

Lump Sum Grant Independent Complaints Handling Committee

Mechanism for Handling Complaints

Non-governmental organisations (NGOs) that operate subvented welfare services are obligated to supervise and monitor the performance of their service units to ensure compliance with the relevant Funding and Service Agreements. Anyone dissatisfied with the service performance of an NGO/service unit should first approach the NGO concerned. The NGO should then handle the complaint/dissatisfaction in accordance with its established policies. Under the prevailing mechanism, Lump Sum Grant (LSG)-related complaints against the NGOs or subvented service units that cannot be satisfactorily addressed at the NGO level may be referred to and handled by the LSG Independent Complaints Handling Committee (ICHC).

Ambit of the ICHC

2. The ICHC is composed of non-government independent members appointed by the Secretary for Labour and Welfare. It is responsible for handling LSG-related complaints that cannot be satisfactorily addressed at the NGO level, such as complaints involving the misuse of subventions by the NGOs, management decisions that have a direct impact on service performance, and instances of non-compliance with service requirements by the NGOs. The staff of the Social Welfare Department (SWD) support the work of the ICHC Secretariat, which includes gathering information according to the established mechanism and the ICHC's instructions, conducting preliminary assessments, investigating complaints, and making complaint referrals. After deliberating on the complaint, the ICHC will instruct the Secretariat to respond to the complainant and inform the relevant NGOs and the SWD of the outcome of the complaint handling.

Complaints outside the ambit of the ICHC

3. Complaints that are not handled by the ICHC include:
- a. complaints that are not LSG-related;
 - b. complaints that are LSG-related but have yet to be dealt with by the NGOs concerned;
 - c. anonymous complaints (except those involving misuse of subventions by the NGOs, abuse or injury of service user(s), or the NGOs' management decisions that have a direct impact on their service performance. Anonymous complaints will normally be referred to the NGOs concerned for information and/or follow-up);
 - d. complaints about incidents that the complainants have had knowledge for two years or more (the complaints will be referred to the NGOs concerned for information and/or follow-up);
 - e. complaints that are of the same nature/substance as those previously handled by the ICHC;
 - f. complaints for which court proceedings have commenced;
 - g. complaints that fall under the regulatory scope of other ordinances or statutory requirements;
 - h. complaints that fall within the ambit of other official authorities;
 - i. complaints that fall within the ambit of other government bureaux/ departments;

- j. complaints about the handling of individual cases, or the performance or attitude of staff;
- k. complaints about self-financing services/social enterprises (non-LSG-subvented services) operated by the NGOs;
- l. complaints against non-LSG-subvented NGOs; and
- m. complaints that are malicious, trivial or vexatious in nature.

Complaints/information that will not be referred to the NGOs for follow-up

4. The following complaints/information may not be referred to the NGOs for follow-up:
- a. Complaints that are flimsy, ambiguous, or lacking sufficient information. The complainant may be asked to provide more concrete information before a referral to the NGO concerned can be considered;
 - b. Complaints based on hearsay. The complainant may be asked to arrange for the person with first-hand information (i.e. the aggrieved) to provide information directly to the ICHC; and
 - c. The ICHC and Secretariat will not relay to the NGOs/other parties information that is irrelevant to the complaints, or information and messages that are blatantly insulting or constitute personal attacks on NGO staff.

Complaints to be referred to other authorities or the SWD for follow-up

5. For complaints that fall within the ambit of units under the SWD, other government bureaux/departments or other authorities (including the Hong Kong Police Force, the Independent Commission Against Corruption, the Equal Opportunities Commission and the Office of the Privacy Commissioner for Personal Data, Hong Kong), the ICHC will, depending on the nature of the complaints and/or the results of its investigations, seek the complainants' consent, if necessary, to take appropriate follow-up actions, which may include making referrals or assisting the complainants in contacting the relevant bureaux/departments or authorities for follow-up.

Lodging complaints

6. **Named complaints**

The complainant is advised to complete the complaint form (Annex) to provide the ICHC with details of his/her complaint against the NGO or its service unit(s), his/her name as shown on his/her identity documents, and his/her correspondence address and telephone number to facilitate communication and follow-up.

7. **Refusal to disclose personal information to the NGO under complaint**

Under special circumstances, the complainant may request that the Secretariat refer his/her complaint to the NGO for handling without disclosing his/her personal information, and receive the NGO's response through the Secretariat. However, the complainant is still required to provide his/her name as shown on his/her identity documents, along with his/her correspondence address and telephone number to the Secretariat. The remaining procedures are the same as those for named complaints.

8. **Anonymous complaints**

If the complainant (1) has not provided his/her personal data or contact information; (2) has not confirmed the details of his/her complaint with the Secretariat; or (3) has not given the Secretariat consent to refer his/her complaint to the NGO concerned for follow-up, his/her complaint will be considered anonymous and will be handled as follows:

- a. If the ICHC considers it necessary to follow up on the complaint, the Secretariat will remove all personal identifiable information (PII) of the complainant from the complaint and, assuming the integrity of the details of the complaint is preserved, refer it to the NGO for information and/or appropriate action. Under this arrangement, the NGO may not respond to the complainant, and the ICHC will not disclose details of any investigation results or follow-up actions to the complainant. If the removal of PII causes the details of the complaint to become disjointed, the ICHC may consider not making a referral or taking follow-up actions.
- b. If the complaint involves (1) misuse of subventions; (2) abuse or injury of service user(s); (3) non-compliance with service requirements; or (4) management decisions that have a direct impact on service performance, etc, the Secretariat will remove all PII of the complainant from the complaint, and refer it to the NGO for handling. The NGO concerned is required to submit a report to the ICHC within four weeks. Under this arrangement, the NGO may not respond to the complainant, and the ICHC will not disclose details of any follow-up actions to the complainant.

General investigation

9. The Secretariat will typically contact the complainant within 10 working days after the ICHC receives the completed complaint form or a referral from other government departments or authorities. If the NGO has not yet addressed the complaint, the Secretariat will, with the complainant's consent, forward the confirmed details of the complaint, along with the complainant's name and contact information, to the NGO concerned. The NGO will address the complaint and directly reply to the complainant (applicable to named complaints only), with a copy of its reply forwarded to the ICHC. If the complainant refuses to disclose his/her personal information to the NGO concerned, the NGO's reply can be forwarded to the complainant via the Secretariat.

10. If the NGO concerned has already provided the complainant with a detailed reply by the time the complainant lodges his/her complaint with the ICHC, it should forward that reply to the ICHC for review and to determine whether the complaint warrants further pursuit.

11. For LSG-related complaints that are not detrimental to the interests of the complainant or that are not urgent or serious in nature, the ICHC may relax the timeline for initiating the handling of the complaint. Generally, the grace period is around three months.

12. If the complainant is dissatisfied with the NGO's handling of or response to the complaint, he/she should submit a written request to the ICHC for follow-up within one month from the date of receipt of the NGO's reply letter. The Secretariat will request supplementary information related to the complaint from the NGO as needed,

such as policies/procedures/guidelines for service quality standards and records relevant to the complaint. The Secretariat will also seek relevant service requirements/specifications from the appropriate service branches of the SWD. Generally, the gathered information will be deliberated at the next ICHC meeting. The ICHC will authorise the Secretariat to notify the complainant, the NGO concerned and the SWD in writing of the ICHC's decisions and recommendations for improvement (if any), so that the SWD may monitor the NGO's service performance in accordance with established mechanisms (if applicable).

Full investigation

13. If the ICHC decides to launch a full investigation into the complaint, the NGO concerned is required to submit relevant information and documents to the Secretariat within four weeks. For more complicated cases, the NGO concerned may need additional time to prepare the relevant information.

14. Upon receipt of the relevant information, the responsible Investigation Officer of the Secretariat will visit the NGO/service unit(s) concerned and/or interview/contact the relevant staff member(s) and/or service user(s) to collect information and/or opinions. The investigation will typically be completed within three months, and the case will be deliberated at the next ICHC meeting.

15. The ICHC will authorise the Secretariat to inform the complainant and the NGO concerned of the ICHC's resolutions and recommendations (if any). The Secretariat will, if necessary, inform the SWD of the investigation results and recommendations for improvement (if any) for appropriate action. The ICHC may also suggest other improvement measures to the NGO concerned with a view to enhancing service quality.

16. The ICHC may invite the complainant and/or representative(s) of the NGO concerned to attend a "case meeting" to collect more information about the complaint directly. The "case meeting" panel will be composed of the Chairman/Vice-Chairman and two rotating members of the ICHC (if applicable).

17. If the complainant or the NGO concerned refuses to co-operate, progress of the ICHC's investigation may be impeded. Depending on the actual circumstances at the time, the ICHC will decide on appropriate measures to be taken, including making a judgment or terminating the investigation based on the information obtained, or referring the complaint to the SWD as appropriate.

Application for review

18. If the complainant or the NGO concerned is dissatisfied with the outcome of the ICHC's deliberation, a written application for a review of the outcome may be submitted within one month from the date of the ICHC's reply, along with any new specific information related to the case.

19. The ICHC will consider the application for review after examining the investigation results and the justifications provided by the NGO/the complainant. The NGO/the complainant will be informed of the ICHC's final decision. The decision of the ICHC is final. The ICHC will only approve a second review if there are sufficient grounds.

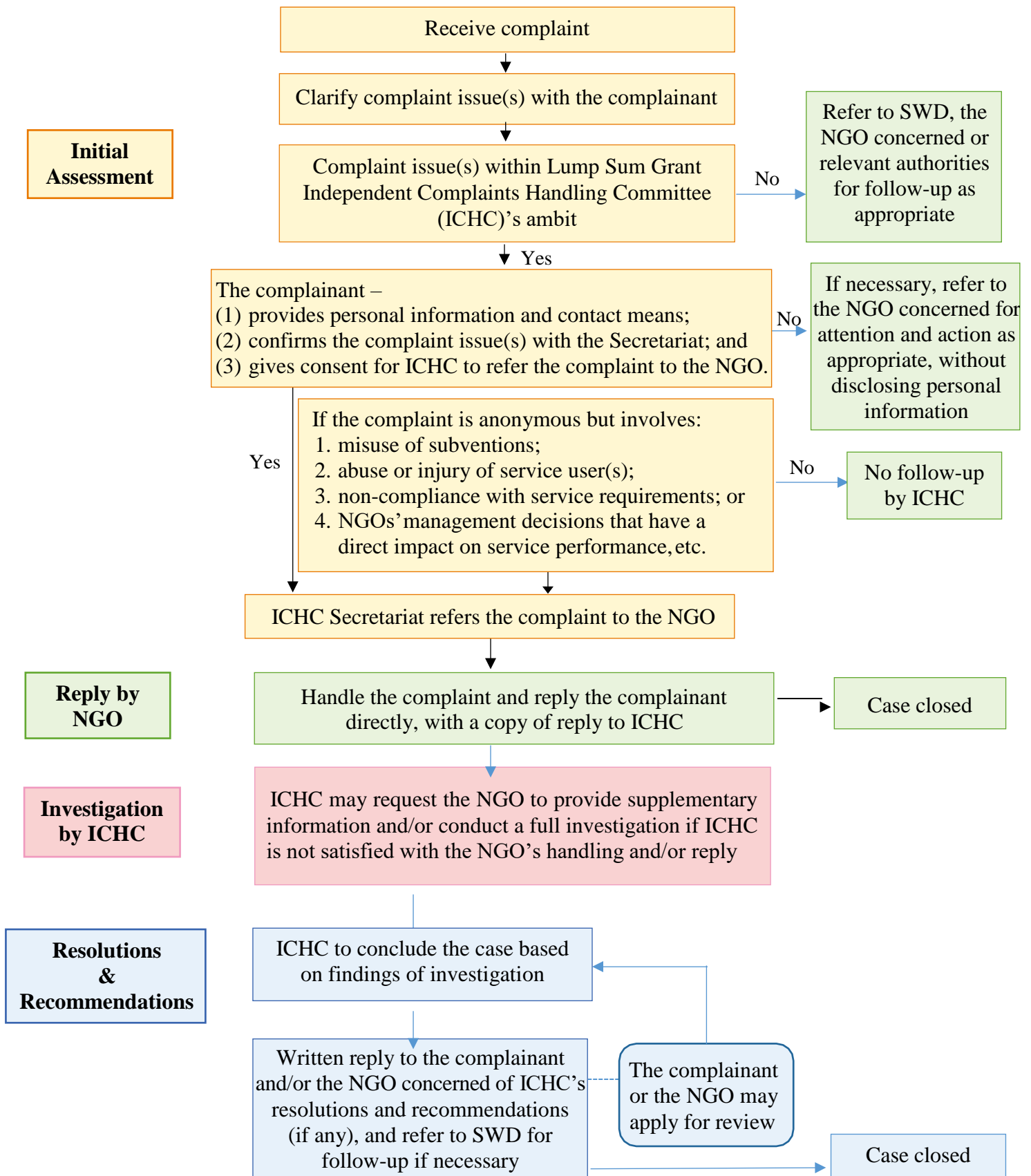
Handling of complaint information

20. To uphold the principle of confidentiality, the ICHC will not disclose any information related to the complaint to any person without the consent of the complainant and the NGO concerned, unless there are sufficient legal justifications or special reasons to do so.

ICHC
October 2024

Lump Sum Grant Independent Complaints Handling Committee

Flowchart of Handling Complaints



ICHC reference : _____

Date of receipt by Secretariat for ICHC : _____



**Lump Sum Grant Independent
Complaints Handling Committee
Complaint Form**

Telephone : 2116 3285
Fax : 2116 0746
Address : 38/F, Dah Sing Financial Centre, 248 Queen’s Road East, Wanchai, Hong Kong
Secretariat for ICHC
Email : sueng@swd.gov.hk
Website : <https://www.swd.gov.hk/en/ngo/subventions/comp/ichc/>

Please read the “**Notes for Lodging Complaint**” carefully before completing this form.
All fields must be filled, unless otherwise specified.
With insufficient information, ICHC may consider handling the complaint as anonymous one.

Part I: Particulars of the Complainant

Name of complainant# :

(English) _____ (Chinese) _____

(Note: Please provide full name as in identity document)

Correspondence address :

Telephone no. : _____ Email address (optional) : _____

Name of person concerned : (if applicable)

(English) _____ (Chinese) _____

Relationship with the complainant : (if applicable) _____

Please ✓ the following blanket (if applicable)

The complainant has been authorised by the person concerned to lodge the complaint.
The complainant requests the Secretariat to refer the complaint to the relevant NGO without disclosing his/her personal data, and to receive the NGO’s reply via the Secretariat.

#The complainant must be the person concerned/authorised representative/legal guardian of the person concerned (applicable to minors or Mentally Incapacitated Persons.)

Part II: Complaint Details

Organisation(s)/Service Unit(s) being complained : _____

Complaint Content : *(Please describe the incident concerned and provide all relevant information. Use additional sheets as necessary for additional contents and/or complaint issue(s). Please attach copies of relevant documents and correspondence exchanged with the organisation(s)/service unit(s).)*

Complaint issue (1) :
Complaint issue (2) :
Complaint issue (3) :

Notes for Lodging Complaint:

1. The Lump Sum Grant Independent Complaints Handling Committee (ICHC) handles Lump Sum Grant (LSG) - related complaints that cannot be satisfactorily addressed by the non-government organisations (NGOs) subvented by the Social Welfare Department (SWD).
2. Complainant is required to fill in the complaint form to provide ICHC with details of his/her complaint contents, his/her name as shown in his/her identity document, and his/her correspondence address and telephone number to facilitate communication and follow-up.
3. The complainant consents :
 - (1) The Secretariat for ICHC copying this complaint form / referring the complaint contents and any other information provided by the complainant, including the personal data, to any party concerned for the purpose of processing this complaint (please see Note 4 below);
and
 - (2) any party concerned providing the personal and other relevant information of the complainant/person concerned to facilitate ICHC's processing of this complaint.
4. The complainant/person concerned may be required to sign a separate consent form when ICHC considers it necessary or as requested by the NGO concerned.
5. All personal data and information are submitted on voluntary basis and will be used by ICHC to provide appropriate service, including but not limited to the handling of this complaint. The

complainant has the right to request access to and correction of personal data in accordance with the Personal Data (Privacy) Ordinance (PD(P)O). For access to personal data in accordance with the PD(P)O, please complete the “Data Access Request Form OPS003” which is specified by the Privacy Commissioner for Personal Data and be submitted to the Secretary of ICHC. The complainant may contact the ICHC Secretariat or download the form available at : <https://www.swd.gov.hk/en/svcdesk/accinfo/personalda/>.

6. Upon obtaining the complainant’s consent, the Secretariat will forward the details of the complaint as confirmed by the complainant to the NGO concerned for processing and direct reply to the complainant with a copy of the reply for ICHC reference. If the complainant is dissatisfied with the NGO’s handling and reply, and the related complaint content falls within the ambit of ICHC, he/she should submit a written request to ICHC for follow-up within one month from the date of receipt of the NGO’s reply letter.
7. If the complainant requests the Secretariat to refer his/her complaint to the NGO concerned without disclosing his/her personal information, the Secretariat will withhold all the identifiable personal information of the complainant/person concerned. If the complaint content becomes fragmented, the Secretariat may have difficulties to handle or follow up the complaint.
8. When the complaint is made anonymously, the complainant will not receive reply of the NGO concerned and ICHC will not disclose the follow-up progress to the complainant.
9. For details of the mechanism for complaints handling and ambit of ICHC, please visit the website of ICHC (<https://www.swd.gov.hk/en/ngo/subventions/comp/ichc/>).

I, being the complainant, acknowledge the content of the above Notes and consent to refer the complaint to the NGO concerned for follow-up and reply.

Signature : _____

Name : _____

Date : _____