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		Issue Date	nn/nn/2018
	Policy on Handling of Complaints against Registrants of Hong Kong Institute of Clinical Psychologists	Review Date	
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Policy on Handling of Complaints against Registrants of Hong Kong Institute of Clinical Psychologists

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(Distribution list: This Policy shall be read by all staff and members of HKICP, Professional Council and its committees, and the general public.)

1. Objectives

- 1.1 This policy prescribes the guiding principles, process and outcomes in the handling of complaints against Registrants of Hong Kong Institute of Clinical Psychologists (HKICP) on the matters of professional misconduct.
- 1.2 This policy guides HKICP in its regulatory role in safeguarding the public. HKICP has no jurisdiction whatsoever over claims for refund or compensation, which should be pursued through separate civil proceedings.

2. Guiding principles

- 2.1 For the purpose of this policy, a complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of the professional services, or the conduct of a Registrant of HKICP.
- 2.2 A complaint shall be treated fairly. A complaint shall be acknowledged promptly. The investigation shall be objective, impartial, and managed confidentially in accordance with privacy obligations.
- 2.3 HKICP shall provide accessible means for the public to make either verbal or written complaints against the Registrants of HKICP.

3. Roles of responsible structures and personnel

3.1 Preliminary Investigation Committee (PIC)

- 3.1.1 All complaints received by HKICP shall first be considered by the Preliminary Investigation Committee (PIC), which is a standing committee under the Professional Council of HKICP (Council). PIC comprises a Chairperson, who shall be a Registrant of HKICP and a member of the Council, one Registrant of HKICP and one lay member. The members of PIC shall be employees of more than one organization.
- 3.1.2 PIC shall make recommendation to the Council, upon due consideration of information or evidence submitted by both the Complainant and the

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Registrant of HKICP being complained (“the Respondent”) and any other relevant information, whether to:

- 3.1.2.1 Dismiss the complaint, or
- 3.1.2.2 Refer the complaint in whole or in part to the Council for inquiry, or
- 3.1.2.3 Request further information and additional advice or assistance.

3.2 Inquiry Panel

- 3.2.1 Upon receipt of the recommendation for inquiry from PIC, the Council shall appoint a person (hereafter refer to as Inquiry Coordinator) to set up an ad hoc Inquiry Panel and coordinate any matters concerning the hearing within 20 working days. The Inquiry Coordinator can be a member of HKICP or any person employed by HKICP for such purpose. The Inquiry Coordinator shall not be a member of PIC or the Council.
- 3.2.2 The Inquiry Panel comprises 2 Registrants of HKICP and one lay member. The Registrants shall be drawn up from a standing roster of adjudicating members. The lay member shall be recruited by the Inquiry Coordinator. All members of the Inquiry Panel shall not be a member of the Council or PIC.
- 3.2.3 All members of the Inquiry Panel shall have no conflict of interest with either party of the inquiry.
- 3.2.4 The Council shall appoint either a Registrant of HKICP, who shall not be the Inquiry Coordinator or a member of the Council or PIC, or a legal practitioner to act for the Council in the hearing.
- 3.2.5 The hearing shall be conducted in accordance with HKICP’s Procedures for Handling of Complaints against Registrants of HKICP (HKICP-ECI-PD-006-R0).
- 3.2.6 At the conclusion to the hearing, the Inquiry Panel may:
 - 3.2.6.1 Conclude that the Respondent has not breached the Code of Ethics of HKICP (HKICP-ECI-PO-001-R0), or
 - 3.2.6.2 Conclude that the Respondent has breached the Code of Ethics of HKICP, or
 - 3.2.6.3 Adjourn the hearing for gathering more information in order to reach a conclusive decision.

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- 3.2.7 If the Inquiry Panel concludes that the Respondent has breached the Code of Ethics of HKICP, the Inquiry Panel shall decide on the sanction. Depending on the severity of the breach, the sanction may consist of the imposition of one or combination of the following actions: warning, reprimand, requirement to take specific continuing professional education course(s), temporary or permanent removal from the Register of HKICP.
- 3.2.8 The Inquiry Panel shall compile a report, signed by all panel members, to the Council, stating its findings of facts, the reasons for the conclusion with dissenting view, if any, and seek endorsement of the report from the Council.
- 3.2.9 The Council shall inform the Complainant and the Respondent of the conclusion of the hearing.
- 3.2.10 The Respondent shall be allowed to appeal against the conclusion to the hearing and/or the decision on the sanction.

3.3 Appeal Panel

- 3.3.1 Upon receipt of the appeal application, the Council shall direct the Inquiry Coordinator to set up an ad hoc Appeal Panel and coordinate any matters concerning the appeal.
- 3.3.2 The Appeal Panel comprises 2 Registrants of HKICP and one lay member. The Registrants shall be drawn up from a standing roster of adjudicating members. The lay member shall be recruited by the Inquiry Coordinator. All members of the Appeal Panel shall not be a member of the Inquiry Panel, the Council or PIC.
- 3.3.3 All members of the Appeal Panel shall have no conflict of interest with either the Complainant or the Respondent.
- 3.3.4 The Appeal Panel shall review the conclusion to the hearing and the decision on sanction made by the Inquiry Panel without hearing. The Appeal Panel may affirm, reverse, or vary the conclusion to the hearing and/or the decision on sanction made by the Inquiry Panel. The decision of the Appeal Panel shall be final.
- 3.3.5 The Appeal Panel shall compile a report, signed by all panel members, to the Council, stating its findings of facts, the reasons for the conclusion with dissenting view, if any, and seek endorsement of the report from the Council.
- 3.3.6 The Council shall inform the Respondent and the Complainant the decision of the Appeal Panel.

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4. Outcomes

- 4.1 The Council shall update the register, where appropriate, and take appropriate steps to implement the decision made by the Inquiry Panel or the Appeal Panel once the decision on the complaint is finalized.
- 4.2 The public shall be adequately informed of the decision through the webpage of HKICP which shall include:
- 4.2.1 Name of the Registrant being complained,
- 4.2.2 Complained conduct and date(s) of commission,
- 4.2.3 The Code of Ethics of HKICP breached, and
- 4.2.4 Sanction.

5. Complaint register

The PIC shall maintain a complaint register to document all complaints handled and the respective disciplinary actions taken.

6. Review of the policy and schedule

This Complaint Handling Policy is routinely reviewed and updated in response to changes in the legal and professional context within which HKICP operates. It will be reviewed every 3 years or when appropriate.

7. Reference Documents

- 7.1 Complaint handling policy and procedure of Australian Health Practitioner Regulation Agency (n.d.). Retrieved September 3, 2018, from Australian Health Practitioner Regulation Agency website, <https://www.ahpra.gov.au/documents/default.aspx?record=WD10%2F3427%5Bv4%5D&dbid=AP&chksum=S1INvUj61VO9tl5S03wyA%3D%3D>
- 7.2 Complaint handling policy of Privacy Commissioner for Personal Data, Hong Kong (n.d.). Retrieved September 3, 2018, from Privacy Commissioner for Personal Data, Hong Kong website, https://www.pcpd.org.hk/english/complaints/policy/complaint_policy.html

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- 7.3 Complaint investigation and disciplinary inquiry mechanism of the Medical Council of Hong Kong (n.d.). Retrieved August 21, 2018, from Legislative Council website, <https://www.legco.gov.hk/yr15-16/english/bc/bc54/papers/bc5420160419cb2-1363-1-e.pdf>
- 7.4 Physiotherapists Board Hong Kong Disciplinary Procedures in Handling Complaints against Registered Physiotherapists (n.d.). Retrieved August 21, 2018, from Physiotherapists Board website, <http://www.smp-council.org.hk/pt/file/pdf/Complaints%20Handling%20Procedure%20English%20Leaflet.pdf>
- 7.5 Procedures for Handling Complaints, the Appendix to the By-Laws of Hong Kong Psychological Society

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