

BRITISH/ PSYCHOANALYTIC /COUNCIL

Interim Orders Guidance

About Us

1. The British Psychoanalytic Council (BPC) is the UK's leading professional association and accredited public register for psychoanalytic psychotherapy. The BPC is a voluntary accredited register; registering psychoanalytic psychotherapists and psychodynamic psychotherapists and is accredited by the Professional Standards Authority (PSA).
2. The core functions of the BPC are to:
 - Set and maintain standards of practice and conduct;
 - Maintain a register of qualified psychoanalytic and psychodynamic psychotherapists ('Registrants');
 - Assure the quality of education and training provided to Registrants by their Member Institutions;
 - Require Registrants to keep their skills up to date through continuing professional development;
 - Consider and investigate complaints and concerns of a Fitness to Practise nature raised against Registrants and issue sanctions, where appropriate to protect the public, act in the public interest and uphold the standards of the profession and maintain public confidence in the profession.
3. The BPC's Council of Member Institutions ('MI') agreed to the introduction of a centralised Complaints Procedure in 2007 and conferred the responsibility for considering complaints raised against Registrants to the BPC.

Purpose of this Document

4. The purpose of this document is to provide guidance on Interim Orders to Registrants, the Screening Committee, the Fitness to Practise Committee and the Interim Orders Committee.
5. This document will also be of assistance to complainants, MI's, and members of the public wishing to understand further information regarding the BPC's procedures.
6. This document should be read in conjunction with the Fitness to Practise Procedure to provide further information regarding the Fitness to Practise process holistically.
7. The BPC will regularly review this document to ensure that it remains consistent with other BPC associated guidance documents.

Interim Order

8. An Interim Order is an Order imposed by the Interim Orders Committee to guard against risk to the public, in the public interest and in the Registrant's own interests, whilst the BPC substantively investigates the complaint or concern raised against the Registrant.

Role of the Interim Orders Committee

9. The role of the Interim Orders Committee is to undertake a risk assessment based on the information placed before them and to assess the nature and substance of any risk to the public and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the Registrant's own interests to impose an Interim Order against the Registrant's registration.
10. The Interim Orders Committee are not to make findings of fact in relation to any allegation of impaired Fitness to Practise. This will be the role of the Fitness to Practise Committee or Health Committee at a later stage of the process.

Composition of the Interim Orders Committee

11. The Interim Orders Committee will consist of three Hearing Panellists, one of which must be a BPC Registrant or former BPC Registrant and one must be a lay person.
12. The Interim Orders Committee will be assisted by a Legal Adviser who is an independent Barrister or Solicitor tasked to provide the Committee with independent legal advice during the Hearing.
13. The Hearing will be logged (recorded) by a Transcriber, should a transcript be required.

Test for an Interim Order

14. When considering whether to impose an Interim Order against a Registrant's registration, the Interim Orders Committee will consider whether *'it is necessary for the protection of the public, in the public interest, or in the Registrant's own interests for their registration to be interim suspended or made subject to interim conditions for a period not exceeding 18 months'*.
15. With reference to the above, and for the purposes of clarity, an Interim Order can only be imposed on the grounds of 1) public protection and/or 2) in the public interest and/or 3) in the Registrant's own interests.
16. After having heard submissions from both parties, and within their written decision, the Interim Orders Committee must state upon which ground(s) the Order is imposed and the reason(s) why within their determination.

17. When referring a case to the Interim Orders Committee for an Interim Order, the BPC will confirm the ground(s) upon which an Interim Order is sought to both the Registrant and the Committee.

Sanctions available and Duration

18. When considering whether to impose an Interim Order against a Registrant's registration, the Interim Orders Committee has the following options available to them:
 - To impose No Order;
 - To impose an Interim Order of Suspension;
 - To impose an Interim Order of Conditions;
19. An Interim Order can only be imposed for a maximum of 18 months and will be subject to review every 6 months.

Process for convening an Interim Orders Hearing

20. Where the BPC decides to refer a concern/complaint to the Interim Orders Committee, the BPC will write to the Registrant and provide them with at least 7 days' notice of the forthcoming Interim Orders Hearing. This is known as a Notice of Hearing and sets out the date, time, and venue for the Interim Orders Hearing.
21. Prior to the Hearing, the BPC will provide the Registrant with a copy of the BPC's Hearing bundle containing the documents upon which the BPC intends to rely and details of their application for an Interim Order. This will enable the Registrant, and their legal representative, as and where appropriate, to prepare for the Hearing.
22. If the Registrant is unable to attend the Hearing, the Registrant must contact the BPC and provide reason(s) why they are unable to attend the forthcoming Interim Orders Committee Hearing. The BPC will consider the reasons cited and where possible, arrange for the Hearing to take place on another date.
23. Where it is not possible to rearrange the Hearing, or the reasons cited are not sufficient when compared with the public interest or risk to public protection, the Hearing will go ahead and the Interim Orders Committee will be asked to make a decision on the postponement request. This request can take place via oral submissions or be based on written documents provided by the Registrant.
24. If the Registrant/Registrant's legal representative wishes to provide documents to the Interim Orders Committee, such documents must be submitted to the BPC, for onward referral to the Committee, in a reasonable time prior to the Hearing.
25. Where documents are submitted on the day of the Hearing, the Interim Orders Committee will decide whether to admit these documents into proceedings.

Hearings

26. At an Interim Orders Committee Hearing, the following process applies:
 - The BPC's Presenting Officer will set out the BPC's position;

- The Committee may ask the Presenting Officer questions based on their submissions;
- The Registrant or the Registrant's legal representative will set out the Registrant's position;
- The Committee may ask the Registrant/Registrant's legal representative any questions based on their submissions;
- The Legal Adviser will provide legal advice to the Committee, in front of both parties;
- The Panel will then retire in private to make their decision;
- The Panel will then announce the decision to the parties and provide them with a written copy of their decision.

27. Interim Orders Hearings will take place virtually or in person. Owing to the current COVID19 pandemic, all Hearings are currently being held virtually via Microsoft Teams.

28. Where an Interim Order is being reviewed, the Hearing will take place on papers alone in private (see below).

Review of an Interim Order

29. When an Interim Order is being reviewed by the Interim Orders Committee, the review will take place in private on the papers alone. This means that neither the BPC nor the Registrant/the Registrant's legal representative attends and the Committee will consider the documents in private.

30. The Registrant/Registrant's legal representative will be contacted and provided with the proposed review date in advance of the Hearing. The Registrant/Registrant's legal representative will be provided with the Hearing Bundle, and written application at least six weeks prior to the Hearing date. The Registrant/Registrant's legal representative will be asked to provide the BPC with a copy of their written documents at least 3 weeks prior to the Hearing date. Once received, a copy of the BPC's documents and registrant's documents will be sent to the Committee.

31. When considering the Interim Order in place, on review, the Interim Orders Committee will consider whether it remains necessary for the Interim Order to remain in place based on all the information placed before them.

32. On review, the Interim Orders Committee have the following options available to them:

- To revoke the Order;
- To maintain the Order for a further six months;
- To vary the conditions, where conditions are imposed;
- To replace the Interim Order with either Conditions or Suspension

33. If documents are received later than three weeks prior to the Hearing, the documents will be sent to the Interim Orders Committee, and they will decide whether to admit the documents into the proceedings or not.

Legal Representation

34. The Registrant can be legally represented at an Interim Orders Committee Hearing and at the review Hearing on papers.
35. Where a Registrant becomes legally represented, the Registrant should notify the BPC as soon as possible and provide the name and contact details of their legal representative. The legal representative should then contact the BPC and confirm their instruction in writing.
36. If a Registrant does not wish to be legally represented or is unable to be legally represented at a Hearing in person, the Legal Adviser will speak with the Registrant prior to the Hearing commencing. The BPC's Case Presenter will also be present for this discussion.
37. Whilst the Legal Adviser is unable to provide the Registrant with legal advice, they will explain the purpose of the Hearing and can answer questions posed by the Registrant.

Publication of outcome

38. Interim Orders Committee Hearings are held in private however, and in accordance with the BPC's Publication Policy, the outcome, date, name, and registration number of the Registrant will be published on the website.

Appeal

39. Where the BPC or Registrant wishes to appeal the decision of the Interim Orders Committee, the appeal criterion in the Appeals section (Section 7) of the Fitness to Practise procedure will apply.