

For information
On 7 February 2013

**Legislative Council Panel on Education
Pilot Project on
Revised School Complaints Handling Arrangements**

Purpose

This paper aims to brief Members on the purpose and details of the Pilot Project on Revised School Complaints Handling Arrangements carried out by the Education Bureau (EDB).

Background

2. Cultivating a culture of good communication and establishing a well-defined complaints management system are essential elements of good governance and quality services. Parents and members of the public are encouraged to express their views and opinions (including complaints) directly to the school concerned to facilitate timely consideration, responses, follow-up actions and/or enhancement measures where appropriate. In line with the spirit of school-based management, the Education Ordinance has authorised the Incorporated Management Committees (IMCs) /School Management Committees (SMCs) with the power and responsibility in managing schools. Schools should work in collaboration with their school sponsoring bodies (SSBs) to formulate school-based mechanisms and procedures for handling school affairs, including the handling of school-related complaints.

3. All along, for day-to-day complaints irrespective of whether they are lodged by parents or the public, or referred by EDB or other organisations, schools would handle them according to their established school-based procedures. Handling complaints is therefore not a new additional task to schools. However, diversity exists amongst schools in establishing a clear, comprehensive and transparent school-based complaints handling mechanism; for examples, making available documented appeal procedures, specifying clear and explicit arrangements

for keeping confidentiality and declaration of interest etc. Besides, some school staff are not tactful enough in handling complaints resulting from which some complaints were unable to be resolved in a timely and effectively manner. The more deep-rooted question is whether a good communication culture has been inculcated and adequate and smooth communication channels are available in schools. Furthermore, some unreasonable repeated complaints may consume immense manpower of schools or even interrupt their operations or services.

4. On the other hand, some complainants choose to lodge complaints relating to schools' daily operation or internal matters to EDB. According to the prevailing practice, when such kind of complaints is received by EDB, they would be referred to the relevant school or its SSB for follow-up actions depending on the subject of the complaint. The school/SSB concerned is required to submit its report/response to EDB, based on which EDB would reply to the complainant. For some cases which so warrant, EDB may have to seek further clarifications from the school. The existing arrangement has been considered as indirect and time-consuming and unable to effectively address the problem in a timely and focused manner.

5. To address the above situations, the Ad Hoc Committee on Complaints Handling in Schools (Ad Hoc Committee) which comprises independent persons from different sectors was set up by EDB in September 2011 to make recommendations on how to properly handle school complaints and streamline the related procedures. Members of the Ad Hoc Committee include experienced complaints handling experts, lawyer, doctor, human resources management expert, school management personnel, etc.

The Process and Considerations in Formulating the Revised School Complaints Handling Arrangements

6. The Ad Hoc Committee had visited different categories of schools to listen to the views of the school management, frontline staff and parents in order to understand the current situation and difficulties of complaints handling in schools. Reference has also been drawn from the complaint handling mechanisms and experience of overseas countries (including the U.K., the U.S.A., Australia and Canada) before the Ad Hoc Committee put forth its initial recommendations on the revised school complaints handling arrangements (Revised Arrangements). After that, in May to June 2012, the Ad Hoc Committee widely consulted the school

sector and different stakeholders, which included the school heads associations of 18 districts, seven school councils, four teachers associations, the Committee on Home-School Co-operation and the Federations of Parent-Teacher Associations in 18 districts, 29 SSBs, the Hong Kong Association of Sponsoring Bodies of Schools, the Federation of Incorporated Management Committees of Hong Kong, 12 visited schools, 27 schools participating in the Pilot Project on Strengthening Schools' Administration Management (SAM) and the Steering Committee of the SAM.

7. The different parties being consulted generally have positive views on the recommendations of the Revised Arrangements. An association expressed concerns on the conflict of roles when complaints against staff are being investigated by school's own staff. There were also worries from an association that EDB would no longer monitor the schools. To address the former concern, the Ad Hoc Committee has already provided in the Revised Arrangements the requirement of declaration of interest, viz. designated officers and persons should declare interest before handling complaints. If there is any conflict of interest, the relevant person(s) must avoid handling the case or accessing any information relating to the case. When referring the case to school for follow up, EDB will remind the school that the staff being complained shall not be involved in handling the case or monitoring the investigation. To enhance the objectivity of complaints handling, schools are suggested to invite independent person(s) to participate in the tasks of investigation or handling appeal on a need basis. Hence, we believe that conflict of interest/roles can be avoided and dealt with.

8. For the later concern on the role of monitoring, we would like to clarify that premising on the basis of school-based management, EDB will continue to monitor the performance of schools. To put it clear, schools should shoulder the responsibility to handle matters that they should settle on their own. Micro-management does not suit the current trend and needs of school development. Under the Revised Arrangements, EDB would monitor schools in handling complaints by requiring them to send us a copy of their reply to the complainant for reference when they have completed their investigation or follow-up actions. EDB will ensure the complaints are handled in accordance with the established procedures of schools. Schools can also seek advice from EDB in the process of handling complaints. Under special circumstances, e.g. complaints involving serious incidents or maladministration of the school management, EDB will intervene and conduct direct investigation in any time. To conclude, EDB has no hesitation in taking up the monitoring role. Yet at the same time, we should

maintain our trust and respect to the professional capacity and capability of school personnel.

9. In implementing the Revised Arrangements and the pilot project, we focus not only on streamlining the procedures and steps, but also on assisting schools in setting up or improving the school complaints handling mechanism through reinforcing the school communication culture, establishing effective communication channels and enhancing the complaint handling skills of school personnel.

Details of the Revised School Complaints Handling Arrangements

10. The Ad Hoc Committee, after drawing reference from the views of the school sector and stakeholders as well as the local and overseas experience in complaints handling, recommended carrying out a pilot project to try out the Revised Arrangements in handling school complaints which include the following essence:

- ◆ *Defining clearly the roles and responsibilities of schools and EDB in the handling of school-related complaints:*

While EDB would take up complaints relating to the Education Ordinance, education policies and services directly provided by EDB, schools should take up complaints relating to schools' daily operations and internal affairs (please refer to Annex for examples) directly to enable timely and effective resolution of problems and addressing the complainant's concerns.

- ◆ *Establishing/enhancing school-based complaints handling mechanism:*

Schools should set up clear and transparent school-based complaints handling mechanism and procedures, which include the requirement of an appeal system, keeping confidentiality of related data and making declaration of interest/no conflict of roles, to ensure complaints from parents and the public can be handled in a fair and just manner.

- ◆ *Setting up an independent mechanism to review school-related complaints:*

To ensure proper and just handling of complaints from parents and the public, EDB has set up the Review Board on School Complaints (Review Board), which comprised independent persons from the education and

non-education sectors to be responsible for reviewing complaint cases that have been handled by schools. If necessary, the complainant or related parties (e.g. school/SSB) may apply to the Review Board for an independent review of the case concerned.

11. The Revised Arrangements are not introducing a brand new mechanism but just streamlining the current complaints handling procedures with an aim to helping schools establish or refine their school-based complaints handling mechanism and procedures so as to properly and speedily follow-up and respond to the views or complaints received day-to-day by schools. The Ad Hoc Committee and stakeholders all agree that if complaints related to daily operation and internal affairs are to be handled by relevant responsible staff, it can narrow the communication gap and enable more focused and timely handling of the issue.

12. The Revised Arrangements are not applicable to complaints lodged by school staff. If EDB receives complaints lodged by the staff of pilot schools, they would be handled by EDB according to the current practice. The Ad Hoc Committee is arranging to meet relevant educational bodies, including SSBs, teachers unions and school councils to solicit their views on school staff complaints handling mechanism and procedures.

Pilot Project

13. There are 80 schools participating in the Pilot Project on Revised School Complaints Handling Arrangements in the 2012/13 school year. Majority of pilot schools are nominated by their SSBs or by themselves. They all endorse the direction of the Revised Arrangements and consider them helpful in enhancing their school complaints handling mechanism and procedures, and facilitating stakeholders in understanding the relevant policy of the school. To enable public access to the details of the Pilot Project and the list of pilot schools, we have uploaded the relevant information to EDB webpage: School Administration > Administration > Pilot Project on Revised School Complaints Handling Arrangements (<http://www.edb.gov.hk/index.aspx?nodeID=9168&langno=1>).

14. EDB has provided pilot schools with supporting measures, including the provision of Guidelines for Handling School Complaints, conducting briefings for stakeholders of schools and organising training programmes on complaints handling,

communication and mediation skills for responsible staff. Since July 2011, 30 training workshops and a school complaint handling experience sharing session have been organised by EDB for over 1200 school personnel, including principals, complaint handling staff and frontline staff. Participants welcomed the training and agreed that these programmes could help school staff prevent and properly handle complaints. We will continue to provide training on different focuses. Pilot schools may make reference to the guidelines provided by EDB in formulating their school-based complaints handling mechanism and procedures. They are also required to ensure that various school stakeholders are aware of the revised complaint handling procedures through appropriate channels, such as activities of Parent-Teacher Association, school circulars or school websites.

15. Starting from January 2013, trial run of the following revised complaints handling arrangements has been launched in pilot schools:

- ◆ If EDB receives complaints relating to schools' daily operations and internal matters lodged by parents or members of the public, the cases will be referred to the pilot school concerned for handling after obtaining the complainant's consent. Upon referral, the pilot school concerned will conduct investigation according to its school-based complaints handling procedures and reply direct to the complainant with a copy of the reply letter sent to EDB for reference. If the complainant does not agree to the referral, EDB normally will not intervene to take up the investigation. However, EDB may conduct direct investigation if the complaint involves serious incidents or maladministration of the school management.
- ◆ If a complaint has been handled and replied by the school/SSB in accordance with their own investigation and appeal mechanism, but the complainant still considers the issue unresolved and is able to provide sufficient supporting reasons or new evidences, he/she can apply for a review of the case by the Review Board. On the other hand, if the related organisation (e.g. school or SSB) has properly handled a complaint according to their established procedures but the complainant still does not accept the investigation result and continues to lodge complaint, the relevant organisation can also request the Review Board to review the case.

16. EDB will keep in view the implementation and effectiveness of the trial run of the Revised Arrangements before planning for further implementation of the

revised school complaints handling arrangements.

Advice Sought

17. Members are requested to note the details of the Pilot Project on Revised School Complaints Handling Arrangements.

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Examples of Complaints Relating to Daily Operations and Internal Affairs of Schools

1. Management and Organization

- School policies (e.g. requirement of school uniform, school timetable)
- Contractor services standard (e.g. school bus service, meal box supply)
- School environment and hygiene (e.g. noise, mosquitoes problem)
- School facilities (e.g. water seepage problem, dilapidation)

2. Learning and Teaching

- Selection of subjects and class allocation (e.g. arrangement for student choice of subjects)
- Homework (e.g. amount of homework, school-based assessment standards)
- Students assessment (e.g. assessment standards)
- Staff performance (e.g. behaviours/attitudes of teaching staff)

3. School Ethos and Student Support

- School ethos (e.g. uniform, appearance)
- Discipline and counseling (e.g. reward and punishment systems, school regulations)
- Home-school cooperation (e.g. consultation mechanism, communication channels)
- Student support (e.g. support for students with special educational needs)
- Extra-curricular activities (e.g. interest group or activity arrangements)

4. Student Performance

- Students' overall performance (e.g. academic performance, conduct)
- Student discipline (e.g. abusive language, smoking, fighting, bullying)