

學校處理投訴指引

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前言

建立溝通文化

香港社會一直十分重視教育。隨著社會日益進步，各界人士對本身權益有更深入的了解，他們對學校的期望亦相應提高，要求學校提供優質教育，培育社會棟樑，他們對學校管治及服務的質素，尤為關注。學校的持分者，特別是家長，均非常重視學生的全面發展，他們對學校各方面的表現亦會不時提出查詢、意見及建議。因此，學校與持分者保持良好溝通至為重要。學校在建立各種有效溝通渠道的同時，亦應鼓勵家長、學生及員工善用有關渠道，向校方表達意見和抒發感受，促進雙方瞭解，建立互信關係，以避免產生不必要的誤會。

積極面對投訴

現今社會追求卓越效率，講求問責透明，即使學校已設有機制及溝通渠道回應各界的查詢和意見，部分人士仍會因種種原因和問題，向學校作出投訴。遇有投訴時，學校會以積極正面的態度面對，耐心聆聽和瞭解投訴人的意見及批評，並盡早或在適當時間內回應。事實上，建設性的意見和理性的投訴均具有參考價值，可促使學校進步。學校亦會持開放態度，廣納及包容不同意見，檢視相關政策、制度和措施，找出是否仍有可改善的空間，以確保學校的行政管理能不斷優化，更臻完善。若有關意見/投訴源於誤解或溝通不足，學校會以誠懇的態度，耐心向投訴人解釋，以釋其疑慮。不過，教育局亦理解學校有時或會面對個別投訴人某些極不合理的行為，以致虛耗校方大量的人力，甚至妨礙學校的運作或服務。因此，教育局建議學校制定適當的政策及措施，處理這些不合理的行為，以確保學校運作不會受到影響。

制定校本機制

為了更迅速有效地處理日常接獲的意見和投訴及回應投訴人的合理訴求，學校會因應本身的情況及需要，建立或完善現有的校本機制及程序。一套健全的校本機制有助校方深入探討有關的問題，從而作出適切的跟進，例如引入新的措施或完善現有的政策及安排，以防止問題重現。校方已諮詢持分者的意見，以確保有關機制及程序具透明度及認受性，以便日後得以有效地推行。

第一章 適用範圍

1.1 本指引提出學校處理投訴的原則及應採取的有關程序和安排，以協助學校更有效地處理投訴。指引適用於處理家長、學生及公眾人士以任何合理的途徑及方式，包括以郵遞、傳真、電郵、電話或親身提出以下與學校有關的投訴：

(i) 關於學校日常運作及內部事務的投訴

- ◆ 根據校本管理精神，《教育條例》已授予學校法團校董會管理學校的權力和職能，因此學校會聯同其辦學團體，制訂校本機制及程序，處理學校事務，包括處理與學校有關的投訴。如投訴事項涉及學校的日常運作及內部事務（事例見附件一），投訴人應直接向學校提出，以便有效處理。
- ◆ 學校會按照《教育條例》、《教育規例》、《資助則例》及相關通告、指引及實務守則處理與學校日常運作及內部事務有關的投訴，以確保符合有關要求。
- ◆ 教育局如接獲來自公眾或其他機構（例如特首辦公室、立法會、平等機會委員會、區議會、議員辦事處或其他政府部門等）轉介有關學校日常運作及內部事務的投訴，會在徵得投訴人的同意後，轉介相關學校跟進調查及直接回覆投訴人。如投訴人不同意轉介，教育局不會介入調查；但若投訴內容涉及重要事故或校方行政失誤，即使投訴人不同意轉介，教育局可在不披露個人資料的情況下，讓有關學校知悉投訴內容，以促進學校行政系統的自我完善。
- ◆ 如投訴事件涉及特殊情況，例如違反《教育條例》、《教育規例》或《資助則例》、未符合有關通告、指引及實務守則的要求、危害學生安全、嚴重影響學校運作、法團校董會行事失當或學校管理嚴重失誤，教育局可以直接介入調查。
- ◆ 在處理不同類別或涉及其他法例的投訴時，學校會同時參照相關通告、指引及實務守則，以確保符合有關方面的要求，例如：
 - 與虐待兒童有關的投訴：教育局通告第 1/2016 號「處理虐待兒童及家庭暴力個案」
 - 與殘疾歧視有關的投訴：教育局通告第 14/2001 號「《教育實務守則》開始生效」及平等機會委員會的《殘疾歧視條例教育實務守則》
 - 與平等機會有關的投訴：教育局通告第 33/2003 號「平等機會原則」

- 與性別歧視及性騷擾有關的投訴：教育局通告第 2/2009 號「《性別歧視條例》(第 480 章)的修訂」及平等機會委員會的《校園性騷擾的問與答》
- 與種族歧視有關的投訴：教育局通告第 25/2008 號「《種族歧視條例》」及平等機會委員會的《種族平等與校服》小冊子
- 與採購服務及貨品(例如校巴服務、飯盒供應等)有關的投訴：教育局通告第 4/2013 號「資助學校採購程序」、教育局通告第 10/2016 號「學校的商業活動」及廉政公署編製的《學校管治與內部監控防貪錦囊》
- 與收受利益和捐贈有關的投訴：教育局通告第 14/2003 號「學校及其教職員收受利益和捐贈事宜」

(ii) 關於教育條例、教育政策或教育局提供服務的投訴

- ◆ 教育局負責制訂教育政策、執行《教育條例》和提供教育服務。如投訴牽涉以下範疇，即使事件在學校發生，投訴人亦應向教育局提出投訴，由教育局直接處理：
 - 關於教育政策(例如班級結構、班級人數等)的投訴；
 - 涉嫌觸犯《教育條例》(例如體罰、未註冊教師)或違反《資助則例》的投訴(例如濫收費用、開除學生)；及
 - 關於教育局直接提供的服務(例如學位分配、區域教育服務處提供的服務)的投訴。
- ◆ 教育局在處理上述投訴時，會同時參照教育局的有關內部指引。

1.2 本指引並不適用於處理下列類別的投訴：

- ◆ 與已展開法律程序有關的投訴
- ◆ 屬其他團體/政府部門權力範圍
- ◆ 受其他條例或法定要求規管的投訴，例如貪污舞弊、欺詐、盜竊等
- ◆ 由學校員工提出的投訴(如學校接獲有關投訴，會按照校本或辦學團體的員工投訴機制及指引[如適用]處理；如教育局接獲有關投訴，會按照現行程序處理及直接回覆投訴人。)

如投訴屬指引第 1.1(i) 段中通告、指引及實務守則所述的類別，在處理投訴時，學校會參閱相關通告、指引及實務守則。

1.3 校方一般會不受理下列類別的投訴：

(i) 匿名投訴：

- ◆ 無論書面或親身投訴，投訴人應提供姓名、通訊地址/電郵地址及/或聯絡電話。校方如有懷疑，會要求投訴人出示身份證明文件以確認身份。如投訴人未能或拒絕提供上述個人資料，以致校方無法查證投訴事項及作出書面回覆，會視作匿名投訴，校方會不受理。
- ◆ 在特殊情況下（例如已掌握充分證據，或投訴涉及嚴重或緊急的事件），校方的中/高層人員會決定是否需要跟進匿名投訴，例如作內部參考、讓被投訴人知悉投訴內容或作出適當補救及改善措施。如決定無需跟進，校方亦會簡列原因，並存檔記錄。

(ii) 並非由當事人親自提出的投訴：

- ◆ 投訴一般應由當事人親自提出，其他人士須事先獲得當事人的書面授權，方可代表當事人提出投訴。與學生（包括未成年人士及智障人士）有關的投訴，可由家長/監護人，或獲家長/監護人授權的人士代表當事人提出。
- ◆ 如投訴由多於一位人士代表當事人提出，校方會要求當事人指定一位代表作為與校方的聯絡人。
- ◆ 至於由其他組織/團體（例如立法會議員/區議員/工會/傳媒等）轉介或代表當事人提出的投訴，由於現時沒有相關法例賦權任何組織/團體代表其他人士作出投訴，學校/辦學團體會在校本機制內訂明會否接納有關投訴。但若該組織/團體已事先獲得當事人的書面授權，學校會按照既定程序處理有關投訴。

(iii) 投訴事件已發生超過一年：

- ◆ 與學校日常運作有關的投訴，一般應在同一學年內提出，因為事件如發生超過一年，客觀環境可能已改變或證據已消失，又或當事人/被投訴人已離職或離校，引致蒐證困難，令校方無法進行調查。為提供更大彈性，提出投訴的時限應以事件發生後一曆年計算。
- ◆ 在特殊情況下，即使與投訴有關的事件發生超過一年，校方會視乎情況，例如已掌握充分證據，或投訴涉及嚴重或緊急事故，決定是否就有關投訴進行調查。

(iv) 資料不全的投訴：

校方會要求投訴人就個案提供具體資料。如投訴人未能提供足夠資料，以致調查無從入手，校方將不受理有關投訴。

第二章 處理投訴原則

2.1 在處理家長、學生或公眾人士提出與學校有關的投訴時，學校會參照以下原則：

原則一：分類處理投訴

2.2 為了更清晰瞭解投訴人的訴求及有效地作出回應，投訴應由負責訂定有關政策、提供有關服務或管理被投訴人員/事務的機構直接處理。按此原則，與學校日常運作及內部事務有關的投訴應由學校負責處理；與教育條例、教育政策或教育局直接提供的服務有關的投訴應由教育局負責處理；涉及可能觸犯香港法例的投訴，應向相關執法部門/機構（例如廉政公署、警務處）提出，並由有關部門/機構負責處理；如投訴屬指引第 1.1(i) 段中通告、指引及實務守則所述的類別，在處理投訴時，請參閱相關通告、指引及實務守則。

2.3 如投訴同時涉及學校及教育局負責的範疇，應分別交由有關學校及教育局相關科組跟進。

原則二：即時迅速處理

2.4 所有查詢、意見或投訴，不論以口頭或書面提出，學校會從速處理，及早回覆（十個工作天內），以免情況惡化。前線人員接獲查詢/投訴後，會直接處理或立即交由專責人員/小組從速處理。如有關負責人員未能解決問題，會向上級負責人員尋求協助。

2.5 如事件經由媒體轉介或報道，校方會採取下列措施：

- ◆ 指派專責發言人（例如副校長），負責處理公眾或媒體的查詢，避免出現訊息混亂的情況。
- ◆ 盡快（兩天內）向公眾作出適當的回應或澄清，包括交代已採取的行動或初步的調查結果，並確保所發布的資料清晰正確及符合《個人資料（私隱）條例》的相關規定。
- ◆ 盡可能讓所有教職員、學生及家長知悉事件的發展，並留意事件是否影響學生或教職員的情緒。如有需要，會予以適當輔導。

原則三：機制清晰透明

- 2.6 學校會聯同辦學團體，制定明確有效的校本機制和程序，以便迅速及適當地處理查詢及投訴。校方亦會先行徵詢教師和家長的意見，以確保有關程序廣為持分者接納。
- 2.7 學校會擬備指引，向持分者清晰交代有關處理投訴的政策、程序以及負責人員。校方可透過各種公開渠道，例如學校網頁、家長通告、學生手冊、教職員會議、家長教師聚會、講座及活動等，讓所有家長和教職員清楚知悉有關程序的內容。
- 2.8 為了讓有關機制能在校內順利推行，學校會確保所有負責處理查詢與投訴的人員，均瞭解及遵從有關政策及指引。
- 2.9 學校會定期檢討有關處理投訴的政策及指引，並在有需要時更新有關的處理程序。

原則四：處事公平公正

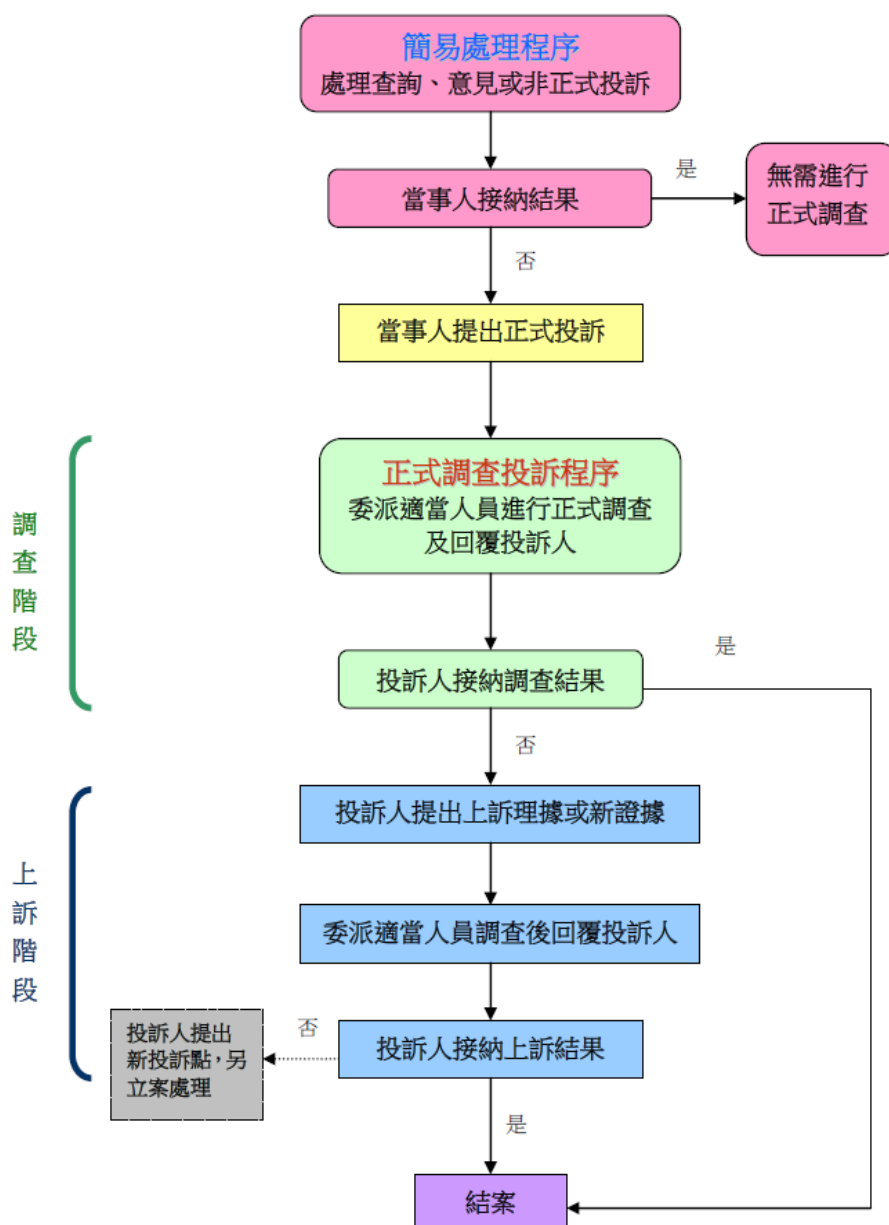
- 2.10 學校會以正面態度面對投訴，公平地對待投訴人和被投訴的人士。校方會提供足夠的上訴渠道，在有需要時，會考慮邀請獨立人士參與處理投訴/上訴工作。
- 2.11 在展開調查工作前或在適當的情況下，專責人員及相關人士均須向校方申報利益。如出現利益衝突的情況，有關人士必須避嫌，不應參與處理有關個案及接觸任何與個案有關的資料。
- 2.12 為避免利益衝突，任何被投訴的人員均不會參與或監督調查工作，或簽署任何給予投訴人的信件。
- 2.13 學校會確保有關投訴不會影響投訴人或其他相關人士的權益及日後與學校的溝通和聯繫。

第三章 處理投訴程序

投訴釋義

- 3.1 為免處理過程變得複雜，學校前線人員會小心界定何謂關注，何謂投訴。關注是投訴人基於關心自己/子女或學校的利益，向校方提出查詢或表達意見，希望現況有所改變或改善。投訴是投訴人表達失望、不滿或怨憤，他們可能要求校方糾正失誤之處、懲處涉嫌違規者或尋求方法解決投訴涉及的問題。負責人員會避免混淆二者，以決定採取適當的程序處理。
- 3.2 除非有關人士指明提出正式投訴，在一般情況下，負責人員會先透過簡易處理程序，即時或盡快（十個工作天內）為有關人士提供協助或解決問題。學校處理投訴的流程見圖一。

圖一：學校處理投訴流程



簡易處理程序

即時/盡速處理

- 3.3 學校如能盡快妥善處理查詢或投訴，可澄清誤會，化解危機，甚至令當事人對學校的印象改觀。學校會採取下列安排：
- ◆ 學校如接獲公眾查詢、意見或非正式投訴，不論以口頭或書面形式提出，前線員工會辨別事件的性質及採取相應措施。一般來說，如有關事件毋須蒐證調查或當事人沒有要求正式書面回覆，前線員工會按照學校既定的簡易程序處理。
 - ◆ 前線員工會細心聆聽及理解當事人的訴求，如事件輕微，會盡可能提供所需協助或資料，或盡快（十個工作天內）就當事人所關注的事項作出回應及協助解決有關問題。
 - ◆ 如有需要，會安排負責有關事務的教職員與當事人直接對話或會面，交代學校的立場，澄清誤會，釋除疑慮或解開心結。
 - ◆ 校方會於十個工作天內提供初步回應。
 - ◆ 如有需要，前線員工會將個案轉交校內專責人員或較高級人員處理，務求盡快跟進及解決問題。視乎個別學校情況及個案性質，校長會決定是否直接介入處理。

回覆投訴

- 3.4 以簡易程序處理的口頭查詢/意見/投訴，校方會以口頭回應，一般無須書面回覆。如對方以書面提出意見/投訴或校方需要釐清立場/交代細節，負責人員會因應個別情況決定是否向當事人/投訴人作簡單的書面回覆。

投訴紀錄

- 3.5 以簡易程序處理的個案，一般無需正式存檔。

適當跟進

- 3.6 校方會檢討與查詢/投訴有關的政策或處理方式是否恰當，並建議適當的措施，以改善處理同類事件的手法或防止同類事件再發生。負責人員亦會視乎需要，向有關人士概述校方的跟進行動及處理結果。

正式調查投訴程序

調查及上訴階段的安排

3.7 如校方已盡力嘗試透過簡易處理程序解決問題，但有關人士仍不接受校方的回應或問題仍未解決，會啟動正式調查投訴程序（包括上訴機制），處理有關個案。

(i) 調查階段

學校如接獲正式投訴（包括由教育局或其他機構轉介的投訴），會按以下程序處理：

- ◆ 根據校本機制，委派適當人員負責調查及回覆投訴人。
- ◆ 發出通知書，確認收到有關投訴及徵求投訴人同意校方索取其個人及/或與投訴有關的資料，並知會負責處理投訴人員的姓名、職銜及電話，方便聯絡。
- ◆ 如有需要，聯絡或約見投訴人及其他相關人士，深入瞭解事件情況或要求他們提供相關資料。
- ◆ 盡快處理有關投訴（在接獲投訴起計兩個月內完成調查），並以書面回覆投訴人調查結果。
- ◆ 如投訴人接納調查結果，投訴可以正式結案。
- ◆ 如投訴人不接納調查結果或校方的處理方式，並能提供新證據或足夠理據，可在學校的覆函發出日期起計十四天內，向校方書面提出上訴要求。

(ii) 上訴階段

學校如接獲投訴人的上訴要求，會按以下程序處理：

- ◆ 根據校本機制，委派適當人員（較負責調查階段的人員更高職級或另一組別的人員）負責處理上訴個案及回覆投訴人。
- ◆ 盡快處理有關上訴個案（在接獲上訴要求起計兩個月內完成上訴調查），並就上訴結果書面回覆投訴人。
- ◆ 如投訴人接納上訴結果，可以正式結案。
- ◆ 如投訴人仍不滿上訴結果或校方處理上訴的方式，校方會再審慎檢視有關處理過程，確保已採取恰當的程序。
- ◆ 如投訴人提出新的投訴事項，校方會另立案處理，以避免新舊投訴糾纏不清。

調解紛爭

3.8 在處理投訴過程中，校方會因應個案性質，考慮是否適宜採取不同方式，例如尋求調解員協助調解，或邀請獨立/專業人士，以持平的態度，提供意見，協助當事人（包括投訴人及被投訴人/組織），儘早找出解決方案，化解糾紛。

回覆投訴/上訴

3.9 如投訴或上訴以書面提出，校方會以書面回覆投訴人；如投訴或上訴以口頭提出，負責人員會視乎個案情況，決定以口頭或書面回覆；如個案由教育局/其他機構轉介，覆函會抄送予教育局/有關機構備考。

3.10 一般來說，回覆時限應由收到投訴或投訴人同意校方索取其個人資料之日起計。如因資料不全，校方會要求投訴人補充資料，回覆時限應在校方收到所需資料的日期起計。如未能在兩個月內回覆，校方會向投訴人書面解釋為何需要較長時間處理有關投訴/上訴。

投訴/上訴紀錄

3.11 經正式調查投訴程序處理的個案，學校會保存清楚記錄。學校會建立投訴檔案管理系統，以保存有關資料（包括來往書函、調查報告及會面記錄等）。此外，學校亦會貯存經正式調查程序處理的投訴及上訴個案統計數據，以作日後參考。

適當跟進

3.12 調查/上訴階段結束後，學校會檢討有關方面的政策及處理方式是否恰當，並建議適當的措施，以改善處理的手法及防止再發生同類事件。負責人員會通知當事人校方的跟進行動及檢討結果。

第四章 處理投訴安排

專責人員

4.1 因應投訴個案的性質、涉及對象和牽連程度，學校會參照下列安排委任專責人員或成立專責小組負責處理投訴：

- ◆ 負責調查及上訴階段的人員會有所不同，原則上負責上訴階段人員的職級應較高。若實際情況不容許，學校會另作安排，例如委派另一組別的人員再作調查，以確保處理公正。
- ◆ 如有需要，學校/辦學團體會成立專責小組處理某些特別投訴個案，因應情況，小組將包括法團校董會成員及辦學團體代表，或邀請獨立人士，例如社工、律師、心理學家等，及與個案無關的家長或教師，加入小組，以增加公信力，並就專業問題提供意見和支援。
- ◆ 有關人員會主動與查詢/投訴人溝通，提供所需的資料及迅速回應查詢/投訴事項。學校會確保前線/專責人員獲適當授權及明白所擔當的角色與責任。
- ◆ 關於處理學校投訴各個階段負責人員的安排，可參考下表的例子：

涉及對象	例	調查階段	上訴階段
教職員	1	主任	副校長
	2	副校長	校長
	3	校長	校監
校長		法團校董會調查小組*	辦學團體專責人員
校監/法團校董會		辦學團體專責人員/專責小組	辦學團體專責人員/專責小組

*如投訴涉及校長，法團校董會調查/上訴小組成員會包括獨立人士/校董。

資料保密

4.2 所有投訴內容及資料應絕對保密，只供內部/有關人員查閱。

4.3 如學校在處理投訴時需要收集個人資料，或收到當事人索取有關個案的資料/記錄的要求，會遵守《個人資料（私隱）條例》的有關規定及建議，包括清晰說明收集個人資料的目的及方式，及有關資料只用於處理投訴或上訴個案。學校會參考香港法例第 486 章《個人資料（私隱）條例》有關條文及個人資料私隱專員公署網頁（<http://www.pcpd.org.hk/>）。

4.4 學校會採取適當的保安措施，以保障個人資料及私隱，例如將資料妥善存放在安全地方（例如上鎖的檔櫃）。電腦資料會以密碼保護，嚴格規限使用可攜式貯存裝置，如有實際需要，會使用具備加密功能的可攜式貯存裝置。

- 4.5 學校會訂立程序，確保只有獲授權負責人員才可查閱有關資料。在未獲授權的情況下，負責人員不得披露亦不應公開談論有關個案的內容及資料。
- 4.6 學校會在校本機制內訂明與相關人士進行會面或會議的安排。為免產生誤會，校方會：
- ◆ 在作出會面/會議安排時，清楚申明當事人可否由其他人士（例如親友、法律代表）陪同出席，並在會面/會議開始前，重申有關立場。
 - ◆ 在會面/會議開始前，聲明是否禁止錄音/錄影，或是否須徵得所有與會人士的同意，方可進行錄音/錄影；並在會面/會議結束前重申有關立場。
 - ◆ 在會面/會議過程中，會提醒投訴人雙方均須遵從《個人資料(私隱)條例》(第 486 章)附表所載的保障資料原則，慎防在對話中未經授權而洩漏了第三者的個人或其他資料。

跟進檢討

- 4.7 學校會全面深入檢討處理投訴事件的策略、過程及步驟，以汲取經驗，改善處理同類事件的手法及防止同類事件再發生。
- 4.8 如需改善服務或修訂相關政策，校方會作適當的跟進措施，以提升專業服務水平。
- 4.9 校方會定期檢討校本處理投訴的政策及向法團校董會報告處理學校投訴的情況，例如有關投訴/上訴個案的數據，並在有需要時，提出改善措施，以完善校本處理投訴機制及程序。

支援培訓

- 4.10 學校會提供適當的支援及培訓，協助員工有效地處理查詢/投訴，例如提供有關溝通、談判、調解技巧等課程，或安排同工分享處理投訴的經驗和心得，以提升前線/專責人員處理投訴和排解糾紛的能力。
- 4.11 為提升學校人員（包括校長、老師、學校行政人員及前線員工）的預防及處理投訴技巧，教育局會提供相關的培訓課程。學校會留意教育局的培訓行事曆網頁，鼓勵員工參與有關課程。

第五章 覆檢投訴

5.1 絕大部分與學校有關的投訴應可透過簡易及正式調查投訴程序處理和解決。某些投訴個案可能經調查和上訴階段處理後，仍然未能解決。在以下情況，投訴人或有關機構（包括學校/教育局）可要求「學校投訴覆檢委員會」（覆檢委員會）覆檢個案：

- ◆ 投訴人提出足夠的支持理據或新證據，證明學校/教育局處理不當。
- ◆ 學校/教育局已按既定程序適當處理投訴，但投訴人仍不接納調查結果，並繼續投訴。

(詳情可向教育局查詢)

第六章 處理不合理行為

6.1 適當的溝通和調解有助消除誤解和增強互信，在一般情況下，學校不會限制投訴人與校方接觸。然而，部分投訴人的某些不合理行為，可能會為學校帶來極大的不良影響，包括虛耗校方大量人力、妨礙學校運作或服務，以及影響負責處理人員及其他持分者的安全等。因此，學校會制定適當的政策及措施處理這些不合理行為，以確保學校運作不會受到影響。

不合理行為定義

6.2 投訴人的不合理行為一般包括以下三大類：

(i) 不合理的態度或行為，例如：

- ◆ 行使暴力或作出威脅恐嚇行為。
- ◆ 以粗言穢語或帶侮辱歧視性的語氣作出投訴。
- ◆ 提供虛假失實資料或蓄意瞞騙事實。

(ii) 不合理的要求，例如：

- ◆ 要求大量資料或特別待遇。
- ◆ 不停致電要求對話或會面或指定要某些人員回覆。
- ◆ 指定與某些人員於某些時間、地點會面。

(iii) 不合理的持續投訴，例如：

- ◆ 經恰當程序調查後，堅持不接受校方的解釋及調查結果，及/或堅持要求校方/教育局懲處某些人員。
- ◆ 就相同個案，不斷重複提出相同投訴或提出一些與之前相若的理據，但未能提出新證據。
- ◆ 就相同個案，不斷提出新投訴事項或對象，但未能提出具體證據。
- ◆ 以不合理或不理性的態度理解事件或在瑣碎細節上糾纏。

制訂校本政策

6.3 學校會制定適當政策及措施，處理投訴人的不合理行為：

- ◆ 校方會委派適當的人員，負責界定投訴人的行為是否不合理及決定校方會採取的措施。一般來說，校長會作出有關判斷。如投訴涉及校長，會由校監或法團校董會作出決定。
- ◆ 校方會將處理投訴人不合理行為的政策，納入校本處理投訴機制，並諮詢持分者的意見。
- ◆ 校方會公開有關處理不合理行為的政策，讓持分者知悉。

處理不合理行為

6.4 (i) 不合理的態度或行為

- ◆ 任何不合理的態度或行為，包括暴力、威嚇、粗言穢語及帶攻擊或侮辱性的行為或語言，無論是親身或經由電話/書面表達，均不能接受。處理人員會對投訴人表明不接受不合理的態度行為，並要求對方改變態度及停止有關行為，如對方依然故我，在發出警告後，處理人員可以終止與投訴人的會面或談話。
- ◆ 校方會制訂緊急應變措施及指引，提醒處理投訴人員時刻提高警覺，並採取適切措施保護自身安全。校方會賦權處理投訴人員，如投訴人的行為對負責人員的人身安全構成即時威脅或損害其切身利益時，他們可就當時情況，決定是否終止與投訴人的會面或談話及請投訴人離開會面地點。在緊急或有需要的情況下，校方會採取適當果斷行動，例如報警或採取法律行動。

(ii) 不合理的要求

- ◆ 如果投訴人提出不合理的要求，對學校產生不良的影響，例如妨礙學校的運作或服務；或其他持分者受到投訴人不合理行為影響，校方會考慮限制投訴人與學校接觸，包括規定投訴人與學校人員聯繫的時間、次數、日期、時段及溝通的方式（例如規定投訴人到校前須預約、以書面方式表達意見、與校方指定人員聯絡等）。校方會書面知會投訴人有關安排及處理程序。
- ◆ 如投訴人的不合理行為有所改善，校方會考慮是否應停止有關限制。如校方決定仍維持限制，會定時檢討有關限制條件。

(iii) 不合理的持續投訴

- ◆ 面對不合理的持續投訴，如校方已按既定的調查及上訴程序，詳細審查及妥為處理個案，並已就投訴的調查結果，向投訴人作詳細及客觀的書面解釋，學校會決定應否限制或停止與投訴人的接觸，並終止處理有關個案。
- ◆ 校方會以堅決肯定的態度，令投訴人明白校方已就事件作出最終裁決，不會改變有關決定，以免投訴人對投訴結果產生不合理期望。
- ◆ 如收到無理的重複投訴，學校會發出「回覆卡」，請投訴人參閱校方之前給予的回覆，並重申校方不會再就同一事件作覆或與投訴人聯絡。

第七章 結語

有效校本機制

7.1 學校會按本身情況及持分者的需要，建立一套包含下列要素的校本處理投訴機制及程序，以確保公眾查詢/投訴得到妥善處理：

- ◆ 清晰明確
- ◆ 公開透明
- ◆ 簡明易用
- ◆ 公平公正
- ◆ 資料保密
- ◆ 持續完善

7.2 有效的校本處理投訴機制，不但增加公眾對學校管治的信心，亦可避免公眾的意見/查詢演變為正式的投訴，或不必要地提升到教育局或其他政府部門/機關。

保持良好溝通

7.3 除了制定有效的處理投訴機制，學校會加強與家長和員工的溝通，繼續維持緊密的夥伴合作關係。學校的家長教師會委員亦可發揮溝通橋樑的作用，協助學校向家長解釋校方的政策、疏導家長的不滿情緒，及在有需要時，充當調解的角色。此外，學校亦會經常保持開放的態度，聽取辦學團體及不同持分者的意見，找出校本處理查詢/投訴機制及程序需要改善的地方，以提升學校的專業服務水平。

不斷完善進步

7.4 教育局推出「學校處理投訴指引」，建議處理投訴的政策及程序，並釐清有關方面的角色。教育局相信這是支援學校完善/建立校本處理查詢/投訴機制的正確第一步。教育局會繼續與學校及持分者緊密接觸，聽取各方的意見，完善建議的機制和程序，為學校建立有效的處理公眾投訴架構。

關於學校日常運作及內部事務投訴的事例

範疇	事例
管理與組織	<ul style="list-style-type: none"> • 學校帳目（例如帳目記錄） • 其他收費（例如課外活動費、留位費） • 政策方針（例如獎懲制度、停學安排） • 承辦商服務水準（例如校巴服務、飯盒供應） • 服務合約（例如招標程序） • 環境衛生（例如噪音、蚊患）
學與教	<ul style="list-style-type: none"> • 校本課程（例如科目課時） • 選科分班（例如學生選科安排） • 家課作業（例如家課量、校本評核標準） • 學生考核（例如評分標準） • 教職員表現（例如教職員的行為態度、工作表現）
校風及 學生支援	<ul style="list-style-type: none"> • 校風（例如校服儀表） • 家校合作（例如諮詢機制、溝通渠道） • 對學生支援（例如對有特殊教育需要學生的支援） • 課外活動安排（例如興趣小組或活動的安排）
學生表現	<ul style="list-style-type: none"> • 學生整體表現（例如成績、操行） • 學生紀律（例如粗言穢語、吸煙、打架、欺凌）

Guidelines for Handling School Complaints

PAOC Ka Chi Secondary School

September 2017

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Foreword

Building a Culture of Communication

Education is greatly valued in Hong Kong. With the advancement of society, people become more aware of their own rights and interests, and have growing expectation that schools should provide quality education to nurture future generations. They place a premium on the quality of management and services that schools provide. Key stakeholders, especially parents, consider the holistic development of students' imperative. They often make inquiries 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 inquiry, consultation and communication, some people would still lodge complaints with schools for one reason or another. Schools will handle complaints positively, with patience and understanding, and provide prompt responses within an appropriate time frame. In fact, constructive criticisms and reasonable complaints should be valued as they may help schools improve. In addition to adopting an open attitude to diverging views, schools will 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 will undertake to explain to the complainant(s) fully and sincerely to remove their doubts. The Education Bureau 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 Education Bureau recommends that schools develop appropriate policies and measures to deal with such kind of unreasonable behaviour.

Formulating a School-based Mechanism

In order to handle complaints more speedily and effectively, and to respond to the reasonable demands from complainants, schools will establish or enhance their school-based mechanism and procedures according to their own situations and needs. A sound school-based complaint handling 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. We have consulted our stakeholders to ensure that the relevant mechanism and procedures are transparent and acceptable for effective implementation.

Chapter I Scope of Application

1.1 The principles, procedures and arrangements proposed in the Guidelines are designed to help the 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 the school

- ◆ In the spirit of school-based management, the Education Ordinance has entrusted the Incorporated Management Committees (IMCs) with the power and responsibility to manage the school. The school will, therefore, collaborate closely with their sponsoring bodies to develop their school-based mechanism and procedures for handling school affairs, including complaints related to the school. 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).
- ◆ The school will 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 about the daily operation and internal affairs of a school from members of the public or via 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 to refer the complaint to the relevant school for investigation and direct response. If the complainant does not consent to the referral, the EDB will not investigate the complaint. However, if the complaint involves any serious incident or school maladministration, even without the complainant's consent, the EDB may, 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, maladministration of the IMCs or serious mismanagement by the school.
- ◆ To ensure compliance with respective requirements, the school will 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. 1/2016 "Handling Child Abuse and Domestic Violence Cases"
 - Complaints about disability discrimination: EDB Circular No. 14/2001 "Commencement of the Code of Practice on Education"; and "Disability Discrimination Ordinance Code of Practice on Education" 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. 14/2003 “Acceptance of Advantages and Donations by Schools and their Staff”

(ii) Complaints about the 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:
 - 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.

1.2 The Guidelines are **not applicable** to handling of the following types of complaints:

- ◆ Complaints related to ongoing legal proceedings;
- ◆ Complaints under the jurisdiction of other organisations/government departments;
- ◆ Complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft;
- ◆ Complaints lodged by school staff (if a school receives any such complaints, it will 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 them in accordance with the current procedures and reply to the complainant directly.)

If the complaints fall into the categories specified in paragraph 1.1 (i) above, the school will refer to the relevant circulars, guidelines and codes of practice in handling such complaints.

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/or contact phone number. If in doubt, the school will request the complainant to show his/her identity documents. Should the complainant fail or refuse to provide these 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 will not 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 will decide whether to follow up with an anonymous complaint, such as treating it as an internal reference, informing the subject of the complaint about the case, or taking appropriate remedial and improvement measures. If follow-up actions are considered unnecessary, the school will 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 will 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, the school/sponsoring bodies will 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, the school will 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 the school 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 will 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

The school will require the complainant to provide concrete information regarding a case. If the complainant fails to provide sufficient information to allow investigation to proceed, the school will not handle the complaint concerned.

Chapter II Guiding Principles for Handling Complaints

2.1 In handling school-related complaints made by parents, students or the public, the school 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 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, the school 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, the school should refer to the relevant circulars, guidelines and codes of practice in handling such complaints.

2.3 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.

Principle II: Timely and efficient handling

2.4 The school will handle and respond to all verbal or written inquiries, opinions or complaints as soon as possible (within ten working days) to prevent any uninviting situation from worsening. Upon receipt of an inquiry/a complaint, the frontline staff will 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 will seek help from their seniors.

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

- ◆ appoint a spokesman (e.g. the vice-principal) to handle inquiries from the public/the media so as to avoid giving confusing messages.
- ◆ provide appropriate responses or clarification to the public as soon as possible (within 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.
- ◆ inform all 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

- 2.6 The school will, in collaboration with their sponsoring bodies, set up a clear and effective school-based mechanism as well as procedures for speedy and proper handling of inquiries and complaints. The school will consult teachers and parents to ensure that the relevant procedures are accepted by all stakeholders.
- 2.7 The school will prepare guidelines for stakeholders on the relevant policies, procedures and responsible staff for handling complaints. The school 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.
- 2.8 To facilitate smooth implementation of the school-based mechanism, the school will ensure that all staff responsible for handling inquiries and complaints understand and comply with the relevant policies and guideline.
- 2.9 The school will regularly review their complaint handling policies and guidelines and revise the handling procedures whenever necessary.

Principle IV: Fair and impartial handling

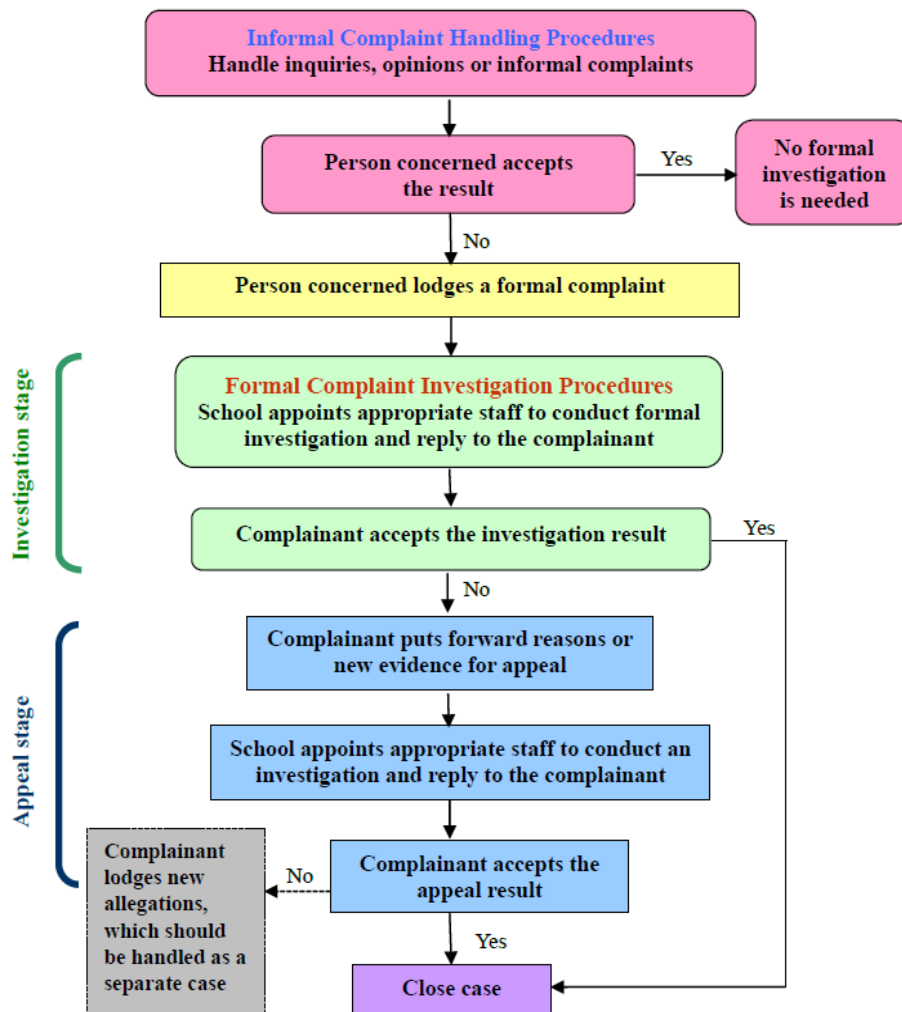
- 2.10 The school will approach complaints positively and treat the complainants and the subjects of the complaints fairly. The school will ensure that sufficient appeal channels are provided and consider inviting independent persons to participate in the complaint/appeal handling process, if necessary.
- 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 should not be involved in handling the case or have access to information relating to it.
- 2.12 To avoid conflict of interest, any staff member who is the subject of the complaint will 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 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

- 3.1 To avoid confusion in the handling process, the frontline staff of the school will carefully differentiate between concerns and complaints. A concern refers to the inquiry or opinion expressed by the stakeholders 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 complainant. 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 will avoid mixing up concerns with complaints in order to decide the appropriate procedures to handle them.
- 3.2 In general, unless the person concerned insists on making a formal complaint, the responsible staff will promptly (within ten working days) 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 the school.

Diagram 1: Flowchart of School Complaint Handling Procedures



Informal Complaint Handling Procedures

Immediate/prompt handling

3.3 If the school handle inquiries or complaints efficiently and appropriately, they will manage not only to remove misunderstandings and forestall crises, but also enhance their own image. The school will adopt the following arrangements:

- ◆ If the school receives an inquiry, opinion or informal complaint from the public, whether verbal or written, the frontline staff will 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 will handle the matter following the informal complaint handling procedures of the school.
- ◆ The frontline staff will listen to the concerns of the inquirer/complainant with care and understanding. If the incident is not serious, they will provide whatever assistance or information required or promptly respond (within ten working days) to the concerns raised by the inquirer/complainant and help resolve the problems involved.
- ◆ If necessary, the school staff in charge of the relevant issue will have direct talks or interviews with the person(s) concerned to explain the school's stance and remove any misunderstanding, misgivings or worries of them.
- ◆ An initial response will be given within ten working days.
- ◆ If necessary, the frontline staff will refer the case to a designated staff or a senior officer for prompt follow up actions and resolutions. The principal will 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

3.4 For verbal inquiries/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 will decide whether a simple written reply to the person(s) concerned/complainant is appropriate.

Complaint records

3.5 Cases handled by the informal complaint handling procedures normally need not be documented in formal written records.

Appropriate follow-up

3.6 The school will 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 will 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

3.7 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) will be initiated:

(i) Investigation stage

If the school receive any formal complaints (including those referred by the EDB or other organisations), they will 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;
- ◆ 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 (Investigation will be completed 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 will adopt the following procedures with appeal cases:

- ◆ 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 (Investigation will be completed 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 will cautiously review the appeal process to ensure that proper procedures have been followed.
- ◆ if the complainant raises other new allegations, the school will handle them separately in order to avoid mixing up the old complaints with the new ones.

Resolving conflict through mediation

3.8 When handling complaints, the school will, 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

3.9 If the complaint or appeal is in written form, the school will respond with a written reply. If the complaint is made verbally, the responsible staff will 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 will be forwarded to them for reference.

3.10 Generally speaking, the time limit for replying to a complaint/appeal will 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 will start from the date on which the school receives from the complainant the necessary information. If a reply cannot be given within two months, the school will explain to the complainant in writing why a longer handling time is needed.

Complaint/appeal records

3.11 The school will keep a clear record of cases handled by the formal complaint investigation procedures. The school will establish a complaint record management system to store relevant information (including correspondences, investigation reports and interview records). In addition, the school will keep statistics of complaints and appeals lodged through formal handling procedures 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. The staff in charge will 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

4.1 Taking into account the nature of the complaint, its scope and the people involved, the school will assign a designated staff or set up a task force to handle the complaint with reference to the following arrangements:

- ◆ Staff members who are responsible for the appeal stage will be different from those responsible for the investigation stage. In principle, the staff dealing with the appeal will be of a higher rank than those responsible for the investigation. If this is not practicable, the school will make other arrangements, such as appointing staff from another department, to ensure fair handling.
- ◆ Where necessary, the school/sponsoring bodies will establish a task force to handle special complaint cases. Depending on the situation, the task force will include members of the IMC and representatives from the school sponsoring bodies. To enhance credibility, the school will 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.
- ◆ The appointed staff will 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.
- ◆ Concerning the deployment of staff for handling complaints at different stages, the school will refer to the examples in the table below:

Targets involved	Example	Investigation stage	Appeal stage
Teaching and school staff	1	Senior teacher	Vice Principal
	2	Vice Principal	Principal
	3	Principal	Supervisor
Principal		IMC Investigation Task Force*	Designated staff of school sponsoring body
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 will include independent persons/managers.

Confidentiality

- 4.2 All contents and information of complaints will be kept strictly confidential and restricted to internal reference or reference by relevant persons only.
- 4.3 When the school need to collect personal data during the handling process or when the school receive requests for the disclosure of data/records in respect of the complaint case, the school will observe the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance. This includes 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. The school will 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/>).
- 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 will be protected by passwords. Use of portable data storage devices will be tightly controlled. Where necessary, encrypted portable data storage devices will be used.
- 4.5 The school will 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.
- 4.6 The school will incorporate the arrangements for interviews or meetings with relevant parties into the school-based complaint handling mechanism. To avoid misunderstanding, the school will:
- ◆ 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;
 - ◆ 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
 - ◆ remind the complainant during the interview/meeting that both parties will 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 unauthorized disclosure of personal data or other information of a third party.

Follow-up and evaluation

- 4.7 The school will 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 way of handling, and avoid similar cases from recurring.
- 4.8 The school will take appropriate follow-up measures to improve their services or revise relevant policies for enhancement of professional standards of their services.
- 4.9 The school will 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

- 4.10 The school will provide appropriate training to assist staff to effectively handle inquiries/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.
- 4.11 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. The school will visit the website of the EDB's Training Calendar System and encourage staff to attend relevant courses.

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) 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.
- ◆ The complaint has been properly dealt with through established procedures by the school/EDB but the complainant refuses to accept the investigation result and continues to complain.

(Please contact the EDB for details)

Chapter VI Handling of Unreasonable Behaviour

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

Definition of unreasonable behaviour

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

(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

Formulating school-based policy

6.3 The school will institute appropriate policies and measures to deal with unreasonable behaviour of complainants:

- ◆ The school will designate suitable staff members to ascertain whether a complainant's behaviour is reasonable, and decide what measures should be taken. Generally speaking, the principal will make such decisions. However, if the complaint is lodged against the principal, such decisions will be made by the school supervisor or the IMC.
- ◆ The school will integrate their policies regarding unreasonable behaviour of complainants into the school-based complaint handling mechanism and consult stakeholders' views.
- ◆ All stakeholders will be informed of the school's policy regarding unreasonable behaviour of complainants.

Handling of unreasonable behaviours

6.4 (i) Unreasonable attitude or behaviour

- ◆ 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 will convey this message clearly to the complainant and demand that he/she stop 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.
- ◆ The school will develop contingency measures and guidelines to remind staff responsible for handling complaints to stay alert and take suitable action to protect their own safety. The school will 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 will take appropriate and decisive action, such as reporting to the police or taking legal action.

(ii) Unreasonable demands

- ◆ 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 will 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 will notify the complainant in writing of such arrangements and handling procedures.
- ◆ If the complainant's behaviour improves, the school will consider whether the restrictions should be lifted. If the school decides to keep the restrictions, it will regularly review the conditions for imposing them.

(iii) Unreasonable persistent complaints

- ◆ 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 will decide whether to restrict or stop contacts with the complainant, and cease handling the case altogether.
- ◆ To avoid any unrealistic expectations on the part of the complainant, the school will communicate to him/her in a firm manner that a final decision has been made regarding the case and that the decision is irreversible.
- ◆ In response to these complaints, the school will 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.

Chapter VII Conclusion

Effective school-based mechanism

7.1 To ensure that public inquiries/complaints are properly handled, the school will establish a school-based complaint handling mechanism and procedures relevant to their own circumstances and the needs of stakeholders. It will 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

7.2 An effective school-based complaint handling mechanism not only increases public confidence in school governance, but also prevents public opinions/inquiries from evolving into formal complaints or unnecessarily escalating to the EDB or other government departments/organisations.

Maintaining good communication

7.3 In addition to formulating an effective complaint handling mechanism, the school will 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, the school will 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 inquiry/complaint handling mechanism and procedures.

Making continuous improvement

7.4 The EDB has published the Guidelines 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 this is the first step towards supporting the school in enhancing/establishing their own inquiry/complaint handling mechanism. The EDB will continue to keep close contact with the school and stakeholders, listen to their views and improve our recommendations in order to help the school establish an effective framework for handling public complaints.

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

Domain	Examples
Management and Organisation	<ul style="list-style-type: none"> • School accounts (e.g. accounting records) • Other charges (e.g. extra-curricular activities charges and registration fees) • School policies (e.g. system of reward and penalty, arrangements regarding students' suspension from school) • Standards of contractors' services (e.g. school bus services, supply of meal boxes) • Service contracts (e.g. tendering procedures) • School environment and hygiene (e.g. noise pollution, mosquitoes problems)
Learning and Teaching	<ul style="list-style-type: none"> • School-based curriculum (e.g. subject lesson time) • 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) • Staff performance (e.g. behaviour/attitudes of teaching staff, job performance)
School Ethos and Student Support	<ul style="list-style-type: none"> • School ethos (e.g. uniform and other aspects of appearance) • Home-school cooperation (e.g. consultation mechanism, communication channels) • Student support (e.g. support for students with special educational needs) • Extra-curricular activities (e.g. arrangements for interest groups and other student activities)
Student Performance	<ul style="list-style-type: none"> • Students' overall performance (e.g. academic results, conduct) • Student discipline (e.g. foul and abusive language, smoking, fighting, bullying)