

IMCHK Appeals and Complaints Policy and Procedure

Document control

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1. Purpose

This policy and procedure establishes a formal process for the receipt, recording, review, investigation, decision, and closure of complaints and appeals handled by the Institute of Management Consultants Hong Kong (IMCHK). It is designed to ensure that concerns relating to IMCHK certification, IMCHK operations, member conduct, and CMC certification assessment outcomes or process are addressed fairly, consistently, and with appropriate governance oversight.

2. Scope

This document applies to all complaints and appeals received by IMCHK in relation to the following matters:

- Complaints concerning IMCHK certification.
- Complaints concerning IMCHK operations or administration.
- Complaints concerning the conduct of IMCHK members.
- Appeals relating to the result of a CMC certification assessment or the assessment process.

This document applies to IMCHK Administration, the relevant Committee, any special appeal team appointed by Council, Council members, assessors, applicants, members, and external complainants involved in a case.

3. Policy statement

IMCHK shall maintain a transparent and documented complaints and appeals mechanism that provides timely acknowledgement, objective review, appropriate escalation, and written notification of outcome. Matters shall be handled confidentially to the extent reasonably practicable, with due regard to natural justice, avoidance of conflicts of interest, and proper record keeping.

4. Definitions

For the purpose of this document, the following definitions apply:

4.1 Complaint

A complaint is an expression of dissatisfaction or concern relating to IMCHK certification, IMCHK operations, or the conduct of a member, submitted to IMCHK for review and follow-up.

4.2 Appeal

An appeal is a formal request by an applicant to review a CMC certification assessment result or the assessment process after the applicant has been informed of an unsuccessful outcome and received assessment comments.

4.3 Complainant

A complainant is any person or party who submits a complaint to IMCHK under this policy.

4.4 Appellant

An appellant is an applicant who submits a formal appeal concerning a CMC certification assessment result or process.

4.5 Committee

The Ethics and Disciplinary Committee (EDC) is responsible for reviewing and investigating complaints and reporting its findings and recommendations to Council.

4.6 Special appeal team

The special appeal team is a team established by IMCHK Council to review an appeal. The team shall not include the original assessors involved in the applicant's assessment.

4.7 Working day

A working day means a normal IMCHK business day excluding public holidays and days on which the office is officially closed.

4.8 IMCHK Administration

IMCHK Administration means the Honorary Secretary of IMCHK Council.

5. Principles

All complaints and appeals shall be handled in accordance with the following principles:

- Fairness and impartiality in review and decision making.
- Timely acknowledgement and case progression.
- Proper separation of roles between receipt, investigation, and decision.
- No participation by conflicted persons in the review of a case.
- Adequate documentation to support accountability and audit trail.
- Written communication of outcome to the relevant party.

6. Roles and responsibilities

6.1 IMCHK Administration

IMCHK Administration shall:

- Receive complaints and appeals submitted by email, telephone, or letter, and receive formal written appeal submissions.
- Open and maintain a case file and case register entry for each matter.
- Acknowledge formal complaints within 7 working days of receipt.
- Forward complaints/appeals to the EDC for constitution of a special appeal team.
- Coordinate correspondence, collect supporting records, and issue the formal written outcome after the decision is made.
- Maintain secure and complete records of each case.

6.2 The Ethics and Disciplinary Committee

The Committee shall:

- Review and investigate complaints referred by IMCHK Administration.
- Contact the complainant where clarification is required.
- Determine the nature and cause of the complaint and consider possible resolution or follow-up action.
- Prepare findings and recommendations for submission to Council.

6.3 IMCHK Council

IMCHK Council shall:

- Review complaint investigation findings and recommendations submitted by the Committee.
- Determine the final action on complaints, including warning, disciplinary action, or improvement action, as appropriate.
- Establish a special appeal team for each appeal received.

- Review the re-evaluation report from the special appeal team and determine the final outcome of the appeal.
- Approve this policy and any future amendments.

6.4 Special appeal team

The special appeal team shall:

- Conduct an independent review of the appeal case.
- Exclude the original assessors from membership of the team.
- Contact the appellant for further information where necessary.
- Consult the assessors and review the assessment process where relevant.
- Report the re-evaluation result to Council.

6.5 Assessors

Assessors shall cooperate with any appeal review by providing records, rationale, and clarification relating to the original assessment when requested by the special appeal team.

7. Complaints procedure

7.1 Submission channels

Complaints may be submitted to IMCHK Administration by email, telephone, or written letter. Where a complaint is made orally, IMCHK Administration should request sufficient written particulars to support proper recording and review.

7.2 Minimum information required

The complainant should provide, where available:

- Name and contact details.
- Date of submission.
- Description of the complaint.

- Relevant background facts, dates, and parties involved.
- Supporting documents or evidence.
- Desired resolution, if any.

7.3 Case registration

Upon receipt, IMCHK Administration shall:

1. Assign a case reference number.
2. Record the date received, subject matter, source, and responsible handler.
3. Open a case file.
4. Check whether there is any apparent conflict of interest requiring recusal.

7.4 Acknowledgement

IMCHK Administration shall acknowledge receipt of a formal complaint within 7 working days. The acknowledgement should confirm the case reference number, outline the next steps, and state that the matter will be referred for review.

7.5 Investigation and review

The complaint shall be referred to the Committee for review and investigation. The Committee may contact the complainant for clarification, review available records, identify the nature and cause of the complaint, and formulate a proposed resolution or recommendation.

7.6 Recommendation to Council

After completing its review, the Committee shall submit its findings and recommendations to Council for consideration and decision.

7.7 Decision and notification

Council shall determine the follow-up action. In the case of complaint concerning the conduct of IMCHK members, the determination shall be final. IMCHK Administration shall issue the formal written outcome to the complainant, including the decision, the effective action to be taken, and the case closure status.

7.8 Possible outcomes

Depending on the nature of the matter, outcomes may include (see Note 1):

- No further action.
- Corrective or improvement action relating to certification or operations.
- Warning issued to a member.
- Disciplinary action concerning a member where warranted.

8. Appeals procedure

8.1 Eligibility to appeal

A CMC certification applicant may appeal where the applicant has been informed by IMCHK Council that the assessment has not been successful and assessment comments have been provided.

8.2 Submission of appeal

The applicant shall submit an official letter of appeal to IMCHK Administration. The appeal should clearly explain the appellant's view of the missing, misunderstood, or inadequate elements in the assessment result or process.

8.3 Registration and preliminary check

Upon receipt of an appeal, IMCHK Administration shall:

1. Assign a case reference number.
2. Record the date of receipt and attach the assessment result notice and comments.
3. Refer the appeal to Council for constitution of a special appeal team.
4. Check for conflicts of interest in the proposed review arrangements.

8.4 Constitution of special appeal team

Council shall establish a special appeal team to review the appeal, and the original assessors shall not be members of that team

8.5 Review process

The special appeal team may contact the appellant for additional information and may also consult the assessors to review the assessment process. After review, the team shall prepare a re-evaluation report for Council.

8.6 Decision and notification

Council shall consider the re-evaluation report and decide the final follow-up action on the appeal. IMCHK Administration shall issue the written appeal outcome to the appellant.

8.7 Appeal outcomes

Possible outcomes include:

- Appeal upheld, with the appellant informed of the re-evaluation result and permitted to continue the CMC certification process.
- Appeal not upheld, with the appellant informed of the outcome and supported to arrange a retry of the CMC certification.

9 Confidentiality and conflict of interest

All complaints and appeals shall be handled on a need-to-know basis. Documents, correspondence, and deliberations shall be shared only with persons who require access for administration, investigation, review, or decision making. Any person with an actual, potential, or perceived conflict of interest shall declare the conflict promptly and shall not participate in the investigation or decision on the matter.

10 Records management

IMCHK Administration shall maintain a complaints and appeals register containing at least the case reference number, date received, party name, subject matter, responsible body, key dates, outcome, and closure date. Each case file should include the submission, acknowledgement, correspondence, evidence received, investigation notes, recommendation or re-evaluation report, Council decision, and final notification letter.

Unless otherwise required by law, regulation, or IMCHK records policy, case files should be retained for not less than 7 years after closure. Disposal shall be secure and authorized.

11 Monitoring and review

IMCHK Administration shall report summary statistics and recurring themes to Council at least annually for governance review and process improvement. This policy shall be reviewed at least once every 3 years, or earlier if IMCHK changes its certification, governance, or disciplinary arrangements.

12 Contact point

Complaints and appeals shall be directed to IMCHK Administration at adminsec@imchk.com.hk.

Note 1 - Reference from IMCHK M&A (Section 28.02)

Upon due cause being shown to the Council against any member, such member shall be liable to be:

- (a) censured; or
- (b) suspended from holding out that he is a member of the Institute for such period (but not exceeding two years) that the Council decides; or
- (c) expelled from membership by the Council.

Such due cause may be shown by proof that a member:

- (a) has been convicted of a criminal offence, implying a defect of character which makes him unfit for his profession of Management Consultancy;
- (b) has been guilty of fraudulent or grossly improper conduct in the discharge of his professional duty;
- (c) has been guilty of such a breach of the Code of Professional Conduct as in the opinion of the Council amounts to improper conduct or practice as a Management Consultant;
- (d) has contravened or failed to comply with any of the provisions of the Ordinance or these Articles or Bye-Laws if in the opinion of the Council such failure or contravention warrants disciplinary action;
- (e) carries on by himself or any person in his employment any trade, business or calling that detracts from the profession of Management Consultancy or is in any way incompatible with it;
- (f) has been barred, struck off, suspended or censured after due process by the professional institution that he belongs to;
- (g) has been barred, struck off, suspended or censured in his capacity as a Management Consultant by whatever name called in any other country;
- (h) makes a false or misleading declaration in connection with his membership or otherwise howsoever.

The Council's decision against a member under this Article shall be final and conclusive and binding on such member.