

Cheung Chuk Shan College
Guidelines on Handling Complaints

Revised Version Oct 2023

A. Definitions

1. In this set of guidelines:
 - a. “EDB” means Education Bureau of the Hong Kong SAR Government;
 - b. “IMC” means Incorporated Management Committee of our School;
 - c. “SSB” means school sponsoring body of our School;
 - d. “Complaint” means an expression of disappointment, dissatisfaction or grievance towards our School by a member of the stakeholders of our School, a member of the public or a group / organization, who / which may demand the School rectify its mistake, take disciplinary action against the suspected offender(s), or resolve the issue(s), and the matter has to be handled in a formal manner;
 - e. “Complainant” means a member of the stakeholders of our School, a member of the public, or a group / organization complaining about the daily operation and internal affairs of our School;
 - f. “Complainee” means a staff member of our School or a member of the Incorporated Management Committee of our School being complained about;
 - g. “Informal complaint” means a concern, inquiry or opinion expressed by a member of the stakeholders of our School, a member of the public or a group / organization for the interest of himself / itself, his child or our School, with a view to changing or improving the existing situation, which can be handled in an informal manner. Usually no reply is demanded while formal evidence collection is not necessary;
 - h. “Personnel” means the investigation team set up by / the Appeal Board of the IMC of our School or the investigation team / the Appeal Board set up by the SSB of our School;
 - i. “PTA” means Parent-Teacher Association of our School;
 - j. “Review Board” means Review Board on School Complaints established by the EDB;
 - k. “SSW” means school social worker of our School; and
 - l. “Staff” means teachers, teaching assistants, office staff, laboratory technicians and janitors of our School.

2. Words importing the masculine gender shall include the feminine gender and vice versa.

B. Aim

The Education Ordinance has entrusted the Incorporated Management Committees with the power and responsibility to manage schools and so school-based mechanisms for handling school affairs, including complaints related to schools, should be developed. Moreover, with a view to providing quality management and services, we adopt an open and

positive attitude towards concerns, inquiries, opinions, and complaints of stakeholders and the public so as to identify areas for improvement. The subsequent establishment of a school-based mechanism accepted by all stakeholders specifying the principles, policies and procedures on handling complaints can help the School respond swiftly and effectively to relevant problems apart from fostering a communicative culture. The stakeholders and the public will be informed of the mechanism concerned through appropriate means so as to facilitate its implementation while the staff responsible for handling informal complaints and complaints will have a clear understanding of the mechanism and comply with the relevant policies and guideline.

C. Scope of Application

1. This set of guidelines is applied to handle the concerns, inquiries, opinions and complaints of parents, students, staff and the public lodged through various means about the daily operation and internal affairs of our School.
 - a. Our School will handle complaints in accordance with the Education Ordinance, Education Regulations, Codes of Aid, relevant circulars, guidelines and codes of practice to ensure compliance with the respective requirements.
 - b. The EDB will seek the complainant's consent to refer his / its complaint to us for investigation and direct response. Yet, for complaints filed by staff members, the EDB will handle them according to the current procedures and reply to the complainants direct.
 - c. For a complaint referred to it by an organization, the EDB will seek the complainant's consent for referring the complaint to us for providing reports or responses. After reviewing the information/reports/responses provided by us, the EDB will conduct follow-up investigation before replying direct to the organization concerned.
 - d. If the complaint involves a serious incident or school maladministration, the EDB may, without disclosing any personal information, allow our School access to the content of the complaint even without the complainant's consent so that an improvement to the school administration can be made.
 - e. The EDB may investigate any complaints directly under such special circumstances as **suspected breaches of the Education Ordinance, Education Regulations or Codes of Aid, non-compliance with the requirements stipulated in the relevant circulars, guidelines and codes of practice, threats to student safety, school operation being seriously impeded, malpractices of the IMC, serious school mismanagement, or when the involved student is determined by doctors / professionals to have been affected by the incident, resulting in severe emotional problems / psychological trauma / suicidal tendencies.**

2. As the EDB is responsible for formulating education policies, enforcing the Education

Ordinance and providing education services, a complaint about any of those aspects should be lodged to the Bureau for direct handling, even if the case may occur at our School. The EDB will also draw reference to relevant internal guidelines in handling the aforesaid complaints.

3. The guidelines do not apply to complaints which are:
 - a. related to ongoing legal proceedings;
 - b. against areas under the jurisdiction of other organizations; and
 - c. against areas regulated by legal requirements or other ordinances in Hong Kong;

D. Criteria for Accepting Complaints

1. A complainant should provide his name and contact details so that a reply can be provided if necessary, though he can request our School not to disclose such information to the complainee. If in doubt, we may request the complainant to show his identity documents. If the complainant fails or refuses to provide personal particulars needed, the case will not be handled. Yet, under special circumstances, e.g. sufficient evidence available or the complaint is serious or urgent, we will decide how to handle the anonymous complaint. If no follow-up work is considered necessary, brief reasons would be stated in the case record.
2. If a person or an organization / group lodges a complaint on behalf of another person, he / it must have obtained the written consent of the person concerned before the complaint is handled. However, if the case involves a student, including minor or intellectually disabled person, his parents / guardian, or a person authorized by his parents / guardian, may lodge a complaint on his behalf.
3. If more than one complainant makes the same complaint on behalf of another person, the person concerned has to appoint one of them as the contact person.
4. Unless under special circumstances, e.g. sufficient evidence available or the complaint is serious or urgent, a complaint must be made within 1 year from the date of the incident involved.
5. The complainant must provide sufficient information regarding the complaint. If he / it fails to provide further information as requested by us to enable a proper or meaningful investigation, we may consider not to conduct investigation and close the case while a written reply would be given to the complainant explaining why the case would not be handled.

E. General principles to be Adopted for Handling Informal Complaints and Complaints

1. Direct handling of informal complaints and complaints by the organization formulating the related policies, providing the related services or managing the person(s) / matter(s) being the target of the complaint

2. Responding promptly to informal complaints and complaints besides adopting a proactive attitude in communicating with complainants
3. Being fair and just to parties involved in informal complaints and complaints, trying to protect their interests
4. Making the complaint handling mechanism open and transparent
5. Protecting confidentiality of information
6. Reviewing the mechanism constantly

F. Procedures for Handling Informal Complaints and Complaints

The following procedures will also be adhered to when the complaint of a staff member is handled, except for those arrangements that are found unnecessary or unsuitable due to his status as a staff member.

1. Interpretation of case nature
 - a. A complaint may be handled by our School, the EDB or relevant law enforcement agencies, depending on its nature. If a complaint involves both our School and the EDB, it will be followed up by both parties.
 - b. Our School will differentiate between informal complaints and complaints in order to start the appropriate procedures to handle them. In general, unless a complainant insists on making a complaint, the responsible staff member can provide him / it with prompt assistance or resolution by using the informal handling procedures.
 - c. On receiving a complaint, our School will determine whether to accept it or not according to the criteria stated in Section D. An explanation will be supplied to the complainant if we decide not to accept the complaint.

2. The staff member / personnel responsible for handling complaints and appeals

Target Involved	Investigation Stage	Appeal Stage
Non-teaching staff	Head of School Office	Vice Principal / Principal
	Assistant Principal / Vice Principal	Principal
Teaching Staff	Heads of Subject Panels / Functional Committees	Vice Principal / Principal
	Assistant Principal / Vice Principal	Principal
	Principal	Appeal Board of the IMC
Principal / Member of the IMC	Investigation Team set up by the IMC	Appeal Board of the IMC
Supervisor / IMC	Investigation team set up by the SSB	Appeal Board set up by the SSB

When handling complaints, the School can seek assistance from mediators or invite

independent persons / professionals (e.g. SSWs and teachers not involved in the cases) to provide fair comments to assist the people involved and to enhance credibility if necessary so that the conflicts / disputes can be resolved quickly.

3. Before investigation or under appropriate circumstances, the staff member / the personnel assigned to handle a complaint will declare interest. If a case of conflict or a potential conflict of interest is established, the staff member / the member of the personnel concerned will avoid handling the case or accessing information related to it. Moreover, the complainees will not be involved in handling the case, supervising the investigation or issuing any letters to the complainant. Furthermore, the complainant will be notified of the channel of appeal.
4. Complaints received will be kept confidential. Only the authorized staff member (s) / member (s) of the personnel can access the case information while information gathered during investigation should only be used for responding to the complainant and carrying out follow-up measures. There should be no disclosure or discussion of the case information in public without authorization. Also, the information collected will be kept in safe places. Furthermore, computer data will be protected by passwords while only encrypted portable data storage devices are to be used if necessary.
5. The School / the IMC / the SSB will ensure that the rights of a complainant and other related persons having filed / involved in a complaint will not be affected.
6. Handling of informal complaints
 - a. When receiving an informal complaint, the frontline staff member will provide within 3 working days assistance or information needed so as to address the concerns of the complainant and resolve the problem (s) involved. If necessary, direct talks or interviews with the complainant should be arranged so as to explain the School's stance and remove his misunderstanding, misgiving or worries.
 - b. If necessary, the case will be referred to a designated staff member or senior staff member for follow-up actions and resolutions.
 - c. For concerns, inquiries or opinions handled by the informal complaint handling procedures, oral replies will be given. If the concerns, inquiries or opinions are presented in written form or if our School wishes to make clear our stance or provide necessary details, the responsible staff member may decide whether a written reply to the complainant is appropriate.
 - d. No formal written records are needed after informal complaints have been dealt with, though the staff member handling them should record key points **and file** for future reference if necessary.
 - e. Our School will review whether the policies or procedures related to an informal

complaint have been properly followed and consider introducing appropriate measures to improve the handling of similar cases or prevent similar cases from recurring. If necessary, the responsible staff member may brief the complainant on the follow-up actions that our School has adopted and the results that follow.

7. Handling of complaints

- a. If the School still cannot address or resolve a problem through the procedures of handling informal complaints, or a complaint that is not anonymous is received in the beginning, the case will be handled according to the following procedures.
 - i. An appropriate staff member or the appropriate personnel will be assigned to investigate the case and reply to the complainant.
 - ii. A reply acknowledging the receipt of the complaint and seeking the consent of the complainant to obtain his personal data and information related to the complaint will be issued. The complainant will be informed of the name, post title and contact detail of the staff member / the personnel responsible for handling the case for contact purpose.
 - iii. Immediate measures should be taken to preserve all records related to the complaint case, including text files, images, and/or audio recordings (if any), as evidence. The provisions of the Personal Data (Privacy) Ordinance must be complied with then personal data are being collected, held, processed or used.
 - iv. Besides being informed if a complaint about him is received and also the staff member / the personnel assigned to handle it, the complaineer will be permitted to respond to the complaint.
 - v. Further information will be collected from the complainant and other persons involved if necessary.
 - vi. In general, investigation work will be completed within 2 months after the complaint is received, and a reply will then be made to the complainant informing him / it of the investigation result. In case more time is needed for investigation, the complainant will be informed of the delay and the reason for it.
 - vii. If the complainant accepts the investigation result, the case can then be closed officially.
 - viii. If the complainant rejects the investigation result or the way the staff member / the personnel concerned handles the complaint, and is able to present new evidence or sound reasons, he / it may appeal in writing against the decision of the School / the IMC / the SSB within 14 days from the date of its reply.
- b. If an incident is referred to it or reported by the media, the School would:
 - i. appoint a spokesman to handle external inquiries so as to avoid giving confusing messages;

- ii. provide appropriate responses or clarification to the public as soon as possible;
 - iii. inform the stakeholders of the progress of the case as far as possible; observe whether the staff and students have been emotionally affected and provide counselling to them where necessary.
 - c. After a case is settled, the way that the complaint is handled will be assessed to see if any improvement is needed. Moreover, the School / the IMC / the SSB will review whether relevant policies or procedures have been followed while follow-up work preventing similar cases from recurring will be carried out. The staff in charge should inform the complainant concerned of the follow-up actions and outcome of the review if necessary.
 - d. The School will regularly review the strategies, process and steps taken to handle complaints, introducing appropriate follow-up measures so as to improve the complaint handling mechanism.
8. Appeal
- a. Our School will acknowledge the receipt of the appeal.
 - b. An appropriate staff member of a higher rank than that of the staff member responsible for the investigation (a staff member from a different section will be appointed if this is not practicable), the Appeal Board of the IMC / the Appeal Board set up by the SSB will be arranged to reexamine the complaint and the evidence given, and reply to the complainant. No member of the staff / personnel responsible for the investigation stage of a complaint will be assigned to handle the appeal concerned.
 - c. In general, the investigation will be completed within 2 months after the request for appeal is received and a written reply of the appeal result will be given to the complainant. In case more time is needed for investigation, the complainant will be informed of the delay and the reason for it.
 - d. If the complainant accepts the appeal result, the case will be closed officially. However, if he / it is still dissatisfied with the verdict or the way the appeal is handled, he / it can re-appeal in writing within 14 days from the date of the reply of the School / the IMC / the SSB to the Principal / the Appeal Board of the IMC / the Appeal Board set up by the SSB. If it is found that the handling procedures have been properly followed after a cautious review, the decision made before by the Principal / the Appeal Board of the IMC / the Appeal Board set up by the SSB will be final.

9. When attending an interview / meeting for handling a complaint, the complainant can be accompanied by others if the prior consent of the School / the IMC / the SSB is obtained. This stance will be reiterated before the interview / meeting starts. The parties participating in it should be reminded during the interview / meeting not to disclose without authorization personal data or other information of a third party. Audio / video recording is prohibited during an interview / meeting, and this stance will be reiterated before the end of the interview / meeting.
10. The School / the IMC / the SSB will respond to a written complaint with a written reply. If a complaint is made verbally, the School / the IMC / the SSB may decide whether to respond orally or in writing. If the case is referred by the EDB or another organization, a copy of the written reply would be forwarded to it for reference.
11. Generally speaking, the time limit for replying to a complaint or appeal should start from the date on which it is received or when the complainant agrees to let our School have access to his personal data. If the information submitted is incomplete, the time limit should start from the date on which the School / the IMC / the SSB receives from the complainant the necessary information. If a reply cannot be given within the specified period, interim replies should be issued to the complainant explaining why a longer handling time is needed to provide a substantive reply and, if possible, the estimated time frame for issuing a substantive reply ◦
12. The School will keep a record of cases handled according to the formal complaint investigation procedures. Moreover, annual statistics of complaints and appeals would be reported to the IMC for its reference.
13. Review of Complaints
 - a. For a complaint remaining unsettled after the investigation and appeal stages of the School, the complainant or relevant organization may request the Review Board to review the case under the following circumstances:
 - i. the complainant / relevant organization provides substantial ground(s) or new evidence showing that the case has been handled improperly; and
 - ii. the complainant / relevant organization refuses to accept the investigation result and continues to complain even though the complaint has been properly handled according to the established procedures.
 - b. The complainant / relevant organization will be informed in the reply issued by the School / the IMC / the SSB after the appeal that if he / it does not accept the appeal result or the way the complaint is handled, a written review request can be filed with

the EDB within 14 days from the date of the reply. The EDB will then forward the case to the Review Board. Apart from stating explicitly in the application the reasons for his / its discontent, the complainant / relevant organization has to provide substantial supportive reasons or new evidence for consideration of the Review Board on whether to conduct a review on the case. If the application is accepted, the Review Board will handle it. If the application is rejected, the Review Board Secretariat will inform the applicant / relevant organization in writing of the reasons for the refusal.

- c. The complaint / representative of the relevant organization has to sign a letter of consent, authorizing the Review Board to forward information regarding the complaint to the School / the IMC / the SSB and / or other relevant person (s) / organizations. The Review Board can also obtain information related to the complaint / review from the complainant / the relevant organization / the School / the IMC / the SSB and / or other relevant person (s) / organization (s).
- d. The review process mainly involves examination of investigation reports and related documents. Taking into account the matter concerned and the nature of the case, the Review Board may scrutinize the information provided by the parties involved, require any of them to clarify the information and / or provide new evidence, meet any of them to collect further information and invite any of them to attend case meetings.
- e. To protect personal privacy, the Review Board / the EDB may not disclose to anyone any personal information related to the complaint without the consent of the relevant parties.
- f. If the Review Board wishes to interview specific persons or convene a case meeting, the persons to attend the interview or case meeting must be involved in the complaint and have obtained the approval of attendance from the Review Board. Moreover, during the interview or meeting, the complainant is not permitted to question the subject of the complaint or other witnesses, and vice versa. Audio / video recording is prohibited during an interview / meeting.
- g. The EDB will pass the final verdict on a complaint with reference to the review results and recommendations of the Review Board. The complainant / relevant organization will be informed in writing of the outcome within 3 months after the receipt of the request for review.
- h. If accepting the closure of the case as recommended by the Review Board, the EDB

and the School will cease handling the complaint. If the complainant considers the result unacceptable, he / she may further appeal via other channels. If the Review Board recommends that the case be re-investigated by the School / EDB, the School / the EDB should assign a staff member / personnel at least one rank higher than those handling the case previously to conduct the re-investigation. The re-investigation should be completed within 2 months and the result submitted in writing to the Review Board. Upon the Board's endorsement, the School / EDB will issue a written reply to the complainant and copy it to the Board. If the School / the EDB cannot complete the work within 2 months, it should notify the complainant in writing of the reasons and the time needed for a definite reply.

14. Handling of unreasonable behaviour of complainants

- a. The unreasonable behavior of complainants can generally be classified into 3 categories:
 - i. unacceptable attitude, e.g. intimidation, use of bad language and deliberate concealing of facts;
 - ii. unjustified demands, e.g. requesting to be given data not relevant to the handling of the complaint, and requiring to meet a staff member / the personnel at a certain time and place; and
 - iii. persistent complaints, e.g. complaining repeatedly about the same case using similar evidence and keeping on making allegations without concrete evidence.

- b. If the behaviour of a complainant is judged to be unreasonable by the Principal / the IMC / the SSB, the School may adopt appropriate measures depending on the behaviour concerned, e.g.
 - i. requesting him to change his attitude or stop the behaviour concerned, and terminate the meeting or communication with the complainant after giving sufficient warning if he does not follow the instruction;
 - ii. restricting contact with the complainant until his behaviour improves;
 - iii. denying him access to the school campus if his behaviour continues;
 - iv. affirming him that a final decision has been made regarding the case and such decision is irreversible;
 - v. asking him to refer to the previous replies provided and reiterating that no further responses will be made to the same complaint;
 - vi. reporting to the police; and
 - vii. taking legal actions.

G. Assistance Available

We realize close partnership with different stakeholders is conducive to improving the

school governance and offering quality education to students, and communication with them should be enhanced. The Parent Managers of the IMC, the parent members of the executive committee of the PTA and the SSWs may serve as bridges of communication between different stakeholders and us by helping to explain the school policies and serving as mediators if necessary. The contact information of the Parent Managers and the PTA can be found in the web page of the PTA (<http://pta.ccsc.edu.hk>) while our SSWs can be reached at 2570 6665.

In case of discrepancies between the English and Chinese versions of the guidelines, the English version shall prevail.

張祝珊英文中學

學校處理投訴指引

修訂版
2023年10月

甲. 定義

1. 在這份指引中:
 - a. 「教育局」是指香港特別行政區教育局；
 - b. 「法團校董會」是指本校的法團校董會；
 - c. 「辦學團體」是指本校的辦學團體；
 - d. 「投訴」是指本校的持分者、公眾人士或團體 / 組織對本校表達失望、不滿或怨憤，他們可能要求本校糾正失誤之處、懲處涉嫌違規者或尋求方法解決投訴涉及的問題，而有關問題需以正式程序處理；
 - e. 「投訴人」是指對本校的日常運作及內部事務作出投訴的本校持分者、公眾人士或團體 / 組織；
 - f. 「被投訴人」是指被投訴的本校教職員或法團校董會成員；
 - g. 「非正式投訴」是指本校接獲的本校的持分者、公眾人士或團體 / 組織為了自己、子女或學校的利益所提出的關注、查詢及意見，目的是改變或改善當前情況。這類個案可以簡易程序處理，通常毋須蒐證調查及作出回覆；
 - h. 「人員」是指由本校法團校董會成立的調查團隊 / 法團校董會上訴委員會或本校辦學團體成立的調查團隊 / 上訴委員會；
 - i. 「家長教師會」是指本校的家長教師會；
 - j. 「覆檢委員會」是指由香港特別行政區教育局成立的學校投訴覆檢委員會；
 - k. 「駐校社工」是指本校的駐校社工；及
 - l. 「教職員」是指本校教師、教學助理、校務處職員、實驗室技術員及校工。
2. 採用的男性性別的詞語包括女性性別，反之亦然。

乙. 宗旨

《教育條例》已授予各學校的法團校董會管理學校的權力和職能，因此學校應制訂包括處理與學校有關的投訴的校本處理學校事務的機制。另外，本著提供優質管理及服務的宗旨，本校對各持分者及公眾的關注、查詢、意見及投訴採取開放及正面的態度，以找出可改善的空間。本校因此而設立的校本機制除獲各持分者接納外，還清楚列明本校處理投訴的準則、政策及程序，以確保本校除了能促進溝通的文化外，還能迅速地回應及有效地處理相關問題。本校將透過恰當的方式知會各持分者及公眾有關機制，以方便其實施。負責處理非正式投訴及投訴的教職員會清楚了解該機制和遵從相關的政策及指引。

丙. 適用範圍

1. 本指引適用於處理家長、學生、教職員及公眾人士以不同途徑及方式提出有關學校日常運作及內部事務的關注、查詢、意見及投訴。

- a. 本校將按照《教育條例》、《教育規例》、《資助則例》、相關通告、指引及實務守則處理投訴，以確保符合各列舉的要求。
 - b. 教育局會在取得投訴人的同意後把投訴轉介本校調查及直接回覆投訴人。假若教育局接獲教職員提出的投訴，會按照現行程序處理及直接回覆投訴人。
 - c. 如投訴是由其他機構轉介，教育局會在徵得投訴人的同意後，先轉介本校提交報告 / 回應，經審視本校提交的相關資料 / 報告 / 回應及作跟進調查後，再直接回覆轉介機構。
 - d. 若投訴內容涉及重要事故或校方行政失誤，即使投訴人不同意轉介，教育局可在不披露個人資料的情況下，讓本校知悉投訴內容，以改善學校行政。
 - e. 如投訴涉及特殊情況，例如違反《教育條例》、《教育規例》或《資助則例》、未符合有關通告、指引及實務守則的要求、危害學生安全、嚴重影響學校運作、法團校董會/校董會嚴重行事失當、學校管理嚴重失誤，或經醫生/專業人員判斷涉事學生受事件影響而導致嚴重情緒問題/心理創傷/自殺傾向等，教育局可以直接介入調查。
2. 鑑於教育局負責制定教育政策、執行《教育條例》及提供教育服務，如接獲以上相關之投訴，縱使個案在校內發生，本校會把個案轉介至該局直接處理。教育局在處理以上投訴個案時亦會參考相關的內部指引。
 3. 本指引並不適用於處理下列類別的投訴：
 - a. 與已展開法律程序有關的投訴；
 - b. 屬其他團體權力範圍的投訴；及
 - c. 受香港其他條例或法定要求規管的投訴。

丁. 接納投訴的準則

1. 本校不會接受匿名投訴，投訴人須提供真實姓名及聯絡方法，以便本校在有需要時作出回覆。投訴人可要求本校不披露其身份。若有懷疑，本校可要求投訴人出示身份證明文件。如投訴人未能或拒絕提供所需的個人資料，本校將不會處理該宗投訴。但在特殊情況下，例如已有足夠證據、個案十分嚴重或緊急，本校將自行決定如何處理有關投訴。如無需對有關投訴進行跟進工作，專責教職員亦會把原因簡單紀錄在案。
2. 在獲得當事人的書面授權前，任何人士或機構 / 團體代表當事人提出的投訴將不獲受理。如事件涉及學生，包括未成年或智障人士，該學生的家長 / 監護人，或其授權人士，可代表該等人士提出投訴。
3. 如投訴由多於一位人士代表當事人提出，當事人須指定一位代表作為與校方的聯絡人。
4. 除特殊理由外，例如已取得足夠證據、該宗投訴十分嚴重或緊急，投訴必須在事發日期起計的一年內提出。
5. 投訴人必須提供充分的資料。如投訴人未能提供足夠資料，以致本校不能進行有成效的調查，本校可以考慮不展開調查及終止有關個案，並以書面回覆投訴人，解釋

不處理有關投訴的原因。

戊. 處理投訴的一般原則

1. 投訴個案會由制定相關政策、提供有關服務或管理被投訴人或與投訴有關事宜的組織直接處理。
2. 所有投訴個案均會迅速處理，而負責處理投訴的人員會主動與投訴人溝通。
3. 公平對待與投訴有關的人士，嘗試保障他們的利益。
4. 令投訴處理機制公開及透明。
5. 確保資料保密。
6. 按時檢視投訴處理機制。

己. 處理投訴程序

處理教職員的投訴時，亦將遵循以下程序，除非安排因教職員的身份而不必要或不合適的。

1. 個案性質詮釋
 - a. 投訴有可能按其性質由本校、教育局或相關執法機構跟進。如投訴涉及本校及教育局雙方，則由雙方同時跟進。
 - b. 本校接獲投訴後，將會就投訴的性質，區分為非正式投訴及投訴，以確保採用適當的程序處理。一般而言，除非投訴人堅持提出正式投訴，否則負責人員將按簡易程序處理事件及提供協助。
 - c. 當接獲投訴後，本校會按丁部列明的準則決定是否受理投訴。如結果為不獲受理，本校亦會把原因告知投訴人。
2. 下表為處理學校投訴各個階段的教職員 / 人員的安排：

涉及對象	調查階段	上訴階段
職員	校務處主管	副校長 / 校長
	助理校長 / 副校長	校長
教員	科 / 功能委員會主任	副校長
	助理校長 / 副校長	校長
	校長	法團校董會上訴委員會
校長 / 法團校董	由法團校董會成立的調查團隊	法團校董會上訴委員會
校監 / 法團校董會	由辦學團體成立的調查團隊	辦學團體成立的上訴委員會

在處理投訴的過程中，本校會決定是否適宜尋求調解員協助，或邀請獨立 / 專業人士(例如駐校社工及不涉及投訴個案的教師)以持平的態度提供意見，提升信任及協助有關人士儘早找出解決方案，化解糾紛。

3. 在展開調查工作前或在適當的情況下，專責處理一宗投訴的教職員 / 人員均須向

校方申報利益。如出現利益衝突或潛在利益衝突的情況，有關人士不應參與處理有關個案及接觸任何與個案有關的資料。此外，任何被投訴人均不應參與或督導調查工作，或發信給投訴人。另外，校方會把上訴渠道通知投訴人。

4. 所有投訴個案均絕對保密。只有獲授權的教職員 / 人員才會獲知有關資料，而所有在調查期間收集的資料只會用作回覆投訴人及跟進該項投訴之用。在獲授權前，負責調查的教職員 / 人員不得公開或公開討論個案的資料。此外，收集的資料將保存在安全的地方。電腦的數據亦會受密碼保護，而若有需要，只可使用加密的便攜式數據儲存裝置。
5. 本校 / 法團校董會 / 辦學團體會確保投訴人及其他與個案相關人士的權利不受影響。
6. 處理非正式投訴
 - a. 本校接獲非正式投訴時，前線教職員會提供協助及所需資料，就當事人所關注的事項在三個工作天內作出回應及解決有關問題。如有需要，專責有關事務的教職員會與投訴人直接對話或會面，交代學校立場及澄清誤會，釋除疑慮或解開心結。
 - b. 如有需要，個案會轉交校內專責人員或較高級人員處理，務求儘快跟進及解決問題。
 - c. 本校會以口頭回應以簡易程序處理的關注、查詢或意見。如對方以書面提出關注、查詢或意見或本校需要釐清立場或交代細節，負責人員可因應個別情況決定是否向投訴人作書面回覆。
 - d. 處理非正式投訴後無須正式存檔。如有需要，負責教職員可記錄重點及存檔以供將來參考之用。
 - e. 本校會檢討與非正式投訴有關的政策或處理方式是否恰當，並考慮引入適當的措施，以改善處理同類事件的手法或防止同類事件再發生。負責教職員亦可視乎需要，向有關人士概述本校的跟進行動及處理結果。
7. 處理投訴
 - a. 如事件不能以非正式投訴程序解決，或接獲非匿名投訴，本校將根據以下程序處理該項投訴。
 - i. 本校將委派適當的教職員 / 人員調查有關個案及回覆投訴人。
 - ii. 本校將發出通知書以確認收到有關投訴及徵求投訴人同意本校索取其個人及與投訴有關的資料，並知會負責處理投訴教職員 / 人員的姓名、職銜及聯絡的資料。
 - iii. 本校除通知被投訴人接獲投訴及負責處理的教職員 / 人員外，被投訴人可對個案作出回應。
 - iv. 即時採取措施保存所有與投訴個案相關的記錄，包括文本檔案、影像及/或聲音記錄等（如有），以作佐證。學校在收集、持有、處理或使用個人資料時，必須遵守《個人資料（私隱）條例》的規定。

- v. 若有需要，負責處理投訴的教職員 / 人員將會向投訴人及其他有關人士收集更多資料。
 - vi. 一般而言，調查程序會於兩個月內完成。投訴人將會收到有關調查結果的書面回覆。如因特別情況需延長處理時間，負責的教職員會把原因告知投訴人。
 - vii. 如投訴人接納調查結果，投訴可以正式結案。
 - vii. 如投訴人仍不滿調查結果或本校處理投訴的方式，並能提出新證據或合理理由，投訴人可於本校 / 法團校董會 / 辦學團體回覆發出日期起計十四天內，向校長 / 法團校董會上訴委員會 / 辦學團體上訴委員會書面提出上訴要求。
- b. 如有涉及由媒體轉介或報導的投訴個案，本校將:
- i. 指定一發言人處理外界查詢，以免混淆訊息;
 - ii. 儘快向公眾提供合適的回應及澄清本校立場;
 - iii. 儘量通知持分者有關投訴個案的調查進展，並注意教職員及學生情緒有否受到影響，有需要時為他們提供輔導。
- c. 投訴正式結案後，本校將會檢討處理投訴的方法，務求不斷進步。同時，本校 / 法團校董會 / 辦學團體將審視有關政策或安排並作出跟進，避免同類事件再次發生。若有需要，負責處理投訴的教職員 / 人員會通知投訴人校方的跟進行動及檢討結果。
- d. 本校會定期檢討處理投訴的策略、程序和步驟，採取適當的跟進措施，以改善投訴處理機制。
8. 上訴
- a. 本校將發出通知書，確認收到有關上訴要求。
 - b. 由本校委派的較負責調查階段高職級的教職員(若情況不許可，將委派另一組別的教職員)、法團校董會上訴委員會或辦學團體成立的上訴委員會將會在重新審視投訴內容及證據後回覆投訴人。負責調查投訴的教職員 / 人員不會與處理上訴的教職員 / 人員相同。
 - c. 一般情況下，調查人員會在接獲上訴要求起計兩個月內完成上訴調查，並就上訴結果以書面形式回覆投訴人。如因特別情況需延長處理時間，負責教職員 / 人員會將原因告知投訴人。
 - d. 如投訴人接納上訴結果，可以正式結案。但若投訴人仍不滿上訴結果或處理上訴的方式，投訴人可於本校 / 法團校董會 / 辦學團體回覆發出日期起計十四天內，向校長 / 法團校董會上訴委員會 / 辦學團體成立的上訴委員會書面提

出重新上訴要求。若經審慎檢視有關處理過程後發現已採取恰當的程序，則校長 / 法團校董會上訴委員會 / 辦學團體成立的上訴委員會於較早時候作出的決定將為最終判決。

9. 當參與處理投訴的面談 / 會議時，如果獲得本校 / 法團校董會 / 辦學團體的事先同意，投訴人可由他人陪同，有關立場將會在會面 / 會議開始前重申。在會面 / 會議期間，參與人士將獲提醒慎防在對話中未經授權而洩漏了第三者的個人或其他資料。在面談或會議期間禁止錄音 / 錄影，有關立場將在會面 / 會議結束前重申。
10. 如果投訴是書面形式的，本校 / 法團校董會 / 辦學團體將以書面回覆。如果是口頭形式的，本校 / 法團校董會 / 辦學團體可以決定以口頭或書面回覆。如果案件由教育局或其他組織轉介，本校會把書面答覆的副本轉交其參考。
11. 處理投訴的時間一般由收到投訴或由投訴人同意本校取得其個人資料起計。如所需資料不齊全，處理投訴的時間則改為由本校 / 法團校董會 / 辦學團體取得所需資料起計。如未能在指定時限內回覆，本校將向投訴人發出臨時覆函，交代需要較長時間處理有關投訴 / 上訴的原因，以及在可行情況下，提供可作出具體回覆的時間。
12. 本校將保存根據正式投訴調查程序處理的個案的記錄。另外，本校會向法團校董會匯報每年投訴 / 上訴個案的數字。
13. 覆檢投訴
 - a. 某些投訴個案可能經本校調查和上訴階段處理後，仍然未能解決，投訴人 / 有關機構可在下列情況下要求覆檢委員會覆檢個案；
 - i. 投訴人 / 有關機構提出足夠的理據或新證據，證明本校處理不當；及
 - ii. 投訴個案已按程序妥善處理，惟投訴人 / 有關機構不接受調查結果並繼續上訴。
 - b. 本校將知會投訴人 / 有關機構如仍不滿上訴結果或處理上訴的方式，可於收到本校 / 法團校董會 / 辦學團體對上訴的回覆後十四天內，向教育局以書面要求覆檢。教育局將會把個案轉介至覆檢委員會處理。除須在申請書具體交代不滿的原因外，投訴人 / 有關機構需向覆檢委員會提供足夠理據或新證據以申請重新審閱個案。如申請獲接納，覆檢委員會將處理有關個案。如申請不獲接納，覆檢委員會秘書處會以書面回覆申請人 / 有關機構，並列明拒納覆檢的原因。
 - c. 投訴人 / 有關機構須簽署同意書，授權覆檢委員會就個案的覆檢，將投訴的資料交予本校 / 法團校董會 / 辦學團體及 / 或其他有關人士 / 機構。覆檢委員會亦可向投訴人、有關機構 / 本校 / 辦學團體及 / 或其他有關人士 /

機構索取與投訴 / 覆檢有關的資料。

- d. 覆檢過程主要包括審閱有關的調查報告及資料文件。覆檢委員會可因應個案的內容和性質，檢閱有關人士 / 機構提供的資料及相關檔案紀錄、要求任何一方澄清資料及 / 或提供新證據、與任何一方會面以便收集更多資料及邀請任何一方出席個案會議。
- e. 為保障個人私隱，如未徵得有關方面同意，覆檢委員會 / 教育局不得向任何人士披露與投訴有關的任何個人資料。
- f. 如覆檢委員會需與有關人士會面或召開個案會議，出席人士必須與該宗投訴有關，並須得到委員會的批准方可出席。另外，在會面或會議期間，投訴人不得向被投訴人及其他證人查問，被投訴人及其他證人亦不得查問投訴人。會面 / 會議進行期間，禁止錄音 / 錄影。
- g. 教育局會參考覆檢委員會的覆檢結果及建議，就個案作出最終結論，並於收到覆檢申請後三個月內，書面通知投訴人 / 有關機構覆檢結果。
- h. 如教育局及本校接納覆檢委員會的建議終止個案，教育局及本校均不會再處理有關投訴。假如投訴人 / 有關機構不接納覆檢結果，可循其他渠道作出申訴。如覆檢委員會建議個案須由本校 / 教育局重新調查，本校 / 教育局會委派高於原有處理教職員最少一個職級的人員負責。有關機構須於兩個月內完成調查，並向覆檢委員會書面報告調查結果。經覆檢委員會同意後，本校 / 教育局須書面回覆投訴人 / 有關機構，及抄送相關的回覆予覆檢委員會。如本校 / 教育局未能於兩個月內完成調查，應以書面通知投訴人 / 有關機構原因及所需的回覆時間。

14. 處理投訴人的不合理行為

- a. 投訴人的不合理行為一般分為三類：
 - i. 不合理的態度，例如：恐嚇、粗言穢語或蓄意瞞騙事實；
 - ii. 不合理的要求，例如：要求與處理投訴無關的資料、要求專責教職員 / 人士於指定時間及地點會面；及
 - iii. 持續的投訴，例如：利用相若的證據不斷重複提出相同的投訴及在理據不足的情況下不斷提出指控。
- b. 若投訴人的行為被本校校長 / 法團校董會 / 辦學團體判斷為不合理，本校會按照投訴人的行為採取適當的措施，包括：
 - i. 要求投訴人改變態度及停止有關行為。如在發出足夠的警告後，對方依然故我，處理教職員會終止與投訴人的會面或談話；
 - ii. 在投訴人的行為改善前限制他與本校的接觸；

- iii. 在投訴人的行為改善前拒絕讓他進入校園；
- vi. 重申本校已就事件作出最終判決及不會對結果作任何更改；
- vii. 指示投訴人參閱學校之前給予的回覆，並重申本校不會再就同一事件作回覆；
- viii. 報警處理；及
- ix. 採取法律行動。

庚. 其他協助

本校明白到與各持分者緊密溝通和合作，對學校的運作和教學的質素都有正面的影響。本校的駐校社工、家長教師會的家長委員及法團校董會的家長校董均可作各持分者與本校溝通的橋樑，協助解釋本校的政策及調解糾紛。如欲聯絡駐校社工，可致電 2570 6665；而家長教師會及家長校董的聯絡方法，則已上載於家長教師會的網頁(<http://pta.ccsc.edu.hk>)。

(本文件為中譯本，如文義與英文原文有歧異之處，概以英文原文為準。)