	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-005-R2
	Policy on Handling of Complaints	Issue Date	24/4/2023
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Policy on Handling of Complaints

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Document History				
Date of Issue	Version No.	Date Approved/ Effective	Summary of Change	Approved by
31/07/2019	1.0	31/07/2019	--	Board of Directors
20/04/2021	2.0	20/04/2021	The Principles in Handling Complaints Against HKICP and Registrants of HKICP was added in the document as the leading principles for all the procedures of complaint handling stipulated in other documents. The Roles of Responsible Structures and Personnel for Handling Complaints Against HKICP is added.	Board of Directors
24/04/2023	3.0	24/04/2023	<ul style="list-style-type: none"> Updated with use of gender-neutral pronouns. Elaborate on levels of disciplinary actions and outcomes. 	Board of Directors

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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 Hong Kong Institute of Clinical Psychologists Limited (HKICP) and Registrants of 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. Roles and Responsibilities

- 2.1 To ensure ethical and professional practice of HKICP and registrants of HKICP by enforcing the Code of Ethics for Clinical Psychologists; and
- 2.2 To ensure that complaints are handled in a fair and transparent manner.

3. Scope

This policy applies to all complaints against HKICP and Registrants of HKICP made to HKICP, such as but not limited to :

- 3.1 The Quality or Delivery of the Professional Services
- 3.2 The Conduct of a Registrant of HKICP

4. Terms and Definitions

In this policy, unless the context other requires:

- 4.1 “Complaint” means an expression of concern, dissatisfaction or frustration with the quality or delivery of the professional services, or the conduct of a Registrant of HKICP;
- 4.2 “Complainant” means any person who files a complaint to the secretariat of HKICP;
- 4.3 “Council” means the Professional Council of HKICP;
- 4.4 “PIC” means the Preliminary Investigation Committee under Professional Council of HKICP;

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- 4.5 “Pool of adjudication HKICP” is set up in accordance with section 12 of <Procedures for Handling of Complaints against Registrants of HKICP>
- 4.6 “Pool of adjudication lay members” is set up in accordance with section 13 of <Procedures for Handling of Complaints against Registrants of HKICP>
- 4.7 “Secretariat” means the secretariat of HKICP;
- 4.8 “Working day” means a weekday except public holiday.

5. Principles in Handling Complaints Against HKICP and Registrants of HKICP

HKICP upholds the following principles:

- 5.1 HKICP shall provide accessible means for the public to make either verbal or written complaints against the registrants of HKICP.
- 5.2 All complaints are handled in accordance with the principles of fairness and independence
- 5.3 HKICP is committed to effective complaint handling and values feedback through complaints.
- 5.4 Information about how and where to complain is well publicized to the public, registrants, staff and other interested parties.
- 5.5 The process of making a complaint and investigation is transparent and easy-to-understand for the complainant.
- 5.6 Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the complainant is kept informed throughout the process.
- 5.7 Complaints are dealt with in an equitable, objective and unbiased manner.
- 5.8 Personal information related to complaints is kept confidential.
- 5.9 If a complaint is upheld, a remedy or resolution shall be provided.
- 5.10 There are opportunities for internal and external review and/or appeal about HKICP’s response to the complaint, and the complainants are informed about these avenues.
- 5.11 Accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to the Board of Directors, the Council, and other relevant stakeholders.
- 5.12 All complaints handled and the respective actions taken shall be properly documented.

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6. Roles of Responsible Structures and Personnel

6.1 For Handling Complaints Against HKICP

6.1.1 Complaint Handling Group

- 6.1.1.1 The Professional Council shall set up the Complaint Handling Group (CHG) upon receiving a complaint against HKICP.
- 6.1.1.2 CHG may compose of 3 members of the Professional Council. At least one of the members shall be a lay-member of the Professional Council. The Professional Council may decide the group size of CHG case by case.
- 6.1.1.3 CHG is responsible for deciding the merits and outcomes of the complaint.

6.1.2 Board of Directors

- 6.1.2.1 The Board of Directors is responsible for considering the appeal against the outcome of investigation and recommendation issued by the Council upon the complaint against HKICP.
- 6.1.2.2 The Board of Directors is responsible for deciding the merits and outcomes of the appeal.

6.2 For Handling Complaints Against Registrants of HKICP

6.2.1 Preliminary Investigation Committee (PIC)

- 6.2.2.1 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. To include personnel and perspectives from different work settings, the members of PIC shall be employees of more than one organization.
- 6.2.2.2 PIC shall make recommendation to the Council, upon due consideration of information or evidence submitted by both the Complainant and the Registrant of HKICP being complained (“the Respondent”) and any other relevant information, whether to:
- 6.2.2.7.1 Dismiss the complaint, or
- 6.2.2.7.2 Refer the complaint in whole or in part to the Council for inquiry, or
- 6.2.2.7.3 Request further information and additional advice or assistance.

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6.2.2 Inquiry Panel

- 6.2.2.1 Upon receipt of the recommendation for inquiry from PIC, the Council shall direct the secretariat officer to set up an ad hoc Inquiry Panel and coordinate any matters concerning the hearing.
- 6.2.2.2 The Inquiry Panel comprises 2 Registrants of HKICP and one lay member. The Registrants shall be drawn up from a pool of adjudication HKICP members. The lay member shall be drawn from a pool of adjudication lay members. All members of the Inquiry Panel shall not be members of the Board of Directors, the Council or PIC.
- 6.2.2.3 The Inquiry Panel shall be appointed by the Professional Council.
- 6.2.2.4 All members of the Inquiry Panel shall have no conflict of interest with either party of the inquiry.
- 6.2.2.5 The Council shall appoint either a legal practitioner registered under Legal Practitioners Ordinance (Cap. 159) or a Registrant of HKICP, who shall not be a Director, a member of the Council or PIC, to act for the Council (hereafter refer to as the Council Representative) in the hearing.
- 6.2.2.6 The hearing shall be conducted in accordance with HKICP's Procedures for Handling of Complaints against Registrants of HKICP (HKICP-ECI-PD-006).
- 6.2.2.7 At the conclusion to the hearing, the Inquiry Panel may:
- 6.2.2.7.1 Conclude that the Respondent has not breached the Code of Ethics of HKICP (HKICP-ECI-PO-001), or
- 6.2.2.7.2 Conclude that the Respondent has breached the Code of Ethics of HKICP, or
- 6.2.2.7.3 Adjourn the hearing for gathering more information in order to reach a conclusive decision.
- 6.2.2.8 If the Inquiry Panel concludes that the Respondent has breached the Code of Ethics of HKICP, the Inquiry Panel shall decide on the sanction within 40 working days after the hearing. 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 programme(s), temporary or permanent removal from the Register of HKICP. In case where the sanction consists of temporary removal of the Respondent's name from the Register, the Inquiry Panel shall state the period of removal and the conditions, if applicable, that the Respondent has to satisfy before the Respondent may apply for reinstatement of their name to the Register of HKICP.

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6.2.2.9 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 within 20 working days after the hearing.

6.2.2.10 Following the report, the Council shall inform the Complainant and the Respondent of the conclusion of the hearing.

6.2.2.11 The Respondent shall be allowed to appeal against the conclusion to the hearing and/or the decision on the sanction.

6.2.3 Appeal Panel

6.2.3.1 All appeal applications shall be directed to the Board of Directors. Upon receipt of the appeal application, the Board of Directors shall appoint an ad hoc Appeal Panel and coordinate any matters concerning the appeal.


6.2.3.2 The Appeal Panel comprises 2 Registrants of HKICP and one lay member. The Registrants shall be drawn up from a pool of adjudication HKICP members. The lay member shall be drawn up from a pool of adjudication lay members. All members of the Appeal Panel shall not be members of the Board of Directors, the Inquiry Panel, the Council or PIC.

6.2.3.3 All members of the Appeal Panel shall have no conflict of interest with either the Complainant or the Respondent.

6.2.3.4 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.

6.2.3.5 The Appeal Panel shall compile a report, signed by all panel members, to the Board of Directors, stating its findings of facts, the reasons for the conclusion with dissenting view, if any, and seek endorsement of the report from the Council.

6.2.3.6 The Board of Directors shall inform the Respondent and the Complainant the decision of the Appeal Panel.

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7. Outcomes

- 7.1 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 within 20 working days after the decision on the complaint is finalized.
- 7.2 The Inquiry Panel, or subject to 6.2.3.4 the Appeal Panel, may in its discretion, exercise one or more of the following sanctioning powers:
- 7.2.1 order the name of the Registrant to be removed from the register;
 - 7.2.2 order the name of the Registrant to be removed from the register for such period as it may think fit;
 - 7.2.3 order the Registrant to be reprimanded;
 - 7.2.4 order that a letter of caution be served on the Registrant;
 - 7.2.5 order the Registrant to take specific continuing professional education programme(s), which may include requirements to complete specific course(s) or undergo a specific period of clinical supervision.
- 7.3 The public shall be adequately informed of the outcome made in accordance with 7.2 through the webpage of HKICP when the sanction imposed involves 7.2.1, 7.2.2 or 7.2.3. The outcome in public record shall include the following information:
- 7.3.1 Full name of the Registrant being complained;
 - 7.3.2 Complained conduct and date(s) of commission;
 - 7.3.3 The Code of Ethics of HKICP breached;
 - 7.3.4 Sanction

8 Complaint Register

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

9 Review of the Policy and Schedule

- 9.1 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.

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10 Conflict of Interest

- 10.1 All members of PIC, the Inquiry Panel, the secretariat, and the Council shall observe the relevant rules and procedure stipulated in the Policy on Declaration & Handling of Conflict of Interest of HKICP (HKICP-ECI-PO-003). Any conflict of interest arisen during the handling procedures shall be reported immediately to the Professional Council for advice and documentation.
- 10.2 All personal information of the complainant shall be handled with care throughout the complaint handling procedure.

11 Reference Documents

- 11.1 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=S1INvVUj61VO9tl5S03wyA%3D%3D>. Accessed on 24 April, 2023.
- 11.2 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. Accessed on 24 April, 2023.
- 11.3 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>. Accessed on 24 April, 2023.
- 11.4 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>. Accessed on 24 April, 2023.
- 11.5 Procedures for Handling Complaints, the Appendix to the By-Laws of Hong Kong Psychological Society