

**For information
on 8 July 2014**

**Legislative Council Panel on Education
Subcommittee on Integrated Education**

**Issues Related to Handling of Complaints about
the Implementation of Integrated Education**

Purpose

This paper provides details on issues related to the mechanism established by the Education Bureau (EDB) for handling school complaints (including complaints arising from the implementation of Integrated Education) and its latest development.

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. All along, the EDB encourages parents and members of the public to express their views and opinions (including complaints relating to Integrated Education) directly to the schools concerned to facilitate timely consideration, responses, follow-up actions and/or enhancement measures. In line with the spirit of school-based management, the Education Ordinance has authorized the Incorporated Management Committees (IMCs) / School Management Committees (SMCs) with the power and responsibility in managing schools. School should work in collaboration with their school sponsoring bodies to formulate school-based mechanisms and procedures for handling school affairs, including the handling of school-related complaints.

Complaint Handling Process

3. When the EDB receives written or verbal complaints from members of the public concerning schools (including complaints arising from the implementation of Integrated Education), the cases will be recorded and filed, and the complaints will be handled according to the established procedures. If the complaints are about the Education Ordinance, education policies and services directly provided by the EDB, they will be handled directly by the Bureau. If the complaints are about daily operation and internal matters of schools, the EDB will, after securing the complainant's consent, refer the case to the school concerned and require the submission of a report / response within a reasonable timeframe. In this connection, the EDB has issued the School Administration Guide to aided schools, which

requires schools to establish complaint handling procedures, designate suitable persons to handle the complaints in the light of their nature and make prompt response to the complaints. The EDB will scrutinize the related reports / responses submitted by the schools, based on which the EDB will issue replies to the complainants. If necessary, the EDB may seek further clarifications from the schools concerned to ascertain whether the reports / responses are reasonable and comprehensive. If the complaints are of a serious nature such as cases where the safety of students is endangered, or the operation of the school is seriously affected; or under special circumstances where maladministration of the IMCs / SMCs or grave mismanagement of the schools are implicated, the EDB will investigate directly. The above mentioned procedures are also applicable to complaints involving the Disability Discrimination Ordinance.

4. In handling complaints involving disability discrimination, the Equal Opportunities Commission has formulated the Code of Practice on Education (the Code) pursuant to the Disability Discrimination Ordinance (DDO) to provide educators with practical guidance on making provisions for students with disabilities that are consistent with the provisions set out in the DDO; and enable persons with disabilities, their parents and their associates (such as family members, carers and business associates) to understand their rights under the provisions of the DDO. Section 23.2.8 of the Code states that “educational establishments should develop grievance procedures to handle grievances or complaints from their students / prospective students with disabilities, and / or their parents, concerning matters relating to the DDO.”

5. If the school and the complainant cannot arrive at a mutual agreement, they may submit the case involving the DDO to the respective Regional Education Office of the EDB for arranging a mediation meeting for both parties to work out a solution and reach a settlement. If the dispute cannot be resolved through the aforementioned procedures, the EDB will set up a Case Study Group (the Group) to solicit views from outsiders. Members of the Group are appointed by the EDB. Except for the Chairperson, all members are non-EDB members, including parents, representatives from the education sector and other professionals such as representatives from the medical or legal sector, educational psychologist, and the field of social work. The EDB will, depending on the nature of the case, invite representatives from relevant sectors to join the Group. The Group will review the case in an objective, impartial and fair manner, and put forward settlement proposals to EDB.

6. If parents want to lodge a complaint relating to disability discrimination, apart from choosing to resolve the complaint through the above procedures, they may also submit the case to the Equal Opportunity Commission.

Enhanced School Complaints Management Project

7. To help schools develop or improve the existing school-based complaint handling mechanism, the EDB set up in September 2011 an Ad Hoc Committee on Complaints Handling in Schools (Ad Hoc Committee) comprising independent persons to make recommendations on how to properly handle school complaints and streamline the related procedures. Based on the recommendation of the Ad Hoc Committee, the EDB launched a “Pilot Project on Revised School Complaints Handling Arrangements” (the Pilot Project)¹ in the 2012/13 school year. The objective of the Pilot Project is to help the participating schools put in place or enhance the school-based mechanism for establishing a fair, just and open system for managing complaints. Thus, in instances where a complaint or an enquiry is initiated, all parties, including the school management, staff and parents, can follow clearly defined principles and procedures and the school can make use of well-functioning communication channels to discuss with relevant stakeholders for effective solutions. We reported to the Legislative Council Panel on Education on 7 February 2013 on the plan and progress of the Pilot Project². Details of the Pilot Project can be found from the EDB website³.

Way Forward

8. EDB will keep on monitoring closely the implementation of Integrated Education in schools and reminding schools to handle complaints properly in accordance with the established procedures. Apart from encouraging schools to strengthen the communication and cooperation with parents proactively for mutual understanding of their roles and responsibility in the implementation of Integrated Education, we also require schools to establish a regular communication mechanism to let parents understand the special educational needs of the students, participate in the formulation of support plans, review the learning progress and the effectiveness of the support measures, etc. On the basis of mutual trust and understanding, appropriate support can thus be provided for students with special educational needs.

¹ In order to more precisely reflect the spirit of the Pilot Project, the Ad Hoc Committee has decided to rename the Pilot Project as “Project on Enhancement of Complaint Management in Schools” and the Ad Hoc Committee as “Committee on Enhancement of Complaint Management in Schools” with effect from September 2013

² For details, please refer to the document CB(4)380/12-13(04)

³ <http://www.edb.gov.hk/tc/sch-admin/admin/pilot-scheme/index.html>

Views Sought

9. Members are invited to note the content of this paper.

Education Bureau

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