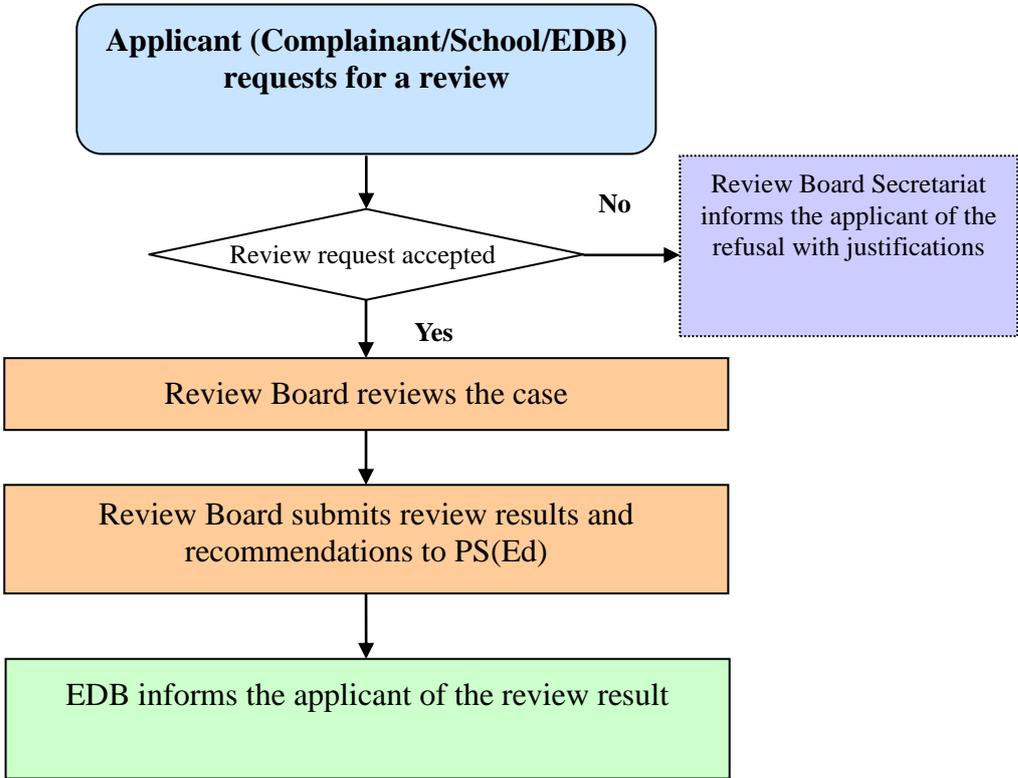


Review procedures

Diagram: Review Procedures



* Schools should inform the complainants in their replies after the appeal that if the complainants do not accept the results of the appeal or the ways the appeal have been handled, the complainants may apply in writing to the Review Board Secretariat in the EDB for a review within 14 days from the dates of the schools’ replies. In requesting a review, the complainant should state explicitly in the application the reasons for his/her discontent (e.g. the case has not been handled according to proper procedures or the investigation result is prejudiced) and provide substantial justifications or new evidence. The Review Board Secretariat will then forward the case to the Panel to decide whether a review should be conducted.

* If the review request is accepted, the Panel will set up a Review Board to handle it. If the request is unsuccessful, the Review Board Secretariat will inform the applicant (complainant/school/EDB) in writing of the reasons for refusal.

* The person who requests for a review is required to sign a letter of consent, authorising the Review Board to forward information regarding the complaint to the school/school sponsoring body and/or other relevant organisation(s)/person(s). The Review Board also has the right to obtain information related to the complaint/review

from the complainant, the school/school sponsoring body and/or other relevant organisation(s)/ person(s).

* The review process mainly involves examination of investigation reports and related documents. Taking into account the subject matter and nature of the case, the Review Board may:

- (i) scrutinise the information provided by the complainant, subject of the complaint, school/school sponsoring body and/or EDB, as well as the files and records associated with the case;
- (ii) require the complainant, subject of the complaint, school/school sponsoring body and/or EDB to clarify information and/or provide new evidence;
- (iii) meet with the complainant, the subject of the complaint and/or other persons concerned respectively to collect further information; or
- (iv) invite the complainant, subject of the complaint, representative(s) of the school/school sponsoring body, and/or representative(s) of EDB to attend case meetings.

* To protect personal privacy, the Review Board/EDB may not disclose to anyone any personal information related to the complaint without the consent of the relevant parties (including the complainant, subject of the complaint, and/or the school/school sponsoring body).

* If the Review Board wishes to interview specific persons or convene a meeting on the case, it will make the following arrangements:

- (i) The persons to be present at the interview or case meeting must be involved in the complaint and have obtained the approval of attendance from the Chairperson of the Review Board;
- (ii) During the interview or case meeting, the complainant is not allowed to question the subject of the complaint or other witnesses, and vice versa; and
- (iii) Audio/video recording is prohibited during the interview or case meeting.

Result of review

* The Review Board will examine whether the case has been handled properly according to the complaint handling procedures and whether the result of investigation by relevant party is fair and reasonable. It will then make recommendations on whether to close the case, settle the disputes through mediation, implement follow-up/remedial measures, or conduct a re-investigation. The review results and recommendations will be submitted to the PS(Ed) for consideration.

* The EDB will draw a final conclusion with reference to the review result and recommendations of the Review Board. The applicant(s) will be informed in writing of the outcome within three months after receipt of the request for review. If the EDB accepts closure of the case as recommended by the Review Board, the EDB and the school will cease to handle the complaint. If the applicant(s) requesting the review consider the result unacceptable, they may further appeal via other channels.

* If the Review Board recommends that the case be re-investigated by the school/EDB, the school/EDB should assign staff at least one rank higher than those who handled the case previously to conduct the re-investigation. The re-investigation should be completed within two months and the result submitted in writing to the Review Board. Upon the endorsement of the Review Board, the school/EDB would issue a written reply to the complainant and copy it to the Review Board. If the school/EDB cannot complete the investigation within two months, it should notify the complainant in writing of the reasons and the time needed for a definite reply.