

# BRITISH/ PSYCHOANALYTIC /COUNCIL

## The Remote Hearings Protocol.

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### Overview

1. Subject to any specific direction of a Committee or Chair, the listing of hearings and the associated arrangements is a matter for the BPC.
2. All disciplinary and regulatory hearings are to be listed as remote hearings which are to be conducted online.
3. A Registrant can make a request for an in-person hearing by writing to the BPC. The request should be sent via email to [Ftpo@bpc.org.uk](mailto:Ftpo@bpc.org.uk).
4. The BPC should respond to the Registrant's request for an in-person hearing within 28 working days.
5. If the request for an in-person hearing is not agreed, the reasons for the BPC's decision should be stated in the response to the Registrant.
6. The Registrant will have the right to request a panel Chair consider their request after receiving the BPC's response.
7. The Chair will be provided with the Registrant's request and the BPC's response. Ultimately, the panel Chair will decide whether to list an in-person hearing.

### 'Remote hearings'

8. Remote hearings have become a feature of disciplinary and regulatory hearings and case law supports the view for the vast majority of hearings<sup>1</sup>.
9. During the COVID-19 pandemic, remote hearings were conducted successfully and efficiently. Most, if not all, health care (and other) regulators have moved towards having remote hearings routinely and this is likely to remain the case. Nevertheless, even before the pandemic, remote hearings were common.
10. The BPC's policy is to list all hearings as remote (online) in the first instance unless the Registrant and the BPC agree to list an in-person hearing.

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<sup>1</sup> See following case law: One Blackfriars [2020] EWHC 845 (Ch) and Municipio de Mariana & Others v BHP Group PLC [2020] EWHC 928 (TCC).

### **The process for a Registrant seeking an 'in-person' hearing.**

11. The Registrant should send their request to the BPC outlining their reasons for an in-person hearing. The request should be sent via email to [ftpo@bpc.org.uk](mailto:ftpo@bpc.org.uk).
12. The BPC is required to respond to the request in writing within 28 days of receipt.
13. The BPC is mindful that a Registrant may opt for an in-person hearing for a variety of reasons and where possible, will consider a request for an in-person hearing having regard to, the overriding objective of fairness to the Registrant, and to the BPC as well as the principal of efficient and expeditious disposal of cases.
14. If the BPC do not agree to an in-person hearing, the Registrant can ask for a panel Chair to consider the request 'on the papers'. The panel Chair can direct how the hearing should be listed.
15. Ultimately it would be for the panel Chair to use their discretion in considering whether to hold an in-person hearing.