

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	1 of 15

Complaint Handling Procedures

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Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	2 of 15

1.0 Objective

- 1.1 This policy prescribes the guiding principles, process and outcomes in the handling of complaints against Hong Kong Institute of Speech Therapists Limited (hereafter referred to as HKIST) and registrants (hereafter referred to as registrants) on the matters of professional misconduct. This policy guides HKIST in its regulatory role in safeguarding the interest of the public.
- 1.2 This policy guides the decision-making with regard to its key functions, including, but not limited to, complaint handling procedure and the subsequent disciplinary proceedings. Such procedures based on a two-tier decision-making system. After the preliminary checking of completeness of document, a standing committee or sub-committee reviews and investigates the subject. The matter is then passed to a panel for discussion and adjudication (First tier), which will be subject to the Professional Council's review (Second tier).
- 1.3 Any expression of concerns or complaints over the speech therapy profession are perceived as opportunities for its improvement. This document sets out the procedures which the PIC will follow a complaint is received. These procedures reflect the policies as endorsed by the HKIST Professional Council. The workflow of complaint handling is illustrated in the flow chart A /B with expected time frame at **Appendix 1**, and the details are set out in the sections that follow.
- 1.4 HKIST has no jurisdiction whatsoever over claims for refund or compensation, which should be pursued through separate civil proceedings.

2.0 Roles and Responsibilities

- 2.1 To ensure ethical and professional practice of HKIST and registrants of HKIST by enforcing the Code of Ethics for Speech Therapists.
- 2.2 To ensure that complaints are handled in a fair and transparent manner.

3.0 Scope

- 3.1 This policy applies to all complaints against HKIST and registrants of HKIST made to HKIST, such as but not limited to :
 - 3.1.1 The quality or delivery of the Professional Services
 - 3.1.2 The Conduct of a registrant of HKIST

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	3 of 15

- 3.2 Complaints from the registrants of HKIST and the public made to or about HKIST, such as but not limited to:
- 3.2.1 Governance
 - 3.2.2 Operational Effectiveness
 - 3.2.3 Standards of Registrants
 - 3.2.4 Continuing Professional Development
 - 3.2.5 Registration Procedures
 - 3.2.6 Complaint and Appeal Handling Procedures
 - 3.2.7 Risk Management
 - 3.2.8 Reputation of HKIST
 - 3.2.9 Management of Organization

4.0 Terms and Definitions

In this policy, unless the context other requires:

- 4.1 "Registrant" means the Speech Therapist in Accredited Register including any registrant who was a registrant at the time of the complained act but has resigned from its registration or has caused its registration to lapse or expire thereafter.
- 4.2 "Complaint" means an expression of concern, dissatisfaction or frustration with the quality or delivery of the professional services, or the conduct of a registrant;
- 4.3 "Complainant" means any person who files a complaint to the secretariat of HKIST;
- 4.4 "Professional Council" means the Professional Council of HKIST;
- 4.5 "CHG" means the Complaint Handling Group under Professional Council of HKIST appointed by the Professional Council under clause 7.1.3 below
- 4.6 "PIC" means the Preliminary Investigation Committee under Professional Council of HKIST which is a standing committee as appointed by the Professional Council under clause 6.8 below
- 4.7 "Inquiry Panel" means the inquiry panel deciding the inquiry of the Complaint as appointed by the Professional Council under clause 8.2 below.
- 4.8 "Appeal Panel" means the appeal panel deciding the appeal of the Complaint as appointed by the Board of Directors under clause 12.3 below

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	4 of 15

4.9 “Secretariat” means the secretariat of HKIST

4.10 “Board of Directors” means the board of directors of HKIST

5.0 Principles in Handling Complaints Against HKIST and Registrants of HKIST

HKIST upholds the following principles:

- 5.1 All complaints are viewed as opportunities for improvement.
- 5.2 Protecting service users and the public is always the prime consideration in handling complaints.
- 5.3 HKIST shall provide accessible means for the public to make written complaints against HKIST and the individual or group of registrants of HKIST.
- 5.4 All complaints are handled in accordance with the principles of fairness and independence, which may include the involvement of lay people in the complaints handling process, and the use of a 3-stage process (investigation, adjudication and appeals) with different people involved in each stage
- 5.5 HKIST is committed to effective complaint handling and values feedback through complaints.
- 5.6 Information about how and where to complain is well publicized to the public, Registrants, staff and other interested parties.
- 5.7 The process of making a complaint and investigation is transparent and easy-to-understand for the Complainant.
- 5.8 Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the complainant is kept informed throughout the process.
- 5.9 Complaints are dealt with in an equitable, objective and unbiased manner.
- 5.10 Personal information related to complaints is kept confidential unless otherwise specified in this Procedure. The HKIST will use the information and materials obtained in the course of investigation for the handling of the complaint and other related purposes. Relevant information and materials may be provided to the parties and to witnesses for comment if it is necessary for the investigation and review of the Complaint and is conducive to the investigation.

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	5 of 15

- 5.11 Parties to the complaint are urged to observe the principle of confidentiality. Information obtained or exchanged in the course of investigation should not be divulged to the public nor to persons not connected with the complaint, and information collected and obtained in the complaints and its investigation, discussion and reviews can only be used for the purposes of the HKIST's investigation.
- 5.12 If a complaint is upheld, a remedy or resolution shall be provided.
- 5.13 There are opportunities for internal and external review and/or appeal about HKIST's response to the complaint, and the complainants shall be informed about these avenues.
- 5.14 Accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to the Board of Directors, the Professional Council, and other relevant stakeholders.
- 5.15 All complaints handled and the respective actions taken shall be properly documented.

6.0 Receipt of complaint

- 6.1 Members of the public could submit a written complaint to the HKIST either:
 - 6.1.1 By filling in the Complaint Form A or Complaint Form B of HKIST in the form set out in **Appendix 2**, and post or email the duly signed form to the secretariat of HKIST, or
 - 6.1.2 By emailing or contacting HKIST and HKIST shall arrange an interviewing officer to interview the complainant to fill out the Complaint Form A or Complaint Form B of HKIST.
- 6.2 The Secretariat or the PIC shall provide response within 14 days, and keep the complainant informed should there be delays.
- 6.3 Advice and support may be given to persons giving information or evidence in relation to complaints and disciplinary cases, including witnesses and staff or registrants being complained against.
- 6.4 The Complainant shall be required to sign a declaration of truth. The PIC may write to the complainant seeking further information or clarification including witnesses or documentary proof that might support the allegations.

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	6 of 15

- 6.5 No anonymous complaint will be dealt with. Complainant must provide their personal details as required. The Complainant will be required to consent to releasing information on his/her identity to those against whom allegations have been made for the purpose of conduct of the investigation and adjudication.
- 6.6 If a complaint involves any violation of the criminal law, the HKIST will refer the Complainant to the appropriate authorities within 30 days.
- 6.7 Investigation may not be conducted or continued under the following circumstances,
- 6.7.1 The complaint is frivolous, vexatious, misconceived or lacking in substance.
- 6.7.2 A period of more than 12 months has elapsed beginning when the complained act was done or from the date the Complainant acquires knowledge of the complained act.
- 6.7.3 The person aggrieved by the act does not desire (or in the case of a representative complaint, none of the persons aggrieved by the act desires) that the investigation be conducted or continued.
- 6.7.4 The complainant fails to provide further information or clarification requested by the PIC within a reasonable timeframe.
- 6.8 All complaints received by HKIST shall first be considered by the PIC, which is a standing committee under the Professional Council. PIC comprises a Chairperson, the speech therapist member of the Professional Council, one expert member in the field of speech therapy and one lay member.
- 6.9 The Professional Council may appoint another individual in place of any member of the PIC in event that a particular member is temporarily or no longer able or willing to act as PIC.
- 6.10 In the event that the PIC decides not to conduct or to discontinue an investigation into a complaint, the complainant will be advised of its decision and the reason(s) for it in writing within 30 days. Unless the PIC decides to proceed into investigation of a complaint, the Registrant being complained against will generally not be notified of the existence of or any decision in relation to the complaint.

7.0 Investigation

- 7.1 For Handling Complaints Against HKIST
- 7.1.1 The complaint shall be considered by the Professional.

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	7 of 15

- 7.1.2 Minor complaints about administration can be resolved by a member appointed by the Professional Council. The Professional Council shall give the complainant a written reply on the outcome of investigation and recommendation within 30 days.
- 7.1.3 For other complaints, the Professional Council shall set up the Complaint Handling Group (CHG) upon receiving a complaint against HKIST within 30 days. 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.
- 7.1.4 CHG is responsible for deciding the merits and outcomes of the complaint.
- 7.1.5 CHG shall have a meeting to consider the complaint within three months of its formation.
- 7.1.6 The Secretariat shall send a copy of document(s) such as, but not limited to, the Complaint Form, the document(s) supporting the complaint, the internal policy, guideline, which considered to be relevant to the complaint, to all members of CHG for reference before the meeting.
- 7.1.7 CHG shall determine, by a simple majority, one of the following outcomes:
- 7.1.7.1 That the complaint shall be dismissed,
 - 7.1.7.2 That the complaint is established, or
 - 7.1.7.3 That further information and additional advice or assistance are required. In this case, CHG shall seek further information and additional advice or assistance within a month after the meeting. The documents received therewith shall be circulated among CHG members, and after the receipt of those documents, CHG shall direct the secretariat to fix a date within a month for another meeting of CHG.
- 7.1.8 CHG determines that the complaint is established, CHG shall discuss and make proposal to the HKIST on the remedy or resolution in relation to the complaint to the Professional Council.
- 7.1.9 Possible remedies that may be recommended to the HKIST or offered to complainants are as follows:
- 7.1.9.1 A feedback,
 - 7.1.9.2 An appreciation,
 - 7.1.9.3 An apology,

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	8 of 15

- 7.1.9.4 Reconsideration of a decision,
- 7.1.9.5 Amending or retracting documentation (e.g. publications, media statements, web pages),
- 7.1.9.6 An offer of non-financial assistance, as appropriate (e.g. providing information or contact details),
- 7.1.9.7 Changed policies or practices to prevent a reoccurrence, and
- 7.1.9.8 Training and support to the staff member who the complaint was about, if applicable.
- 7.1.9.9 Recommendation may include action proposed or taken to improve the administration of HKIST and/or action taken to address the conduct of any concerned personnel.

7.1.10 CHG shall forward a report, signed by all members of CHG, to the Professional Council for endorsement. The report shall state its findings of facts, the reasons for the conclusion with dissenting view, if any, and its recommendation on remedy or resolution in relation to the complaint, if any, within three months after the last meeting of CHG on the Complaint.

7.1.11 If the Professional Council endorses the report submitted by CHG, the Professional Council shall make a recommendation to the HKIST on remedy or resolution in relation to the complaint, if any. The Professional Council shall give the complainant a written reply within 30 days on the outcome of investigation and recommendation. The written reply shall inform the Complainant the right and the channel of appeal.

7.1.12 The Professional Council shall dissolve CHG after endorsing the report from CHG.

7.1.13 In case the Professional Council failed to endorse the report submitted by CHG, the Professional Council shall dissolve CHG and set up another CHG for re-investigation within one month.

7.1.14 If no appeal is made formally (Refer to “The Appeal”) within one month after receipt of the summary, the case will be officially closed. The Professional Council shall dissolve CHG

7.2 For Handling Complaints Against Individual or Group of Registrants

7.2.1 The complaint shall be considered and investigated by the PIC.

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	9 of 15

- 7.2.2 The PIC may seek supplemental information or clarification from the Complainant. The PIC may also seek the consent of the Complainant to obtain its personal records from the registrant. The Complainant has to reply the PIC within 30 days.
- 7.2.3 Before the matter is discussed at the PIC meeting, the registrant being complained against will be informed of the complaint and be invited to make a representation to the complaint within 30 days. The PIC can also request records or documentation from the registrant.
- 7.2.4 The written complaint received, the explanation submitted by the concerned registered speech therapist and any other relevant information which is available will be considered during the investigation. PIC shall have a meeting to consider the complaint within three months.
- 7.2.5 PIC shall determine, by a simple majority, one of the following recommendations:
- 7.2.5.1 should be dismissed; or
 - 7.2.5.2 proceed to an Inquiry; or
 - 7.2.5.3 That further information and additional advice or assistance are required. In this case, PIC shall seek further information and additional advice or assistance within a month after the meeting. The documents received therewith shall be circulated among PIC members, and after the receipt of those documents, PIC shall direct the secretariat to fix a date within a month for another meeting of PIC.
- 7.2.6 The PIC Chairman shall prepare a brief of the complaint with the decision set out in 7.2.5 above to the Professional Council for endorsement. The Professional Council shall consider the brief within three months. The Professional Council may fully endorse the recommendation; endorse it with qualifications; or overturn the recommendation and give new directions (including but not limited to re-appointment of the PIC) to the PIC for re-investigation within 30 days.
- 7.2.7 If the complaint should be dismissed, the complainant and the registrant being complained against shall be notified within 30 days that the complaint has been dismissed and their rights to appeal to the decision. If no appeal is made formally (Refer to “The Appeal”) within one month after receipt of the summary, the case will be officially closed.

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	10 of 15

7.2.8 If the complaint should be proceeded to inquiry, the PIC will notify the complainant and the registrant being complained against within 30 days of the endorsement.

7.2.9 If there is an ongoing relevant criminal investigation against the registrant being complained against, the PIC would adjourn any investigation after the conclusion of the criminal investigation or proceedings.

8.0 Adjudication by the HKIST Professional Council

8.1 The Professional Council will review the outcome of the preliminary investigation by the PIC. If the complaint should be referred for an Inquiry, the Inquiry Panel will be set up within 30 days.

8.2 The Professional Council will appoint the members of the Inquiry Panel as follows:

8.2.1 A chairperson, who is one of the members of the Professional Council;

8.2.2 At least one other registrant who is appointed by the Professional Council;

8.2.3 At least one lay member who may be but not limited to a medical doctor or allied health professional, and appointed by the Professional Council.

8.3 The PIC shall present its investigation to the Inquiry Panel, including presentation of its brief. The Inquiry Panel shall first determine whether Inquiry Hearing is appropriate. The Inquiry Panel may be assisted by a legal advisor.

9.0 Inquiry Hearing

9.1 If the Inquiry Panel considers an Inquiry Hearing is appropriate, the Inquiry Hearing should be set up within three months.

9.2 After deciding on the Inquiry Hearing dates, the Inquiry Panel Chairperson must serve a Notice of Inquiry Hearing to the complainant and the registrant being complained against separately, no less than one month before the Inquiry Hearing date. The Notice of Inquiry Hearing must be in writing and include the following:

9.2.1 The time, date, and venue of the Inquiry Hearing;

9.2.2 State the allegations that are subject of the complaint, including those facts arisen during the PIC investigation;

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	11 of 15

- 9.2.3 Advise the registrant being complained against that they may bring any supplementary materials, information or a further response to the complaint to be considered at the Inquiry Hearing.
- 9.3 Service of the Notice of Inquiry Hearing on the complainant stipulated in 9.2 of the Procedure shall be by registered mail addressed to the correspondence address provided by the complainant and the registrant being complained against.
- 9.4 If the Inquiry Hearing date is not suitable to either or both by the complainant and the registrant being complained against, they must within one week of receipt of the Notice of Inquiry Hearing, request a postponement in writing to the Inquiry Panel Chairperson. They must provide an acceptable reason(s) for the request of a postponement and propose alternative available date(s) as close as possible to the existing hearing date. Examples of potential reason for postponement include but not limited to:
- 9.4.1 Prior engagement that cannot be rescheduled (e.g., marriage, exams, medical appointment, business travelling);
- 9.4.2 Physically not present in Hong Kong;
- 9.4.3 Illness.
- 9.5 The Inquiry Panel Chairperson must consider the request for postponement, and will notify both parties about the decision in writing within one week. The Inquiry Panel Chairperson may request any supporting material of his/her request and may do so subject to conditions.
- 9.6 If the Inquiry Panel needs to postpone the Inquiry Hearing date due to unexpected absence of one or more of the Inquiry Panel members, the Inquiry Panel shall find replacement(s) for the member(s), who is not available for the original date of the Inquiry Hearing. Replacement of members shall follow clause 8.2 and appointed by the Professional Council. If replacement cannot be arranged, the Inquiry Hearing should be postponed.
- 9.7 Each party can make only one postponement for the Inquiry Hearing. The decision on the postponement request is final and is entirely at the discretion of the Inquiry Panel Chairperson.
- 9.8 The Inquiry Hearing should be carried out as a face-to-face meeting. However, alternative arrangement such as an online meeting may be considered, in the case that face-to-face meeting is not possible in special circumstances.
- 9.9 The Inquiry Panel and the complainant and the registrant being complained against may invite any witnesses or expert advisor(s) to attend the Inquiry Hearing

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	12 of 15

if the Inquiry Panel considers their attendance helps the clarification of matter arising or issues related to the complaint. The complainant and the registrant being complained against must notify and seek approval from the Inquiry Panel Chairperson regarding the attendance of witness or expert advisor(s) with details (i.e. full name, contact information, relationships to the complainant and the registrant being complained against, reasons to attend the meeting etc.) to the Inquiry Hearing in writing, no less than one week before the Hearing.

- 9.10 The Inquiry Hearing will be recorded by writing and/or audio/video recording. All attendees of the Inquiry will be informed prior to the Hearing starts.
- 9.11 At the start of the Inquiry Hearing, the Inquiry Panel Chairperson will verbally present the subject of the complaint.
- 9.12 The Inquiry Panel and its advisors (if any) may ask questions to the complainant and the registrant being complained against on the matter of the complaint and the reply. The registrant being complained against shall be given the opportunity to ask questions against the complainant.
- 9.13 The Inquiry Panel can vacate the Inquiry Hearing if the registrant being complained against fails to attend without prior notification or if the registrant being complained against attends but refuses to make any representation during the Hearing. The failure of attendance or refusal to cooperate during the Hearing may affect the rulings and disciplinary actions thereafter.

10.0 Ruling and Disciplinary actions

- 10.1 The Inquiry Panel will consider the complaint, the materials before it and the representation(s) given at the Inquiry Hearings (if any), and will decide their rulings in relation to the complaint within 30 days of the Inquiry Hearing (if any). The Inquiry Panel will decide if the complaint is established and the registrant being complained against shall be subject to disciplinary actions by a simple majority.
- 10.2 The rulings and disciplinary action(s) decided by the Inquiry Panel will be presented to the Professional Council for endorsement with a written report within 30 days after the decision is made.
- 10.3 The Professional Council will consider the rulings and disciplinary actions (if any) within 30 days. The Professional Council may fully endorse the recommendation; endorse it with qualifications including changes to the disciplinary action. Individuals who act in the PIC or the Inquiry Panel in the same complaint shall be excused from voting in the same meeting.

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	13 of 15

- 10.4 After the Professional Council’s endorsement, both the complainant and the registrant being complained against will be notified of the results with a summary of the rulings and disciplinary actions within one month. The registrant shall be reminded of his right to appeal to the ruling and disciplinary action (if applicable).
- 10.5 In case the registrant whose membership has been expired at the time when the result releases, the then registrant will still be notified. However, the ruling and disciplinary actions will not be enforced until the membership resumes.
- 10.6 If no appeal is made formally (Refer to “The Appeal”) within one month after receipt of the summary, the case will be officially closed.
- 10.7 Where relevant to the overriding concern of protecting the public, the Professional Council may on its own motion or on recommendation of the Inquiry Panel issue circulars or notice or to discuss relevant concerns on practitioners.
- 10.8 A Record of Complaint Outcome includes, but not limited to, review of administration procedures, disciplinary actions, reporting to appropriate enforcement agencies will be signed by Chairperson of Professional Council in the form set out in **Appendix 3**.
- 10.9 A checklist at **Appendix 4** prescribes the policies and procedures for decision-making with regard to disciplinary proceeding against individual or group of registrants.
- 10.10 For complaints against individual or group of registrants, the complaints will be categorized as minor breach, or a serious breach. Disciplinary proceedings will be adjourned until adjudication of a relevant criminal proceedings (if any). Penalties and/or required undertakings will be imposed on the registrant being complained against depending on the nature and severity of the breach of ethical framework. Decisions on disciplinary actions should be published and should be proportionate to the level of severity of breach of conduct such as written warning, temporary de-registration, and permanent de-registration. Examples of penalties and required undertakings, may include but not limited to the following:

Penalties	Required undertakings
- A written warning	- completion of training related to clinical practice or management practices, etc.
- A formal reprimand	- changes to clinical or reporting
- Temporary de-registration	

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	14 of 15

- Permanent de-registration	practices - rectification of the concerned matter
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11.0 Notification of the results

It will generally take at least six months before a case can be concluded, depending on the complexity of each case. The complainants will be informed about the progress of the disciplinary proceedings as far as possible and they will be notified of the decision of the complaint within six months from the launch of investigation.

12.0 Appeal

- 12.1 If either the complainant or the individual being complained against disagree with the outcome of the investigation of the complaint, he or she may request the Board of Directors for appeal within one month after the notification of results.
- 12.2 Appeal shall be a reconsideration of the findings of the Inquiry Panel by way of a meeting. The usual grounds for appeal include misinterpretation of information submitted or non-adherence to defined procedures.
- 12.3 The re-hearing of the complaint will be conducted by an Appeal Panel within 6 months of the formation. The Appeal Panel shall be appointed by the Board of Directors and consists of a team of three members different from the PIC, Professional Council and Inquiry Panel. The Appeal Panel shall include external members of which should be a lay member. A Record of Appeal Outcome includes, but not limited to, review/audit of administration procedures, disciplinary actions, reporting to appropriate enforcement agencies will be signed by Board of Directors at **Appendix 5**.
- 12.4 The decision of the Appeal Panel is final.

13.0 Publication of HKIST's decision on Disciplinary Inquiries

- 13.1 In order to improve the transparency of the disciplinary proceedings and to educate the public and members of the profession on what contributes a breach of ethical framework in relation to speech therapy, the HKIST's decision on disciplinary

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-B-CHP-v3
	Issue Date	22/05/2025
Complaint Handling Procedures	Review Date	22/05/2027
	Page	15 of 15

inquiries will be published onto the HKIST website. If the registrant is found guilty of any professional misconduct, the full judgment will be published onto the HKIST's website for a fixed period of three years after the expiry of the one-month appeal period or after the final decision of the appeal is made. While the full identity of the guilty registrant will be shown, the identity of the complainant and other related parties will be edited out.

- 13.2 In case the registrant whose membership has been expired at the time when the final decision is made, the judgment will still be published but without mentioning or implicating the identity of the registrant.

14.0 Complaint Register

The secretariat shall maintain and update a register of complaints received under section 6.1. The register shall document the information of all the complaints handled, including but not limited to the disciplinary cases, in a form and format prescribed by the Professional Council at **Appendix 6**.

15.0 Conflict of Interest

- 15.1 All members of PIC, the Inquiry Panel, the Appeal Panel, the secretariat and the Professional Council as well as the Secretariat shall observe the relevant rules and procedure stipulated in the Policy on Declaration and Handling of Conflict of Interest of HKIST (HKIST-A-COC-v2). Any conflict of interest arisen during the handling procedures shall be reported immediately and documented.
- 15.2 All personal information of the complainant shall be handled with care throughout the complaint handling procedure.

16.0 Liability

All members of the Committee, includes PIC,CHG, Inquiry Panel, Appeal Panel, the Professional Council and the Board of Directors, shall be indemnified out of the assets of HKIST against any liability and expenses incurred by them, including without limitation the costs of legal representation in defending any court proceeding which may be commenced by any person in regard to matters arising out of or in connection with these Procedures.