

For information  
on 6 July 2009

**Legislative Council Panel on Education**  
**Redress Mechanism for**  
**the University Grants Committee-funded Sector**

**Purpose**

This updates Members on the effort that the University Grants Committee (UGC) -funded sector has undertaken to improve the redress mechanism to handle staff complaints.

**Existing redress mechanism**

2. In April 2008, the UGC Secretariat updated Members on the established grievances and complaints handling mechanisms of the UGC-funded institutions. The mechanisms in place are tailored to suit the particular circumstances of each institution and the procedures are clearly defined and made known to the staff. A designated body is generally tasked to conduct enquiry or investigation. Meetings will be held with staff concerned and there will be calling of witnesses if applicable. An appeal mechanism is also in place and the recommendations of the appeal authority will have to be approved by the highest level of management of the institution. The final decision will be explained to the complainant or appellant. In addition, efforts have been made in the sector to improve the mechanisms in the light of changing environment and changing expectations of the staff and students through, for example, enhanced communication and improved transparency.

3. The Legislative Council Panel on Education discussed the matter in July 2008 and February 2009 respectively. The deputations from the staff associations attending the two meetings have expressed demand for better systems to handle staff grievances. Specifically, some institutional staff members have suggested the establishment of an elected independent inter-institutional complaints committee comprising staff and

management representatives. Others have suggested extending the remit of the Ombudsman to cover the UGC-funded sector.

### **Inter-institutional redress mechanism**

4. The Heads of Universities Committee (HUCOM) issued a response in November 2008, stating its position of not supporting the proposal to establish an elected independent inter-institutional complaints committee on the grounds that the principle of openness, fairness and justice have been upheld in the existing redress mechanism and that institutions are in the best position to handle complaints of their own staff.

5. In order for a redress mechanism to be seen as effective, it is of paramount importance that the complaints handling procedures allow grievances to be dealt with fairly, consistently and in a timely manner. The mechanism should also be well-publicized so that staff members are aware of the available channels to handle their grievances. Staff members who feel aggrieved should be allowed to state their case and appeal mechanisms should be available. These principles should be observed by individual institutions in drawing up their grievance procedures and mechanism.

6. An inter-institutional mechanism may not be a prerequisite for the above principles to be realized. Indeed, as far as we can ascertain, we are not aware of any established large scale inter-institutional redress mechanism in other parts of the world. It would not be easy for an inter-institutional mechanism to be able to take into consideration the different tradition, culture and practices of the institutions while respecting the autonomy of them. Separately, having an inter-institutional mechanism may duplicate the institutions' existing systems and add confusion. There will also be serious resource implications. Instead, it may be more efficient and practical to improve the existing mechanisms.

### **Extension of the Ombudsman's remit**

7. As regards the suggestion to extend the remit of the Ombudsman to include UGC-funded sector, it has been pointed out before that the Ombudsman does not cover personnel matters such as appointments, dismissals, pay and conditions of service which are the subject of most

staff grievances and complaints. In addition, academic matters should not be handled by the Ombudsman.

8. We note that the Ombudsman is an independent body outside of the administrative structure. There will be great resource implications to acquire the required expertise and knowledge to make a judgment involving academic standard and practice. Having considered the above factors, it remains our view that the remit of the Ombudsman should not be extended to cover UGC-funded sector.

### **Way Forward**

9. Based on the premise that institutional autonomy must be respected and protected, we agree that we can work with the institutions to further improve the existing processes. In this context, the UGC is encouraging institutions to explore ways to improve their complaints handling mechanisms which will not compromise individual institutional autonomy. In order to assist the institutions to improve their processes, the UGC is studying the redress mechanisms adopted by universities/institutions in other jurisdictions. In addition, the Research and Library Services Division of the Legislative Council is conducting a research on the external complaint handling mechanism for the higher education sector in the United Kingdom, Queensland of Australia and Taiwan as these places have either legislation or independent public bodies or both in place to deal with specific types of complaints arising from staff of the higher education sector. The UGC will, on the basis of these findings, explore with the institutions how their redress systems may be improved. This will include coming up with best practices of local and overseas institutions and sharing these with the institutions.

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