

## **Enhanced School Complaint Management Arrangements**

### **Points to Note in Handling School Complaints**

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 / School Management Committee / 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 person being complained 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 / School Management Committee / 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>] ) .