

# Professional Conduct Procedure

## PR1 - Protocol for accepting previously considered complaints

We cannot consider a complaint against a Member which is the same, or similar, to a previous complaint, unless there is substantial or sufficient new evidence which was not available to the complainant when the original complaint was made.

The Investigation and Assessment Committee (IAC) or the Panel will decide as a preliminary matter if there's substantial and sufficient new evidence and whether the complaint should be reconsidered. The relevant Panel will then consider the substance of the complaint.

The Complainant will need to give a written statement that details why they are resubmitting the complaint and what the new evidence is. They will need to enclose a copy of this evidence.

The Complainant and the Member (complained against) will be told whether the complaint will be considered by the IAC or the Panel as a preliminary matter. The IAC or the Panel might request further information from either party to assist them.

### Substantial and sufficient new evidence criteria

The IAC or the Panel will consider the statement of explanation from the Complainant and the new evidence submitted when deciding if the Complaint can be reconsidered under any of its procedures.

The IAC or the Panel will consider:

- the length of time that has passed since the complaint was last considered, generally, the longer the period that has passed, the greater the explanation required from the Complainant about why the complaint should be re-considered
- whether the new evidence is relevant to the complaint
- why it was not possible to submit the new evidence at the time when the initial complaint was submitted
- whether the new evidence is credible

- whether the new evidence suggests that there was, or may have been, a breach of Professional Standards
- whether there is evidence that the Member has admitted the allegations, which were the subject of the previous complaint
- whether it is in the public interest to reconsider the complaint
- whether it is fair to reconsider the complaint

If there is evidence that the complaint is vexatious, in the matter will be dealt with in line with Protocol PR2, on frivolous or vexatious complaints.