



# COMPLAINTS PROCEDURES

Approved at Board Meeting

29 SEPTEMBER 2017

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*Internal and external circulation*

## 1. Background

The Education Bureau in September 2016 asked each school (Aided, caput and DSS schools) to update its Guidelines for Handling School Procedures. This document has been produced based on the *Guidelines for Handling School Complaints (Guidelines)*, 2016.

## 2. Guiding Principles for Handling Complaint

Li Po Chun United World College of Hong Kong (LPCUWC) welcomes suggestions and comments from all stakeholders and takes seriously complaints and concerns that may arise. LPCUWC operates under an open dialogue which encourages feedback. Feedback is encouraged through regular surveys that are carried out to different stakeholders as well as teacher encouraging feedback both formally and informally.

### **Principle I - Handling of complaints by appropriate party/parties**

The college encourages all stakeholders to make the complaint directly to the person concerned. For example, students are encouraged to talk directly to their teachers if they have a concern. If students feel that this is not possible they can speak to an appropriate line manager whether it be a Head of Department for academic matters; Head of House for Student Welfare issues or Director of Education Outside of the Classroom (EOTC) for any matter within the EOTC programmes.

### **Principle II - Timely and efficient handling**

The college will endeavour to acknowledge any complaint within 2 working days of receipt.

Depending upon the nature of the complaint regular communication will occur with the complainant.

If appropriate the college will appoint a spokesperson to handle inquiries from the public/media in line with the Emergency Procedures Policy. The details as outlined in the Emergency Procedures policy of informing staff, students and parents may be followed.

### **Principle III: Clear and Transparent Mechanism**

The college has in operation a clear and transparent mechanism which is outlined in Section 3.

All relevant policies for parents and students are detailed on the college website. The location of these policies are detailed in the schools joining papers.

The complaint handling policy has a review date of December 2024.

### **Principle IV: Fair and impartial handling**

LPCUWC will approach complaints in a positive manner and will endeavour to treat the complainants and the subjects fairly. Appeal channels are provided as detailed in the Complaints Procedure.

Before an investigation begins or where appropriate, designated staff and related individuals should declare interests. 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 subject of the complaint will not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.

LPCUWC will endeavour to see that the rights of the complainants or other persons involved in the complaint are being protected and that future communication and contact with the school will not be affected.

### 3. Procedures for Handling Complaints

#### 3.1 Interpretation of Complaints

LPCUWC follows the guidelines regarding the differentiation between concerns and complaints as outlined in the *Guidelines for Handling School Complaints (Guidelines)*, 2016.

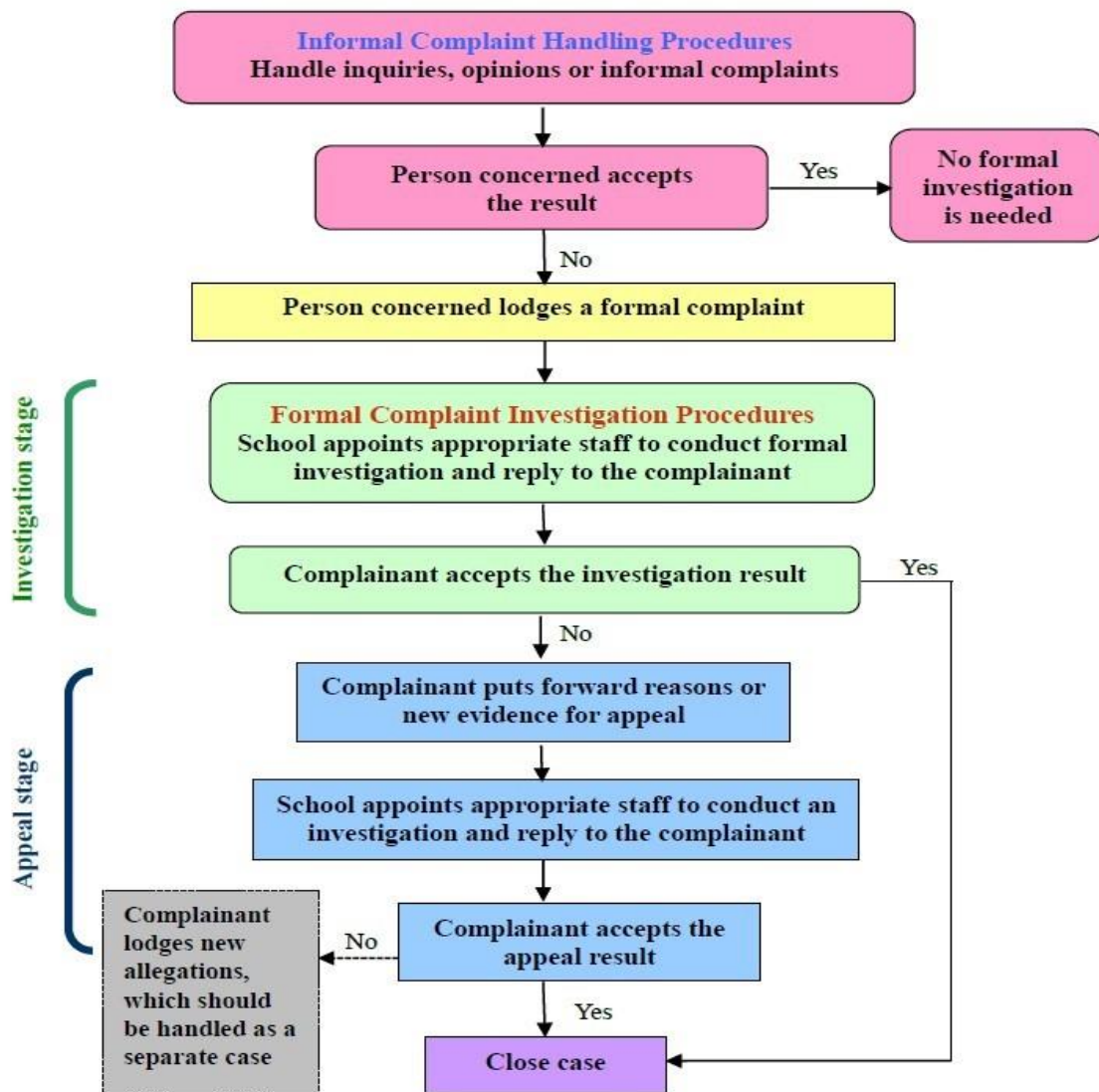
“A concern refers to the inquiry or opinion expressed by the stakeholders for the interests of themselves, their children or the school, with a view to changing or improving the existing situation.”

A complaint is an expression of disappointment, dissatisfaction or grievance expressed by the complainant. They may demand the school to rectify its mistakes, take disciplinary action against the suspected offenders, or resolve the issue(s) raised in the complaint.” (*Guidelines for Handling School Complaints (Guidelines)*, 2016.

#### 3.2 Handling of Concerns

Initially all inquiries/complaints will be handled as a concern utilising the inform informal stage by an appropriate member of staff. (See Diagram 1). This staff member may include a student’s tutor or teacher; Head of House or Head of Department; Director of Education Outside of the Classroom, Director of Student Welfare or indeed any designated member of staff.

**Diagram 1: Flowchart of School Complaint Handling Procedures**



### 3.3 Handling of Complaints

#### i) Investigation Stage

If the college has made its best efforts to resolve the problem through the informal complaints investigation procedure and the complainant still does not accept the school's response or the problem remains unresolved the following formal complaint investigation procedures will be initiated.

The complaint must be in writing and if the complainant has evidence of the complaint this should also be detailed within the complaint.

The receiver of the complaint (or a delegated person) will endeavour to acknowledge any complaint within 2 working days of receipt. The college will seek the complainant's consent to obtain his/her personal data and the information relating to

the complaint and inform him/her of the name, post title and contact details of the person handling the case.

The Principal (unless the complaint is about the Principal or Board) will assign appropriate staff to investigate the complaint and reply to the complainant. The Principal may assign himself to conduct the investigation. The college will endeavour to inform the complainant of the process within 7 working days of the receipt of the complaint.

Where the complaint is about an individual staff member, the staff member will be informed by the person who is assigned to investigate the complaint. This will occur within 7 working days of the receipt of the complaint. The staff member will be supported through this process if requested, though not by people involved by the investigation.

The following table details the possible staff leading the investigation (though this list is not exhaustive).

Table 1: Designated Staff for Handling Complaints

<b>Targets involved</b>	<b>Example</b>	<b>Investigation stage</b>	<b>Appeal stage</b>
Teaching and school staff	1	Director of Studies, Director of Student Welfare, Director of EOTC, Director of Administration	Principal
	2	Principal	Supervisor
Principal		Supervisor	Designated staff of college Board
Supervisor /Board		Designated staff of school college Board	Designated staff of College Board including an independent member.

The person conducting the investigation may call a meeting of the complainant. The complainant may bring a friend to the meeting as a supporter though all questions will be directed to the complainant. The person conducting the meeting may ask a member of staff to attend to make notes of the meeting for the person conducting the investigation reference. These notes will not be shared with the complainant. No recording devices may be brought or used in the meeting. The investigation will be evidence based.

During the interview meeting the investigator will explain that both parties should observe and comply with the Data Protection Principles stated in Schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486) and be cautious of any unauthorized disclosure of personal data or other information of a third party.

The investigation may involve other interviews with other parties involved in the investigation. The conduct of the meeting will be based on the same principles as outlined above.

At the end of the investigation the complainant will be informed of the investigation result in writing. If the complaint is about an individual staff member then the college will communicate it's decision in writing to that staff member.

It is anticipated that any investigation will be concluded within 40 working days of the receipt of the complaint. If the person conducting the investigation considers a longer time frame is necessary he will inform all involved in the investigation.

If the complainant does not accept the investigation result or the way the school has handled the complaint and is able to provide new evidence or sufficient justification he/she may lodge an appeal in writing against the college's decision within 14 days from the date of reply.

### 3.4 Resolving conflict through mediation

The college recognises that many conflicts can be resolved through mediation. This could include an independent staff member or an external mediator.

Mediation would lead to a suspension of the complaint process as agreed by the complainant.

Distinction between complaint and mediation.

#### ii) Appeals Stage

The appeal stage will be handled by a member of staff that who was not involved in the initial investigation, generally either the Principal or College Supervisor. Table 1 details possible staff involved in the appeals stage.

The same process as outlined in the investigation stage will take place. The complainant will receive a written reply of the appeal result.

It is anticipated that the appeal will be concluded within 40 working days of the receipt of the appeal. If the person conducting the appeal considers a longer time frame is necessary he will inform the complainant.

If the complainant does not accept the appeal result the matter will be raised with the Chairman of the Board.

If the complainant raises other new allegations during the appeal stage this will not be dealt with by the person leading the appeal.

## 4. 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 college collect personal data during the handling process or when they receive requests for the disclosure of data/records in respect of the complaint case, they will observe the regulations and recommendations laid down in the Personal Data (Privacy) Ordinance. This includes clearly stating the purpose and the form of collection of personal data, and that the data will only be used for handling the complaint or appeal cases.

The college will ensure that only authorised persons are allowed access to information relating to the case. The responsible persons will not disclose or discuss in public any contents or information relating to the case without authorisation.

## 5. Handling of Unreasonable Behaviour

The college is committed to appropriate communication by all parties including external parties.

However, sometimes certain unreasonable behaviour of complaints may have a negative impact on the college.

The college therefore has the following policies and measures in place.

### 5.1 Definition of unreasonable behaviour

The college follows the definition of unreasonable behaviour as outlined in *Guidelines for Handling School Complaints* (Guidelines), 2016. Complainants' unreasonable behaviour can generally be classified into the following three types:

- (i) Unreasonable attitude or behaviour, such as:
  - Acts of violence or intimidation
  - Making complaints with abusive language or in an insulting and discriminatory tone
  - Providing false data or deliberately concealing facts
  
- (ii) Unreasonable demands, such as:
  - Requesting a huge amount of information or demanding special treatment
  - Making telephone calls incessantly to ask for a dialogue or an interview, or to command a certain staff member to reply
  - Commanding a certain staff member to meet at a specific time and place
  
- (iii) Unreasonable persistent complaints, such as:
  - Insisting on rejecting the explanations and findings of the college/EDB, and/or requiring the college/EDB to discipline certain person(s), even after appropriate investigation procedures have been taken
  - In respect of the same case, repeatedly making the same complaints or presenting similar justifications as before without providing any new evidence
  - In respect of the same case, persistently bringing in new allegations or new complaint targets, but failing to present concrete evidence
  - Interpreting things in an unreasonable or irrational manner, or wrangling over trivial details

## 5.2 School-based policy

The Principal generally will make the decision whether a complainant's behaviour is reasonable, and decide what measures should be taken. However, if the complaint is lodged against the principal, such decisions will be made by the school supervisor.

## 5.3 Handling of unreasonable behaviours

### ii) Unreasonable attitude or behaviour

- 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. The Principal will be informed of this behaviour and deem if any necessary follow up is required.

### ii) Unreasonable demands

- If a complainant makes unreasonable demands which have an adverse impact on the college, e.g. interrupting its operation/services or other stakeholders are affected by the unreasonable behaviour of the a complainant, the college may consider putting restrictions on the complainant's contacts with the college, including specifying the time, frequency, date, duration and modes of communication (for example, requiring the complainant to make an appointment before visiting the college, submit his/her views in writing, or contact only with the staff designated by the college). The college will notify the complainant in writing of such arrangements and handling procedures.
- If the complainant's behaviour improves, the college may consider whether the restrictions should be lifted. If the college decides to keep the restrictions, it will regularly review the conditions for imposing them.

### iii) Unreasonable persistent complaints

- Faced with these complaints, if the college considers that it 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 college may decide whether to restrict or stop contacts with the complainant, and cease handling the case altogether.
- The college either through the Principal of College Supervisor will communicate to him/her in a firm manner that a final decision has been made regarding the case and that the decision is irreversible.

## 6. Other Complaint Matters



In general the college will not **handle** the following types of complaints:

- (i) Anonymous complaints**
- (ii) Complaints not made by the person concerned**
- (iii) Complaints involving incidents that happened more than one year.**
- (iv) Complaints with insufficient information.**

**(i) Anonymous complaints**

- Whether the complaint is made in written form or in person, the complainant should provide his/her name, correspondence/e-mail address and/or contact phone number. If in doubt, the college may request the complainant to show his/her identity documents. Should the complainant fail or refuse to provide these personal details, thus rendering it impossible for the college to investigate the complaint and reply in writing, the complaint will be deemed anonymous and the school may not handle it.
- However, under special circumstances (e.g. when there is sufficient evidence or when the case is serious or urgent), the Principal may decide whether to follow up with an anonymous complaint, such as treating it as an internal reference, informing the subject of the complaint about the case, or taking appropriate remedial and improvement measures. If follow-up actions are considered unnecessary, the college will briefly state the reasons and put on file for record.

**(ii) Complaints not made by the person concerned**

- Generally speaking, 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 a complaint is lodged by more than one person on behalf of the person concerned, the college may require the person concerned to appoint one of them as the contact person.
- If the complaint is lodged on behalf of the person concerned or referred by other organisations/groups such as Legislative councillors, district councillors, trade unions or the media the Principal will work with the College Supervisor to deem whether the complaint should be followed up.

**(iii) Complaints involving incidents that happened more than one year**

- Normally, complaints related to the daily operation of the college should be lodged within the same college year.
- Complaints by students about matters occurring within the college should occur when the students are at the college.
- Only in special circumstances may the college decide to conduct an investigation e.g. when there is sufficient evidence, or when the nature of the complaint is serious and urgent.

**(iv) Complaints with insufficient information**

The college may require the complainant to provide concrete information regarding a case. If the complainant fails to provide sufficient information to allow investigation to proceed, the college will not handle the complaint concerned.