

BRITISH/ PSYCHOANALYTIC /COUNCIL

Agreed Panel Disposal

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.

About this document

4. The purpose of this document is to provide guidance to Registrants and Complainants in connection with the Agreed Panel Disposal process.
5. This document may also be of assistance to MI's, the Fitness to Practise Committee, Registrant's legal representative(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 it remains consistent with other BPC associated guidance documents.

What is Agreed Panel Disposal

8. Agreed Panel Disposal (APD) is a Hearing management tool used by the BPC to identify and process Hearings which may be more suited for conclusion without a contested Hearing.
9. In such cases, the BPC and the Registrant will seek to agree joint submissions to the Fitness to Practise Committee or Health Committee ('the Committee') on facts, ground(s) of impairment, current impairment, and the appropriate outcome or disposal. This agreement will be set out within a written Agreed Panel Disposal Report which will be presented to the Committee.
10. The BPC will only agree joint submissions where satisfied that it will not adversely affect public protection or the wider public interest.
11. The BPC envisions that APD will make it easier for Registrants to participate in the process, avoid the need for witnesses and Registrants to attend live Hearings, and shorten Hearings for all parties involved in the Hearings process.
12. This document will only apply to Registrants who are the subject of a Fitness to Practise investigation which has already been referred to the Committee.

Eligibility

13. After a case has been referred to the Committee, the BPC will consider whether the case is eligible to be considered for APD in accordance with the eligibility criterion and suitability factors detailed below.
14. Following a referral to the Committee, it remains open to a Registrant or their legal representative to suggest to the BPC that the matter is suitable for disposal by APD. This can be done at any stage before the Hearing date.
15. APD cases will still be fully investigated post-referral and all relevant documentation will be made available to the Committee.

Eligibility Criterion

16. The eligibility criteria for cases suitable for APD are as follows:
 - 1) The case must have been referred to the Committee, following consideration by the Screening Committee; **and**
 - 2) The Registrant must have admitted the facts of the allegation, admitted misconduct (where relevant) and admitted that their Fitness to Practise is currently impaired.

Suitability Factors

17. The suitability of a case for APD will be determined with reference to the factors detailed below, although this list is not exhaustive:
- a. Nature of the allegation - The BPC will consider the suitability of APD with reference to the nature of the allegation(s) alleged. Where serious allegations are alleged, it may be in the public interest for a Committee to hear from witnesses directly therefore making APD unsuitable.
 - b. Registrants Interests and circumstances – The BPC will consider the Registrant's circumstances and best interests. Where the BPC believes that this policy would not be in the Registrant's best interests, APD may not be considered suitable. The BPC anticipates this to be the case where the Registrant is not legally represented and is unable to represent themselves effectively and/or does not fully understand the implications and risks of agreeing to APD. Where a Registrant is no longer practising, APD may be considered more suitable as there is less likely to be public interest in witnesses attending a Hearing.
 - c. Insight, remorse, and remediation – The BPC will consider the insight, remorse and remediation shown by the Registrant. APD is more likely to be suitable where a Registrant has demonstrated insight, remorse and remediation and has provided evidence of the same to the BPC.

APD Process

18. Where the BPC believes that APD is a suitable disposal mechanism for the case, the BPC will notify the Registrant and their legal representative, where appropriate and invite submissions on the proposal for APD.
19. Any discussions between the Registrant/Registrant's legal representative and the BPC regarding APD will be made on a 'without prejudice' basis meaning that the discussions will not be binding on either party and the content of these discussions, or their existence will not be placed before the Committee. The discussions will relate to procedural matters and the contents of this policy only. The BPC will not be able to advise or make recommendations to the Registrant on APD.
20. Where the Registrant/Registrant's legal representative agrees to APD, the BPC will prepare an APD report ('the Report') which will include the sanction sought. For further information on the sanctions available to the Committee, please see the Fitness to Practise Procedure or the Indicative Sanctions Guidance.
21. The BPC will then send the Report to the Registrant/Registrant's legal representative and seek confirmation that s/he admits, as outlined within the report:
- a. The facts;
 - b. Alleged ground(s) of impairment;
 - c. Current impairment; and
 - d. Recommended sanction.
22. Along with the Report, the BPC will also send the Registrant/Registrant's legal representative a copy of the evidence the BPC seeks to rely on before the Committee.

The Registrant/Registrant's legal representative may wish to make further submissions in writing at this stage.

23. Where possible, the BPC will provide the person who made the allegation with an opportunity to comment on the decision to pursue disposal of the case by APD and provide them with the agreed recommendation on disposal. The person who made the allegation will not receive a copy of the APD report. The BPC will consider any response/comments received from the person who made the allegation and determine whether APD remains suitable in all the circumstances.
24. Once the Registrant/Registrant's legal representative has agreed the report, the case will proceed to a Fitness to Practise Hearing. If, at this stage, the BPC considers that APD is no longer suitable, the Registrant/Registrant's legal representative will be informed of the same.

Fitness to Practise Committee Hearing

25. The Committee will be provided with a copy of the Report, the bundle of agreed evidence, further written submissions provided by the Registrant/Registrant's legal representative (if any) and comments (if any) made by the person who made the allegation.
26. The Committee will convene in private, with a Legal Adviser, to consider the information placed before them and the BPC and Registrant/Registrant's legal representative will be available on the day to answer any questions put to them by the Committee, whether by email or telephone. Neither party are able to make further submissions, they are invited to only answer the questions asked of them by the Committee, as and where required.
27. The Committee will consider the facts, grounds of impairment, current impairment, and sanction as they would during a contested Fitness to Practise Hearing (and in accordance with the Fitness to Practise rules). The Committee will take into consideration all of the information placed before them, including this policy, but are not bound by the recommendations contained within the Report.
28. In relation to each stage of the Hearing process; Facts, Misconduct (where relevant), Impairment, and Sanction, the Committee may decide to:
 - a. Agree with the findings of the Report; **or**
 - b. Disagree with the findings of the Report; **or**
 - c. Request further information to enable them to reach a decision.
29. If the Committee agrees with the entirety of the Report, they will make an order setting out the reasons for their finding.
30. If the Committee disagrees with the sanction proposed, and wishes to vary the sanction, they will invite submissions from the BPC and Registrant/Registrant's legal representative either by telephone or in writing. Where the BPC and Registrant/Registrant's legal representative agrees to the varied sanction, the case will be concluded on that basis. If not, a further Hearing will be convened whereby both parties may make new submissions.

31. Where the Committee does not agree with the APD Report, the BPC and Registrant/Registrant's legal representative may agree to amend the Report in light of the Committee's findings and resubmit the report to the Committee at a reconvened Hearing. Alternatively, the case will proceed to a contested Hearing.
32. When considering all APD cases, the Committee will write up their decision giving full reasons for their findings as they would do during a contested Hearing.
33. If the BPC or Registrant/Registrant's legal representative decides they no longer wish to pursue the APD route, the current Hearing will be concluded, with no order made, and a freshly constituted Committee will consider the matter at a new Hearing.

Appeal

34. A decision made by the Committee, following the APD procedure, can be appealed in accordance with the Appeal process detailed within the Fitness to Practise Procedure (Stage 7).