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## **Tsuen Wan Government Secondary School**

### **Guidelines and Procedures for Handling Complaints**

Complaints should be handled positively, with patience and understanding, and provide prompt responses within an appropriate time frame. 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.

#### **I. General Principles for Handling Complaints**

##### **1.1 Handling of complaints by the appropriate party/parties**

###### **1.1.1 Complaints to be handled by school**

- 1.1.1.1 Complaints about the **daily operation** and **internal affairs** of schools (refer to Appendix 1).
- 1.1.1.2 If formal complaints against the Principal or the SMC are received by school, the REO should be informed and the complaint will be directly handled by respective School Development Officer(s).
- 1.1.1.3 To ensure compliance with the relevant requirements, complaints of different nature about daily operation and internal affairs should be handled in accordance with the relevant EDB circulars and internal circulars, guidelines and codes of practice.

###### **1.1.2 School may consider not handling the following types of complaints:**

- 1.1.2.1 Anonymous complaints
  - ♦ Should the complainant fail or refuse to provide personal details, including his/her name and the correspondence, thus rendering it impossible for the school to investigate and reply to the complainant, the school **may** deem the complaint anonymous and not handle it.
  - ♦ However, under special circumstances (eg. when there is sufficient evidence or when the case is serious or urgent), the Principal will decide whether to follow up with an anonymous complaint, such as treating it as 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 responsible staff should briefly state the reasons on the record form (Appendix II) and put on file for record.
- 1.1.2.2 Complaints not made by the person concerned
  - ♦ Anyone or organization/group who/which seeks to file a complaint on behalf of the person concerned has to obtain his/her prior written consent/authorization. If the case involves a student (or a minor, or an intellectually disabled person), then his/her parents/guardian, or the person authorized by the parents/guardian, may lodge a complaint on his/her behalf.

- ♦ If a complaint is lodged by more than one person on behalf of the person concerned, the school may require the person concerned to appoint one of them as the contact person.

#### 1.1.2.3 Complaints with insufficient information

- ♦ If the complainant has not provided sufficient information and/or failed to provide further information requested to enable a proper or meaningful investigation, the school may decide not to conduct investigation and close the case. To avoid misunderstanding, the school should **provide a written reply** to the complainant explaining clearly why the case was not handled by the school.

Parents and the public are advised to lodge any complaints related to school daily operation and internal affairs **within the same school year**. As 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 evidences.

### 1.1.3 Complaints not to be handled by school

1.1.3.1 Complaints against the Principal or the SMC should be handled by Regional Education Office (REO)

1.1.3.2 Complaints of the following types should be redirected to relevant division(s)/section(s) of the EDB as soon as possible:

- ♦ Complaints about education policies (eg. class structure and class size)
- ♦ Complaints about alleged contravention of the Education Ordinance, Education Regulations or violation of the provisions of relevant circulars or internal circulars
- ♦ Complaints about services directly provided by the EDB (eg. school place allocation, services provided by REO)

1.1.3.3 The school-based mechanism for complaint handling is not applicable to the following types of complaints:

- ♦ complaints related to ongoing legal proceedings
- ♦ complaints under the jurisdiction of other organization/government departments
- ♦ complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft

## 1.2 Designated Staff

1.2.1 Taking into account the nature of the complaint, its scope and the people involved, the Principal may assign a designated staff or set up a task force to handle the complaint.

1.2.2 Staff responsible for investigation stage should be the head of the related team who is of the same rank/a higher rank than the subject of the complaint, or his/her appraising officer.

1.2.3 The staff dealing with the appeal should be of a higher rank than those responsible for the investigation.

1.2.4 A task force may be established, where necessary, to handle special complaint cases. The task force may include members of the SMC and representatives from other division(s)/section(s) of EDB. Independent persons, such as social workers, lawyers, psychologists, and parents or teachers not involved in the case may also be invited to join the task force to provide professional advice and support.

Targets Involved	Responsible Staff	
	Investigation Stage	Appeal Stage
Teaching and school staff	Head of the related team who is of the same/of a higher rank/the Appraising officer	Assistant Principal
Assistant Principal	Principal	SMC Chairperson/REO Staff
Principal/SMC	REO Staff	Designated staff of the EDB

### 1.3 Timely and efficient handling

1.3.1 Upon receipt of an inquiry/a complaint, the frontline staff should either directly handle it or immediately refer it to the Principal/assistant principal, who will assign an appropriate staff/form a task force for action, so as to prevent any uninviting situation from worsening.

1.3.2 If an incident is referred or reported to school by the media, the following measures should be adopted:

- ♦ the Principal/a spokesman appointed by the Principal will handle inquiries from the public/the media so as to avoid giving confusing messages.
- ♦ the Principal or the appointed spokesman should provide appropriate responses or clarification to the public **within two calendar 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.
- ♦ the Principal will inform the SMC Chairperson, all teaching and non-teaching staff, students and parents of the progress of the case as far as possible; assistant principals/Counselling Team/Crisis Management Team will observe whether students and staff have been emotionally affected by the incident, and provide them with appropriate counselling where necessary.

### 1.4 Clear and transparent mechanism

1.4.1 Different stakeholders, eg. parents, staff and the public will be informed of the policies and procedures of complaint handling in school through different channels, eg. School website, staff meetings, parents' meetings and circulars issue at the beginning of each school year, etc.

1.4.2 The complaint handling policies and procedures will be reviewed regularly, and revision will be made whenever necessary.

## 1.5 Fair and impartial handling

- 1.5.1 The complainants and the subjects of the complaints should be treated fairly and sufficient appeal channels (Refer to para 2.3.2 Appeal Stage) should be provided. Independent persons may be invited to participate in the complaint/appeal handling process, if necessary.
- 1.5.2 Before an investigation begins or where appropriate, the responsible staff and related individuals should **declare interests**. If there is any conflict of interest, the person concerned should avoid handling the case or having access to information relating to it.
- 1.5.3 To avoid conflict of interest, any staff member who is the subject of the complaint should not be involved in conducting or supervising the investigation, or signing and issuing letters to the complainant.
- 1.5.4 The rights of the complainants or other persons involved in the complaint should be protected and that their future communication and contact with the school would not be affected.

## 1.6 Confidentiality

- 1.6.1 The regulations and recommendations laid down in the Personal Data (Privacy) Ordinance should be observed when collecting data during the handling process or when receive requests for the disclosure of data/records in respect of the complaint case.
- 1.6.2 All complaints should normally be graded as "Restricted" and only authorised persons are allowed access to information. The responsible persons should not disclose or discuss in public any contents or information relating to the case without authorization. All complaints and personal data should be kept in cabinet under lock and key.
- 1.6.3 Where interviews or meetings with complainant(s) involved,
  - ♦ state clearly whether the person(s) concerned can be accompanied by others (eg. 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 has been obtained if the session is to be audio/video recorded.
  - ♦ staff concerned should observe and comply with Data Protection Principles appended to Personal Data (Privacy) Ordinance during the interview/meeting and should reiterate the stance that he/she cannot disclose any personal data and information of a third party.
  - ♦ the complainant(s) should also be reminded to be cautious of unauthorized release of third part information and hence should be refrain from divulging any such information before the interview/meeting.
  - ♦ government school staff should **not** refuse audio/video recording requests made by complainants in carrying out a public duty.

## **1.7 Responding to complaints/appeals**

- 1.7.1 All written correspondences should be endorsed by the **Principal or the responsible staff with the consent from the Principal.**
- 1.7.2 If the complaint or appeal is in written form, the responsible person should respond with a written reply. For informal verbal complaint, the responsible staff may decide whether to respond orally or in writing.
- 1.7.3 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 30 calendar days**, the responsible staff should explain to the complainant in writing why a longer handling time is needed to provide a substantive reply and, if possible, the estimated time frame for issuing a substantive reply.

## **1.8 Resolving conflict through mediation**

- 1.8.1 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/organizations being complained against).

## **1.9 Complaint/Appeal records**

- 1.9.1 A clear record of cases handled by the formal complaint investigation procedures should be kept (see Appendix VI).
- 1.9.2 The responsible staff should submit a full set of the complaint document to the Principal **within 14 calendar days** for storage after the closure of the case.

## **1.10 Appropriate follow-up**

- 1.10.1 A review on 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 should be carried out. If necessary, the responsible staff may brief the complainant(s) of the follow-up actions that the school has adopted and the results that follow.

# **II. Procedures for Handling Complaints**

## **2.1 Interpretation of Complaints**

- 2.1.1 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

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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.

## **2.2 Informal Complaint Handling Procedures**

- 2.2.1 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.
- 2.2.2 The frontline staff should listen to the concerns of the 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 inquirer/complainant and help resolve the problems involved.
- 2.2.3 If necessary, the staff in charge of the relevant issue should 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 within **three** school days.
- 2.2.4 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 may decide whether a simple written reply to the person(s) concerned/complainant is appropriate.
- 2.2.5 If the complainant(s) accept the reply, the staff responsible for handling the complaint can conclude the case and record the key points in a log book for future reference (Appendix III).
- 2.2.6 If the complainant(s) do(es) not accept the reply, the Principal will appoint an appropriate staff/task force to conduct formal investigation.

## **2.3 Formal Complaint Handling Procedures**

### **2.3.1 Investigation Stage**

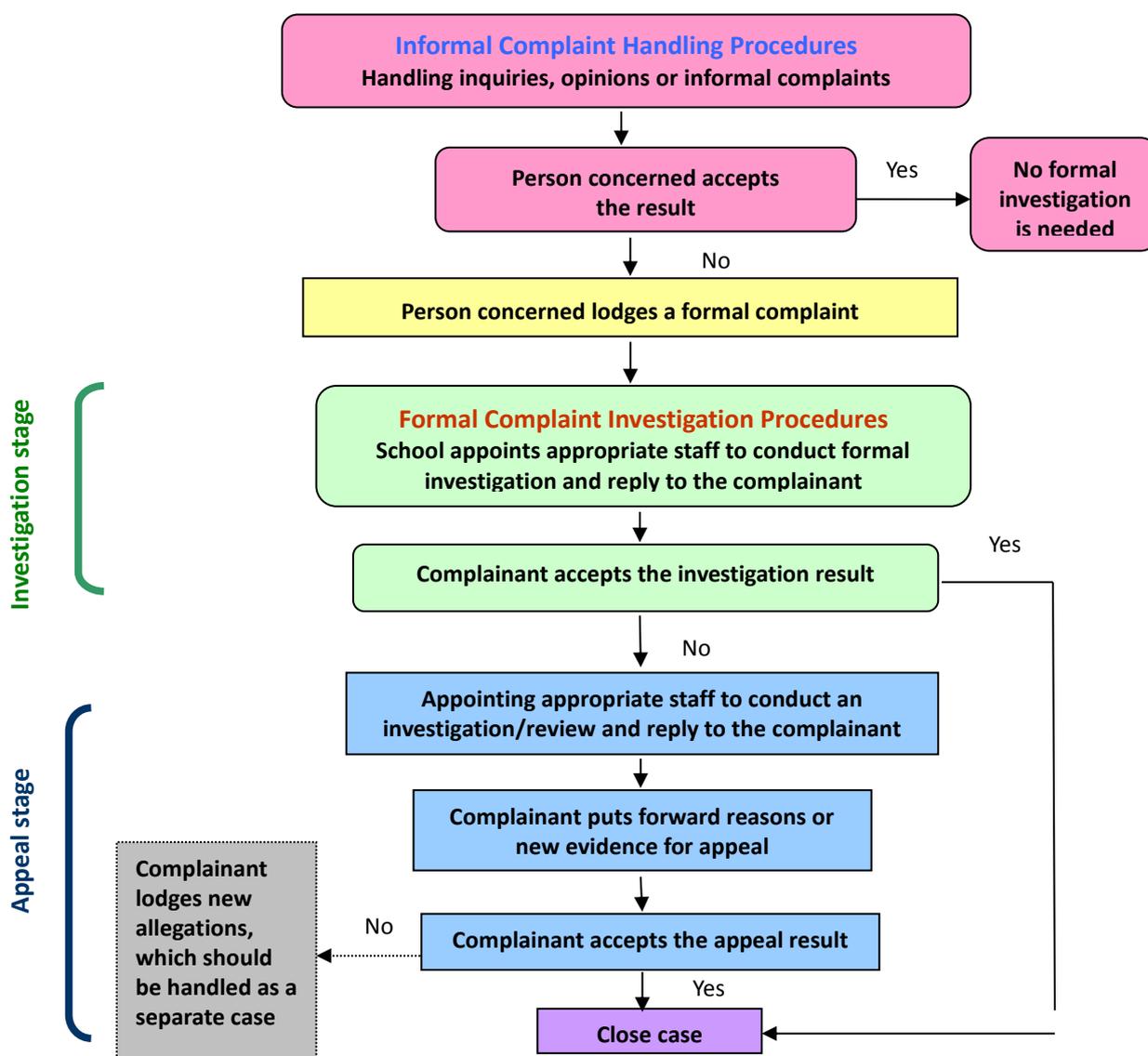
- ♦ Principal will appoint an appropriate staff (Refer to para 1.2) to investigate the complaint and reply to the complainant.
- ♦ Acknowledge receipt of the complaint **within 10 calendar days**, seek the complainant's consent to obtain his/her personal data and information relating to the complaint and inform him/her of the name, post title and phone number of the staff responsible for handling the case for contact purpose (See Appendix IV and V).
- ♦ 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.

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- ♦ Handle the complaint as quickly as possible. Normally, an investigation should be completed **within 30 calendar days** after receiving the complaint and send a written reply to inform the complainant of the investigation result. For complicated cases which require a longer processing time, an interim reply should be issued (**also within 30 calendar days**) to inform the complainant of the progress of the case and the reasons why a longer time is needed to provide a substantive reply and, if possible, the estimated time frame for issuing a substantive reply.
  - ♦ If the complainant accepts the investigation result, conclude the case officially.
  - ♦ 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. The school may inform the complainant the time limit (**14 calendar days**) of making an appeal in its reply.

### 2.3.2 Appeal Stage

- ♦ Assign a staff of a **higher rank** than those responsible for 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 (complete investigation **within 30 calendar days** 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 appeal is handled, the appeal process should be cautiously reviewed to ensure that proper procedures have been followed.
- ♦ If 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, the Principal may request the "Review Board on School Complaints" set up by the EDB to review the case.
- ♦ The responsible staff 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 Review Board of the EDB for a review **within 14 calendar days** from the date of the school's reply.
- ♦ If the complainant raises other new allegations, they should be handled separately in order to avoid mixing up the old complaints with the new ones.

## Flowchart of School Complaint Handling Procedures



### III. Handling of Unreasonable Behaviour

#### 3.1 Types of unreasonable behaviour (including face-to-face, by phone, or in writing)

##### 3.1.1 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

##### 3.1.2 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

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- 3.1.3 Unreasonable persistent complaints, such as
- ♦ insisting on rejecting the explanations and findings of the school, and/or requiring the school 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

## **3.2 Handling of unreasonable behaviours**

3.2.1 The Principal will be responsible for ascertain whether a complainant's behaviour is reasonable, and decide who should be responsible for handling it and what measures should be taken.

3.2.2 Measures to deal with unreasonable behaviour of complainants:

### 3.2.2.1 Unreasonable attitude or behaviour

- ♦ The staff member handling the complaint should convey clearly to the complainant that his/her attitude/behaviour is unreasonable and demand him/her to 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 staff member should also stay alert and take suitable action to protect his/her own safety. In an emergency or if it is deemed necessary, appropriate and decisive action, such as reporting to the police or taking legal action, should be taken.

### 3.2.2.2 Unreasonable demand

- ♦ If a complainant makes unreasonable demands which have an adverse impact on the school, eg. interrupting the operation/services or other stakeholders are affected by the unreasonable behaviour of the complainant, with the consent from the Principal, the responsible staff member may consider suggesting to the complainant(s) alternative communication methods (eg. make appointment before visiting the school, submit his/her views in writing, contact only the staff designated by school, contact the school staff according to the time, frequency, date, duration, and modes of communication specified by the school). The staff must notify the complainant in writing of such arrangements and handling procedures.
- ♦ If the complainant's behaviour improves and with the consent from the Principal, the staff member may consider whether the restrictions should be

lifted. If it is decided to keep the restrictions, it should regularly review the conditions for imposing them.

3.2.2.3 Unreasonable persistent complaints

- ♦ If the complaint has been carefully examined and properly handled under the prescribed investigation and appeal procedures, and a detailed and unbiased written explanation regarding the outcome to the complainant has been sent, then the principal may escalate the case via REO to a senior directorate ranked no less than D2 level for a decision on whether any further correspondence or action on the complaint should be discontinued.
- ♦ Upon agreement by the above senior management to cease handling the case, the principal or designated staff should communicate with the complainant in a firm manner that a final decision has been made regarding the case and that the decision is irreversible in order to avoid any unrealistic expectations on the part of the complainant.
- ♦ If repeated complaints are received from the complainant subsequently, the principal or designated staff may send a 'Reply Card' (Appendix VII) to the complainant, referring him/her to the replies previously given.

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

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