

Guidelines for Handling school Complaints

Purpose

HKUGA College is striving for excellence and efficiency, and promoting accountability and transparency. We aim at establishing a good communication culture and a sound complaint management system for all stakeholders. We intend to provide a clear and easy guide for people to know how to contact us should they need to lodge a complaint. We are committed to being responsive to the needs and concerns of our stakeholders and to resolving their complaints in an efficient, effective and professional manner. This Policy provides a fair, consistent and efficient approach for the handling of complaints in the College. We also take reasonable steps to actively protect personal information from all complainants.

A. Scope of Application

The principles, procedures and arrangements are applicable for handling complaints about daily operations and internal affairs of the College lodged by parents, students or the public through post, fax, email, phone or in person:

The guidelines are not applicable to handling of the following types of complaints:

- 1) Complaints related to ongoing legal proceedings;
- 2) Complaints under the jurisdiction of other organizations/government departments;
- 3) Complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft;
- 4) Complaints lodged by school staff (this would be handled in accordance with the current school-based procedure)
- 5) The College will not handle the following types of complaints:
 - i. Anonymous complaints
 - ii. Complaints not made by the person concerned
 - iii. Complaints involving incidents that happened more than one year prior
 - iv. Complaints with insufficient information

B. Guiding Principles for Handling Complaints

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

The College will handle complaints relating to our daily operation and internal affairs. If the complaint involves both the College and Education Bureau (EDB), it should be handled by the College and related division(s)/section(s) of the EDB.

Principle II: Timely and efficient handling

The College will handle and respond to all verbal or written inquiries, opinions or complaints as soon as possible. Upon receipt of an inquiry/a complaint, the frontline staff will immediately refer it to

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designated staff/task force for action. If the responsible staff cannot resolve the problem, they will seek help from more senior staff members.

If an incident is referred or reported to the College by the media, we will adopt the following measures:

- i. Appoint a spokesman (e.g. the Vice Principal) to handle inquiries from the public/the media so as to avoid giving confusing messages.
- ii. Provide appropriate responses or clarification to the public as soon as possible, including information about actions taken or preliminary investigation results, and ensure that the information provided is clear, accurate and in line with requirements under the Personal Data (Privacy) Ordinance.
- iii. Inform all teaching 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 counseling where necessary.

Principle III: Clear and transparent mechanism

In formulating the procedures, teachers and parents have been consulted. They are fully aware of the details of the procedures through different channels, e.g. school website, staff handbook, staff meetings, parent meetings, or seminars. To facilitate smooth implementation, we will ensure that all staff responsible for handling inquiries and complaints understand and comply with the relevant policies and guidelines. The staff in charge will review the complaint handling policies regularly and propose to revise the handling procedures whenever necessary.

Principle IV: Fair and impartial handling

The College will approach complaints positively and treat the complainants and the subjects of the complaints fairly. We will ensure that sufficient appeal channels are provided and consider inviting independent persons to participate in the complaint/appeal handling process, if necessary.

Before an investigation begins, the designated staff and related individuals are required to declare interests. If there is any conflict of interest, the persons concerned will be strictly restricted from handling the case or having access to information relating to it.

To avoid conflict of interest, any staff member who is the subject of the complaint will be strictly restricted from handling the case, supervising the investigation, or signing and issuing letters to the complainant.

The College will ensure the rights of the complainants or other persons involved in the complaint are being protected and that their future communication and contact with us would not be affected.

C. Procedures for Handling Complaints

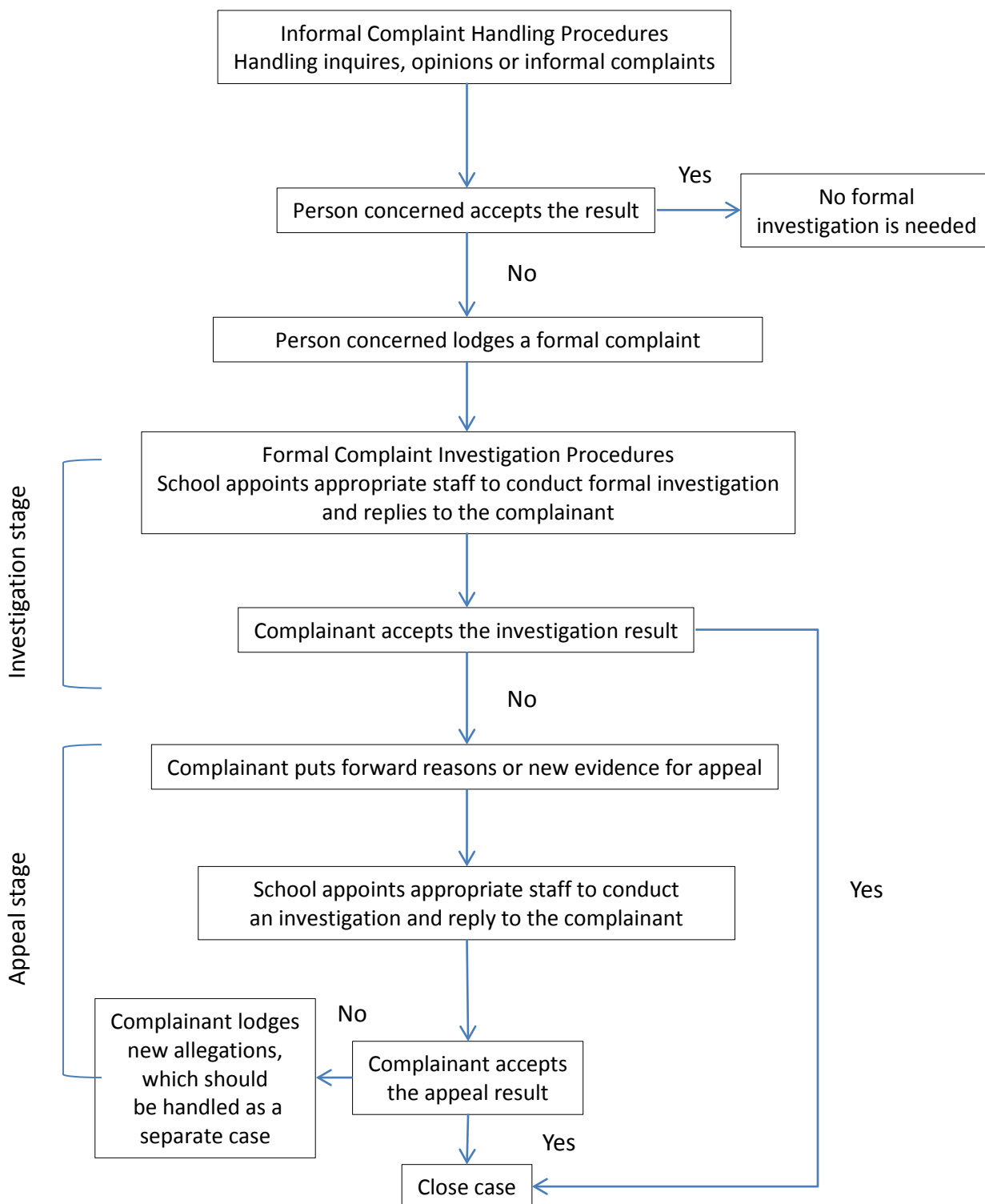
Interpretation of Complaints

In receiving complaints, frontline staff should carefully differentiate between concerns and complaints.

- Concern refers to the inquiry or opinion expressed by the stakeholders for the interests of themselves, their children or school, with a view to changing or improving the existing situation.

- Complaint is an expression of disappointment, dissatisfaction or grievance expressed by the complainant. They may demand the school to rectify perceived mistakes, take disciplinary action against the suspected offenders, or resolve the issue(s) raised in the complaint.

Flowchart of School Complaint Handling Procedures



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Informal Complaint Handling Procedures

Immediate/prompt handling

- 1) Frontline staff should distinguish the nature of the inquiry, opinion or informal complaint and take appropriate action.
- 2) Frontline staff should 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 responds to the concerns raised by the inquirer/complainant and help resolve the issues raised.
- 3) If necessary, a school representative appointed by the Principal should have direct talks or interviews with the person(s) concerned to explain the school's stance and remove any misunderstanding, misgivings or worries they may have.
- 4) An initial response should be made within 3 working days.
- 5) If necessary, frontline staff should refer the case to a designated staff member or senior management member for prompt follow up actions and resolutions. The Principal may decide whether to take up the handling of the case depending on the situation of the school and the nature of the case.

Replying to complaints

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

Complaint records

If inquiries/complaints have been answered or resolved immediately, the designated staff may record the key points in a log book for future reference.

Formal Complaint Handling Procedures

When the responsible staff has made its efforts to resolve the problem through the informal complaint handling procedures but the complainant still does not accept the response or the problem remains unresolved, the following formal complaint investigation procedure (including an appeal mechanism) should be initiated:

Investigation stage

When the College receives any formal complaints (including those referred by the EDB or other organisations), the following procedures will be followed:

- 1) In accordance with the school-based mechanism, assign appropriate staff to investigate the complaint and reply to the complainant;

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- 2) 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;
- 3) 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;
- 4) A written reply should be sent to the complainant to inform him/her of the investigation result within 2 months after receiving the complaint;
- 5) If the complainant accepts the investigation result, conclude the case officially; and
- 6) If the complainant does not accept the investigation result or the manner of handling the complaint, and/or is able to provide new evidence or sufficient justification, he/she may lodge an appeal in writing against the decision within 14 days from the date of its reply.

Appeal Stage

When the College receives an appeal case, the following procedures will be followed:

- 1) An appropriate staff member (of higher rank than those responsible for the investigation stage or staff from a different section) will be assigned to handle the appeal and reply to the complainant;
- 2) A written reply should be sent to complainant within 2 months to inform him/her of the appeal result;
- 3) If the complainant accepts the appeal result, conclude the case officially;
- 4) If the complainant does not accept the appeal result or the manner of handling the appeal, we should cautiously review the appeal procedures to ensure that proper procedures have been followed;
- 5) If the complainant raises other new allegations, we should handle them separately in order to avoid mixing up the old complaints with the new ones.

Resolving conflict through mediation

Depending on the nature of individual cases, the College may seek mediation service from a mediator, or invite independent persons/professionals to provide impartial views to assist the persons concerned.

Responding to complaints/appeals

If the complaint or appeal is in written form, the responsible staff 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 organization(s), a copy of the written reply should be forwarded to them for reference. If a reply cannot be given within 2 months, the responsible staff should explain to the complainant in writing why a longer handling time is needed.

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Complaint/appeal records

The College will keep a clear record of cases handled by the formal complaint investigation procedures for future reference.

Appropriate follow-up

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

D. Arrangements for Handling Complaints

Designated Staff

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

- i. Staff members who are responsible for the appeal stage should be different from those responsible for the investigation stage. In principle, the staff dealing with the appeal should be of a higher rank than those responsible for the investigation.
- ii. Where necessary, the IMC may establish a task force to handle special complaint cases. The task force may include members of the IMC and representatives from the school sponsoring body (SSB). The College may invite independent persons such as social workers, lawyers, psychologists and parents or teachers not involved in the case to join the task force to provide professional advice and support.
- iii. The appointed staff should be proactive in communicating with the inquirers/complainants, and prompt in providing responses as well as the information they need. Frontline/designated staff should have proper authorization and clearly understand their roles and responsibilities.
- iv. Deployment of staff for handling complaints at different stages:

Target of Complaint	Example	Investigation stage	Appeal stage#
Teaching and non-teaching staff	1	Head of Department/Head of Committee	Assistant Principal/Vice Principal
	2	Assistant Principal/Vice Principal	Principal
	3	Principal	Supervisor/IMC
Principal	1	Supervisor	Designated representative (s) appointed by the IMC/SSB
	2	IMC Investigation task force	Supervisor/IMC Appeal task force*
Supervisor / IMC		Designated staff of sponsoring body*	Designated representative (s) appointed by the IMC/SSB/Task force

Remarks:

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

Confidentiality

- 1) All contents and information of complaints should be kept strictly confidential and restricted to internal reference or reference by authorized persons only.
- 2) When there is a need to collect personal data during the handling process or receive requests for the disclosure of data/records with respect to the complaints case, the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance (Cap. 486) should be observed.
- 3) All data and information of complaints will be kept in safe places. Computer data will be protected by passwords.
- 4) Only authorized persons are allowed to access the information related to the case. The responsible persons should not disclose or discuss in public any contents or information relating to the case without authorization.
- 5) When incorporating the arrangements for interviews or meetings with relevant parties, the following guides should be followed:
 - a. State clearly whether the person(s) concerned can be accompanied by other (e.g. relatives, legal representatives) during the interview/meeting and reiterate this stance before the interview/meeting starts;
 - b. Indicate before the interview/meeting starts whether audio/video recording is prohibited or whether the consent of all attendees must be obtained of the session is to be audio/video recorded. This stance should be reiterated before the end of the interview/meeting; and
 - c. Remind the complainant during the interview/meeting that both parties should observe and comply with the Data Protection Principles stated in schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486) and be cautious of any unauthorized disclosure of personal data or information to a third party.

Follow-up and evaluation

The designated staff will:

- i. conduct a comprehensive review of the strategies, processes and steps we have taken in handling complaints in order to benefit from past experiences, improve our method of handling, and avoid similar cases from recurring;
- ii. take appropriate follow-up measures to improve our services or revise relevant policies for enhancement of professional standards of our services;
- iii. regularly review the complaint handling policies and report to the IMC by providing improvement measures to enhance our school-based complaint handling mechanism and procedures.

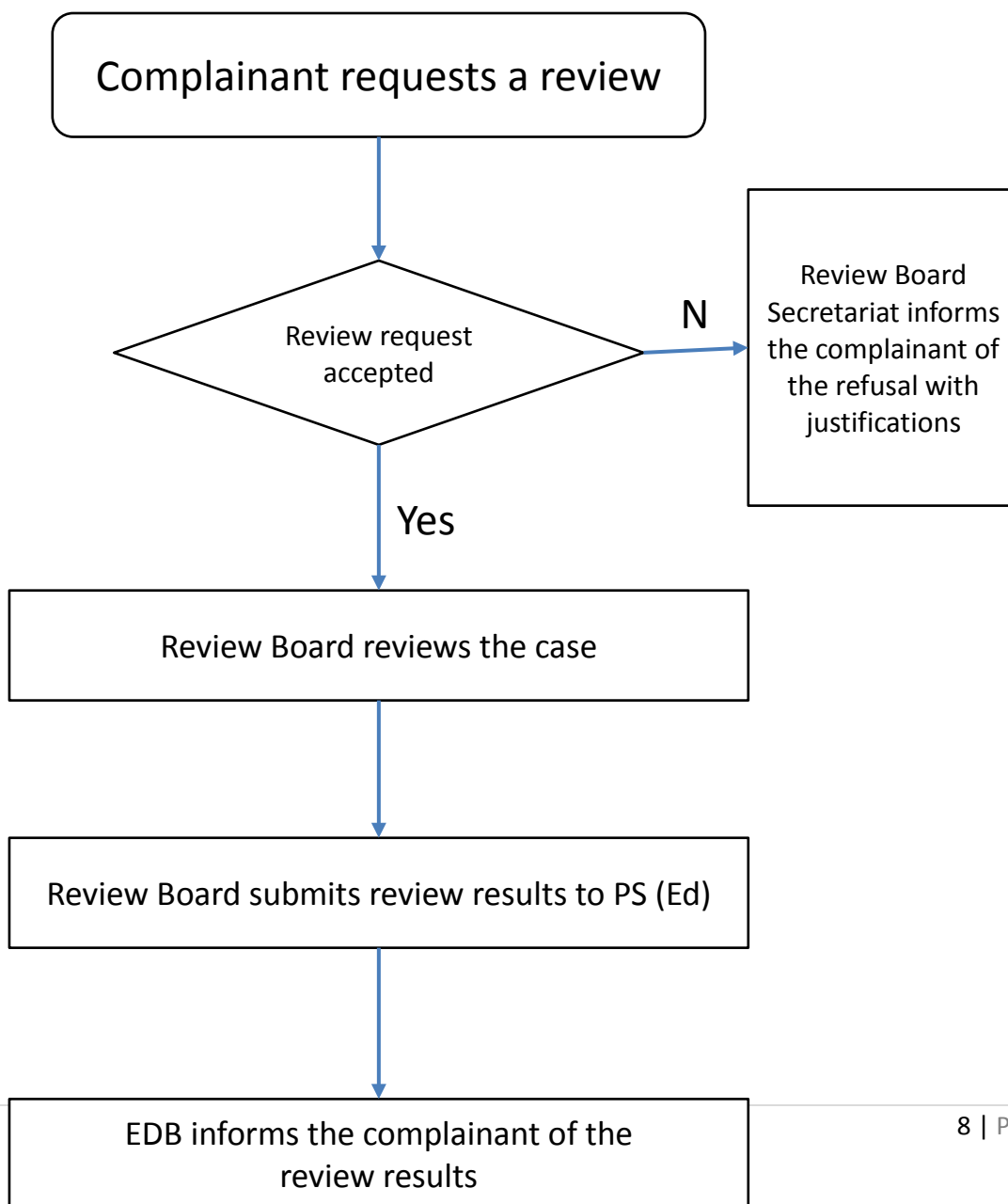
E. Review of Complaints

When the complaints remain unresolved after the investigation and appeal stages, complainants may request the “Review Board on School Complaints” (Review Board) set up by EDB to review these cases under the following circumstances:

- 1) The complainant should apply in writing to the EDB for a review within 14 days from the date of the College’s reply.
- 2) The complainant provides substantial grounds or new evidence to show that the College has handled the case improperly.
- 3) The complaint has been properly dealt with through established procedures by the College but the complainant refuses to accept the investigation result and continues to complain.

The Review Board is responsible for reviewing school-related complaint cases that have been handled by the College or the EDB through the investigation and appeal stages. The review results and recommendations will be submitted to the Permanent Secretary of Education (PS(Ed)) for consideration.

Diagram 2: Review Stage



F. Handling of Unreasonable Behavior

General types of unreasonable behavior:

- 1) Unreasonable attitude or behavior, 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
- 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 specific staff member to reply
 - Commanding a specific staff member to meet at a specific time and place
- 3) Unreasonable persistent complaints
 - Insisting on rejecting the explanations and findings of the College even after appropriate investigation procedures have been taken
 - In respect to 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

The Principal can ascertain and decide if the case is classified as unreasonable behavior of complainants. However, if the complaint is lodged against the Principal, such decisions will be made by the school Supervisor or the IMC.

Handling of unreasonable behavior

1) Unreasonable attitude or behavior

Any unreasonable attitude or behavior, including acts of violence, intimidation, and abusive/offensive conduct or language, whether performed face to face, by phone, or in writing are unacceptable. The staff member handling the complaint should convey this message clearly to the complainant and demand 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. In an emergency or if it is deemed necessary, we should take appropriate and decisive action, such as reporting to the police or taking legal action.

2) Unreasonable demands

If a complainant makes unreasonable demands which have an adverse impact on the College, e.g. interrupting its operation/services or other stakeholders are affected by the unreasonable behavior of the complainant, we will consider putting restriction on the complainant's contacts with the College, including specifying the time, frequency, date, duration and modes of communication. The complainant will be notified in writing of such arrangements and handling procedures.

3) Unreasonable persistent complaints

When dealing with these complaints, the College may decide whether to restrict or cease contact with complainant, and may cease handling the case altogether. A reply will be sent to the complainants to reiterate that the College will neither respond to the same complaint nor contact him/her again.