

Diocesan Boys' School



Enhanced School Complaint Management Manual

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Background

The “Enhanced School Complaint Management Arrangements” have been launched by the Education Bureau (EDB) since the 2012/13 school year, and all schools in Hong Kong are required to adopt their own school-based complaint handling procedures. DBS has opted to implement the enhanced school complaint management mechanism starting from 1 September 2017.

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 School Committee (SC) with the power and responsibility to manage the school. The school would, therefore, collaborate closely with our sponsoring bodies to develop our school-based mechanism and procedures for handling the school's 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 would 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 the school from members of the public or via other organizations (such as the Chief Executive’s Office, Legislative Council, Equal Opportunities Commission (the EOC), District Council, Offices of Councilors 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 SC or serious mismanagement by the school.
- ◆ To ensure compliance with respective requirements, the school would 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” and “The Integrity Management for Schools – A Practical Guidebook for School Staff” 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 in this manual are not applicable to handling of the following types of complaints:

(i) Anonymous complaints

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 would 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 parents/guardian, or the person authorised by the parents/guardian, may lodge a complaint on his behalf.

(iii) Complaints involving incidents that happened more than one year

(iv) Complaints with insufficient information

(v) Complaints related to ongoing legal proceedings

(vi) Complaints under the jurisdiction of other organisations/government departments

(vii) Complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft

(viii) Complaints lodged by school staff

Chapter II Guiding Principles for Handling Complaints

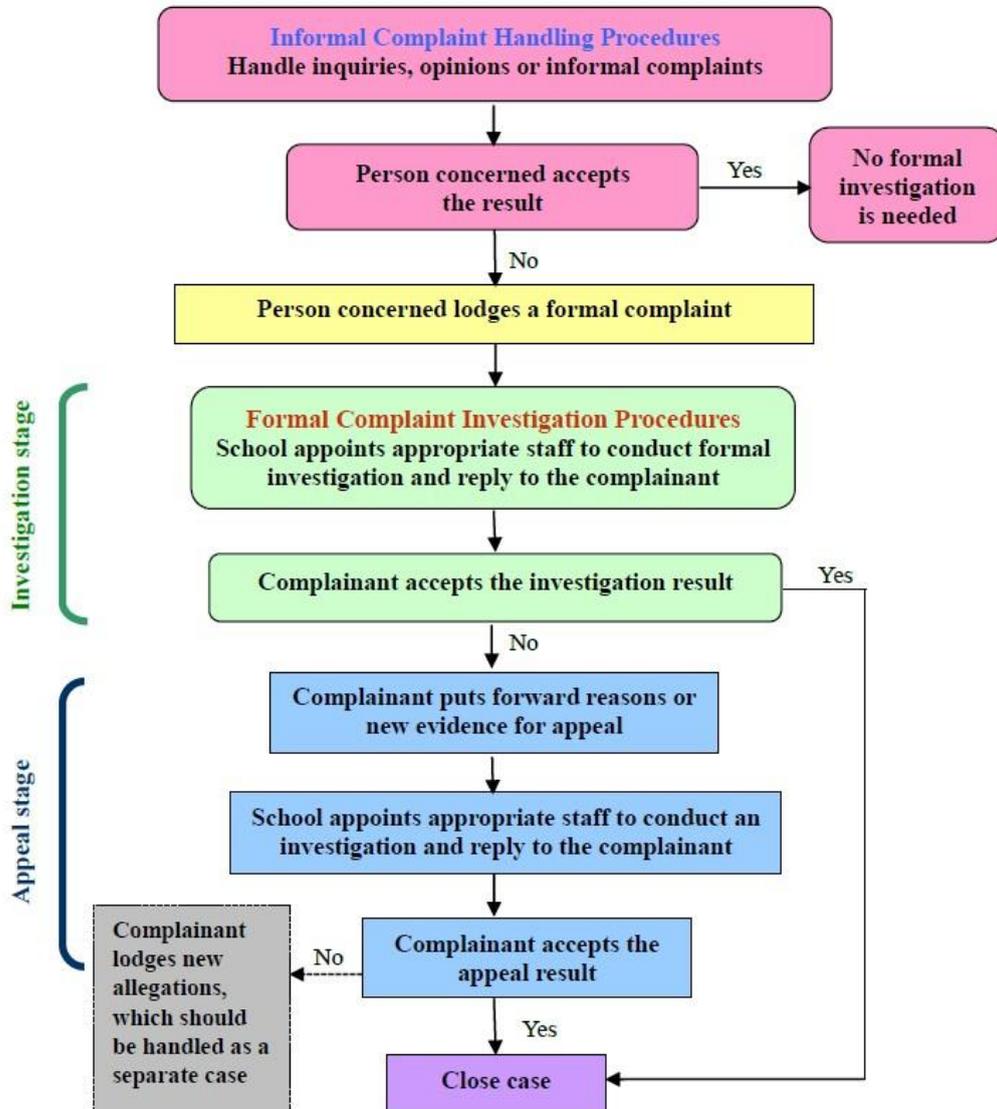
In handling school-related complaints made by parents, students or the public, the school would refer to the following guiding principles:

- ♦ Handling of complaints by the appropriate party/parties
- ♦ Clear and transparent mechanism
 - The school would prepare guidelines for stakeholders on the relevant policies, procedures and responsible staff for handling complaints. It 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.
- ♦ Fair and impartial handling
 - Before an investigation begins or where appropriate, a designated staff and related individuals would declare interests. If there is any conflict of interest, the persons concerned would not be involved in handling the case or have access to information relating to it.

Chapter III Procedures for Handling Complaints

3.1 The school has particular procedures for handling formal and informal complaints. 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

3.2 The school hopes to handle inquiries or complaints efficiently and appropriately, which would aid in removing misunderstandings and forestall crises. The school would consider adopting the following arrangements:

- ◆ If the school receives an inquiry, opinion or informal complaint from the public, whether verbal or written, the frontline staff would 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 would handle the matter following the informal complaint handling procedures of the school.
- ◆ The frontline staff would listen to the concerns of the inquirer/complainant with care and understanding. If the incident is not serious, they would provide whatever assistance or information required or promptly responds 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 would have direct talks or interviews with the person(s) concerned to explain the schools' stance and remove any misunderstanding, misgivings or worries of them.
- ◆ The school would provide an initial response within five school days.
- ◆ If necessary, the frontline staff would refer the case to a designated staff or a senior officer for prompt follow up actions and resolutions. The Headmaster would 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

3.3 For verbal inquiries/opinions/complaints handled by the informal complaint handling procedures, oral replies will suffice and written replies will not be provided. 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.

Complaint records

3.4 Cases handled by the informal complaint handling procedures would normally not be documented in formal written records. If an inquiry/complaint has been answered or resolved instantly, a designated staff would record the key points in a log book for future reference.

Appropriate follow-up

3.4 The school would 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.

Formal Complaint Investigation Procedures

Arrangements for the investigation and appeal stages

3.5 When 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) would be initiated:

(i) Investigation stage

When the school receives any formal complaints (including those referred by the EDB or other organisations), they would be handled according to the following procedures:

- ◆ The school will 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. (Refer to Appendixes II and III);
- ◆ 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;
- ◆ For general cases, the complaint will be handled within 60 school days. For more complex cases, the investigation time would be extended accordingly;
- ◆ if the complainant accepts the investigation result, the case would be concluded 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 seven school days from the date of its reply.

(ii) Appeal stage

The school would adopt the following procedures with appeal cases:

- ◆ in accordance with the school-based mechanism, staff of a higher rank (e.g. Curriculum Coordinators, or Deans, etc.) are responsible for handling the appeal and reply to the complainant;
- ◆ For general cases, the complaint will be handled within 60 school days. For more complex cases, the investigation time would be extended accordingly;
- ◆ if the complainant accepts the appeal result, the case would be concluded officially;
- ◆ if the complainant does not accept the appeal result or the way the school handled the appeal, the school would cautiously review the appeal process to ensure that proper procedures have been followed.
- ◆ if the complainant raises other new allegations, the school would handle them separately in order to avoid mixing up the old complaints with the new ones.

Resolving conflict through mediation

3.6 If applicable, 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).

Responding to complaints/appeals

3.7 Generally speaking, the time limit for replying to a complaint/appeal would 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 would 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 would explain to the complainant in writing why a longer handling time is needed.

Complaint/appeal records

3.8 The school would keep a clear record of cases handled by the formal complaint investigation procedures (refer to Appendix IV). The school would establish a complaint record management system to store relevant information (including correspondences, investigation reports and interview records). In addition, The school would keep statistics of complaints and appeals lodged through either the informal or formal handling procedures for future reference.

Appropriate follow-up

3.10 At the end of the investigation/appeal stage, the school would 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 would inform the person(s) concerned of the school's follow-up actions and outcome of the review.

3.11 The school would 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 EDB for a review within 14 days from the date of the school's reply. In requesting a review, the complainant should state explicitly in the application the reasons for his/her discontent (e.g. the case has not been handled according to proper procedures or the investigation result is prejudiced) and provide substantial justifications or new evidence. The EDB will then forward the case to the Panel to decide whether a review should be conducted.

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 would 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 would be different from those responsible for the investigation stage. In principle, the staff dealing with the appeal would be of a higher rank than those responsible for the investigation. If this is not practicable, the school would make other arrangements, such as appointing staff from another department, to ensure fair handling.
- ◆ Where necessary, the school may establish a task force to handle special complaint cases. Depending on the situation, the task force may include members of the SC 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 would be proactive in communicating with the inquirers/complainants, and prompt in providing responses as well as the information they need. The school would also ensure that frontline/ designated staff have proper authorization 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	Dean
	2	Dean	Headmaster
	3	Headmaster	Supervisor
Headmaster	1	Supervisor	Designated staff of school sponsoring body [#]
	2	School Committee Investigation Task Force*	Supervisor / School Committee Appeal Task Force*
Supervisor / School Committee		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 Headmaster, the SC investigation/appeal task force may include independent persons/managers.

Confidentiality

4.2 All contents and information of complaints would be kept strictly confidential and restricted to internal reference or reference by relevant persons only.

4.3 The school would incorporate the arrangements for interviews or meetings with relevant parties into the school-based complaint handling mechanism on condition that:

- ◆ the person(s) concerned cannot be accompanied by others (e.g. relatives, legal representatives) during the interview/meeting; and
- ◆ the person(s) concerned is not permitted to audio/video record the interview/meeting.

Chapter V Handling of Unreasonable Behaviour

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

Definition of unreasonable behaviour

5.2 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

5.3 The school has instituted appropriate policies and measures to deal with unreasonable behaviour of complainants:

- ◆ The school would designate suitable staff members to ascertain whether a complainant's behaviour is reasonable, and decide what measures should be taken. Generally speaking, the Headmaster will make such decisions. However, if the complaint is lodged against the Headmaster, such decisions would be made by the school supervisor or the School Committee.

- ◆ The school would integrate its policies regarding unreasonable behaviour of complainants into the school-based complaint handling mechanism and consult stakeholders' views.
- ◆ All stakeholders would be informed of the school's policy regarding unreasonable behaviour of complainants.

Handling of unreasonable behaviours

5.4 While developing policies and measures to deal with unreasonable behaviour of complainants, the school would follow the guidelines below:

(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 would 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 staff member is empowered by the school 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 would 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 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 will 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, the conditions for imposing them would be regularly reviewed.

(iii) Unreasonable persistent complaints

- ◆ Faced with these complaints, when 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.
- ◆ To avoid any unrealistic expectations on the part of the complainant, the school would 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 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. (Refer to Appendix V for a sample “Reply Card”)

Appendix I

Examples of Complaints Relating to Daily Operation and Internal Affairs of the School

Parents/Guardians' complaints about the daily operation and internal affairs of DBS should be lodged directly to the School. Examples of major types of complaints are:

Domain	Examples
Management and Organization	<ul style="list-style-type: none">• School policies• Standards of contractors' services• School environment
Learning and Teaching	<ul style="list-style-type: none">• Homework• Assessment• Staff performance
School Ethos and Student Support	<ul style="list-style-type: none">• School ethos• Home-school cooperation• Student support
Student Performance	<ul style="list-style-type: none">• Students' overall performance• Student discipline

Appendix II

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 school days/as soon as possible.

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

(Signature)

Headmaster of Diocesan Boys' School /
Name and post
of the designated staff*

* Please delete where inappropriate

Appendix III

Sample 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/ Dean *) at XXXXXXXX (telephone number).

(Signature)

Headmaster of Diocesan Boys' School

Name and post

of the designated staff*

* Please delete where inappropriate

Sample Acknowledgement Letter (2)
Reply Form

To: Name of 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.

Summary of complaint:

Investigation stage

Deadline for this stage: _____

Person-in-charge _____

Issue of Notice of Acknowledgement (date: _____)

Telephone contact (date: _____)

Interview with the complainant (date: _____)

Issue of reply (date: _____)

Summary of findings:

Appeal stage (if applicable)

Deadline for this stage: _____

Date of appeal: _____

Person-in-charge: _____

Issue of Notice of Acknowledgement (date : _____)

Telephone contact (date : _____)

Interview with the complainant (date: _____)

Issue of reply (date: _____)

Summary of appeal result:

Follow-up actions or recommendations (if applicable)

Signature of person-in-charge: _____

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 not respond to the same complaint nor contact you again.

(Signature)

Headmaster of Diocesan Boys' School /

Name and post of the designated staff*

* Please delete where inappropriate