

Social Workers Registration Board
Guidelines to Complainants
Pre-hearing Procedures

When a complainant (“the Complainant”) lodging a complaint against a registered social worker and filling in the Complaint Form, the Complainant should also take note of the following pre-hearing procedures which apply before a disciplinary hearing is held.

Submission of Documents and Evidence

1. If the complaint is referred to the Board pursuant to section 25(3) of the Social Workers Registration Ordinance (the “Ordinance”), the Complainant is required to submit a Complainant’s Case (in Form 1 as prescribed in the Pre-Hearing Procedures) which shall include all the relevant facts and evidence supporting the Complainant’s complaint to the Board.
2. The Complainant’s Case must be submitted by the Complainant to the Registrar before the expiration of 30 days after the service on him of the s.27(1) notice (as defined in the Pre-Hearing Procedures).
3. The respondent of the complaint (“the Respondent”), if he intends to defend, shall submit a Respondent’s Case to the Board to explain his position before the expiration of 30 days after the service on him of the Complainant’s Case. The Complainant may reply to the Respondent’s Case by submitting a Complainant’s Reply (in Form 3 as prescribed in the Pre-Hearing Procedures) to the Board before the expiration of 14 days after the service on him of the Respondent’s Case. Please note that the Complainant’s Reply shall be limited to matters related to the Respondent’s Case and shall annex any further documentary evidence on which the Complainant’s Reply relies. The Respondent may submit a Respondent’s Reply to the Complainant’s Reply before the expiration of 14 days after the service on him of that Complainant’s Reply.
4. The Complainant may tender any other statements of other witnesses in the Complainant’s Case and Complainant’s Reply. Please note that such statements may only be submitted on condition that those witnesses making the statements will be present in the hearing for cross-examination.
5. The Complainant shall observe the following rules when preparing the Cases,

Replies, documentary evidence and witness statements:

- (a) Any written submission contained in and any witness statements annexed to the Complainant's Case and Complainant's Reply shall be made in first person knowledge.
 - (b) Any written submission contained in and any witness statements annexed to the Complainant's Case and Complainant's Reply shall be drafted in paragraphs numbered consecutively. Each paragraph must present at most one point or issue as far as practicable.
 - (c) If the Complainant adduces documents as evidence, he must adduce the original copies of these documents. Any photocopy or non-original documents shall only be adduced if the Complainant can give satisfactory reasons for doing so. The presiding member of the Disciplinary Committee has a discretionary power to exclude the use of photocopies or non-original documents.
6. After the deadline for submission of the Complainant's Case and Complainant's Reply, no further written submissions or documentary evidence shall be admitted without the written consent of the presiding member of the Disciplinary Committee.
7. If the submission to be made by the Complainant to the hearing or on the Complainant's behalf at the hearing shall include any argument on legal issues and/or matters of statutory interpretation, the Complainant shall furnish to the Board at least 2 working days before the date of the hearing an outline sufficiently setting out the issues and/or matters and the arguments thereon together with copies of all statutes, cases and authorities to be relied on.

Application for Adjournment of Hearing

8. If the Complainant needs to adjourn the fixed date of hearing notified, a written application to the Registrar is required, stating the grounds in support of adjournment with supportive documents where appropriate. The presiding member of the Disciplinary Committee shall consider such application, and may, where appropriate, impose conditions in allowing an adjournment of the hearing, for a period not more than 6 weeks.