

Shatin Tsung Tsin Secondary School
Procedure on handling school complaints

Our procedure on handling school complaints is based on the “Guidelines on Handling School Complaints” issued by the EDB in 2015. The EDB revised the aforesaid guidelines in May 2018¹ and hence there are corresponding amendments in our procedure on handling school complaints which are highlighted in red :

A. Scope of application

1. applicable to the handling of complaints about the daily operation and internal affairs of the school lodged by parents, students or the public through various means, including post, fax, email, phone or in person
2. complaints about the Education Ordinance, education policies and services provided by the EDB should be lodged to the EDB for direct handling
3. In general, the school need not handle the following types of complaints:
 - (i) Anonymous complaints : the complainant should provide his/her name, correspondence/e-mail address and/or contact phone number. If in doubt, the school may request the complainant to show his/her identity documents. Should the complainant fail or refuse to provide these personal details, the complaint will be deemed anonymous and the school may not handle it
 - (ii) Complaints not made by the person concerned : Anyone or any group/organization 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, then his/her parents/guardian, or the person/group/organization authorised by the parents/guardian, may lodge a complaint on his/her behalf
 - (iii) Complaints involving incidents that happened more than one year
 - (iv) Complaints with insufficient information : **the school will provide a written reply to the complainant explaining clearly why the case was not handled by the school**

B. Ways of handling complaints

1. If an incident is referred or reported to the school by the media, the school should appoint a spokesman to handle inquiries from the public/the media and provide appropriate responses or clarification to the public as soon as possible
2. If the school receives an inquiry, opinion or informal complaint from the public, whether verbal or written, oral replies will suffice and written replies are normally not required.
3. If the school receives any formal complaints,
 - (i) the school should acknowledge receipt of the complaint, seek the complainant’s consent to

¹ Website for the relevant document :

http://www.edb.gov.hk/attachment/en/sch-admin/admin/pilot-scheme/Guidelines_for_Handling_School_Complaints_e_2018.05.pdf

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. If necessary, the school will 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.

- (ii) The school should handle the complaint as quickly as possible (It is suggested that the school should complete the investigation within two months after receiving the complaint.), and send a written reply to inform the complainant of the investigation result.
 - (iii) If the complainant accepts the investigation result, the school can 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.
4. Regarding appeal cases,
- (i) the school will acknowledge receipt of the appeal
 - (ii) the school will 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.
 - (iii) The school will handle and resolve the appeal as quickly as possible (It is suggested that the school completes 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.
5. If the complaint or appeal is in written form, schools should 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 copy of the written reply should be forwarded to them for reference
6. 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.**
7. The school should 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.
8. All contents and information of complaints should be kept strictly confidential and

restricted to internal reference or reference by relevant persons only.

9. In case interviews/meetings will be conducted, the list of attendees and whether the session can be audio/video recorded should be agreed upon by all parties concerned.
10. At the end of the investigation/appeal stage, the school 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.
11. Some complaints may remain unresolved after the investigation and appeal stages. Complainants or the school may request the "Review Board on School Complaints" (Review Board) to review these cases under the following circumstances:
 - (i) The complainant provides substantial grounds or new evidence to show that the school has handled the case improperly.
 - (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 complain.
12. The school should inform complainants in their reply after the appeal that if they do not accept the result of their appeal or the way the appeal has been handled, they may apply in writing to the EDB for a review within 14 days from the date of the school's reply. **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.** In requesting a review, the complainant should state explicitly in the application the reasons for his/her discontent (e.g. the case has not been handled according to proper procedures or the investigation result is prejudiced) and provide substantial justifications or new evidence. The EDB will then forward the case to the Panel to decide whether a review should be conducted.

C. Handling of unreasonable behaviour

1. Definition of unreasonable behavior:

(i) Unreasonable attitude or behaviour, such as:

- Acts of violence or intimidation
- Making complaints with abusive language or in an insulting and discriminatory tone
- Providing false data or deliberately concealing facts

(ii) Unreasonable demands, such as:

- Requesting a huge amount of information or demanding special treatment
- Making telephone calls incessantly to ask for a dialogue or an interview, or to command a certain staff member to reply
- Commanding a certain staff member to meet at a specific time and place

(iii) Unreasonable persistent complaints, such as:

- Insisting on rejecting the explanations and findings of the school/EDB, and/or requiring

the school/EDB to discipline certain person(s), even after appropriate investigation procedures have been taken

- In respect of the same case, repeatedly making the same complaints or presenting similar justifications as before without providing any new evidence
- In respect of the same case, persistently bringing in new allegations or new complaint targets, but failing to present concrete evidence
- Interpreting things in an unreasonable or irrational manner, or wrangling over trivial details

2. Generally speaking, the principal can decide whether a complainant's behaviour is unreasonable. However, if the complaint is lodged against the principal, such decisions should be made by the school supervisor or the IMC.

3. Our school's policies regarding unreasonable behaviour of complainants

(i) Unreasonable attitude or behaviour

- The staff member handling the complaint should demand that the complainant stops acting in such a way. If the complainant refuses to comply after the warning, the staff member may terminate the meeting or conversation with him/her.
- Schools should 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

- The school may consider putting restrictions on the complainant's contacts with the school, including specifying the time, frequency, date, duration and modes of communication (for example, requiring the complainant to make an appointment before visiting the school, submit his/her views in writing, or contact only with the staff designated by the school). The school must notify the complainant in writing of such arrangements and handling procedures.

(iii) Unreasonable persistent 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 altogether.
- In response to these complaints, the school may send a "Reply Card" to the complainant, referring him/her to the replies previously given, and reiterate that the school will neither respond to the same complaint nor contact him/her again.