

聖公會呂明才中學

處理學校投訴 — 校本機制及程序

學校會以正面態度面對投訴，公平地對待投訴人和被投訴的人士，校方亦會按既定程序適當處理投訴。

處理投訴機制適用範圍：

根據校本管理精神，《教育條例》授予學校法團校董會管理學校的權力和職能，因此學校會聯同辦學團體，處理與學校有關的投訴。如投訴事項涉及學校的日常運作及內部事務，投訴人應直接向學校提出，以便有效處理。如投訴牽涉以下範疇，即使事件在學校發生，投訴人亦應向教育局提出投訴，**由教育局直接處理**：

- ◆ 關於教育政策（例如班級結構、班級人數等）的投訴；
- ◆ 涉嫌觸犯《教育條例》（例如體罰、教師註冊）或違反《資助則例》的投訴（例如濫收費用、開除學生）；或
- ◆ 關於教育局直接提供的服務（例如學位分配、區域教育服務處提供的服務）的投訴。

不受理投訴類別

投訴類別	註解	特殊情況/安排
匿名投訴	無論書面或親身投訴，投訴人應提供姓名、地址/電郵地址或聯絡電話。校方如有懷疑，可要求投訴人出示身份證明文件以確認身份。如投訴人未能或拒絕提供姓名、地址/電郵地址或電話，以致校方無法查證投訴事項及作出書面回覆，會視作匿名投訴，校方不會受理。	校方會視乎情況（例如已掌握充分證據，或投訴涉及嚴重或緊急的事件）決定是否需要跟進匿名投訴作內部參考。如決定有關匿名投訴無需跟進，校方只會簡列原因，並存檔記錄。
並非由當事人親自提出	投訴應由當事人親自提出，其他人士須事先獲得當事人的書面授權，方可代表當事人提出投訴。與學生（包括未成年人士及智障人士）有關的投訴，可由家長/監護人，或獲家長/監護人授權的人士代表當事人提出。	如投訴由多於一位人士代表當事人提出，校方會要求當事人指定一位代表作為與校方的聯絡人。
投訴事件已發生一年	與學校日常運作有關的投訴應在同一學年內提出，因為事件如發生超過一年，客觀環境/證據可能已改變或消失，或當事人/被投訴人已離職或離校，引致蒐證困難，令校方無法進行調查。為提供更大彈性，提出投訴時限以 <u>12個月</u> 計算。	校方會視乎情況（例如已掌握充分證據，或投訴涉及嚴重或緊急事故），決定應否及能否就有關發生超過一年的事件的投訴進行調查。

資料不全的投訴	校方會要求投訴人就個案提供具體資料。如投訴人未能提供足夠資料，以致調查無從入手，校方不會受理有關投訴。	
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處理投訴程序：

除非有關人士指明提出正式投訴，在一般情況下，教職員會先透過簡易處理程序，即時及盡快為有關人士提供協助或解決問題。學校處理投訴的流程見附件圖一。

簡易處理程序

即時/盡速處理	當學校接獲公眾查詢、意見或非正式投訴，不論以口頭或書面形式提出，教職員會細心聆聽，理解及澄清當事人的想法和要求，如事件輕微，教職員會盡可能提供協助及所需資料，或盡快就當事人所關注的事項作出回應及協助解決有關問題。
	如有需要，教職員會安排負責有關事務的教職員與當事人直接對話或會面，交代學校的立場，澄清誤會，釋除疑慮。簡易處理程序的回應時限，通常不超過兩個工作天。
回覆投訴	對口頭提出的查詢/意見/投訴，校方會以口頭回應。以簡易處理程序解決的個案，一般不會以書面回覆，但校方會因應個別情況決定是否向當事人/投訴人作簡單的書面回覆。
投訴紀錄	以簡易程序處理的個案，一般不會正式存檔。如有關查詢/投訴已即時解答或解決，校方只會簡單摘錄重點於專責人員或校長的日誌內，以供日後參考。

正式調查投訴程序

調查階段	<p>學校如接獲正式投訴會按以下程序處理：</p> <ol style="list-style-type: none"> 1. 委派適當人員負責調查及回覆投訴人。 2. 如有需要，校方會發出通知書，確認收到有關投訴及徵求投訴人同意校方索取其個人及與投訴有關的資料，並知會負責處理投訴人員的姓名、職銜及電話，方便聯絡。 3. 如有需要，聯絡或約見投訴人及其他相關人士，深入瞭解事件情況或要求有關人士/機構提供相關資料。 4. 盡快處理有關投訴，校方一般會在接獲投訴日起計兩個月內完成調查，並回覆通知投訴人調查結果。 5. 如投訴人接納調查結果，投訴可以正式結案。 6. 如投訴人不接納調查結果或校方的處理方式，並能提供新證據或足夠理據，可在學校回覆結果日期起計14天內，向校方書面提出上訴要求。
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上訴階段	<p>學校如接獲投訴人的上訴要求，會按以下程序處理：</p> <ul style="list-style-type: none"> ◆ 委派適當人員(較負責調查階段的人員更高職級或另一組別的人員)負責處理上訴個案及回覆投訴人。 ◆ 盡快處理有關上訴個案，校方一般會在接獲上訴要求起計兩個月內完成上訴調查，並就上訴結果書面回覆投訴人。 ◆ 如投訴人接納上訴結果，可以正式結案。 ◆ 如投訴人仍不滿上訴結果或校方處理上訴的方式，校方會審慎檢視有關處理過程，確保已採取恰當的情序。如投訴人仍不滿意，可將投訴轉交教育局跟進。 ◆ 如投訴人提出新的投訴事項，校方會另立案處理。
調解紛爭	<p>在處理投訴過程中，校方會因應個案性質，考慮是否適宜尋求調解員的協助，進行調解，或邀請獨立/專業人士，以持平的態度，提供意見，協助當事人(包括投訴人及被投訴人/組織)，找出解決方案。</p>
回覆投訴/上訴	<p>如投訴或上訴以書面提出，校方會以書面回覆；如投訴或上訴以口頭提出，校方會視乎個案情況，決定以口頭或書面回覆。</p> <p>一般來說，回覆時限由收到投訴或投訴人同意校方索取其個人資料之日起計，兩個月內完成。如因資料不全，校方須要求投訴人補充資料，回覆時限會在校方收到所需資料的日期起計，兩個月內完成。如未能在指定時間內回覆，校方會向投訴人書面解釋為何需要較長時間處理有關投訴/上訴。</p>
投訴/上訴紀錄	<p>經正式調查投訴程序處理的個案，學校會保存清楚紀錄。</p>
適當跟進	<p>調查/上訴階段結束後，學校會檢討有關方面的政策及處理方式是否恰當，並建議適當的措施，以改善處理的手法及防止再發生同類事件。</p>

處理投訴安排：

專責人員 - 校會考慮個案的性質、涉及對象和牽連程度，委任適當專責人員或成立專責小組負責處理投訴。關於處理學校投訴各個階段負責人員的安排，校方會按照下表執行：

涉及對象	調查階段	上訴階段
學生	專責教師	副校長 / 助理校長
教職員	副校長 / 助理校長	校長
	校長	校監
校長	法團校董會調查小組*	校監/法團校董會上訴小組*
校監/法團校董會	辦學團體調查小組*	辦學團體調查小組*

* 如投訴涉及校長，法團校董會調查/上訴小組成員可包括獨立人士。

資料保密 - 所有投訴內容及資料會絕對保密，只供內部/有關人員查閱。如學校在處理投訴時需要收集個人資料，或收到當事人索取有關個案的資料/紀錄的要求，學校會遵守《個人資料(私隱)條例》的有關規定及建議辦理並會採取適當的保安措施，以保障個人資料及私隱。學校會確保只有獲授權負責人員才可查閱有關資料。在未獲授權的情況下，負責人員不得披露亦不應公開談論有關個案的內容及資料。學校將按需要按校本機制內訂明與相關人士進行會面或會談的安排。安排如下：

- 在作出會面/會議安排時，校方會清楚申明當事人可否由其他人士（例如親友、法律代表）陪同出席，並在會面/會議開始前，重申有關立場。
- 在會面/會議開始前，校方會聲明是否禁止錄音/錄影，或是否須徵得所有與會人士的同意，方可進行錄音/錄影；並在會面/會議結束前重申有關立場。

處事公平公正 - 在展開調查工作前或在適當的情況下，專責人員及相關人士均須向校方申報利益。如有利益衝突的情況出現，有關人士必須避嫌，應參與處理有關個案及接觸任何與個案有關的資料。為避免利益衝突，任何被投訴的人員均不應參與或監督調查工作，或簽署任何給予投訴人的信件。

覆檢投訴：

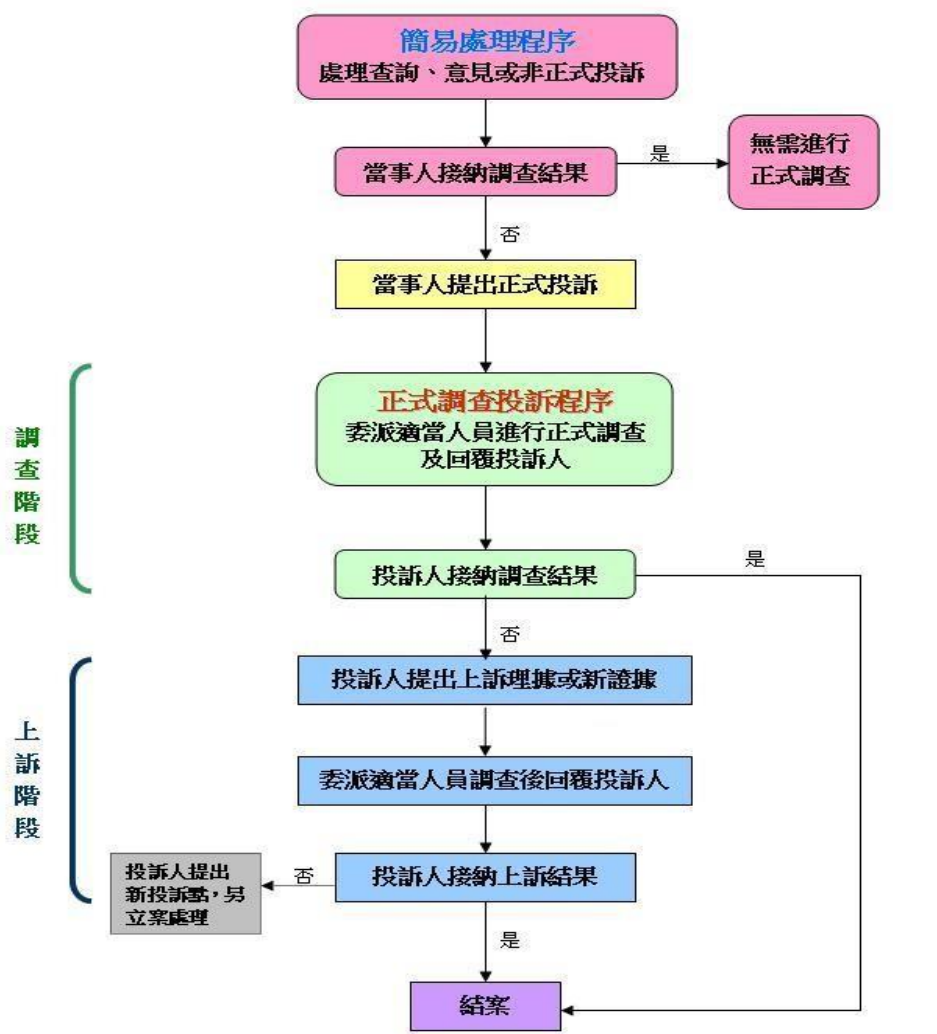
投訴人或學校在以下情況下，可要求由教育局成立的「處理學校投訴覆檢委員會」（覆檢委員會）覆檢個案：

- ◆ 投訴人提出足夠的支持理據或新證據，證明學校/教育局處理不當。
- ◆ 學校已按既定程序適當處理投訴，但投訴人仍不接納調查結果，並繼續投訴。

處理不合理行為及要求的措施：

	處理措施
面對不合理的態度或行為	任何不合理的態度或行為，包括暴力、威嚇、粗言穢語及帶攻擊或侮辱性的行為或語言，無論是親身或經由電話/書面表達，均不能接受。教職員會表明不接受不合理的態度行為，並要求投訴人改變態度及停止有關行為，如投訴人依然故我，在發出警告後，教職員可以終止與投訴人的會面或談話及請投訴人離開會面地點。在緊急或有需要的情況下，校方可採取適當行動，例如報警或採取法律行動。
面對不合理的要求	如果投訴人提出不合理的要求，對學校產生不良的影響，例如妨礙學校的運作或服務；或其他持分者受到投訴人不合理行為影響，校方會考慮限制投訴人與學校接觸，包括規定投訴人與學校人員聯繫的時間、次數、日期、時段及溝通的方式（例如到校前須預約、以書面方式表達意見、與指定人員聯絡等）。校方會書面知會投訴人有關安排及處理程序。
面對不合理的持續投訴	如校方已按既定的調查及上訴程序，詳細審查及妥為處理個案，並已就投訴的調查結果，向投訴人作詳細及客觀的書面解釋，而投訴人仍不合理的持續投訴，學校會限制或停止與投訴人的接觸，並終止處理有關個案。校方會將終止處理的個案妥善紀錄及保存。

圖一：學校處理投訴流程



Sheng Kung Hui Lui Ming Choi Secondary School
Handling School Complaints – School-based Mechanism and Procedures

The school will approach complaints positively and treat the complainants and respondents of the complaints fairly, and will properly handle the complaints in accordance with the prescribed procedures.

Scope of application of the complaint handling mechanism:

In the spirit of school-based management, the Education Ordinance has entrusted the Incorporated Management Committees (IMCs) with the power and responsibility to manage schools. The school, therefore, will collaborate closely with the sponsoring body to handle complaints related to the school. A complainant should lodge his/her complaint directly to the school for effective handling if it concerns the daily operation and internal affairs of the school. If a complaint falls into any of the following categories, it should be lodged to the EDB and **handled directly by the EDB**, even though the case may have taken place in the school:

- ◆ Complaints about education policies (e.g. class structure and class size);
- ◆ Complaints about alleged contravention of the Education Ordinance (e.g. in relation to corporal punishment, unregistered teacher) or contravention of the Codes of Aid (e.g. exorbitant charges, 5 expulsion of students); or
- ◆ Complaints about services directly provided by the EDB (e.g. school place allocation, services provided by the Regional Education Offices).

Types of complaints that need not be handled

Types of complaint	Explanatory Notes	Special circumstances / arrangements
Anonymous complaints	Whether the complaint is made in written form or in person, the complainant should provide his/her name, correspondence/e-mail address or contact phone number. If in doubt, the school may request the complainant to show his/her identity documents. Should the complainant fail or refuse to provide his/her name, correspondence/e-mail address or contact phone number, thus rendering it impossible for the school to investigate the complaint and reply in writing, the complaint will be deemed anonymous and the school will not handle it.	The school will consider the circumstances (e.g. when there is sufficient evidence or when the case is serious or urgent) and decide whether to follow up with an anonymous complaint and treating it as an internal reference. If follow-up actions are considered unnecessary, the school will only briefly state the reasons and put on file for record.

Types of complaint	Explanatory Notes	Special circumstances / arrangements
Complaints not made by the person concerned	The person concerned should lodge the complaint by himself/herself. Anyone who seeks to file a complaint on behalf of the person concerned has to obtain his/her prior written consent. If the case involves a student (or a minor, or an intellectually disabled person), then his/her parents/guardian, or the person authorised by the parents/guardian, may lodge a complaint on his/her behalf.	If a complaint is lodged by more than one person on behalf of the person concerned, the school will require the person concerned to appoint one of them as the contact person.
Complaints involving incidents that happened more than one year	Complaints related to the daily operation of schools should be lodged within the same school year. If the incident involved had happened more than one year, the environment might have changed or evidence might have disappeared, or the complainant/respondent might have already left his/her post or the school. The school will not be able to investigate the complaint because of the difficulty in collecting evidences. To provide greater flexibility, the limit within which a complaint may be lodged should be <u>twelve calendar months</u> .	The school will consider the circumstances (e.g. when there is sufficient evidence, or when the nature of the complaint is serious and urgent) and decide whether the school should or could conduct an investigation on the incident that had happened more than one year.
Complaints with insufficient information	The school will require the complainant to provide concrete information regarding a case. If the complainant fails to provide sufficient information to allow investigation to proceed, the school will not handle the complaint concerned.	

Complaint Handling Procedures:

In general, unless the person concerned insists on making a formal complaint, the responsible staff will promptly provide assistance or help resolve his/her problem by following the informal complaint handling procedures. Refer to Diagram 1 in the Appendix for the flowchart of complaint handling procedures in the school.

Informal Complaint Handling Procedures

<i>Immediate / prompt handling</i>	If the school receives an inquiry, opinion or informal complaint from the public, whether verbal or written, the staff will listen to the concerns of the inquirer/complainant with care and understanding, and clarify the thoughts or requests of the inquirer/complainant. If the incident is not serious, the staff will provide whatever assistance or information required or promptly respond to the concerns raised by the inquirer/complainant and help resolve the problems involved.
	If necessary, the staff will arrange the school staff in charge of the relevant issue to have direct talks or interviews with the person(s) concerned to explain the schools' stance and remove any misunderstanding, misgivings or worries of them. The time limit for the response under the informal complaint handling procedures will generally be within two working days.
<i>Replying to complaints</i>	For verbal inquiries/opinions/complaints handled by the informal complainthandling procedures, oral replies will suffice and written replies will normally not be given. Depending on the circumstances, the school will decide whether a simple written reply to the person(s) concerned/complainant is appropriate.
<i>Complaint records</i>	Cases handled by the informal complaint handling procedures normally will not be documented in formal written records. If an inquiry/complaint has been answered or resolved instantly, only the key points will be recorded in the log book of the designated staff or the principal for future reference.

Formal Complaint Investigation Procedures

<i>Investigation stage</i>	<p>If school receives any formal complaints they will be handled according to the following procedures:</p> <ul style="list-style-type: none"> ◆ Assign appropriate staff to investigate the complaint and reply to the complainant. ◆ If necessary, the school will acknowledge receipt of the complaint, seek the complainant's consent to obtain his/her personal data and information relating to the complaint, and inform him/her of the name, post title and phone number of the staff responsible for handling the case for contact purposes. ◆ If necessary, contact the complainant and other persons involved or arrange meetings with them in order to have a better grasp of the situation or request them to provide relevant information. ◆ Handle the complaint as quickly as possible. The school will normally complete the investigation within two months after receiving the complaint, and send a reply to inform the complainant of the investigation result. ◆ If the complainant accepts the investigation result, conclude the case officially.
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	<ul style="list-style-type: none"> ◆ If the complainant does not accept the investigation result or the way the school handled the complaint, and is able to provide new evidence or sufficient justification, he/she may lodge an appeal in writing against the school's decision within 14 days from the date of its reply.
<i>Appeal stage</i>	<p>The school will adopt the following procedures with appeal cases:</p> <ul style="list-style-type: none"> ◆ Assign appropriate staff (staff of a higher rank than those responsible for the investigation stage, or staff from a different section) to handle the appeal and reply to the complainant. ◆ Handle and resolve the appeal as quickly as possible. The school will normally complete the investigation within two months after receiving the request for appeal and send a written reply to inform the complainant of the appeal result. ◆ If the complainant accepts the appeal result, conclude the case officially. ◆ If the complainant does not accept the appeal result or the way the school handled the appeal, the school will cautiously review the appeal process to ensure that proper procedures have been followed. If the complainant still does not accept, it may be referred to the Education Bureau for follow-up. ◆ If the complainant raises other new allegations, the school will handle them separately.
<i>Resolving conflict through mediation</i>	<p>When handling complaints, the school will, having regard to the nature of individual cases, consider whether it is appropriate to seek mediation service from a mediator, or invite independent persons/professionals to provide impartial views to assist the persons concerned (including the complainants and the persons/organisations being complained against) to find a resolution.</p>
<i>Responding to complaints/appeals</i>	<p>If the complaint or appeal is in written form, the school will respond with a written reply. If the complaint or appeal is made verbally, depending on the circumstances, the school will decide whether to respond orally or in writing.</p> <p>Generally speaking, the time limit for replying to a complaint/appeal should be within two months, starting from the date on which it is received or when the complainant agrees to let the school have access to his/her personal data. If the information submitted is incomplete, the time limit should be within two months, starting from the date on which the school receives from the complainant the necessary information. If a reply cannot be given within the specified period, the school will explain to the complainant in writing why a longer handling time is needed.</p>
<i>Complaint/appeal records</i>	<p>The school will keep a clear record of cases handled by the formal complaint investigation procedures.</p>
<i>Appropriate follow-up</i>	<p>At the end of the investigation/appeal stage, the school will review whether the complaint handling policies and procedures are appropriate, and suggest proper measures to improve the method of handling and to prevent similar incidents from recurring.</p>

Arrangements for Handling Complaints:

Designated staff – Taking into account the nature of the complaint, its scope and the people involved, the school will assign a designated staff or set up a task force to handle the complaint. Concerning the deployment of staff for handling complaints at different stages, the school will act according to the following arrangements:

Targets involved	Investigation stage	Appeal stage
Student	Designated staff	Vice Principal / Assistant Principal
Teaching and school staff	Vice Principal / Assistant Principal	Principal
	Principal	Supervisor
Principal	IMC Investigation Task Force*	Supervisor/IMC Appeal Task Force*
Supervisor / IMC	School Sponsoring Body Task Force*	School Sponsoring Body Task Force *

* If a complaint involves the Principal, the IMC investigation / appeal task force may include independent persons.

Confidentiality—All contents and information of complaints will be kept strictly confidential and restricted to internal reference or reference by relevant persons only. When the school needs to collect personal data during the handling process or when the school receives requests from the person(s) concerned for the disclosure of data/records in respect of the complaint case, the school will observe the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance and adopt appropriate security measures to protect personal data and privacy. The school will ensure that only authorised persons are allowed access to information relating to the case. The responsible persons should not disclose or discuss in public any contents or information relating to the case without authorisation. When necessary, the school will arrange for interviews or meetings with relevant parties as incorporated in the school-based complaint handling mechanism. The arrangement is as follows:

- When making the arrangement for interviews or meetings, the school will state clearly whether the person(s) concerned can be accompanied by others (e.g. relatives, legal representatives) during the interview/meeting and reiterate this stance before the interview/meeting starts.
- The school will indicate before the interview/meeting starts whether audio/video recording is prohibited or whether the consent of all attendees must be obtained if the session is to be audio/video recorded. This stance will be reiterated before the end of the interview/meeting.

Fair and impartial handling – Before an investigation begins or where appropriate, the designated staff and related individuals should declare interests to the school. If there is any conflict of interest, the persons concerned should not be involved in handling the case or have access to information relating to it. To avoid conflict of interest, any staff member who is the respondent of the complaint

should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.

Review of Complaints:

Complainants or the school may request the EDB to set up the “Review Board on School Complaints” (Review Board) to review these cases:

- ◆ The complainant provides substantial grounds or new evidence to show that the school/EDB has handled the case improperly.
- ◆ The complaint has been properly dealt with through established procedures by the school but the complainant refuses to accept the investigation result and continues to complain.

Measures to handle unreasonable behavior and demands :

	Handling measures
Dealing with unreasonable attitude or behavior	Any unreasonable attitude or behaviour, including acts of violence, intimidation, and abusive/offensive conduct or language, whether performed face-to-face, by phone, or in writing are unacceptable. The staff member handling the complaint will convey this message clearly to the complainant and demand that he/she stop acting in such a way. If the complainant refuses to comply after the warning, the staff member may terminate the meeting or conversation with him/her and ask the complainant to leave. In an emergency or if it is deemed necessary, the school may take appropriate action, such as reporting to the police or taking legal action.
Dealing with unreasonable demands	If a complainant makes unreasonable demands which have an adverse impact on the school, e.g. interrupting its operation/services or other stakeholders are affected by the unreasonable behaviour of the complainant, the school may consider putting restrictions on the complainant’s contacts with the school, including specifying the time, frequency, date, duration and modes of communication (for example, requiring the complainant to make an appointment before visiting the school, submit his/her views in writing, or contact only with the staff designated by the school). The school will notify the complainant in writing of such arrangements and handling procedures.
Dealing with unreasonable persistent complaints	Faced with unreasonable persistent complaints, if the school has carefully examined the case and handled it properly under the prescribed investigation and appeal procedures, and sent a detailed and unbiased written explanation regarding the outcome to the complainant, the school will restrict or stop contacts with the complainant, and cease handling the case altogether. The school will keep a record of the case ceased to be handled.

Diagram 1: Flowchart of School Complaint Handling Procedures

