



## Maryknoll Convent School Foundation Limited

### FRAMEWORK FOR HANDLING COMPLAINTS AND APPEALS

#### 1. Introduction

1.1 Maryknoll Convent School values quality management for quality all-round education affordable to all. For decades, the Primary and Secondary Sections of the school have involved our key stakeholders in school management. The school has benefited from their feedback, comments and suggestions on the performance of our School.

1.2 The Primary and Secondary Sections of our school have each adopted “Policy & Procedures for Enhanced Communication with Stakeholders” for handling feedback, suggestions, concerns and complaints, as set out in Appendices 1 and 2 respectively. These are consistent with the Education Bureau’s (“EDB’s” in short) initiative for participatory management, encouraging parents, teachers and alumnae to express their views and feelings through our School’s communication channels.

1.3 As School Sponsoring Body, the Foundation may need to handle complaints or appeals against decisions reached by the school, including the Incorporated Management Committee (IMC) of the Primary or Secondary Sections. This set of Guidelines is prepared with that in mind.

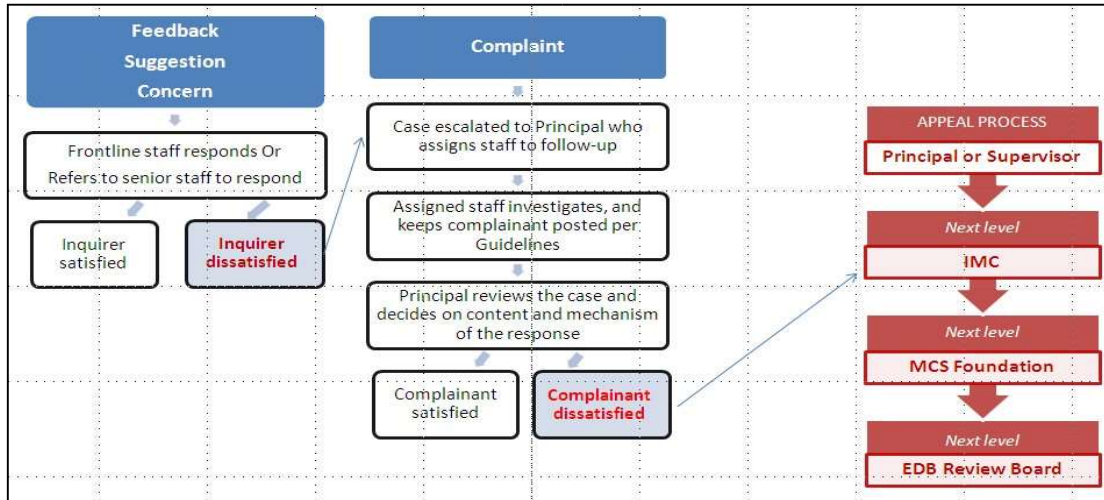
#### 2. Nature and Stages of Appeal

2.1 To avoid confusion in the handling process, feedback is to be distinguished from a complaint, as follows -

- (a) **Feedback** refers to an inquiry/enquiry or opinion, suggestion or concern, expressed by the stakeholders/the inquirer for their own interests, their children or the School, with a view to changing or improving the existing situation.
- (b) **A complaint** is an expression of disappointment, dissatisfaction or grievance expressed by an inquirer or a complainant. The demand may be for the School to rectify mistakes, take disciplinary action against the alleged/suspected offender, or resolve the issue(s).

The Foundation shall avoid mixing up complaints with feedback in order to decide the appropriate procedures for handling the matter.

2.2 The typical flow of handling feedback/complaints is as follows –



2.3 The frontline staff or the Principal are often the first point of contact to receive feedback, inquiries/enquiries, opinions, suggestions and concerns. Depending on the nature, scope and persons involved, the School may assign a staff member, a teacher, or set up a task force to handle the feedback, inquiries/enquiries, opinions, suggestions or concerns which turn out to be complaints, whether formal or informal, by an inquirer/a complainant.

2.4 The investigation/appeal stages are as follows –

<u>Feedback/ complaint</u> related to	Investigation/Appeal Stages		
	1 <sup>st</sup> stage	2 <sup>nd</sup> stage	3 <sup>rd</sup> stage
Non-teaching staff	Senior teacher	Vice Principal	Principal
Teaching staff	Panel heads/ Senior staff, Vice Principals	Principal, Supervisor	IMC HR Committee
Vice Principal	Principal	Supervisor	IMC HR Committee
Principal	Supervisor	IMC HR Committee	Foundation Council
Supervisor / IMC	Foundation Council	EDB Review Board	
PTA	PTA Chair	Principal	Supervisor

2.5 In the event the complainant lodges a complaint or an appeal, the Foundation may need to decide whether it falls within its ambit pursuant to the table above and whether a Panel should be formed.

### 3. Scope of Applicability

3.1 As a School Sponsoring Body, the Foundation will not usually interfere with the daily operation of the school. In the event of feedback, complaints or appeals against school decisions that are lodged with the Foundation, the guidelines set out in this Framework may apply.

3.2 Further, this Framework is **not** applicable to the following –

- (a) feedback or complaints related to ongoing legal proceedings;
- (b) feedback or complaints under the jurisdiction of other organisations/Government departments; or
- (c) feedback or complaints governed by other ordinances or statutory regulations such as complaints against corruption, fraud or theft.

3.3 In general, the Foundation will not handle the following types of feedback or complaints -

- (a) anonymous feedback and complaint,
- (b) not made by the person concerned or duly authorised person,
- (c) involving incidents more than one year ago, or
- (d) with insufficient information.

3.4 According to article 3C(b) under Part A of the Foundation's Articles of Association, the Foundation does **not** have jurisdiction over the regulation of relations between employees and employers or organizations of employees and organizations of employers.

### 4. Guiding Principles

4.1 In the event of the Foundation having to consider a complaint or appeal, the Foundation shall adhere to the following principles –

#### **Principle I: Fair and impartial handling.**

4.2 Depending on the nature of the complaint, the Foundation may need to consider appointing a Panel to look into the case. The Foundation may appoint members from the Council or the Foundation, or independent external parties if necessary – provided they have **not** been involved in the original complaint case. The Panel will be expected to act independently and fairly, and submit a report to the Council of the Foundation.

4.3 Before an investigation begins, the appointed Panel members shall declare interests. If any conflict of interest arises, the persons concerned shall not be involved in handling the case or have access to related information.

## **Principle II: Timely and efficient response**

4.4 The Foundation shall handle and respond to all verbal or written feedback or complaints in a timely manner to prevent any uninviting situation from worsening.

4.5 Upon receipt of a feedback or complaint, the Foundation Secretary shall either directly handle it or immediately inform the Chairperson who will handle the case or invite the Council to consider the way forward, as appropriate.

4.6 For exchanges with the complainant or respondents, the Foundation shall allow a reasonable time period for response. The deadlines for key submissions (including clarifications on the scope of complaint) shall be strictly observed. The Foundation is **not** obliged to consider submissions made beyond a deadline, as moving goal posts can compromise fairness in a hearing.

4.7 In the course of handling a complaint or appeal, the Foundation shall likewise respond within a reasonable time limit and offer interim updates to the inquirer/complainant if necessary. If a reply cannot be given within the specified period, the Foundation shall explain to the inquirer/complainant in writing why a longer handling time is needed.

## **Principle III: Clear and transparent mechanism**

4.8 The Foundation will ensure that relevant parties including the complainant and the subject of complaint are aware of the procedures, provided that the findings would not be compromised or evidence contaminated.

4.9 If the complaint or appeal is in written form, the Foundation shall respond with a written reply. If the complaint is made verbally, the responsible staff may decide whether to respond orally or in writing. If the case is referred by the EDB / other organisation(s), a copy of the written reply shall be forwarded to them for reference.

4.10 Clear documentation will provide an audit trail to facilitate review. The Foundation shall keep clear records of all written or oral submissions or exchanges.

4.11 If an incident or a comment is referred or reported by the media, the Foundation shall adopt the following measures where appropriate –

- (a) assign a spokesperson to handle feedback or complaint from the public/the media to avoid confusing messages. When appropriate, the spokesperson shall liaise/consult with the Foundation Council;
- (b) provide appropriate response or clarification to the public as soon as possible (normally within one or two days), including actions taken or preliminary under the Personal Data (Privacy) Ordinance, and

- (c) if appropriate, inform staff, students and parents of the progress of the case; observe whether students and staff have been emotionally affected, and provide appropriate counselling or referral where necessary through the school.

#### **Principle IV: Confidentiality and Data Privacy**

4.12 The Foundation shall observe confidentiality rules and be sensitive in the handling of privacy matters.

4.13 All contents and information of feedback or complaints shall be kept strictly confidential and disclosed on a need-to-know basis.

4.14 In handling personal data, refer to the Data Protection Principles issued by the Privacy Commissioner for Personal Data from time to time (Appendix 3).

4.15 The Foundation shall establish procedures to ensure that only persons with a need to know are allowed access to information relating to the case. The responsible persons shall not disclose or discuss in public any contents or information relating to the case without authorisation.

4.16 When arranging interviews or meetings with relevant parties, the Foundation shall –

- (a) state clearly whether the person(s) concerned can be accompanied by others (e.g. relatives) for the interview/meeting, and reiterate this stance before the interview/meeting starts;
- (b) require prior consent from all attendees if the person(s) concerned intend to be accompanied by legal representative(s) to the interview/meeting; and
- (c) require prior consent from all attendees before the interview/meeting starts if the session is to be audio/video recorded. This stance shall be reiterated before the end of the interview/meeting.

## **5. Procedures**

5.1 For cases that fall within the remit of the Foundation, the Foundation (including the Panel it appoints) should aim to complete the investigation within a reasonable timeframe. The investigation may include -

- (a) fact finding or seeking clarification from the complainant;
- (b) inviting the subjects of complaint to respond;
- (c) arranging interviews;
- (d) analysing the findings and drawing conclusions on whether the complaints are substantiated;
- (e) seeking independent expert advice, including but not limited to legal advice, if need be;
- (f) preparing recommendations on remedies, or room for improvements, if relevant; and

(g) presenting a report to the Council of the Foundation.

5.2 If the inquirer/complainant accepts the appeal result, the Foundation can conclude the case officially.

5.3 If the inquirer/complainant does not accept the appeal result or the way the Foundation handled the appeal, the Foundation shall advise the complainant to seek assistance from the Education Bureau.

## 6. Resolving differences or conflict through mediation

6.1 When handling complaints, the Foundation may, having regard to the nature of individual cases, consider whether it is appropriate to adopt different means to resolve conflicts quickly. This includes seeking mediation service from a mediator, or inviting independent persons/professionals to provide impartial views to assist the persons concerned (including the inquirers/complainants and the persons/organisations being complained against).

## 7. Handling Unreasonable Behaviour

7.1 When unreasonable behaviour of inquirers/complainants might have a negative impact on the Foundation, the Foundation shall decide on appropriate measures.

### Definition of unreasonable behaviour

7.2 Inquirers/complainants' unreasonable behaviour can generally be classified as follows -

(a) Unreasonable attitude or behaviour, such as -

- Acts of violence or intimidation;
- Using abusive language or in an insulting and discriminatory tone;
- Providing false data or deliberately concealing facts;
- Baseless accusation without evidence.

(b) 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 Foundation staff or member to reply;
- Commanding a certain Foundation staff or member to meet at a specific time and place;
- Seeking disproportionate remedy.

(c) Unreasonable persistent feedback or complaints, such as -

- Insisting on rejecting the explanations and findings of the School/Foundation/EDB, and/or requiring the School/Foundation/EDB to discipline certain person(s), even after appropriate investigation procedures have been taken;
- In respect of the same case, repeatedly making the same feedback or complaint or presenting similar justifications as before without providing any new evidence;

- In respect of the same case, persistently bringing in new allegations or new feedback or complaint targets, but failing to present concrete evidence;
- Interpreting in an unreasonable or irrational manner, or wrangling over trivial details.

## **Handling unreasonable behaviours**

### **(a) Unreasonable attitude or behaviour**

7.3 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 Foundation may convey this message clearly to the inquirer/complainant and demand that he/she stop acting in such a way. If the inquirer/complainant refuses to comply after the warning, the Foundation may terminate the meeting or conversation.

7.4 The Foundation should stay alert and take suitable action to protect the safety of individual members. The Foundation may decide whether to terminate the interview or dialogue and ask the inquirer/complainant to leave, if the inquirer/complainant's behaviour poses an immediate threat to the personal safety or personal interests of any member of the Panel. In a persistent case of unreasonable attitude or behaviour, or in an emergency, the Foundation may report to the police or take legal action.

### **(b) Unreasonable demands**

7.5 If an inquirer/complainant makes unreasonable demands which have an adverse impact on the Foundation (e.g. interrupting its operation/services or affecting other stakeholders), the Foundation may consider putting restrictions on the inquirer/complainant's contact with the School/ Foundation/ Panel (for example, requiring the inquirer/complainant to submit his/her views in writing). The Foundation must notify the inquirer/complainant in writing of such arrangements and procedures. A summary of the case should be recorded for future reference.

7.6 If the inquirer/complainant's behaviour improves, the Foundation may consider lifting the restrictions. If the Foundation decides to keep the restrictions, it shall regularly review the conditions for imposing them.

### **(c) Unreasonable persistent feedback/complaint**

7.7 If the Foundation has carefully examined the case and handled it properly under the prescribed investigation and appeal procedures, and responded with a detailed and unbiased written explanation regarding the outcome, the Foundation may decide to restrict or discontinue contact with the inquirer/complainant, and cease handling the case altogether.

7.8 To avoid any unrealistic expectations, the Foundation shall communicate a firm response to inquirer/complainant that a final decision has been made and is irreversible.

7.9 The Foundation may send a "Reply Card" to the inquirer/complainant, referring him/her to the replies previously given, and reiterate that the Foundation will neither respond to the same feedback or complaint, nor contact him/her again.

## 8. Review by Education Bureau

8.1 Most school-related issues can be settled through the informal and formal handling procedures. If not satisfied even after investigation and appeal, inquirers/complainants or relevant organisations (including the Foundation) may request the Education Bureau to review the case.

## 9. General

9.1 References to “the Foundation” above shall be interpreted to cover the Panel appointed by the Foundation to handle a specific case or appeal. The Foundation may delegate to the Panel such powers as are necessary to handle the complaint or appeal.

9.2 The Foundation encourages an open, collaborative culture, and values feedback as an opportunity to reflect and improve.

9.3 This Framework has drawn reference from EDB’s *Guidelines for Handling School Complaints*, endorsed by the Council, and will be reviewed on a need basis.

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