

Chiropractors Council

Practice Directions on Preliminary Investigation of Complaints

The following Practice Directions govern the preliminary investigation of complaints against registered chiropractors. As justice delayed is justice denied, the Practice Directions will be applied strictly in order to ensure that complaints are processed without delay.

1. When a complaint is referred to the Preliminary Investigation Committee (“PIC”), the respondent (i.e. the chiropractor against whom the complaint is made) will be invited to submit explanation in response to the matter(s) complained of.
2. The notice of PIC meeting will indicate the matters or allegations which may appear to raise a question of whether the respondent has committed misconduct in a professional respect.
3. It is in the respondent’s own interest to seek legal representation as early as possible. If a complaint is referred by the Chiropractors Council (on the recommendation of the PIC) to an Inquiry Committee for inquiry and the respondent is found guilty of professional misconduct, any disciplinary order will have legal effect and may affect the respondent’s right to practise chiropractic (including removal from the Register of Registered Chiropractors).
4. A complaint must be treated with priority. The respondent should submit his written representation to the PIC within one month. Extension of time will be granted only if there are cogent reasons, but not for delay caused by the respondent himself (such as delay in instructing lawyers, or failure to act with diligence). In any case, no extension will be granted beyond 3 months after the date of the notice of PIC meeting, except in very exceptional situations.
5. An allegation set out in the notice of PIC meeting should be given its plain and natural meaning. The respondent should deal with the substance of the allegation according to the plain and natural meaning of the language, rather than semantic arguments on the wording of the allegation.

6. Representation should be supported by evidence and clinical records as far as possible. If the complaint involves consultation or treatment by the respondent, the relevant clinical records should be provided as all chiropractors have the professional responsibility to keep proper clinical records. The PIC will give little weight to empty claims unsupported by evidence.
7. Clinical records should be accompanied by a key to the abbreviations and symbols used. If the clinical records are handwritten, a typescript of the relevant part should be provided unless the handwriting is clearly legible.
8. The PIC will make a recommendation to the Chiropractors Council either to dismiss the complaint or to refer it to an Inquiry Committee for a disciplinary inquiry. The PIC will make the recommendation on the basis of the evidence and the respondent's representation. The PIC will not:-
 - (i) obtain evidence for or on behalf of the respondent;
 - (ii) give to the respondent any opinion about the complaint;
 - (iii) enter into any discussion with the respondent, including discussion as to how the allegations can be proved and whether the allegations constitute professional misconduct (which are matters to be decided by the Inquiry Committee in an inquiry).
9. In deciding on whether to recommend referral of a complaint to an Inquiry Committee for inquiry, the PIC will take into consideration whether the respondent has implemented remedial measures to rectify the mistake in question and to prevent recurrence of the same mistake.
10. The respondent should note that, if a complaint is referred for inquiry, the following factors will be taken into consideration in determining his/her credibility at the inquiry:-
 - (i) failing to provide the relevant clinical records at the PIC stage;
 - (ii) raising at the inquiry a defence which was not raised at the PIC stage.

11. The respondent should also note that, if a complaint is referred for inquiry and found to be substantiated, credit will be given to the respondent for the following mitigating factors in deciding on the disciplinary order:-
 - (i) honest admission to the PIC of allegations which are true;
 - (ii) assistance to the PIC during the investigation process.

12. The respondent is reminded that disciplinary proceedings of the Chiropractors Council are not private disputes between complainants and respondents, and cannot be settled between them. Any person who attempts to induce a complainant to withdraw the complaint or does anything to prevent the complainant or any witness from giving truthful evidence may be prosecuted for the criminal offence of perverting the course of justice.