary School**

**Guidelines for Handling School Complaints (with effect from 29 Oct 2026)**

## 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 schools to maintain good communication with their stakeholders. In addition to providing effective communication channels, schools should also encourage 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 schools for public enquiry, consultation and communication, some people would still lodge complaints with schools for one reason or another. Schools should 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 schools improve. In addition to adopting an open attitude to diverging views, schools should also review their 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, schools should undertake to explain to the complainant(s) fully and sincerely to remove their doubts. The Education Bureau (EDB) understands that sometimes schools may find their manpower greatly sapped or their service adversely affected as a result of their efforts and time devoted to the handling of unreasonable behaviour of certain complainant(s). To ensure that school operation would not be affected, the EDB recommends schools to develop appropriate policies and measures to deal with such kind of unreasonable behaviour.

### Formulating a School-based Complaint Handling Mechanism

In order to handle complaints more speedily and effectively, and to respond to the reasonable demands from complainants, schools should establish or enhance their school-based mechanism and procedures according to their own situations and needs.

A sound School-based Complaint Handling Mechanism (School-based Mechanism) can help schools get to the root of the issues and take appropriate follow-up actions, such as introducing new measures or improving the existing policies and practices to prevent similar problems from recurring. Schools should consult their stakeholders to ensure that the relevant mechanism and procedures are transparent and acceptable for effective implementation.

## Chapter I Scope of Application

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

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

- In the spirit of school-based management, the Education Ordinance has entrusted the Incorporated Management Committees (IMCs) with the power and responsibility to manage schools. Schools should, therefore, collaborate closely with their sponsoring bodies to develop their school-based mechanism and procedures for handling school affairs, including complaints related to schools. A complainant should lodge his/her complaint directly to the school for effective handling if it concerns the daily operation and internal affairs of the school (see Appendix I for relevant examples).
- Schools should handle complaints about daily operation and internal affairs in accordance with the Education Ordinance, Education Regulations, Codes of Aid, relevant circulars, guidelines and codes of practice to ensure compliance with the relevant requirements.
- Upon receipt of any complaints from members of the public, the EDB will seek the complainant's consent for referring the complaint to the school concerned for investigation and direct reply to the complainant.
- For complaints referred to the EDB by other organisations (such as the Chief Executive's Office, Legislative Council, Equal Opportunities Commission (the EOC), District Council, Offices of Councillors or other government departments), the EDB will seek the complainant's consent for referring the complaint to the school concerned for providing reports or response. After reviewing the information/reports/responses provided by the school, the EDB will conduct follow-up investigation before replying direct to the organisation concerned.
- If the complaint involves any serious incident or school maladministration, even without the complainant's consent, the EDB will, without disclosing any personal information, allow the relevant school access to the content of the complaint so that the school could make improvements to its administration system.
- The EDB may conduct direct investigation of any complaints under special circumstances, e.g. suspected breaches of the Education Ordinance, Education Regulations or Codes of Aid, non-compliance with the requirements stipulated in the relevant circulars, guidelines and codes of practice, student safety being endangered, school operation being seriously impeded, malpractices of the IMCs, serious mismanagement by the school, or when the involved student is determined by doctors/ professionals to have been affected by the incident, resulting in severe emotional problems/ psychological trauma/ suicidal tendencies.
- To ensure compliance with respective requirements, schools should at the same time refer to the relevant circulars, guidelines and codes of practice when handling complaints of different nature or complaints related to legislations other than Education Ordinance, such as:
  - Complaints about child abuse: EDB Circular No. 1/2020 "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 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 the Education Ordinance, education policies and services directly provided by the EDB**

- The EDB is responsible for formulating education policies, enforcing the Education Ordinance and providing education services. If a complaint falls into any of the following categories, it should be lodged to the EDB for direct handling, even though the case may have taken place in the school:
  - Complaints about education policies (e.g. class structure and class size);
  - Complaints about alleged contravention of the Education Ordinance, (e.g. in relation to corporal punishment, unregistered teacher) or contravention of the Codes of Aid (e.g. exorbitant charges, expulsion of students); and
  - Complaints about services directly provided by the EDB (e.g. school place allocation, services provided by the Regional Education Offices).
- The EDB will also draw reference from relevant internal guidelines in handling the above complaints.

This guidelines is **not applicable** to handling of the following types of complaints:

(i) Complaints related to ongoing legal proceedings;

(ii) Complaints under the jurisdiction of other organisations/government departments;

(iii) Complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft; or

(iv) Complaints lodged by school staff (if a school receives any such complaints, it should handle them in accordance with the specifications of the school-based or the sponsoring body's mechanism and guidelines for staff complaints [if applicable]; if the EDB receives such complaints, it will handle and reply the complainants direct.)

In general, schools may consider not to accept the following types of complaints:

**(i) Anonymous complaints**

- Whether the complaint is made in written form or in person, the complainant should provide his/her name, correspondence/e-mail address and/or contact phone number to facilitate investigation and reply. If in doubt, the school may request the complainant to show his/her identity documents. Should the complainant fail or refuse to provide such personal details, thus rendering it impossible for the school to investigate the complaint and reply in writing, the complaint will be deemed anonymous and the school may consider not to handle it.
- However, under special circumstances (e.g. when there is sufficient evidence or when the case is serious or urgent), the middle or senior management of the school may decide whether to follow up with an anonymous complaint, or treating it as an internal reference and informing the subject of the complaint about the case for taking appropriate remedial and improvement measures. If follow-up actions are considered unnecessary, the school should briefly state the reasons and put on file for record.

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

- Generally speaking, the person concerned should lodge the complaint by himself/herself.

Anyone who seeks to file a complaint on behalf of the person concerned has to obtain his/her prior written consent. If the case involves a student (or a minor, or an intellectually disabled person), then his/her parents/guardian, or the person authorised by the parents/guardian, may lodge a complaint on his/her behalf.

- If a complaint is lodged by more than one person on behalf of the person concerned, the school may require the person concerned to appoint one of them as the contact person.
- Sometimes a complaint is lodged on behalf of the person concerned or referred by other organisations/groups such as Legislative councillors, district councillors, trade unions or the media. Since there is no current legislation which empowers any organisation/group to complain on behalf of someone else, schools/sponsoring bodies may stipulate in their School-based Mechanism whether they would accept such kind of complaint. If, however, the organisation/group has obtained prior written authorisation from the person concerned, schools should handle the complaint in accordance with their prescribed procedures.

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

- Normally, complaints related to the daily operation of schools should be lodged within the same school year. If the incident involved had happened more than one year, the environment might have changed or evidence might have disappeared, or the complainant/subject of the complaint might have already left his/her post or the school. The school will not be able to investigate the complaint because of the difficulty in collecting evidence. To provide greater flexibility, the one-year limit within which a complaint may be lodged should be one calendar year from the occurrence of the incident involved.
- Even though the complaint is filed after the incident had taken place more than one year, the school may decide to conduct an investigation under special circumstances, e.g. when there is sufficient evidence, or when the nature of the complaint is serious and urgent.

**(iv) Complaints with insufficient information**

Schools may require the complainant to provide sufficient information regarding a case. If the complainant fails to provide further information as requested by the school to enable a proper or meaningful investigation, schools may consider not to conduct investigation and close the case. However, to avoid misunderstanding, the school should provide a written reply to the complainant explaining clearly why the case was not handled by the school.

## Chapter II Guiding Principles for Handling Complaints

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

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

- A complaint should be directly handled by the organisation which is responsible for making the policies or providing the relevant services, or manages the persons/matters being complained. In this way, it can better understand and effectively address the concerns of the complainant. Accordingly, schools should handle those complaints relating to their daily operation and internal affairs, and the EDB should handle those complaints concerning the Education Ordinance, education policies and services. Complaints related to suspected breaches of other legislations of Hong Kong should be lodged to and handled by the relevant law enforcement agencies (e.g. the ICAC, Hong Kong Police Force). If the complaints fall into the categories specified in paragraph 1.1 (i) above, schools should refer to the relevant circulars, guidelines and codes of practice in

handling such complaints.

- If a complaint involves both school(s) and the EDB, it should be handled by the particular school(s) and related division(s)/section(s) of the EDB collaboratively.

**Principle II: Timely and efficient handling**

- Schools should handle and respond to all verbal or written enquiries, opinions or complaints as soon as possible to prevent any uninviting situation from worsening. Upon receipt of an enquiry/a complaint, the frontline staff should either directly handle it or immediately refer it to the designated staff/task force for action. If the responsible staff cannot resolve the problem, they should seek help from their seniors.
- If an incident is referred or reported to the school(s) by the media, the school(s) should adopt the following measures:

(i) appoint a spokesman (e.g. the vice-principal) to handle enquiries from the public/the media so as to avoid giving confusing messages.

(ii) provide appropriate responses or clarification to the public as soon as possible (within one or two days), including information about actions taken or preliminary investigation results, and ensure that the information provided is clear, accurate and in line with requirements under the Personal Data (Privacy) Ordinance.

(iii) inform all teaching and non-teaching staff, students and parents of the progress of the case as far as possible; observe whether students and staff have been emotionally affected by the incident; and provide them with appropriate counselling where necessary.

**Principle III: Clear and transparent mechanism**

- Schools should, in collaboration with their sponsoring bodies, set up a clear and effective School-based Mechanism for speedy and proper handling of enquiries and complaints. They should consult teachers and parents to ensure that the relevant procedures are accepted by all stakeholders.
- Schools should prepare guidelines for stakeholders on the relevant policies, procedures and responsible staff for handling complaints. They may make parents and staff fully aware of the details of the procedures through different channels, e.g. school websites, circulars, student handbooks, staff meetings, parent-teacher meetings, seminars and school events.
- To facilitate smooth implementation of the School-based Mechanism, schools should ensure that all staff responsible for handling enquiries and complaints understand and comply with the relevant policies and guideline. To enhance mutual understanding and strengthen home-school co-operation, schools should draw up strategies for regular communication with parents through different channels, e.g. briefings/information folders for new students and their parents, circulars issued at the beginning of each school year, etc. to inform them of the policies and procedures of complaint handling in schools.
- Schools should regularly review their complaint handling policies and guidelines by consulting its staff and parents, and revise the handling procedures whenever necessary.

**Principle IV: Fair and impartial handling**

- Schools should approach complaints positively and treat the complainants and the subjects of the complaints fairly. Schools should ensure that sufficient appeal channels are provided and consider inviting independent persons to participate in the complaint/appeal handling process, if necessary.
- Before an investigation begins or where appropriate, the designated staff and related individuals should declare interests. If there is any conflict of interest, the persons concerned should not be involved in handling the case or have access to information relating to it.
- To avoid conflict of interest, any staff member who is the subject of the complaint should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the

complainant.

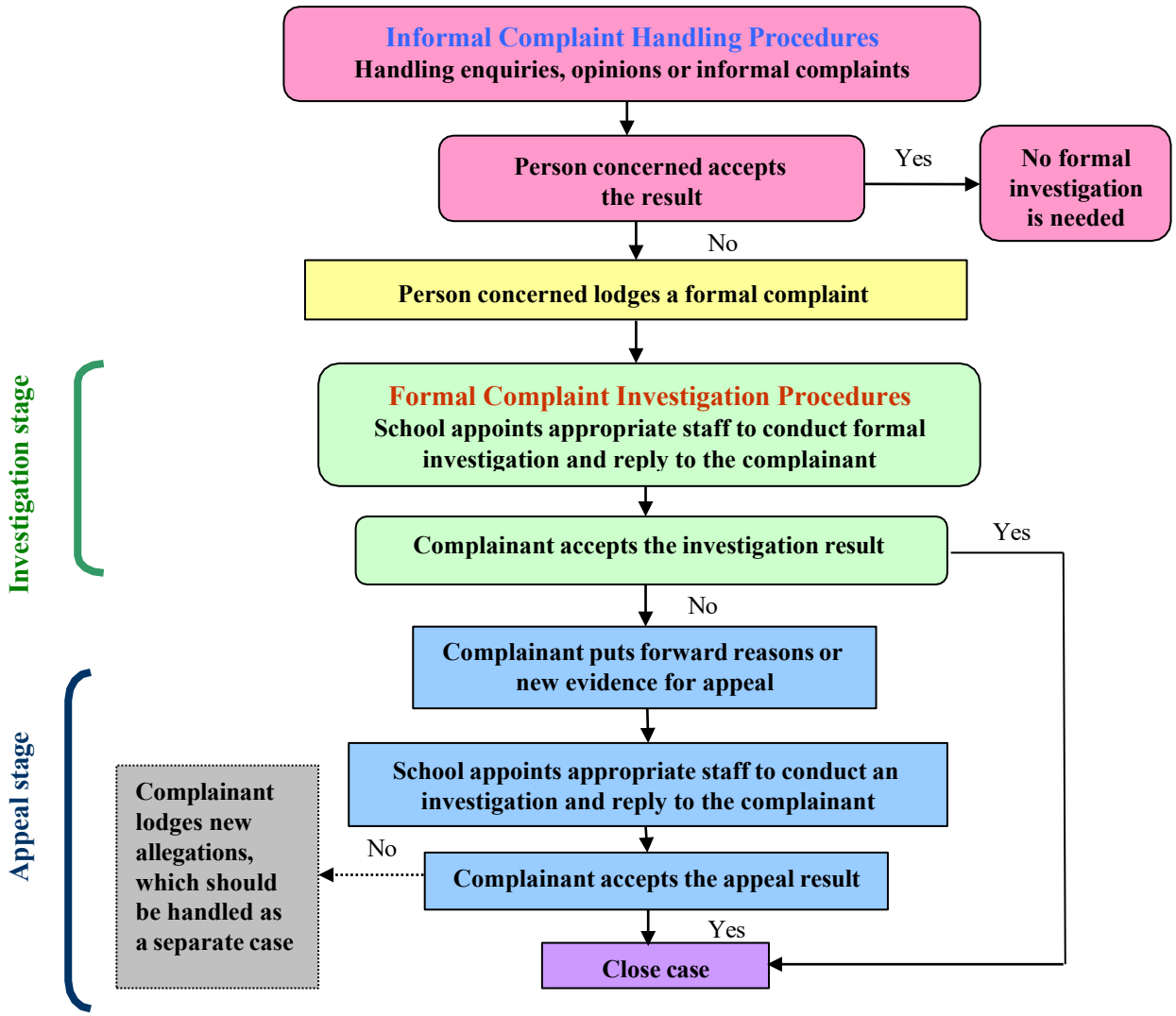
- Schools should see to it that the rights of the complainants or other persons involved in the complaint are being protected and that their future communication and contact with the school would not be affected.

## Chapter III Procedures for Handling Complaints

### Interpretation of Complaints

- To avoid confusion in the handling process, the frontline staff of schools should carefully differentiate between concerns and complaints. A concern refers to the enquiry or opinion expressed by the enquirers for the interests of themselves, their children or the school, with a view to changing or improving the existing situation. A complaint is an expression of disappointment, dissatisfaction or grievance expressed by the complainants. They may demand the school to rectify its mistakes, take disciplinary action against the suspected offenders, or resolve the issue(s) raised in the complaint. The responsible staff should avoid mixing up concerns with complaints in order to decide the appropriate procedures to handle them.
- In general, unless the person concerned insists on making a formal complaint, the responsible staff can promptly provide assistance or help resolve his/her problem by following the informal complaint handling procedures. Please refer to Diagram 1 for the flowchart of complaint handling procedures in schools.

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



**Informal Complaint Handling Procedures**

*Immediate/prompt handling*

- If schools handle enquiries or complaints efficiently and appropriately, they will manage not only to remove misunderstandings and forestall crises, but also enhance their own images. Schools may consider adopting the following arrangements:
  - (i) If the school receives an enquiry, opinion or informal complaint from the public, whether verbal or written, the frontline staff should clearly distinguish its nature and take appropriate action. In general, if the case does not require an investigation involving evidence collection, or the person concerned does not request a formal written reply, the frontline staff may handle the matter following the informal complaint handling procedures of the school.
  - (ii) The frontline staff should listen to the concerns of the enquirer/complainant with care and understanding. If the incident is not serious, they should provide whatever assistance or information required or promptly respond to the concerns raised by the enquirer/complainant and help resolve the problems involved.
  - (iii) If necessary, the school staff in charge of the relevant issue should have direct talks or interviews with the person(s) concerned to explain the schools' stance and remove any misunderstanding, misgivings or worries of them.
  - (iv) The school may, according to its own situation, set a time limit for an initial response (e.g. within two days).
  - (v) If necessary, the frontline staff should refer the case to a designated staff or a senior officer for prompt follow up actions and resolutions. The principal may decide whether to take up the handling of the case, depending on the situation of the school and the nature of the case.

*Replying to complaints*

- For verbal enquiries/opinions/complaints handled by the informal complaint handling procedures, oral replies will suffice and written replies are normally not required. For opinions/complaints which are presented in written form or if the school wishes to make clear its stance or provide necessary details, the responsible staff may decide whether a simple written reply to the person(s) concerned/complainant is appropriate.

*Complaint records*

- Cases handled by the informal complaint handling procedures normally need not be documented in formal written records. If an enquiry/complaint has been answered or resolved instantly, it is suggested that the designated staff or the principal may record the key points in a log book and file for future reference. A sample is provided in Appendix II.

*Appropriate follow-up*

- Schools should review whether the 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 recurring. If necessary, the responsible staff may brief the person(s) concerned on the follow-up actions that the school has adopted and the results that follow.

**Formal Complaint Investigation Procedures**

*Arrangements for the investigation and appeal stages*

- If the school has made its best efforts to resolve the problem through the informal complaint handling procedures but the complainant still does not accept the school's response or the problem remains unresolved, the following formal complaint investigation procedures (including an appeal mechanism) should be initiated:

(i) Investigation stage

If schools receive any formal complaints (including those referred by the EDB or other organisations), they should be handled according to the following procedures:

- in accordance with the School-based Mechanism, assign appropriate staff to investigate the complaint and reply to the complainant;
- acknowledge receipt of the complaint, seek the complainant's consent to obtain his/her personal data and information relating to the complaint, and inform him/her of the name, post title and phone number of the staff responsible for handling the case for contact purposes. Samples of Acknowledgement Letters are provided in Appendixes III and IV;
- 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;
- if necessary, contact the complainant and other persons involved or arrange meetings with them in order to have a better grasp of the situation or request them to provide relevant information;
- handle the complaint as quickly as possible (It is suggested that schools complete their investigation within two months after receiving the complaint.), and send a written reply to inform the complainant of the investigation result;
- if the complainant accepts the investigation result, conclude the case officially; and
- if the complainant does not accept the investigation result or the way the school handled the complaint, and is able to provide new evidence or sufficient justification, he/she may lodge an appeal in writing against the school's decision within 14 days from the date of its reply.

(ii) Appeal stage

The school should adopt the following procedures with appeal cases:

- acknowledge receipt of the appeal;
- in accordance with the School-based Mechanism, assign appropriate staff of a higher rank than those responsible for the investigation stage, or staff from a different section, to handle the appeal and reply to the complainant;
- handle and resolve the appeal as quickly as possible (It is suggested that schools complete their investigation within two months after receiving the request for appeal.), and send a written reply to inform the complainant of the appeal result;
- if the complainant accepts the appeal result, conclude the case officially;
- if the complainant does not accept the appeal result or the way the school handled the appeal, the school should cautiously review the appeal process to ensure that proper procedures have been followed; and
- if the complainant raises other new allegations, the schools should handle them separately in order to avoid mixing up the old complaints with the new ones.

*Resolving conflict through mediation*

- When handling complaints, schools may, having regard to the nature of individual cases, consider whether it is appropriate to adopt different means to resolve conflicts quickly. This includes seeking mediation service from a mediator, or inviting independent persons/professionals to provide impartial views to assist the persons concerned (including the complainants and the persons/organisations being complained against).

*Responding to complaints/appeals*

- If the complaint or appeal is in written form, schools should respond with a written reply. If the complaint or appeal is made verbally, the responsible staff may decide whether to respond orally or in writing. If the case is referred by the EDB/other organisation(s), a copy of the written reply should be forwarded to them for reference.
- Generally speaking, the time limit for replying to a complaint/appeal should start from the date on which it is received or when the complainant agrees to let the school have access to his/her personal data. If the information submitted is incomplete, the time limit should start from the date on which the school receives from the complainant the necessary information. If a reply cannot be given within the specified period, interim replies should be issued to the complainant explaining why a longer handling time is needed to provide a substantive reply and, if possible, the estimated time frame for issuing a substantive reply.

*Complaint/appeal records*

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

*Appropriate follow-up*

- At the end of the investigation/appeal stage, schools should review whether the complaint handling policies and procedures are appropriate, and suggest proper measures to improve the method of handling and to prevent similar incidents from recurring. The staff in charge should inform the person(s) concerned of the school's follow-up actions and outcome of the review.

## Chapter IV Arrangements for Handling Complaints

**Designated staff**

- Taking into account the nature of the complaint, its scope and the people involved, schools may assign a designated staff or set up a task force to handle the complaint with reference to the following arrangements:
  - (i) Staff members who are responsible for the appeal stage should be different from those responsible for the investigation stage. In principle, the staff dealing with the appeal should be of a higher rank than those responsible for the investigation. If this is not practicable, schools should make other arrangements, such as appointing staff from another department, to ensure fair handling.
  - (ii) Where necessary, schools/sponsoring bodies may establish a task force to handle special complaint cases. Depending on the situation, the task force may include members of the IMC and representatives from the school sponsoring bodies. To enhance credibility, the school may invite independent persons such as social workers, lawyers, psychologists, and parents or teachers not involved in the case to join the task force to provide professional advice and support.
  - (iii) The appointed staff should be proactive in communicating with the enquirers/complainants, and prompt in providing responses as well as the information they need. Schools should also ensure that frontline/ designated staff have proper authorisation and clearly understand their roles and responsibilities.
  - (iv) Concerning the deployment of staff for handling complaints at different stages, schools may refer to the examples in the table below:

| Targets involved | Example | Designated Staff | |
|---|---|---|---|
| | | Investigation stage | Appeal stage |
| Teaching and school staff | 1 | Senior teacher | Vice Principal |
| | 2 | Vice Principal | Principal |
| | 3 | Principal | Supervisor |
| Principal | 1 | Supervisor | Designated staff of school sponsoring body # |
| | 2 | IMC Investigation Task Force* | Supervisor / IMC Appeal Task Force* |
| Supervisor / IMC | | Designated staff of school sponsoring body# / Task force | Designated staff of school sponsoring body# / Task force |

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

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

**Confidentiality**

- All contents and information of complaints should be kept strictly confidential and restricted to internal reference or reference by relevant persons only.
- When schools need to collect personal data during the handling process or when they receive requests for the disclosure of data/records in respect of the complaint case, they should observe the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance. These include clearly stating the purpose and the form of collection of personal data, and that the data will only be used for handling the complaint or appeal cases. Schools may refer to the relevant provisions in the Personal Data (Privacy) Ordinance (Cap. 486) and on the webpage of the Office of the Privacy Commissioner for Personal Data at (http://www.pcpd.org.hk/).
- Schools should 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 should be protected by passwords. Use of portable data storage devices should be tightly controlled. Where necessary, encrypted portable data storage devices should be used.
- Schools should establish procedures to ensure that only authorised persons are allowed access to information relating to the case. The responsible persons should not disclose or discuss in public any contents or information relating to the case without authorisation.
- Schools can incorporate the arrangements for interviews or meetings with relevant parties into their School-based Mechanism. To avoid misunderstanding, schools should:
  - (i) state clearly whether the person(s) concerned can be accompanied by others (e.g. relatives, legal representatives) during the interview/meeting and reiterate this stance before the interview/meeting starts;
  - (ii) indicate before the interview/meeting starts whether audio/video recording is prohibited or whether the consent of all attendees must be obtained if the session is to be audio/video recorded. This stance should be reiterated before the end of the interview/meeting; and
  - (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**

- Schools should conduct a comprehensive review on the strategies, process and steps they have taken in handling complaints in order to benefit from past experiences, improve their ways of handling, and avoid similar cases from recurring.
- Schools should take appropriate follow-up measures to improve their services or revise relevant policies for enhancement of professional standards of their services.
- 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 Mechanism.

**Support and training**

- Schools should provide appropriate training to assist staff to effectively handle enquiries/complaints, e.g. providing training programmes on communication, negotiation and mediation skills, or arranging experience sharing sessions for frontline/designated staff to enhance their capability in handling complaints and resolving conflicts.
- To enhance the knowledge and skills of school staff (including principals, teachers,

administrative and frontline staff) in the prevention and handling of complaints, the EDB will organise relevant training programmes. Schools may visit the website of the EDB's Training Calendar System and encourage staff to attend relevant courses.

## Chapter V Review of Complaints

- The independent review arrangement is only applicable to the complaint cases which remain unresolved after having gone through the investigation and appeal stages in accordance with the School-based Mechanism under the Enhanced Arrangements.
- Most school-related complaints can be settled through the informal and formal school-based complaint handling procedures. However, some complaints may remain unresolved after the investigation and appeal stages. The complainants, schools or EDB may request the "Review Board on School Complaints" (Review Board) to review the complaint cases under the following circumstances:
  - (i) The complainant provides substantial grounds or new evidence to show that the school and/or EDB have handled the case improperly; or
  - (ii) The complaint has been properly dealt with through established procedures by the school, but the complainant refuses to accept the investigation result and continues to lodge the same complaint to the school/EDB.

**Membership of the Review Board**

- The EDB has set up a Panel of Review Boards on School Complaints (the Panel). Its members are independent persons from the education and other sectors appointed by the Permanent Secretary for Education (PS(Ed)). The Panel comprises a Chairperson, a Deputy Chairperson and not less than ten members.
- Where necessary, the Panel may set up several Review Boards to review different complaint cases. Each Review Board is composed of the following members:
  - (i) The Chairperson/Deputy Chairperson of the Panel; and
  - (ii) Two other members appointed by rotation from the Panel.
- If necessary, the Review Board may invite up to two non-members (such as school staff, representatives of the EDB or professionals) to sit on the board to provide information and/or advices on the case.
- Members of the Review Board should declare interests. Persons who have any conflict of interest with the organisations and/or persons relating to the case under review are obliged to refrain from participating in the review.

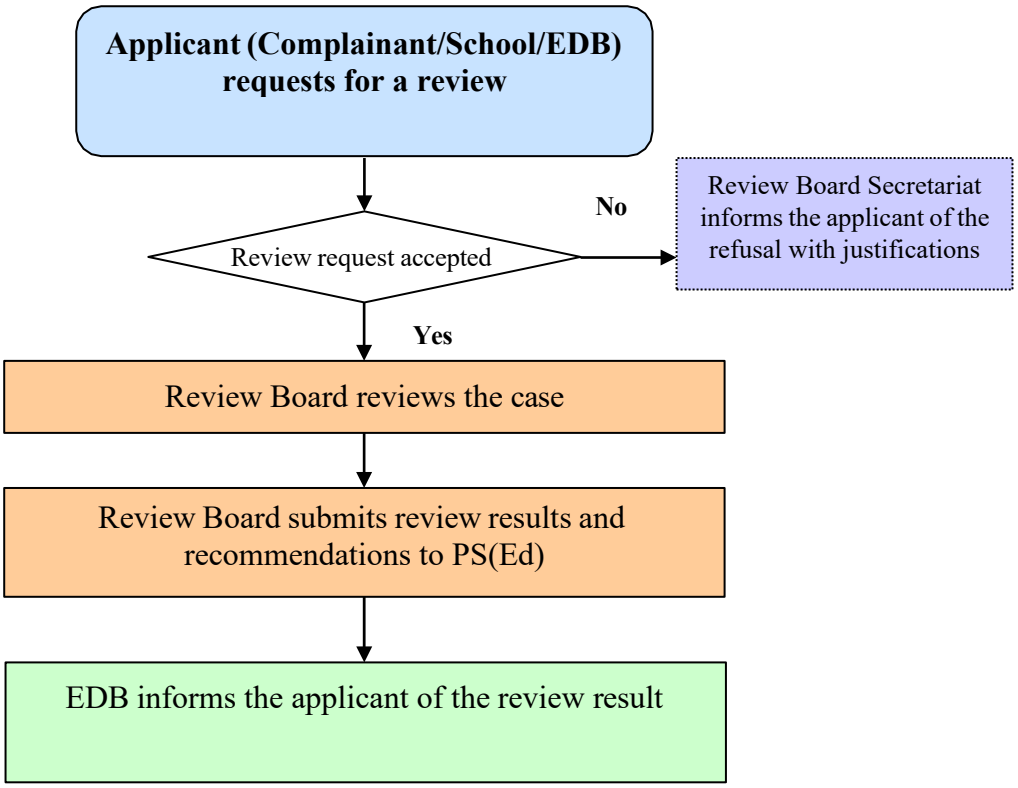
**Functions and powers of the Review Board**

- The Review Board is responsible for reviewing school-related complaint cases that have been gone through the investigation and appeal stages of the School-based Mechanism.
- The review results and recommendations will be submitted to the PS(Ed) for consideration after the completion of the review by the Review Board.

**Review procedures**

- Please see Diagram 2 for the review procedures.

**Diagram 2: Review Procedures**




- Schools should inform the complainants in their replies after the appeal that if the complainants do not accept the results of the appeal or the ways the appeal have been handled, the complainants may apply in writing to the Review Board Secretariat in the EDB for a review within 14 days from the dates of the schools' replies. In requesting a review, the complainant should state explicitly in the application the reasons for his/her discontent (e.g. the case has not been handled according to proper procedures or the investigation result is prejudiced) and provide substantial justifications or new evidence. The Review Board Secretariat will then forward the case to the Panel to decide whether a review should be conducted.
- If the review request is accepted, the Panel will set up a Review Board to handle it. If the request is unsuccessful, the Review Board Secretariat will inform the applicant (complainant/school/EDB) in writing of the reasons for refusal.
- The person who requests for a review is required to sign a letter of consent, authorising the Review Board to forward information regarding the complaint to the school/school sponsoring body and/or other relevant organisation(s)/person(s). The Review Board also has the right to obtain information related to the complaint/review from the complainant, the school/school sponsoring body and/or other relevant organisation(s)/ person(s).
- The review process mainly involves examination of investigation reports and related documents. Taking into account the subject matter and nature of the case, the Review Board may:

(i) scrutinise the information provided by the complainant, subject of the complaint, school/school sponsoring body and/or EDB, as well as the files and records associated with the case;

(ii) require the complainant, subject of the complaint, school/school sponsoring body and/or EDB to clarify information and/or provide new evidence;

(iii) meet with the complainant, the subject of the complaint and/or other persons concerned respectively to collect further information; or

(iv) invite the complainant, subject of the complaint, representative(s) of the school/school sponsoring body, and/or representative(s) of EDB to attend case meetings.

- To protect personal privacy, the Review Board/EDB may not disclose to anyone any personal information related to the complaint without the consent of the relevant parties (including the complainant, subject of the complaint, and/or the school/school sponsoring body).
- If the Review Board wishes to interview specific persons or convene a meeting on the case, it will make the following arrangements:
  (i) The persons to be present at the interview or case meeting must be involved in the complaint and have obtained the approval of attendance from the Chairperson of the Review Board;
  (ii) During the interview or case meeting, the complainant is not allowed to question the subject of the complaint or other witnesses, and vice versa; and
  (iii) Audio/video recording is prohibited during the interview or case meeting.

**Result of review**

- The Review Board will examine whether the case has been handled properly according to the complaint handling procedures and whether the result of investigation by relevant party is fair and reasonable. It will then make recommendations on whether to close the case, settle the disputes through mediation, implement follow-up/remedial measures, or conduct a re-investigation. The review results and recommendations will be submitted to the PS(Ed) for consideration.
- The EDB will draw a final conclusion with reference to the review result and recommendations of the Review Board. The applicant(s) will be informed in writing of the outcome within three months after receipt of the request for review. If the EDB accepts closure of the case as recommended by the Review Board, the EDB and the school will cease to handle the complaint. If the applicant(s) requesting the review consider the result unacceptable, they may further appeal via other channels.
- 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 endorsement of the Review Board, the school/EDB would issue a written reply to the complainant and copy it to the Review Board. If the school/EDB cannot complete the investigation within two months, it should notify the complainant in writing of the reasons and the time needed for a definite reply.

## Chapter VI Handling of Unreasonable Behaviour

Appropriate communication and mediation are conducive to removing misunderstanding and enhancing mutual trust. Under general circumstances, schools should not put any restrictions on complainants making contact with the schools. However, sometimes certain unreasonable behaviour of complainants may have a severe negative impact on schools, e.g. draining a considerable amount of the schools' human resources, interrupting their operations or services, as well as threatening the safety of staff and other stakeholders. Schools may therefore set up appropriate policies and measures to handle this kind of unreasonable behaviour to ensure that their operation would not be affected.

**Definition of unreasonable behaviour**

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

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| (i) Unreasonable attitude or behaviour, such as: | ♦ Acts of violence or intimidation<br>♦ Making complaints with abusive language or in an insulting and discriminatory tone |

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| | ♦ Providing false data or deliberately concealing facts |
| **(ii)** Unreasonable demands, such as: | ♦ Requesting a huge amount of information or demanding special treatment<br>♦ Making telephone calls incessantly to ask for a dialogue or an interview, or to command a certain staff member to reply<br>♦ Commanding a certain staff member to meet at a specific time and place |
| (ii) Unreasonable persistent complaints, such as: | ♦ Insisting on rejecting the explanations and findings of the school/EDB, and/or requiring the school/EDB to discipline certain person(s), even after appropriate investigation procedures have been taken<br>♦ In respect of the same case, repeatedly making the same complaints or presenting similar justifications as before without providing any new evidence<br>♦ In respect of the same case, persistently bringing in new allegations or new complaint targets, but failing to present concrete evidence<br>♦ Interpreting things in an unreasonable or irrational manner, or wrangling over trivial details |

**Formulating school-based policy**

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

(i) Schools should designate suitable staff members to ascertain whether a complainant's behaviour is reasonable, and decide what measures should be taken. Generally speaking, the principal can make such decisions. However, if the complaint is lodged against the principal, such decisions should be made by the school supervisor or the IMC.

(ii) Schools should integrate their policies regarding unreasonable behaviour of complainants into their School-based Mechanism and consult stakeholders' views.

(iii) All stakeholders should be informed of the school's policy regarding unreasonable behaviour of complainants.

**Handling of unreasonable behaviours**

While setting up policies and measures to deal with unreasonable behaviour of complainants, schools may consider the following suggestions:

| | |
|---|---|
| (i) Unreasonable attitude or behaviour, such as: | ● Any unreasonable attitude or behaviour, including acts of violence, intimidation, and abusive/offensive conduct or language, whether performed face-to-face, by phone, or in writing are unacceptable. The staff member handling the complaint should convey this message clearly to the complainant and demand the complainant stops acting in such a way or otherwise the meeting or conversation may be terminated. If the complainant refuses to comply after the warning, the staff member may terminate the meeting or conversation with the complainant.<br>● Schools should set up contingency measures and |

| | |
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| | guidelines[2] to remind staff responsible for handling complaints to stay alert and take suitable action to protect their own safety. Schools should empower the staff member to make decision, depending on the situation, on whether to terminate the interview or dialogue with the complainant and ask the complainant to leave, if his/her behaviour poses an immediate threat to the staff's personal safety or damages their personal interests. In an emergency or if it is deemed necessary, the school should take appropriate and decisive action, such as reporting to the police or taking legal action. |
| **(ii)** Unreasonable demands, such as: | ● If a complainant makes unreasonable demands which have an adverse impact on the school, e.g. interrupting its operation/services or other stakeholders are affected by the unreasonable behaviour of the complainant, the school may consider suggesting to the complainant alternative communication methods (e.g. make appointment before visiting the school, submit his/her views in writing or contact the designated staff according to the school's arrangement, etc.). However, the school must notify the complainant in writing of such arrangements and handling procedures.<br>● If the complainant's behaviour improves, the school may consider whether the restrictions should be lifted. If the school decides to keep the restrictions, it should regularly review the conditions for imposing them. |
| (iii) Unreasonable persistent complaints, such as: | ● Faced with these complaints, if the school has carefully examined the case and handled it properly under the prescribed investigation and appeal procedures, and sent a detailed and unbiased written explanation regarding the outcome to the complainant, the school may decide whether to restrict or stop contacts with the complainant, and cease handling the case.<br>● To avoid any unrealistic expectations on the part of the complainant, the school should communicate to him/her in a firm manner that a final decision has been made regarding the case and that the decision is irreversible.<br>● In response to these complaints, the school may send a "Reply Letter for Persistent Complaints" to the complainant, referring him/her to the replies previously given, and reiterate that the school will neither respond to the same complaint nor contact him/her again. Please see Appendix VI for a sample "Reply Letter for Persistent Complaints". |

[2] Schools may make reference to the publications on Prevention of Workplace Violence issued by the Occupational Safety and Health Council when setting up contingency measures and guidelines. For details, please visit the website of Occupational Safety and Health in the Civil Service.

## Chapter VII Conclusion

### Effective School-based Mechanism

- To ensure that public enquiries/complaints are properly handled, schools should establish a School-based Mechanism to suit their own circumstances and the needs of stakeholders. It should be:
  - Clear and unambiguous
  - Open and transparent
  - Concise and easy to follow
  - Fair and just
  - Able to protect confidentiality of information
  - Under continuous review and improvement
- An effective School-based Mechanism not only increases public confidence in school governance, but also prevents public opinions/enquiries from evolving into formal complaints or unnecessarily escalating to the EDB or other government departments/organisations.

### Maintaining good communication

- In addition to formulating an effective complaint handling mechanism, schools should continue to maintain a close partnership with parents and staff by enhancing communication with them. Members of the Parent-Teacher Association of the school may serve as a bridge of communication by helping to explain the school policies to parents, relieving their sentiments of dissatisfaction, and playing the role of mediator when necessary. To enhance the standards of the professional services they provide, schools should always assume an open attitude and listen to the views of their sponsoring bodies and stakeholders to identify room for improvement regarding their school-based enquiry/complaint handling mechanism(s) and procedures.

### Making continuous improvement

- The 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. The EDB believes that this is the first step towards supporting schools in enhancing/establishing their own enquiry/complaint handling mechanisms. The EDB will continue keeping close contact with schools and stakeholders, listening to their views and enhancing the proposed mechanisms and procedures with the aim of helping schools to establish an effective framework for handling public complaints.

**Appendix I**

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

| Domain | Examples |
|---|---|
| Management and Organisation | • School accounts (e.g. accounting records)<br>• Other charges (e.g. extra-curricular activities charges, registration fees)<br>• School policies (e.g. system of reward and penalty, arrangements regarding students' suspension from school)<br>• Standards of contractors' services (e.g. school bus services, supply of meal boxes)<br>• Service contracts (e.g. tendering procedures)<br>• School environment and hygiene (e.g. noise pollution, mosquitoes problems) |
| Learning and Teaching | • School-based curriculum (e.g. subject lesson time)<br>• Selection of subjects and class allocation (e.g. arrangements for students' choice of subjects)<br>• Homework (e.g. amount of homework)<br>• Students assessment (e.g. assessment criteria, school-based assessment criteria)<br>• Staff performance (e.g. behaviour/attitudes of teaching staff, job performance) |
| School Ethos and Student Support | • School ethos (e.g. uniform and other aspects of appearance)<br>• Home-school cooperation (e.g. consultation mechanism, communication channels)<br>• Student support (e.g. support for students with special educational needs)<br>• Extra-curricular activities (e.g. arrangements for interest groups and other student activities) |
| Student Performance | • Students' overall performance (e.g. academic results, conduct)<br>• Student discipline (e.g. foul and abusive language, smoking, fighting, bullying) |

* Schools should handle complaints about daily operation and internal affairs in accordance with the Education Ordinance, Education Regulations, Codes of Aid, relevant circulars, guidelines and codes of practice to ensure compliance with the respective requirements.

**Restricted**

**Appendix II**

**Sample Record Sheet of Cases Handled by Informal Procedures**

*Date of enquiry/complaint :* _____ *Time：* _____ am/pm

*Mode：* Call the General Office / Call the Principal/ Deputy Head/ Class Teacher/ Responsible Teacher*

In person / By e-mail/ fax* / Others (Please specify:_____)

*Name of the Enquirer/ Complainant：* _____

*Role of Enquirer/ Complainant：* Parent / Student / Other (Please specify:_____)

*Contact information (by telephone/* fax */e-mail*) ：* _____

*Enquiries/Concern(s)：* _____

*Information/ Document attached：* No / Yes (Please specify: _____)

*Action Taken :* Contacted by phone / Interview / Others (Please specify:_____ )

*Result：* Enquirer/ Complainant accepted the reply. No further action is required.

Others (Please specify: _____)

*Signature of*
*Senior Teacher/Responsible Person：* _____ *Date :* _____
*(Name/ Post)*

* Please delete where inappropriate

**Appendix III**

## Sample Acknowledgement Letter (1)

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

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms *XX:

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

If you have any enquiries, please contact Mr/Ms X (Teacher/Panel Chairperson/Vice Principal*) at 25785984.

(Signature)

Principal of St. Joan of Arc Secondary School /
Name and post
of the designated staff*

* Please delete where inappropriate

**Appendix IV**

## Sample Acknowledgement Letter (2)

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

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms* XX:

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

If you have any enquiries, please contact Mr/Ms X (Teacher/Panel Chairperson/Vice Principal*) at 25785984.

(Signature)

Principal of St. Joan of Arc Secondary School /
Name and post
of the designated staff*

* Please delete where inappropriate

**Restricted**

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

To: Name of School File

No.: (if applicable)

Name of the complainant: Mr/Ms _____

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

Correspondence Address: _____

_____

Contact No.: _____

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

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

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

_____ _____

Date Signature of the complainant

* Please delete where inappropriate

**Restricted**

**Sample Complaint Record** **Appendix V**

**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:_____

**<u>Areas of Complaint:</u>**

□ 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)

**Date of appeal:** _____

**Person-in-charge:** _____

Issue of Notice of Acknowledgement (date :_____)

Telephone contact (date :_____)

Interview with the complainant (date:_____)

Issue of written reply (date:_____)

**Summary of appeal result:**

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

| |
|---|
| |

**Signature of person-in-charge:** _____

**Appendix VI**

## Sample Reply Letter for Persistent Complaints

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms* XX:

This is to acknowledge receipt of your letter dated DD MM YYYY. For our stance on the relevant issue, please refer to our reply/replies dated DD MM YYYY (and dates of other replies [if applicable]). Please note that we will neither respond to the same complaint nor contact you again.

(Signature)

Principal of
St. Joan of Arc Secondary School/ Name
and post of the designated staff*

* Please delete where inappropriate