

# H.K.T.A. Tang Hin Memorial Secondary School

## Guidelines for Handling School Complaints

### 1. School Mission

Our mission is to provide, with devotion, an all-round education, laying equal emphasis on five aspects: moral, intellectual, physical, social and aesthetic. We expect all our graduates to be leaders of tomorrow, each possessing profound knowledge and a noble character.

### 2. Building a Culture of Communication

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. THMSS is committed to maintaining a positive partnership with various key stakeholders. We accept different opinions and find out the room for improvement.

### 3. Scope of Application

**3.1** The guidelines are applicable to the handling complaints about the daily operation and internal affairs of our school lodged by parents, students or the public through various means, such as post, fax, email, phone or in person. (Appendix I)

**3.2** The school **will not handle** the following types of complaints:

#### 3.2.1 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 subject of the complaint about the case, 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.

#### 3.2.2 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.

### **3.2.3 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/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 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.

### **3.2.4 Complaints with insufficient information**

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

### **3.3 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.

### **3.4 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

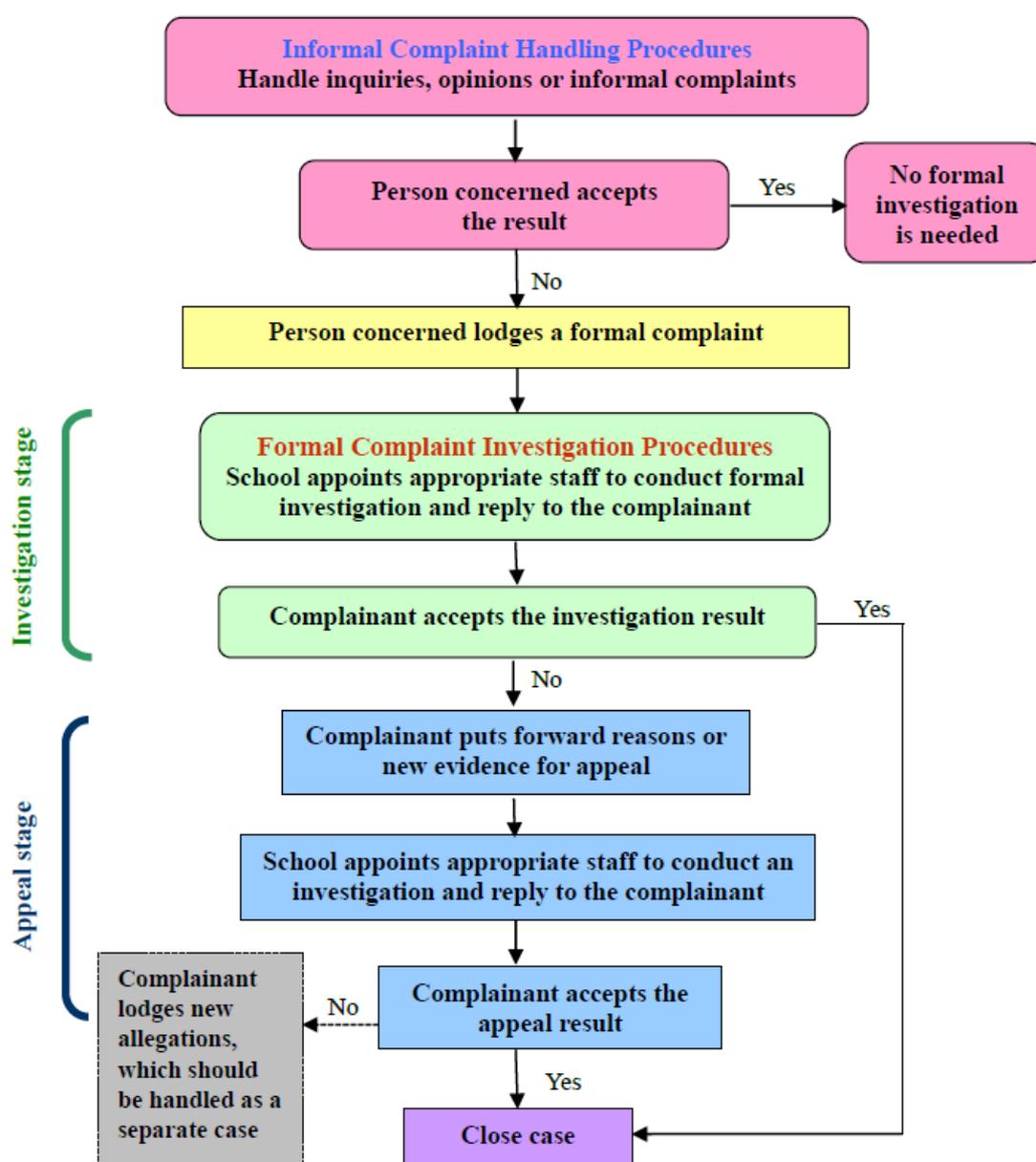
relation to corporal punishment, unregistered teacher) or contravention of the Codes of Aid (e.g. exorbitant charges, expulsion of students); and

- Complaints about services directly provided by the EDB (e.g. school place allocation, services provided by the Regional Education Offices).

#### 4. Procedures for Handling Complaints

In general, unless the person concerned insists on making a formal complaint, the responsible staff can promptly 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 schools.

**Diagram 1: Flowchart of School Complaint Handling Procedures**



##### 4.1 Informal Complaint Handling Procedures

###### 4.1.1 Immediate/prompt handling

- If the school receives an inquiry, opinion or informal complaint from the

public, whether verbal or written, the frontline staff should 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 may handle the matter following the informal complaint handling procedures of the school.

- The frontline staff should listen to the concerns of the inquirer/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.
- If necessary, the school staff in charge of the relevant issue should have direct talks or interviews with the person(s) concerned to explain the schools' stance and remove any misunderstanding, misgivings or worries of them.
- If necessary, the frontline staff should refer the case to a designated staff or a senior officer 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.

#### **4.1.2 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. 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.

#### **4.1.3 Complaint records**

- Cases handled by the informal complaint handling procedures normally need not be documented in formal written records. If an inquiry/complaint has been answered or resolved instantly, it is suggested that the designated staff or the principal may record the key points in a log book for future reference. (Appendix II)

#### **4.1.4 Appropriate follow-up**

- The school should 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 may brief the person(s) concerned on the follow-up actions that the school has adopted and the results that follow.

### **4.2 Formal Complaint Investigation Procedures**

#### **4.2.1 Investigation stage**

- 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. (Appendixes III and IV)

- 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 (It is suggested that schools complete their investigation 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.

#### **4.2.2 Appeal stage**

- 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 (It is suggested that the school completes their investigation within two months after receiving the request for appeal.), and send a written reply to inform the complainant of the appeal result;
- if the complainant accepts the appeal result, conclude the case officially;
- if the complainant does not accept the appeal result or the way the school handled the appeal, the school should cautiously review the appeal process to ensure that proper procedures have been followed.
- if the complainant raises other new allegations, the school should handle them separately in order to avoid mixing up the old complaints with the new ones.

#### **4.2.3 Resolving conflict through mediation**

- When handling complaints, the school 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/organisations being complained against).

#### **4.2.4 Responding to complaints/appeals**

- If the complaint or appeal is in written form, the school should respond with a written reply. If the complaint is made verbally, the responsible staff may decide whether to respond orally or in writing. If the case is referred by the EDB/other organisation(s), a copy of the written reply should be forwarded to them for reference.
- Generally speaking, the time limit for replying to a complaint/appeal

should start from the date on which it is received or when the complainant agrees to let the school have access to his/her personal data. If the information submitted is incomplete, the time limit should start from the date on which the school receives from the complainant the necessary information. If a reply cannot be given within the specified period, the school should explain to the complainant in writing why a longer handling time is needed.

#### **4.2.5 Complaint/appeal records**

- The school should keep a clear record of cases handled by the formal complaint investigation procedures.

#### **4.2.6 Appropriate follow-up**

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

## **5. Arrangements for Handling Complaints**

### **5.1 Designated staff**

Taking into account the nature of the complaint, its scope and the people involved, the school may 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 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. If this is not practicable, the school should make other arrangements, such as appointing staff from another department, to ensure fair handling.
- ✦ Where necessary, schools/sponsoring bodies may establish a task force to handle special complaint cases. Depending on the situation, the task force may include members of the IMC and representatives from the school sponsoring bodies. To enhance credibility, the school 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.
- ✦ The appointed staff should be proactive in communicating with the inquirers/complainants, and prompt in providing responses as well as the information they need. The school should also ensure that frontline/designated staff have proper authorisation and clearly understand their roles and responsibilities.
- ✦ The deployment of staff for handling complaints at different stages is listed below:

Targets involved	Investigation stage	Appeal stage
Teaching and school staff	Senior teacher	Vice Principal
	Vice Principal	Principal
	Principal	Supervisor
Principal	Supervisor	Designated staff of school sponsoring body #
	IMC Investigation Task Force*	Supervisor / IMC Appeal Task Force*
Supervisor / IMC	Designated staff of school sponsoring body# / Task force	Designated staff of school-sponsoring body# / Task force

# Designated staff could be the staff or the person in charge of the education office of the school sponsoring body.

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

## 5.2 Confidentiality

- ❖ All contents and information of complaints should be kept strictly confidential and restricted to internal reference or reference by relevant persons only.
- ❖ When the school need to collect personal data during the handling process or when they receive requests for the disclosure of data/records in respect of the complaint case, they 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.
- ❖ The school should 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 should be protected by passwords. Use of portable data storage devices should be tightly controlled. Where necessary, encrypted portable data storage devices should be used.
- ❖ The school should 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.
- ❖ The school can incorporate the arrangements for interviews or meetings with relevant parties into the school-based complaint handling mechanism.
  - 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 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 other information of a third party.

### 5.3 Follow-up and evaluation

- ✦ The school 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.
- ✦ The school should take appropriate follow-up measures to improve their services or revise relevant policies for enhancement of professional standards of their services.
- ✦ The school should 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.

## 6. Review of Complaints

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.

## 7. Handling of Unreasonable Behaviour

### 7.1 Handling of unreasonable behaviours

#### 7.1.1 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 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.
- The school should develop contingency measures and guidelines to remind staff responsible for handling complaints to stay alert and take suitable action to protect their own safety. Schools should empower the staff member to make decision, depending on the situation, on whether to terminate the interview or dialogue with the complainant and ask the complainant to leave, if his/her behaviour poses an immediate threat to the staff’s personal safety or damages their personal interests. In an

emergency or if it is deemed necessary, the school should take appropriate and decisive action, such as reporting to the police or taking legal action.

#### **7.1.2 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 may consider putting restrictions on the complainant's contacts with the school, including specifying the time, frequency, date, duration and modes of communication (for example, requiring the complainant to make an appointment before visiting the school, submit his/her views in writing, or contact only with the staff designated by the school). The school must notify the complainant in writing of such arrangements and handling procedures.
- If the complainant's behaviour improves, the school may consider whether the restrictions should be lifted. If the school decides to keep the restrictions, it should regularly review the conditions for imposing them.

#### **7.1.3 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 may decide whether to restrict or stop contacts with the complainant, and cease handling the case altogether.
- In response to these complaints, the school may send a "Reply Card" to the complainant, referring him/her to the replies previously given, and reiterate that the school will neither respond to the same complaint nor contact him/her again. (Appendix VI)

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

<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>

## Appendix II

## HKTA Tang Hin Memorial Secondary School Record Sheet of Cases Handled by Informal Procedures

<i>Date of enquiry/complaint:</i> _____	<i>Time :</i> _____	am/pm
<i>Mode :</i>	<input type="checkbox"/> Call the General Office	<input type="checkbox"/> Call the Principal/ Vice Principal/ Class Teacher/ Responsible Teacher*
	<input type="checkbox"/> In person	<input type="checkbox"/> By e-mail/ fax* <input type="checkbox"/> Others (Please specify: _____)
<i>Name of the Enquirer/ Complainant :</i> _____		
<i>Role of Complainant :</i>	<input type="checkbox"/> Parent	<input type="checkbox"/> Student <input type="checkbox"/> Other (Please specify: _____)
<i>Contact information (by telephone/ fax /e-mail*) :</i> _____		
<i>Enquiries/Concern(s) :</i> _____ _____		
<i>Information/ Document attached :</i>	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please specify: _____)
<i>Action Taken :</i>	<input type="checkbox"/> Contacted by phone	<input type="checkbox"/> Interview <input type="checkbox"/> Others (Please specify: _____)
<i>Result :</i>	<input type="checkbox"/> Enquirer/ Complainant accepted the reply. No further action is required.	
	<input type="checkbox"/> Others (Please specify: _____)	
<i>Signature of Senior Teacher/Responsible Person :</i> _____ <i>Date :</i> _____		
<i>(Name/ Post)</i>		
* Please delete where inappropriate		

**Appendix III**

**HKTA Tang Hin Memorial Secondary School**

**Sample Acknowledgement Letter (1)**

[For cases where complainants have provided their personal particulars and no referral is needed.]

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms \*XX:

We received your written/verbal\* complaint on DD MM YYYY. The case is being investigated and a reply will be sent to you within XX days/as soon as possible.

If you have any inquiries, please contact Mr/Ms X (Teacher/Panel Chairperson/Vice Principal\*) at XXXXXXXX (telephone number).

(Signature)

Principal / Name and post of the designated staff

\* Please delete where inappropriate

**Appendix IV**

**HKTA Tang Hin Memorial Secondary School**  
**Acknowledgement Letter (2)**

[For cases where referral of the complaint to a third party (e.g. government departments or contractors of school services) is needed.]

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms\* XX:

We received your written/verbal\* complaint on DD MM YYYY. To facilitate our investigation and follow-up, please fill in the reply form attached and send it to us before DD MM YYYY. We will notify you of the outcome when the investigation is completed.

If you have any inquiries, please contact Mr/Ms X (Teacher/Panel Chairperson/Vice Principal\*) at 2672 6820 (telephone number).

(Signature)

Principal / Name and post of the designated staff

\* Please delete where inappropriate

**Appendix V**

**Sample Acknowledgement Letter (2)  
Reply Form**

To: **HKTA Tang Hin Memorial Secondary School**

File No.: (if applicable)

Name of the complainant: Mr/Ms \_\_\_\_\_

[Please write the name as appears on your HK I.D. Card]

# Correspondence Address: \_\_\_\_\_  
\_\_\_\_\_

# Contact No.: \_\_\_\_\_

I understand that the personal information provided above will only be used for investigating the complaint.

To assist the school in handling this complaint, I agree that:

1. The school may forward copies of the complaint and other information I present to relevant persons/ organisations; and
2. The school may ask relevant persons/organisations for my personal details and other information related to this complaint.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of the complainant

# Item that must be completed.

**Appendix V**

**HKTA Tang Hin Memorial Secondary School  
Sample Reply Card**

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms\* XX:

We received your letter dated DD MM YYYY. Our stance on the relevant issue has been detailed in our reply/replies dated DD MM YYYY (and dates of other replies [if applicable]). We will neither respond to the same complaint nor contact you again.

(Signature)

Principal/ Name and post of the designated staff\*

\* Please delete where inappropriate