



## The Reviewer of Complaints Regulations

1 These Regulations were adopted by Council on 3 June 2019 pursuant to Article 62.1 of the Articles of Association.

2 In these Regulations words and expressions shall have the following respective meanings:-

Case file means all documents which have been provided to the the Committee when it made its decision that there is no prima facie case and includes minutes of meetings of the Committee and any documents created since the decision was made;

The Committee Regulation and Conduct Committee (or its predecessor the Investigation Committee)

Reviewer of Complaints means any one of the independent Reviewers appointed by Council on such terms and conditions as it thinks fit and Reviewer has the same meaning.

3 Words and expressions defined in Article 1.1 in the Articles of Association and 1.1 of the Conduct Rules shall, when used in these Regulations, have the same meaning herein as therein.

### **Appointment**

4 Any person who is not or has not been an Individual Member of the Association or who has not previously served as a lay member on an IPA committee may be appointed as a Reviewer of Complaints for a period not to exceed six years.

### **Application for Review**

5 Subject to Regulation 7 below a Complainant may apply in writing to the Secretary for a review of a finding by the Regulation and Conduct Committee (or its predecessor the Investigation Committee) that a complaint laid before it does not disclose a prima facie case against the Relevant Person.

6 An application made under Regulation 5 shall include a brief written statement of the grounds on which the application is made by reference to one or more of the circumstances in Regulation 14 below.

- 7 The Secretary may reject any application which does not comply with Regulations 5 and 6.
- 8 Every application made in accordance with Regulations 5 and 6 shall be referred by the Secretary to a Reviewer who will, subject to Regulation 9, consider the application promptly and in every case as soon as practicable.
- 9 A Reviewer shall not consider an application if it was received by the Secretary after the end of three months from the date of the letter to the Complainant giving the finding of the Committee unless the Reviewer is satisfied on the written evidence of the Complainant, that the application could not reasonably be expected to have been given within the three month period originally allowed.
- 10 The Secretary shall inform the Relevant Person that an application for review has been received and referred to a Reviewer of Complaints.
- 11 A Reviewer shall not consider an application for review where the original decision by the Committee that there is no prima facie case has already been the subject of an application.

#### **Documents to be provided to the ROC**

- 12 A Reviewer shall promptly consider each application referred to them by the Secretary who shall at the same time as referring the application also send to the Reviewer the Case file together with:
- a. a copy of any additional documents received from the Complainant with all supporting documents;
  - b. all correspondence between the Secretary and the Complainant and the Relevant Person not covered by a. above or which is in the Case File together with any legal advice provided to the IPA.
- 13 If, after considering the application, the Reviewer is of the opinion that one or more of the circumstances mentioned in Regulation 14 applies, they will remit the Complaint to the Committee with a recommendation that the whole or part of the Complaint be reconsidered.
- 14 The circumstances referred to in Regulation 13 are that:
- a) fresh evidence of a material nature has been received since the date of the Committee's decision;
  - b) there has been a failure on the part of the Secretary or the Committee to follow the procedure for processing or consideration of complaints laid down in the Conduct Rules and the Committee's consideration of the Complaint has been prejudiced by that failure;
  - c) there is reason to suspect a lack of independence on the part of any member (or members) of the Committee who took part in the consideration of the Complaint and the Committee's consideration of the Complaint has been prejudiced by that lack;
  - d) the finding was not one which ought reasonably to have been arrived at by the Committee upon due consideration of the facts and matters before it.

- 15 If, after considering the application, the Reviewer is of the opinion that none of the circumstances mentioned in Regulation 14 applies, they will so inform the Complainant, the Relevant Person and the Committee, giving written reasons for that opinion.
- 16 The Reviewer may request the Secretary to provide them with such technical assistance as the Reviewer considers necessary to enable them to perform their functions under these Regulations. The Secretary shall comply with any reasonable request made under this Regulation.
- 17 The Reviewer may communicate (in writing and orally) with the Complainant and the Relevant Person in the event and to the extent it is considered necessary, to enable them to perform their functions under these Regulations.
- 18 The Reviewer may require the Committee to exercise its powers under Conduct Rule 4.1 in order to obtain such information, explanations, such books, records and documents as he considers necessary to enable him to perform his functions under these Regulations.
- 19 If, under Regulation 13, the Reviewer remits the application to the Committee with a recommendation that the whole or part of the Complaint be reconsidered, the Complaint or that part of it shall be treated by the Committee as if it had been newly laid before it by the Secretary, except that:
  - a) the Committee may have regard both to the information and any representations previously available to it in relation to the Complaint and to any information or representations (whether written or oral) received by it since the date of the original finding by the Committee; and
  - b) the Committee shall not take any decision on the Complaint under Conduct Rule 4.5 unless it is satisfied that the Relevant Person concerned has been given an opportunity to make written representations to it on the or part of the remitted complaint.
- 20 If it appears to the Committee after reconsidering the complaint as required under Regulation 19, that there is still no prima facie case against the Relevant Person concerned, it shall so inform that Person and the Complainant and the Reviewer of its reasons for so finding.