

# Guidelines for Handling School Complaints

**St. Paul's School (Lam Tin)**

**2023**

Source:

Guidelines for Handling School Complaints

(For Aided, Caput and Direct Subsidy Scheme Schools), Education Bureau,

May 2018 (Revised version)

Enhanced School Complaint Management Arrangements

Points to Note in Handling School Complaints, Education Bureau,

May 2021 (New)

Guidelines for Handling School Complaints

(For Aided, Caput and Direct Subsidy Scheme Schools), Education Bureau,

October 2023 (Revised version)

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**Foreword**

As a learning community and an accountable organization, St Paul's School (Lam Tin) strives to strengthen the communication and maintain a close partnership with our stakeholders. The school-based complaint handling procedures mentioned in this Guidelines not only enables us to handle reasonable complaints speedily and effectively, but also serves as a communication channel to collect feedback and suggestions which are conducive to the continuous betterment of our school and students.

Sharing the common vision of providing quality education to nurture our future generation, we and our stakeholders even with diverging views will work together to help our students grow into mature, confident individuals, who are responsive to human needs and also intellectually, morally and spiritually prepared to face the challenges of life and of society.

## Chapter I Scope of Application

1.1 The principles, procedures and arrangements in this 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, and 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 our Incorporated Management Committee (IMC) with the power and responsibility to manage our school. Our school will, therefore, collaborate closely with our school sponsoring body, Sisters of St. Paul de Chartres, to develop the school-based mechanism and procedures for handling school affairs, including complaints related to our school. A complainant should lodge his/her complaint directly to our school for effective handling if it concerns the daily operation and internal affairs of the School (See Appendix I for examples).
  - ◆ Our school will handle complaints about daily operation and internal affairs in accordance with the Education Ordinance, Education Regulations, and Codes of Aid, relevant circulars, guidelines and codes of practice to ensure compliance with the relevant requirements.
  - ◆ Upon receipt of any complaints from members of the public, the EDB will seek the complainant's consent for referring the complaint to our school for investigation and direct reply to the complainant.
  - ◆ For complaints referred to the EDB by other organisations (such as the Chief Executive's Office, Legislative Council, Equal Opportunities Commission(the EOC), District Council, Offices of Councillors or other government departments), the EDB will seek the complainant's consent for referring the complaint to our school for providing reports or response. After reviewing the information/reports/responses provided by our school, the EDB will conduct follow-up investigation before replying direct to the organization concerned
  - ◆ 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 our school access to the content of the complaint so that we could make improvements to our 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, malpractices of the IMC, serious mismanagement by the school, or when the involved student is determined

by doctors/ professionals to have been affected by the incident, resulting in severe emotional problems/ psychological trauma/ suicidal tendencies.

- ◆ To ensure compliance with respective requirements, our school 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. 1/2020 “Handling Suspected Cases of Child Maltreatment and Domestic Violence”
  - Complaints about disability discrimination: EDB Circular No. 14/2001 “Commencement of the Code of Practice on Education”; and “Code of Practice on Education under the Disability Discrimination Ordinance Code” 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” issued by the Independent Commission against Corruption (ICAC)
  - Complaints about acceptance of advantages and donations: EDB Circular No. 3/2022 “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 our 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 This Guidelines is **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.

1.3 According to the guidelines of the EDB, our school **need not** handle the following types of complaints:

(i) 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, our 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 our school to investigate the complaint and reply in writing, the complaint will be deemed anonymous and our 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 our 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, our school will 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/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, our 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, our school would not accept such kind of complaint. If, however, the organisation/group has obtained prior written authorisation from the person concerned, our school will handle the complaint in accordance with this Guidelines.

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

- ◆ Normally, complaints related to the daily operation of our school 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. Our 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, our 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.

(iv) Complaints with insufficient information

Our school may require the complainant to provide concrete information regarding a case. If the complainant fails to provide further information as requested by our school to enable a proper or meaningful investigation, our school may consider not to conduct investigation and close the case. However, to avoid misunderstanding, our school would provide a written reply to the complainant explaining clearly why the case was not handled by our school.

## **Chapter II Guiding Principles for Handling Complaints**

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

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

2.2 A complaint should be directly handled by the organisation which is responsible for making the policies or providing the relevant services, or manages the persons/matters being complained. In this way, it can better understand and effectively address the concerns of the complainant. Accordingly, our school will handle those complaints relating to our daily operation and internal affairs, and the EDB will 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 the complaints fall into the categories specified in paragraph 1.1 (i) above, our school will refer to the relevant circulars, guidelines and codes of practice in handling such complaints.

2.3 If a complaint involves both our school and the EDB, it will be handled by our school and related division(s)/section(s) of the EDB.

### **Principle II: Timely and efficient handling**

2.4 Our school will 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 will either directly handle it or immediately refer it to the designated staff/task force for action. If the responsible staff cannot resolve the problem, they should seek help from their seniors.

2.5 If an incident is referred or reported to our school by the media, our school will adopt the following measures:

- ◆ appoint a spokesman (the vice-principal) to handle inquiries from the public/the media so as to avoid giving confusing messages.
- ◆ provide appropriate responses or clarification to the public as soon as possible (within one or two 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.
- ◆ 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 counselling where necessary.



**Principle III: Clear and transparent mechanism**

- 2.6 Our school, in collaboration with our school sponsoring body, set up a clear and effective school-based mechanism as well as procedures for speedy and proper handling of inquiries and complaints. We will consult teachers and parents to ensure that the relevant procedures are accepted by all stakeholders.
- 2.7 Our school will 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, circulars, student handbooks, staff meetings, parent-teacher meetings, seminars and school events.
- 2.8 To facilitate smooth implementation of the school-based mechanism, our school will ensure that all staff responsible for handling inquiries and complaints understand and comply with the relevant policies and guideline. To enhance mutual understanding and strengthen home-school co-operation, our school will draw up strategies for regular communication with parents through different channels, e.g. briefings/information folders for new students and their parents, circulars issued at the beginning of each school year, etc. to inform them of the policies and procedures of complaint handling in the School.
- 2.9 Our school will regularly review the complaint handling policies and guidelines and revise the handling procedures whenever necessary.

**Principle IV: Fair and impartial handling**

- 2.10 Our school will approach complaints positively and treat the complainants and the subjects of the complaints fairly. Our school will ensure that sufficient appeal channels are provided and consider inviting independent persons to participate in the complaint/appeal handling process, if necessary.
- 2.11 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.
- 2.12 To avoid conflict of interest, any staff member who is the subject of the complaint should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.

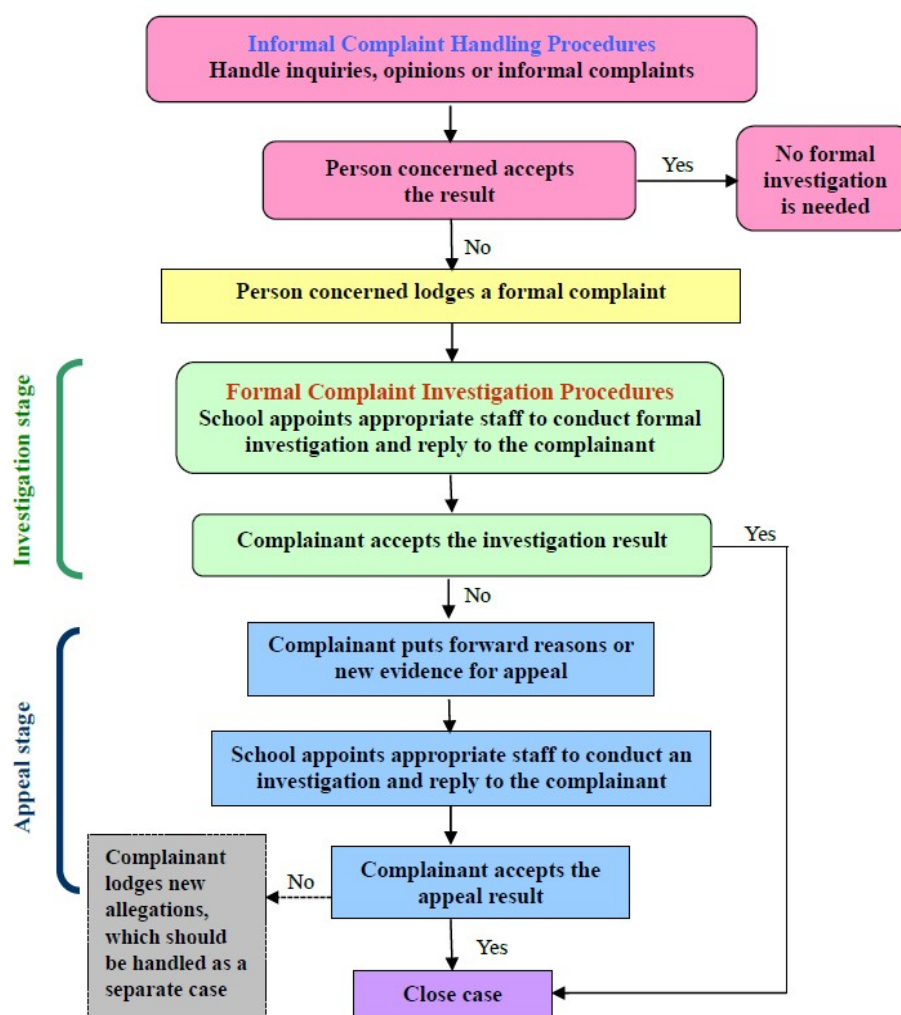
2.13 Our school will see to it that the rights of the complainants or other persons involved in the complaint are being protected and that their future communication and contact with our school would not be affected.

## Chapter III Procedures for Handling Complaints

### Interpretation of Complaints

- 3.1 To avoid confusion in the handling process, the frontline staff of our school will 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 existing situation. A complaint is an expression of disappointment, dissatisfaction or grievance expressed by the complainant. They may demand our school to rectify its mistakes, take disciplinary action against the suspected offenders, or resolve the issue(s) raised in the complaint. The responsible staff should avoid mixing up concerns with complaints in order to decide the appropriate procedures to handle them.
- 3.2 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. Diagram 1 shows the flowchart of complaint handling procedures in our school.

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



## Informal Complaint Handling Procedures

### *Immediate/prompt handling*

3.3 To handle inquiries or complaints efficiently and appropriately, our school will adopt the following arrangements:

- ◆ If our 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 our school.
- ◆ The frontline staff will 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 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 will have direct talks or interviews with the person(s) concerned to explain the schools' stance and remove any misunderstanding, misgivings or worries of them.
- ◆ Our school will provide an initial response within two working days.
- ◆ If necessary, the frontline staff should refer the case to a designated staff 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 our school and the nature of the case.

### *Replying to complaints*

3.4 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 our 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*

3.5 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, the designated staff may record the key points in a log book **and file** for future reference. (Appendix II)

### *Appropriate follow-up*

3.6 Our school will 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 our school has adopted and the results that follow.

## **Formal Complaint Investigation Procedures**

### *Arrangements for the investigation and appeal stages*

3.7 If our school has made our best efforts to resolve the problem through the informal complaint handling procedures but the complainant still does not accept our response or the problem remains unresolved, the following formal complaint investigation procedures (including an appeal mechanism) should be initiated:

#### (i) Investigation stage

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

- ◆ in accordance with this Guidelines, 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);
- ◆ take immediate measures to preserve all records related to the complaint case, including text files, images, and/or audio recordings (if any), as evidence. The school must comply with the provisions of the Personal Data (Privacy) Ordinance when collecting, holding, processing, or using personal data;
- ◆ 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 and complete the 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 our 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.

#### (ii) Appeal stage

Our school will adopt the following procedures with appeal cases:

- ◆ acknowledge receipt of the appeal;

- ◆ in accordance with this Guidelines, 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 and complete 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 our school handled the appeal, our school will cautiously review the appeal process to ensure that proper procedures have been followed.
- ◆ if the complainant raises other new allegations, our school will handle them separately in order to avoid mixing up the old complaints with the new ones.

### *Resolving conflict through mediation*

3.8 When handling complaints, our 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*

3.9 If the complaint or appeal is in written form, our school will 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 will be forwarded to them for reference.

3.10 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 our school have access to his/her personal data. If the information submitted is incomplete, the time limit should start from the date on which our school receives from the complainant the necessary information. If a reply cannot be given within the specified period, interim replies will be issued to the complainant explaining why a longer handling time is needed to provide a substantive reply and, if possible, the estimated time frame for issuing a substantive reply.

### *Complaint/appeal records*

3.11 Our school will keep a clear record of cases handled by the formal complaint investigation procedures. (Appendix V) Our school has established a complaint record management system to store relevant information (including correspondences, investigation reports and interview records). In addition, our school will keep statistics of complaints and appeals lodged through either the informal or formal handling procedures for future reference.

*Appropriate follow-up*

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

## Chapter IV Arrangements for Handling Complaints

### Designated staff

4.1 Taking into account the nature of the complaint, its scope and the people involved, our 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 will 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, our school will make other arrangements, such as appointing staff from another department, to ensure fair handling.
- ◆ Where necessary, our school / our school sponsoring body 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 our school sponsoring body. To enhance credibility, our 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 will be proactive in communicating with the inquirers/complainants, and prompt in providing responses as well as the information they need. Our school will 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 in the table below:

Targets involved	Investigation stage	Appeal stage
Teaching and school staff	Vice-principal/Complaint Management Team@	Principal
Principal	Supervisor	Designated staff of school sponsoring body#
Supervisor/IMC	Designated staff of school-sponsoring body#/IMC Investigation Task force*	Designated staff of school-sponsoring body#/IMC Appeal Task force*

@ Complaint Management Team is composed of the Vice-principal and senior teacher(s) where appropriate on a case by case basis.

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

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



## Confidentiality

- 4.2 All contents and information of complaints should be kept strictly confidential and restricted to internal reference or reference by relevant persons only.
- 4.3 When our 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 will 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. Our school will refer to the relevant provisions in the Personal Data (Privacy) Ordinance (Cap. 486) and on the webpage of the Office of the Privacy Commissioner for Personal Data at (<http://www.pcpd.org.hk/>).
- 4.4 Our school will 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 will be protected by passwords. Use of portable data storage devices will be tightly controlled. Where necessary, encrypted portable data storage devices will be used.
- 4.5 Our school will establish procedures to ensure that only authorised persons are allowed access to information relating to the case. The responsible persons will not disclose or discuss in public any contents or information relating to the case without authorisation.
- 4.6 The arrangements for interviews or meetings with relevant parties are as follows. Our school will:
- ◆ state clearly that the person(s) concerned can be accompanied by others directly related to the complaint (e.g. relatives, legal representatives) during the interview/meeting and reiterate this stance before the interview/meeting starts;
  - ◆ indicate before the interview/meeting starts that audio/video recording is prohibited. This stance will 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.

## Follow-up and evaluation

- 4.7 Our school will 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.

- 4.8 Our school will take appropriate follow-up measures to improve their services or revise relevant policies for enhancement of professional standards of their services.
- 4.9 Our school will regularly review our 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 our school-based complaint handling mechanism and procedures.

### **Support and training**

- 4.10 Our school will provide appropriate training to assist staff to effectively handle inquiries/complaints, e.g. providing training programmes on communication, negotiation and mediation skills, or arranging experience sharing sessions for frontline/designated staff to enhance their capability in handling complaints and resolving conflicts.
- 4.11 To enhance the knowledge and skills of school staff (including principals, teachers, administrative and frontline staff) in the prevention and handling of complaints, the EDB will organise relevant training programmes. Our school will encourage staff to attend relevant courses.

## Chapter V Review of Complaints

- 5.1 The independent review arrangement is only applicable to the complaint cases which remain unresolved after having gone through the investigation and appeal stages in accordance with the School-based Mechanism under the Enhanced Arrangements.
- 5.2 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 our school /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 our school /EDB has handled the case improperly.
  - ◆ The complaint has been properly dealt with through established procedures by our school /EDB but the complainant refuses to accept the investigation result and continues to complain.

See “Guidelines for Handling School Complaints (For Aided, Caput and Direct Subsidy Scheme Schools), Education Bureau, October 2023 (Revised version)” for details on Review of Complaints.

## Chapter VI Handling of Unreasonable Behaviour

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

### Definition of unreasonable behaviour

6.2 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 our school /EDB, and/or requiring our 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

## Handling of unreasonable behaviours

6.3 Our school will should designate the principal to ascertain whether a complainant's behaviour is reasonable, and decide what measures should be taken. However, if the complaint is lodged against the principal, such decisions should be made by our school supervisor or the IMC.

6.4 Policies and measures to deal with unreasonable behaviour of complainants:

(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 will 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.
- ◆ Our school will develop contingency measures and guidelines with reference to the publications on Prevention of Workplace Violence issued by the Occupational Safety and Health Council to remind staff responsible for handling complaints to stay alert and take suitable action to protect their own safety. Our school will 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, our school will 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 our school e.g. interrupting its operation/services or other stakeholders are affected by the unreasonable behaviour of the complainant, our school may consider putting restrictions on the complainant's contacts with our school, including specifying the time, frequency, date, duration and modes of communication (for example, requiring the complainant to make an appointment before visiting our school, submit his/her views in writing, or contact only with the staff designated by our school). Our school will notify the complainant in writing of such arrangements and handling procedures.
- ◆ If the complainant's behaviour improves, our school may consider whether the restrictions should be lifted. If our school decides to keep the restrictions, it will regularly review the conditions for imposing them.

(iii) Unreasonable persistent complaints

- ◆ Faced with these complaints, if our 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, our 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, our school will 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, our school may send a “Reply Letter for Persistent Complaints” to the complainant, referring him/her to the replies previously given, and reiterate that our school will neither respond to the same complaint nor contact him/her again. (Appendix VI)

## Chapter VII Investigation Checklist

7.1 To facilitate schools to handle complaints effectively and appropriately, the Education Bureau (EDB) has compiled the following Points to Note, covering items to be addressed at different stages of investigation, for schools' reference. The Points to Note are applicable to handling of complaints relating to daily operation and internal affairs of schools under the Enhanced School Complaint Management Arrangements (Enhanced Arrangements). For other types of complaints (including those raised by school staff), the relevant principles and procedures can also be adopted for reference.

### Complaints Received (including complaints referred by the EDB)

- ◆ Have follow-up actions been taken in accordance with the School Administration Guide, e.g. reporting to the Police / ICAC, if the complaint involves a misconduct case of criminal nature?
- ◆ If the complaint involves serious crime or professional misconduct, has it been reported to the EDB?
- ◆ When handling the complaint, has it been categorised and handled by adopting appropriate strategies and steps in accordance with the school-based complaint handling mechanism and procedures as well as the level of complexity?
- ◆ Has a designated staff member or a task force (if applicable) been assigned to handle the complaint in accordance with the school-based complaint handling mechanism?
- ◆ Have appropriate security measures, such as keeping data in safe places with restricted access by authorised persons only, been adopted to protect personal data and privacy?
- ◆ Has the designated staff member declared interests? If there is any conflict of interest, the designated staff member should be refrained from handling the complaint.
- ◆ Has an acknowledgment letter been issued to the complainant if the case requires investigation? Has the complainant been notified in writing of the reasons for refusal if the complaint is not acceded to?
- ◆ Has a written reply been issued to inform the complainant that the investigation will be withheld if legal proceedings have been started?
- ◆ Has the school examined details of the complaint and considered if it is necessary to contact the complainant to clarify the allegations and ask for further information?
- ◆ Has the school taken into consideration of the nature and gravity of an anonymous complaint in deciding whether follow-up actions are necessary? Have the reasons been stated and put on record if no action is required?

### Investigation Process

- ◆ Has clear consent of the complainant been obtained if his / her name and other personal

information are to be disclosed? Otherwise, the person being complained should not be informed of the personal particulars of the complainant and whether the complaint is anonymous or not.

- ◆ Has the person being complained been informed of details of the complaint and requested to make his / her responses accordingly? It should be noted that other than the statements provided by the complainant and by the person being complained, it will be useful to make use of different means (such as statements made by witnesses, supporting documents, etc.) to gather relevant evidence and triangulate the same.
- ◆ Has the complainant / the person being complained / the witness been well informed of the purposes of the interview as well as the role and responsibility of the designated staff member before / during the interview?
- ◆ Has consent from parents or guardians of young school children been obtained in advance if it is considered necessary to collect information and statements from them?
- ◆ Has the person being complained been given the opportunities for making representation / self- defence / explanation (written / verbal inclusive)? For written statement, signature and date should be included appropriately. For verbal statement, it should be recorded in writing with a copy to the person being complained.
- ◆ Where feasible, are two or more designated staff members assigned to conduct the interview and meeting as witness for the information so collected?
- ◆ Has / Have agreement of the designated staff member(s) / members of the task force sought in advance if the person(s) involved requested to attend the interview or meeting in the company of a third party (such as a relative or a lawyer)?
- ◆ Has prior consent of all attendees been obtained for audio / video recording before the interview / meeting?
- ◆ If the person involved is on sick leave, has he / she been asked whether he / she is willing to give statements or provide information during such period?  
If necessary, advice of professionals could be sought, e.g. when the emotion of the person(s) involved is unstable.
- ◆ Are meeting notes / investigation records duly signed by all attendees for confirmation?
- ◆ The investigation should be completed as quickly as possible so as to avoid the exposure of the details of the investigation which will in turn affect the investigation results.
- ◆ To safeguard the well-being of students, the investigation of professional misconduct should be completed as quickly as possible. Has the written reply to the complainant been given within one month after receiving the complaint, with copies of the written reply and the investigation report submitted to the EDB for follow-up actions?
- ◆ Has serious consideration been taken to suspend the duties of the staff concerned if his / her alleged professional misconduct is of a criminal nature?
- ◆ Has consent been obtained to check the social network platform (if not open to the public) of the person concerned?
- ◆ Has the staff member who is being complained been refrained from conducting



/monitoring the investigation or signing any letter to the complainant to avoid conflict of interest?

- ◆ Is the investigation report duly completed and signed by the designated staff member (including his / her name and post as well as the date of signature)?

### **Investigation Results**

- ◆ Are investigation results supported with strong / concrete evidence, such as whether the person being complained is obviously violating the provisions of the relevant guidelines or regulations of the school / EDB?
- ◆ For a serious or sensitive case, has the school reported details of the complaint or investigation results to the School Supervisor / Incorporated Management Committee and obtained their consensus before replying to the complainant? For a substantiated complaint, has the person being complained been informed of the investigation results, appeal channels, time limit for appeal and staff members who are responsible for appeal stage (based on the established mechanism, in principle, the staff dealing with the appeal should be of higher ranks than those responsible for the investigation)? For an unsubstantiated complaint, has the person being complained been informed of the investigation results?
- ◆ Has an interim reply been issued to the complainant if the complaint investigation cannot be completed within the specified time frame?
- ◆ Has the complainant been informed of the investigation results, such as whether each of the allegations are substantiated after investigation?
- ◆ If there is more than one person being complained, does the investigation report clearly point out whether each of them are held accountable for substantiated allegations, together with their respective share of responsibilities?
- ◆ Has the school submitted a copy of the substantive reply and the investigation report (if requested by the EDB) to the EDB for reference if the case is referred by the EDB? Depending on the complexity of the complaint, schools should state clearly the investigation procedures, scope of investigation and whether the allegations are substantiated or unsubstantiated with justifications in the investigation report.
- ◆ Has the school informed the complainant that the investigation results, investigation report, etc. will be sent to the EDB for reference or consideration of taking follow-up actions (including a review of his / her teacher registration status)?

### **Follow-up Actions**

- ◆ Has the school seriously considered the disciplinary / follow-up actions to be taken against the staff member(s) involved (including teacher(s)) if the complaint is substantiated, such as strengthening performance management, implementing

improvement measures, issuing verbal / written warning, withholding annual salary increment, suspension of duties or termination of employment, etc.?

- ◆ Do relevant disciplinary / follow-up actions comply with the requirements of the Employment Ordinance, Education Ordinance, Education Regulations, respective Code of Aid, School Administration Guide, relevant EDB Circulars, and school-based disciplinary policy, and have been endorsed by the Incorporated Management Committee?
- ◆ Has the respective District School Development Section of Regional Education Office been duly informed if the school has decided to administer disciplinary actions, i.e. issuing written warning, withholding annual salary increment, suspending duties, or terminating employment?
- ◆ Has the school clearly communicated with all staff members regarding the expectation for their conduct and job performance, handling of misconduct cases and the related disciplinary measures via different channels, such as staff meetings or staff handbook?
- ◆ The relevant requirements, staff handbook, school circulars and documents should be reviewed as appropriate.

Remarks:

The Points to Note as listed above are not exhaustive and schools can make necessary arrangements on a case-by-case basis. Please make reference to relevant guidelines and reference materials as well as EDB's website on "Project on Enhancement of Complaint Management in Schools" when handling school complaints (EDB Home > School Administration and Management > Administration > Project on Enhancement of Complaint Management in Schools [<https://www.edb.gov.hk/en/sch-admin/admin/pilot-scheme/index.html>]).

## Appendix I

### Examples of Complaints Relating to Daily Operation and Internal Affairs of Schools\*

Domain	Examples
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, mosquito's 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>

\* Our school will 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 listed in paragraph 1.1(i) of the Guidelines to ensure compliance with the respective requirements.

**Appendix II****Restricted****Sample Record Sheet of Cases Handled by Informal Procedures**

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

### Appendix III

**Restricted**

#### 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 2347 2991.

(Signature)

Principal of St. Paul's School (Lam Tin) /  
Name and post of the designated staff\*

\* Please delete where appropriate

**Appendix IV****Restricted****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/Vice Principal\*) at 2347 2991.

(Signature)

Principal of St. Paul's School (Lam Tin) /  
Name and post of the designated staff\*

\* Please delete where appropriate

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

To: St. Paul's School (Lam Tin)

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 consent/object\* to:

1. the School's reproduction of this complaint and any materials submitted and the transfer of copies of such materials to relevant persons/ organisations for processing my complaint.
2. the School's obtaining my personal data and other information kept by relevant persons/ organisations that are considered relevant and necessary for the purpose of processing my complaint.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of the complainant

\* Please delete where appropriate

**Appendix V****Restricted****Sample Complaint Record**

Date received \_\_\_\_\_

Source:  Directly lodged to The School  
 Referred by the EDB  
 Referred by other organisations: \_\_\_\_\_

Mode:  Phone  Letter  Email  Fax  In person  Others: \_\_\_\_\_

Personal information of the complainant:

Name: Mr/Ms/Mrs \_\_\_\_\_

Identity:  Parent  Councillor  Public  
 Organisation: \_\_\_\_\_  Others: \_\_\_\_\_  
 Authorised representative of the complainant (please state the name, address and contact telephone number of the representative and his/her relation with the complainant):

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

Subject(s) of complaint:  Principal  Teacher  Staff  Others: \_\_\_\_\_

Areas of Complaint:  Management and Organisation  Learning and Teaching  
 School Ethos and Student Support  Student Performance  
 Others

Summary of complaint: \_\_\_\_\_

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Investigation stage

Person-in-charge: \_\_\_\_\_

Issue of Notice of Acknowledgement (date: \_\_\_\_\_)

Telephone contact (date: \_\_\_\_\_)

Interview with the complainant (date: \_\_\_\_\_)

Issue of written reply (date: \_\_\_\_\_)

Summary of findings: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Appeal stage (if applicable)

Date of appeal: \_\_\_\_\_

Person-in-charge: \_\_\_\_\_

Issue of Notice of Acknowledgement (date: \_\_\_\_\_)

Telephone contact (date: \_\_\_\_\_)

Interview with the complainant (date: \_\_\_\_\_)

Issue of written reply (date: \_\_\_\_\_)

Summary of appeal result: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Follow-up actions or recommendations (if applicable): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of person-in-charge: \_\_\_\_\_

## Appendix VI

**Restricted**

### Sample Reply Letter for Persistent Complaints

DD MM YYYY

Name of the complainant

Address of the complainant

Dear Mr/Ms\* XX:

This is to acknowledge receipt of your letter dated DD MM YYYY. For our stance on the relevant issue, please refer to our reply/replies dated DD MM YYYY (and dates of other replies [if applicable]). Please note that we will neither respond to the same complaint nor contact you again.

(Signature)

Principal of St. Paul's School (Lam Tin) /  
Name and post of the designated staff\*

\* *Please delete where appropriate*

**Appendix VII****Restricted****Template of School Investigation Report**

Date of receipt of complaint : \_\_\_\_\_

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

Telephone : \_\_\_\_\_ Fax : \_\_\_\_\_ Email : \_\_\_\_\_

Address : \_\_\_\_\_

Other information (if any) : \_\_\_\_\_

Identity of complainant :

- Parent             Student             Teacher             School Staff  
 Alumni             Public  
 Others (e.g. : Councillor / Organization) \_\_\_\_\_

Mode of complaint :

- Letter             Fax             Email  
 Telephone (received by \_\_\_\_\_)  
 In person (interviewed by \_\_\_\_\_, venue: \_\_\_\_\_)  
 Referral (e.g. : Education Bureau, Legislative Councillor, District Councillor, ICAC, professional associations : \_\_\_\_\_)

Person(s) being complained :

- Principal     Teacher     Staff     Service Provider  
 Others : \_\_\_\_\_

Issues of complaint :

- Management and Organisation             Learning and Teaching  
 Student Ethos and Student Support     Student Performance  
 Teacher Professional Conduct             Others : \_\_\_\_\_

 Please put a ✓ in the box as appropriate

\* Please delete as appropriate

**Summary of complaint :**

**1. Background :** *[Please attach telephone / interview record (if applicable)]*

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**2. Allegation :** *[If more than one allegation, please arrange by number]*

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**3. Investigation :**

**A. The incident**

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**B. Sequence of events** *[Please add row(s) if necessary]*

Date	Sequence of Events	Attachment (including interview record / meeting notes/ report, etc.)

**C. Responses from the person(s) being complained regarding the incident**

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**D. Impact on students and follow-up measures taken by the school**

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**E. Work performance and conduct of the person(s) being complained**

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**4. Investigation result :**

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**5. Analysis and conclusion :**

Allegation <i>(Please make reference to Item 2 above)</i>	Substantiated	Not Substantiated	Partially Substantiated	Not Applicable

**6. Follow-up action :** *[If applicable, e.g. disciplinary actions taken against the person being complained and improvement measures adopted by the school on the incident, etc.]*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. Other related information :** *[Such as written statement / declaration, circular, guidelines, ordinance, etc.] :*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**8. Responsible persons :**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Post: \_\_\_\_\_

Date: \_\_\_\_\_

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**xxxx Secondary School  
Complaint Investigation Report**

Example 1 for schools' reference
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Date of receipt of complaint :     xx.xx.xxxx    Name of complainant : Mr / Ms \* Anonymous complaint (identity not known)Telephone : xxxxxxx Fax : xxxxxxx Email : xxxxxxxAddress : xxxxxxxxxxxxxxxxxx

Other information (if appropriate) : \_\_\_\_\_

Identity of complainant :

- Parent       Student       Teacher       School Staff  
 Alumni       Public  
 Others (e.g. : Councillor / Organization) \_\_\_\_\_

Mode of complaint :

- Letter     Fax     Email     Telephone (received by \_\_\_\_\_)  
 In person (interviewed by \_\_\_\_\_, venue: \_\_\_\_\_)  
 Referral (e.g. : Education Bureau, Legislative Councillor, District Councillor, ICAC, professional associations, etc.) : \_\_\_\_\_

Person(s) being complained :

- Principal     Teacher     Staff     Service Provider  
 Others : \_\_\_\_\_

Issues of complaint :

- Management and Organisation       Learning and Teaching  
 Student Ethos and Student Support     Student Performance  
 Teacher Professional Conduct       Others : \_\_\_\_\_

\* Please delete as appropriate

 Please put a ✓ in the box as appropriate

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**Summary of complaint :**

**1. Background :** *[Please attach telephone / interview record (if applicable)]*

The school sponsoring body (SSB) and the school received a total of more than 800 complaints, alleging that a teacher (Teacher x) posted messages on his social media platform containing vulgar and abusive language as well as comments which insulted councillors and people with different political views. Moreover, Teacher x was accused of showing his social media webpages to students many times with a view to imparting biased political stances. The incident was also reported in many newspapers which aroused the concerns of many parents. In view that the incident was related to teacher professional misconduct and the allegations were serious, the Incorporated Management Committee (IMC) of the school established a task force to investigate the incident. Its members included:

- a. Principal xxxx (Chairman of the Task Force);
- b. Mr xxxx, the independent school manager of the IMC (Member of the Task Force); and
- c. Vice-principal xxxx (Member of the Task Force).

The terms of reference of the Task Force :

- a. To conduct investigation into the complaint and to determine whether Teacher x has conveyed improper messages on the Internet and imparted his political stance in daily teaching;
- b. To assess the severity of the case and, in particular, the impact on the students if the allegations are substantiated; and
- c. To make recommendations to the IMC.

**2. Allegation :** *[If more than one allegation, please arrange by number]*

- a. Posting and forwarding vulgar and abusive language via personal social media platform; and
- b. Imparting biased political views to students by showing them personal social media webpage which contained hate messages

**3. Investigation :**

**A. Incident**

Since xx.xx.xxxx, the school had received a large number of anonymous emails and letters (more than 800 letters as at xx.xx.xxxx) complaining against Teacher x. The complaints against Teacher x were summarised as follows:

1. A total of xx posts (Annex x) were found in his social media platform. In addition to the



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expression of his biased political stance, there were vulgar and abusive language insulting councillors and cursing messages against people with different political views.

2. Teacher x was accused of showing the above-mentioned posts to students of Secondary x class during the lesson. He imparted biased political stance and distorted values to students and violated the professional conduct of teachers.

**B. Sequence of events :** *[Please add row(s) if necessary]*

Date	Sequence of Events	Attachment (including interview record / notes of the meeting / report etc.)
xx/xx/xxxx	The school's Task Force met Teacher x to ascertain whether the screenshots of webpages, as attached with the complaints (especially those containing biased political stances and vulgar and abusive language), came from his social media platform. Teacher x was requested to give responses. To facilitate the investigation, his consent to showing the contents of his social media webpages to the Task Force was sought.	Annex (x) Interview Record Annex (x) Teacher x's written response
xx/xx/xxxx	The vice-principal and the class teacher paid a visit to Secondary x class to enquire and provide counselling to the students.	Annex (x) Interview Record Annex (x) School Report
xx/xx/xxxx	The principal met the panel head to inquire about Teacher x's teaching performance and attitude and requested the panel head to review the relevant teaching materials and lesson plans prepared by Teacher x in the current school year.	Annex (x) Interview Record Annex (x) The report from the panel head
xx/xx/xxxx	The Task Force met Teacher x to inform him of the preliminary investigation results of the Task Force. He was invited to give further responses / make representations and provide information (if any).	Annex (x) Interview Record Annex (x) Teacher x's written response
xx/xx/xxxx	The IMC conducted a meeting to review the report of the Task Force and approved the follow-up measures to be taken.	Annex (x) Notes of meeting
xx/xx/xxxx	The principal interviewed Teacher x and informed him of the decision of the IMC, including the	Annex (x) School letter issued to Teacher x

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Date	Sequence of Events	Attachment (including interview record / notes of the meeting / report etc.)
	disciplinary actions and follow-up measures. He was also informed that he could submit an appeal by xx.xx.xxxx.	
xx/xx/xxxx	The school submitted an investigation report to the EDB on the incident.	Annex (x) Reply letter to the EDB and the investigation report

### C. Teacher x's responses to the incident

#### Allegation 1

1. Teacher x confirmed that all screenshots in the attachment came from his personal social media webpages.
2. Teacher x admitted that he was influenced by the social atmosphere. During the period from xx.xx.xxxx to xx.xx.xxxx, a total of xx messages were posted or forwarded on his personal social media webpages to express his personal feelings, and criticise councillors and people with different political views. He claimed that he felt extremely distressed and he unconsciously used vulgar and abusive language to release his personal emotions.
3. Teacher x said that he felt sorry after reflection and wished to apologise for the use of improper words. He deleted the posts concerned on xx.xx.xxxx (Note: Teacher x showed his personal social media platform to the Task Force after that date. The Task Force confirmed that Teacher x had deleted those inappropriate posts).

#### Allegation 2

1. Teacher x stated that he had two social media accounts. The account with improper messages was ABCD, which was only open to friends and did not include current students.
2. Teacher x showed another social media account (named EFGH) to students during class discussion in Secondary x class. He also discussed with students the news relating to the issue of daily living of Subject x. The contents were not related to politics. Teacher x showed the social media account named EFGH.

### D. Impact on students and follow-up measures taken by the school

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1. The vice-principal and the class teacher paid a visit to Secondary x class to verify whether Teacher x had shown inappropriate posts to students and to provide counselling. The students remarked that Teacher x did show his social media platform account during class discussion activities in the past, which was about news on current social affairs and daily issues relating to Subject x. The students did not notice any content with vulgar and abusive language or political stance, but they could not remember the name of the account.
2. According to the daily observations of the class teachers of Secondary x class (School Report at Annex x), there was no evidence that any student had negative emotions or felt stressed due to the incident.

**E. Teacher x's work performance and conduct**

1. Teacher x joined the school in xx.xxxx and served as a teacher of Subject x since the xxxx/xxxx academic year. According to his appraisal reports, Teacher x's teaching performance was satisfactory. The school had never received complaints from parents against Teacher x nor discovered any suspected acts of professional misconduct.
2. The panel head had inspected all the learning materials, assignments and worksheets prepared by Teacher x in the current school year. No contents relating to political stance or improper messages were found.

**4. Investigation result**

The Task Force investigated the complaints through different means, including meeting with the relevant school teachers and reviewing written responses and information provided by Teacher x. The investigation results were summarised as follows:

1. Teacher x did express his personal feelings with vulgar and abusive language and cursed the people with different political views via his social media webpages during the period from xx.xx.xxxx to xx.xx.xxxx. After review, the Task Force considered that the relevant messages were improper.
2. The relevant social media webpages were not open to public and students were not able to access them. Although the messages posted by Teacher x did not directly affect students, his inappropriate messages had already tarnished the professional image of teachers and caused negative impact on the school.
3. Students, parents, and the public have high expectations of teachers. Teachers should be cautious about their words and deeds. Teacher x who used inappropriate language to express hate and insulting messages did violate the professional conduct of teachers. The allegation was considered substantiated.
4. After examining the learning materials, classwork and worksheets prepared by Teacher x in the current school year and collecting students' feedback, there was no evidence that

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Teacher x had spread political stance and improper messages in his daily teaching.

#### 5. Analysis and conclusion :

Allegation (please refer to item 2)	Substantiated	Not Substantiated	Partially Substantiated	Not Applicable
1. Posting and forwarding vulgar and abusive language via personal social media webpage	✓			
2. Imparting biased political views to students by showing personal social media webpage which contained hate messages		✓		

#### 6. Follow-up action : [If applicable, e.g. the disciplinary action taken against the person being complained and improvement measures adopted by the school on the incident etc.]

1. The disciplinary action against the teacher concerned
  - a. When members of the Task Force checked Teacher x's social media webpages on xx.xx.xxxx, it was confirmed that he had deleted the posts related to hate and insulting messages. Teacher x apologised for what he had done. Based on the comprehensive findings, the IMC considered the allegation of professional misconduct substantiated. In response, the IMC decided to xxxxxxxx Teacher x.
  - b. The principal/vice-principal/ panel head would monitor the performance of Teacher x by conducting classroom observations and inspection of students' assignments from time to time in the next six months.
2. Other follow-up actions
  - a. All teachers would be reminded to be mindful of their words and deeds, irrespective of whether they are inside or outside school. They should uphold a serious and professional manner and should not bring politics to campus.
  - b. All teachers would be urged to review their personal social media webpages immediately to prevent similar incidents from happening again.

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**7. Other related information :** *[Such as written statement / declaration, circular, guidelines, ordinance, etc.]*

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**8. Responsible staff :**

Signature:	_____	_____	_____
Name:	_____	_____	_____
Post:	_____	_____	_____
Date:	_____	_____	_____

Restricted

<p>Example 2 for schools' reference</p>
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**xxxx Secondary School  
Complaint Investigation Report**

Date of receipt of complaint : xx.xx.xxxxName of complainant: Mr / Ms \* Several complainants claiming to be parents, students and members of the public (including anonymous complaints)Telephone : xxxx xxxx Fax : xxxx xxxx Email : xxxxxxxAddress : xxxxxxxxxxxxxxxxxxxx

Other information (if applicable) : \_\_\_\_\_

Identity of complainant :

- Parent     Student     Teacher     School Staff  
 Alumni     Public  
 Others (e.g. : Councillor / Organisation) \_\_\_\_\_

Mode of complaint :

- Letter     Fax     Email     Telephone (received by \_\_\_\_\_)  
 In person (interviewed by \_\_\_\_\_, venue: \_\_\_\_\_)  
 Referral (e.g. : Education Bureau, Legislative Councillor, District Councillor, ICAC, professional associations, etc.) : \_\_\_\_\_

Person(s) being complained :

- Principal     Teacher     Staff     Service Provider  
 Others : \_\_\_\_\_

Issues of complaint :

- Management and Organisation     Learning and Teaching  
 Student Ethos and Student Support     Student Performance  
 Teacher Professional Conduct     Others : \_\_\_\_\_

 Please put a ✓ in the box as appropriate

\* Please delete as appropriate

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**Summary of the complaint :**

**1. Background :** *[Please attach telephone / interview record (if applicable)]*

The school sponsoring body (SSB) and the school received a considerable number of complaints regarding an inappropriate question in the worksheet of a school subject (Subject x). The Incorporated Management Committee (IMC) of the school set up a task force to conduct a complaint investigation. Its members included:

- a. Mr xxx, IMC member (Chairman of the Task Force);
- b. Mr xxx, staff member of the Education Affairs Department of the SSB and member of the IMC (Member of the Task Force); and
- c. Ms xxx, staff member of the Education Affairs Department of the SSB and member of the IMC (Member of the Task Force).

The terms of reference of the Task Force:

- a. To investigate the incident and determine whether the allegations are substantiated;
- b. To understand the school's monitoring mechanism and related administrative arrangements for teaching materials (including worksheets and test papers, etc.); and
- c. To make recommendation(s) to the IMC.

**2. Allegation(s) :** *[If more than one allegation, please arrange by number]*

- a. The question in the worksheet was inappropriate which imparted distorted values to students; and
- b. Teacher setting the question (Teacher x) was in violation of professional conduct.

**3. Investigation :**

**A. Incident**

1. The worksheet concerned was an exercise of Subject x that was distributed to students of Secondary x class for completion during lesson on xx.xx.xxxx. There were a total of xx questions in the worksheet and the one which gave rise to those complaints was question no. x (see Annex x). Teacher x was accused of imparting distorted values on students by including contents relating to the social incidents that were unverified into the question (i.e. "xxxxx").
2. After receiving the complaints about the worksheet, the principal and the panel head examined the worksheet concerned immediately. As it involved some unverified contents, the principal interviewed the concerned Teacher x immediately (xx.xx.xxxx).
3. During the meeting, Teacher x expressed that after drafting the worksheet, it was circulated among subject teachers who taught the same class level and no one raised any questions. Teacher x admitted that in the process of drafting the questions, he was influenced by the

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social atmosphere and included some controversial contents into the question.

4. The concerned question of the worksheet was alleged to be biased. On the day when the school started to receive a large number of complaints, a statement clarifying the issue was published on the school's website (see Annex x).

**B. Sequence of events** *[Please add row(s) if necessary]*

<b>Date</b>	<b>Sequence of Events</b>	<b>Attachment (including interview record / notes of the meeting / report etc.)</b>
xx/xx/xxxx	Teacher x drafted the questions for the worksheet.	Annex (x) worksheet and answers
xx/xx/xxxx	Teacher x distributed the worksheet to students for completion during class.	
xx/xx/xxxx	The school received relevant complaints.	
xx/xx/xxxx	The principal and the panel head interviewed Teacher x.	
xx/xx/xxxx	The school received a letter from the EDB requesting for a report on the incident.	Annex (x) The letter from the EDB
xx/xx/xxxx	The school provided a written report and the response of Teacher x to the SSB (including Teacher x's written response to the school on xx.xx.xxxx).	Annex (x) School report and the written response of Teacher x
xx/xx/xxxx	IMC held a meeting to endorse the setting up of a Task Force to conduct investigation.	Annex (x) Notes of meeting
xx/xx/xxxx	The EDB issued a letter to the school requesting for further information on the incident, including the record of interview with students.	Annex (x) The letter from the EDB
xx/xx/xxxx	The Task Force visited the school and interviewed Teacher x. He was informed of the preliminary investigation results and invited to make further responses/representations and provide information (if any).	Annex (x) Interview Record (including a summary of the school's workflow on vetting teaching materials and examination papers)  Annex (x) The written response of Teacher x
xx/xx/xxxx	The Task Force visited the school and interviewed	Annex (x)



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	the concerned teaching staff.	Interview Record
xx/xx/xxxx	Teachers of the school counselling team and the social worker paid visits to each class of the concerned class level to provide counselling support and explain the incident.	Annex (x) Interview Record
xx/xx/xxxx	IMC held a meeting to review the report submitted by the Task Force and endorse the follow-up measures.	Annex (x) Notes of Meeting
xx/xx/xxxx	The principal interviewed Teacher x and informed him of the decision of the IMC, including disciplinary actions and follow-up measures. He was informed that he could make an appeal on or before xx.xx.xxxx.	Annex (x) School letter issued to Teacher x
xx/xx/xxxx	The SSB submitted the final report to the EDB.	Annex (x) Reply letter to the EDB and investigation report

**C. Impact on students and follow-up measures taken by school**

1. Based on the meeting between the school personnel and the students of Secondary x class as well as daily observations (School Report at Annex x), there was no evidence that any student was disturbed or had negative emotions because of the incident.
2. Teacher x and other subject teachers who taught the same class level stated that they did not notice any abnormal reactions from students when completing the worksheet in class.
3. Since this worksheet was used for the whole class level, the school counselling team and the social worker paid visits to every class of Secondary x level on xx.xx.xxxx and provided counselling support and explained the incident. During these visits, no student was found emotionally disturbed.

**D. Improvement measures of the school administration**

1. After the incident, the school reviewed the approval mechanism of the school-based teaching materials. For teaching materials with assessment results to be included in the school report, the current approval mechanism remained unchanged (i.e. the teaching materials must be routed through the setter, subject teachers of the same class level, the subject panel head/deputy panel head and lastly, the principal/vice-principal for approval and signatures before printing and distribution). As for other teaching materials, in the past, after passing them to the subject teachers of the same class level, the setter could

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arrange for printing and distribution. With immediate effect, all teaching materials must be approved by the head/deputy panel head of the subject before printing.

2. A teacher meeting was held after the incident to discuss the above enhanced mechanism.

**E. The responses from Teacher x and his work performance**

1. Teacher x joined the school in xx.xxxx and served as a teacher of Subject x from xxxx to xxxxx. He also undertook administrative duties of xxx every year. According to the appraisal reports, Teacher x's teaching performance was satisfactory. He cared about students and provided appropriate support to students with different needs.
2. According to the written response provided by Teacher x on xx.xx.xxxx, and the information provided in the meeting on xx.xx.xxxx, Teacher x admitted that he had inappropriately included some controversial contents into the question which was unprofessional and might mislead students. For the two allegations about the inappropriate worksheet and the violation of professional conduct, Teacher x was willing to shoulder the responsibility and accept any disciplinary action administered by the school.
3. The panel head completed the inspection of a total of xx worksheets and exercises of the concerned class level prepared by Teacher x during the period from xx.xx.xxxx to xx.xx.xxxx. No similar problem was found.

**4. Investigation result**

The Task Force investigated the incident through different means, including meeting with the relevant persons, reviewing their written responses and information provided by the school and Teacher x. The investigation results were summarised as follows:

**a. The Misconduct of Teacher x:**

The concerned question of the worksheet was obviously related to social incidents and the content of which was unverified. It might cause misunderstanding to students and even imparted distorted values to students. The way of drafting the question was extremely unprofessional. The two allegations against Teacher x on the use of inappropriate teaching materials and violating professional conduct are substantiated.

In view of his past performance and care for students, Teacher x was considered a competent teacher. After the incident, Teacher x admitted his mistakes directly and was willing to take up the responsibilities and accept the disciplinary action administered by the school. Although Teacher x committed a serious mistake, it was one single incident.

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There is little chance for Teacher x to commit similar mistakes again.

**b. Responsibilities of the school:**

In view of the current social situation, there was indeed room for improvement and enhancement of the school's monitoring mechanism for the learning and teaching materials. School management had the responsibility to improve the existing mechanism and play a supervisory role to prevent similar incidents from happening again.

**c. Impact on students:**

Based on the comprehensive findings (including the interviews with different teaching staff), only a small number of students expressed concerns about the incident, while the students involved (i.e. students in Secondary x class) did not behave abnormally or were not emotionally affected.

The IMC reviewed the report of the Task Force at the meeting on xx.xx.xxxx, and accepted the investigation results after thorough discussions.

**5. Analysis and conclusion :**

Allegation <i>(please refer to item 2)</i>	Substantiated	Not Substantiated	Partially Substantiated	Not Applicable
1. The question in the worksheet was inappropriate which imparted distorted values to students	✓			
2. Teacher x was in violation of professional conduct	✓			

**6. Follow-up action :** *[If applicable, e.g. the disciplinary action taken against the person being complained and improvement measures taken by the school on the incident, etc.]*

1. The disciplinary actions against the concerned teachers were as follows:

a. Teacher x

Based on the comprehensive information, the IMC considered the incident, though a single incident, was a serious misconduct case. In response to this incident, the IMC decided to xxxxxxxx Teacher x.

b. Other subject teachers of the same level

The principal should give a written reminder to all subject teachers of the same level for adopting a more prudent approach with different perspectives when reviewing the teaching materials.

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2. Improvement measures

The school interviewed Teacher x immediately to understand the whole incident and held a special staff meeting afterwards to review and enhance the process for approving learning and teaching materials. The IMC agreed with the above enhancement. In addition, the IMC endorsed the follow-up measures as below:

- a. To remind teachers to design questions in a serious and professional manner;
- b. To advise teachers to make good use of the lesson preparation time to discuss the contents of the teaching materials with their peers to ensure that the contents are closely connected with the learning focus as well as promote professional exchanges; and
- c. To remind the school management to regularly review the relevant mechanisms and arrangements related to learning and teaching, including the approval mechanism of teaching materials.

7. **Other related information :** *[Such as written statement / declaration, circular, guidelines, ordinance, etc.]*

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8. **Responsible persons :**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Post: \_\_\_\_\_

Date: \_\_\_\_\_