

Professional Conduct Procedure

PR8 - The Independent Reviewer

The role of the Independent Reviewer

The Independent Reviewer (IR) will:

- review the decisions of the Investigation and Assessment Committee (IAC) in line with paragraphs 3.6 and 3.7 of the Professional Conduct Procedure (PCP)
- consider the grounds of appeal against a Panel decision in line with paragraph 6.3 of the PCP

The IR cannot request further information from any party and can only consider matters which were before the IAC or the Panel. Any new evidence raised should be considered in line with Protocol PR4. Any new areas of complaint raised should be dealt with as separate complaints and processed in line with the Procedure.

Guidelines for reviewing decisions of the IAC under paragraph 3.6

These are set out in Protocol 9 (PR9).

Guidelines for reviewing decisions of the IAC under paragraph 3.7

The IR has the power to:

- review the complaint and associated evidence submitted to the IAC;
- confirm the decision of the IAC; and
- refer the decision back to a freshly constituted IAC.

The IR must not substitute the IAC's decision with its own decision or opinion.

The IR must give written reasons for their decision to the Member and the Complainant.

Where a ground of review is not specified by the Complainant, the IR must consider all grounds of review set out in paragraph 3.7 of the PCP.

Guidelines for assessing appeals against the decision of the Professional Conduct Panel

Subject to paragraph 6.3 f) of the PCP, the IR has the power to:

- review the complaint and the evidence which was before the Panel;
- reject the appeal;
- refer the appeal to an Appeal Panel.

Subject to paragraph 6.3 f) of the PCP, the IR must not substitute the Panel's decision with the IR's own decision or opinion. It is for the Appeal Panel to make the final decision in respect of the appeal.

The IR must give written reasons for their decision to the Member and the Complainant.

Guidelines for oral reconsideration hearings

In line with paragraph 6.3 d) of the PCP, where the IR rejects the appeal on the papers and the Member requests that their grounds of appeal are reconsidered at an oral hearing, the following will take place:

1. the IR will give full reconsideration to the grounds of appeal;
2. the Member can support their grounds of appeal with written submissions in advance of the hearing and/or oral submissions at the hearing;
3. the Member should address why they believe that the IR's written reasons for rejecting the appeal on the papers are wrong;
4. any new evidence raised should be considered in line with Protocol PR4;
5. the Case Presenter should attend the oral reconsideration hearing;
6. the IR may permit the Case Presenter to make written submissions before the hearing and/or oral submissions at the hearing;
7. the Complainant may attend the oral reconsideration hearing and will not usually be permitted to make submissions unless the IR considers it appropriate in the particular circumstances of the case;

8. the IR will notify the Registrar with their decision and reasons in writing. The Registrar will notify the parties of the IR decision.