

Po Leung Kuk Yu Lee Mo Fan Memorial School

**School-based
Complaint Handling Mechanism**

(1) Aim

Our school always endeavors to maintain a good communication and partnership with the stakeholders and the community. We expect to handle enquiries, opinions and complaints more speedily and effectively to enhance the governing ability, credibility and provide quality educational services for the society.

(2) Scope of Application

2.1 The mechanism is 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:

2.1.1 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. Therefore, 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
- ◆ 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.
- ◆ 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 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.

2.2 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;
- ◆ If school receives any complaints lodged by school staff, it should handle them in accordance with the IMC's Personnel Guideline "Mechanism on Handling Complaints".

2.3 In general, schools need not handle the following types of complaints:

2.3.1 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 may 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 may 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 may decide whether to follow up with an anonymous complaint, such as treating it as an internal reference, informing the respondent about the complaint, or 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.

2.3.2 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.

2.3.3 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/respondent 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. 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.

2.3.4 Complaints with insufficient information

- ◆ Schools may require the complainant to provide concrete information regarding a case. If the complainant fails to provide sufficient information to allow investigation to proceed, schools may not handle the complaint concerned.

(3) Guiding Principles

3.1 Clear and transparent mechanism

- 3.1.1 School should consult teachers and parents to ensure that the relevant procedures are accepted by all stakeholders.
- 3.1.2 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, staff meetings and parent-teacher meetings.
- 3.1.3 Schools should ensure that all staff responsible for handling inquiries and complaints understand and comply with the relevant mechanism.

3.2 Timely and efficient handling

Schools should handle and respond to all verbal or written inquiries, opinions or complaints as soon as possible to prevent any uninviting situation from worsening. Upon receipt of an inquiry/a complaint, the frontline staff should either directly handle it or immediately refer it to the Administrative Officer for action. If the Administrative Officer cannot resolve the problem, they should seek help from the Vice-principal (Administration).

3.3 Confidentiality

- 3.3.1 All contents and information of complaints should be kept strictly confidential and restricted to internal reference or reference by relevant persons only.
- 3.3.2 When school needs to collect personal data during the handling process or when we receive requests for the disclosure of data/records in respect of the complaint case, we should 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.

- 3.3.3 Schools should adopt appropriate security measures to protect personal data and privacy.
- 3.3.4 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.
- 3.3.5 If it needs to interview or meet with relevant parties, schools should:
- ◆ 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; and
 - ◆ 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.

3.4 Fair and impartial handling

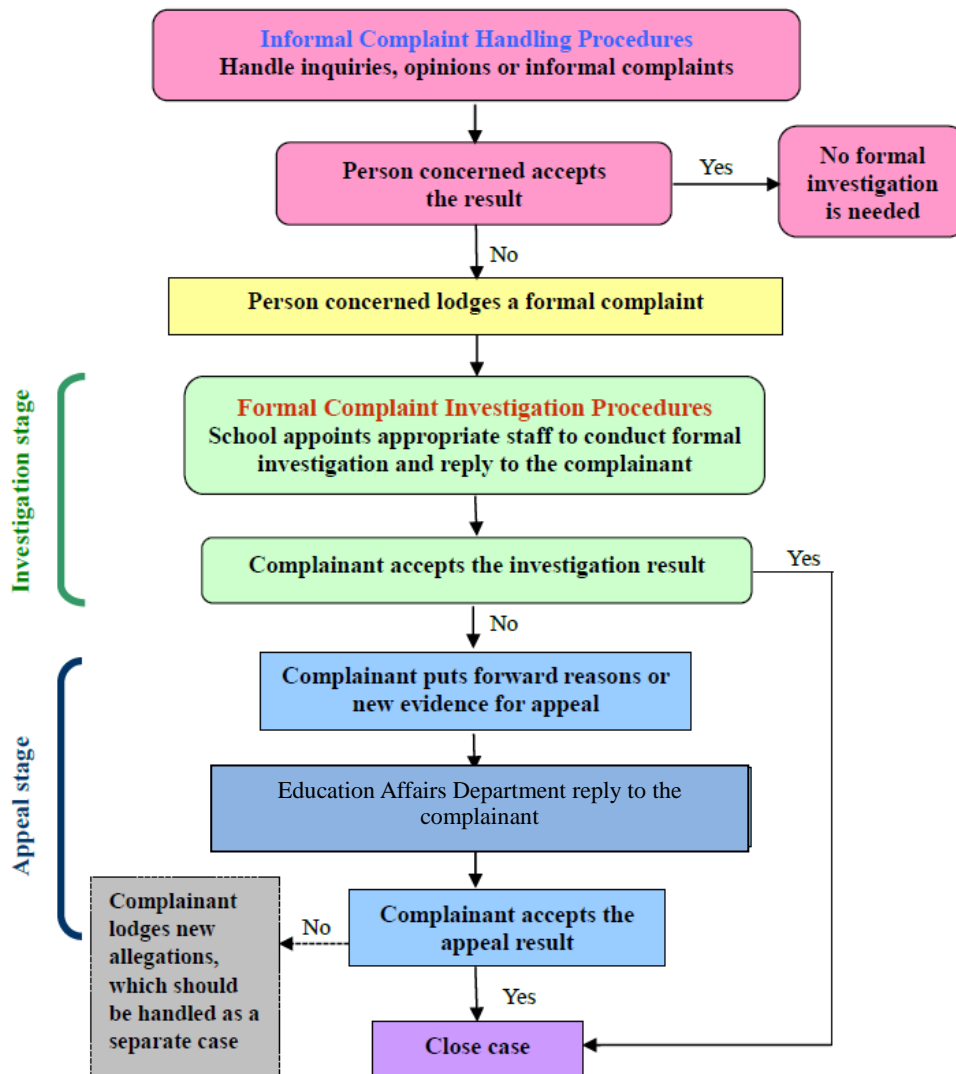
- 3.4.1 Schools should approach complaints positively and treat the complainants and respondents of the complaints fairly. Schools should ensure that sufficient appeal channels are provided and consider inviting independent persons to participate in the complaint/appeal handling process, if necessary.
- 3.4.2 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.
- 3.4.3 To avoid conflict of interest, any staff member who is the respondent of the complaint should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.
- 3.4.4 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.

3.5 Under continuous review and improvement

- 3.5.1 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 way of handling, and avoid similar cases from recurring.
- 3.5.2 Schools should take appropriate follow-up measures to improve their services or revise relevant policies for enhancement of professional standards of their services.
- 3.5.3 School should regularly review the complaint handling policies and guidelines, and revise the handling procedures whenever necessary.

(4) Procedures for Handling Complaints

Diagram 1: Flowchart of School Complaint Handling Procedures



* For more detail about the “School-based Complaint Handling Mechanism”, please contact the Administrative Officer at 2566-3805.