



Guidance for Witnesses

BRITISH/ PSYCHOANALYTIC /COUNCIL

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 witnesses who have either raised a concern or a complaint against a BPC Registrant or have been approached by the BPC to be a witness in a Fitness to Practise investigation.
5. The BPC understands that making a complaint and being a witness in a Fitness to Practise case, and subsequently attending a Fitness to Practise Committee Hearing ('the Hearing') can be daunting and intimidating. With this in mind, the BPC has created this guidance to answer commonly asked questions and provide witnesses with further information regarding the Hearing process.
6. The BPC anticipates that this document may also be of assistance to MI's, the Fitness to Practise Committee ('the Committee'), Registrants and members of the public wishing to understand further information regarding the BPC's procedures.

7. The BPC will regularly review this document to ensure that it remains consistent with other BPC associated guidance documents.

Why are the BPC contacting me?

8. If you have raised a concern or a complaint about a Registrant, the BPC will most likely wish to speak with you to obtain further information. As a result, you may become a witness in the case.
9. In order to prove allegations raised against a Registrant, the BPC needs to gather evidence to support the case. This may include obtaining documentary evidence such as emails, records, letters, text messages or pictures as means of example, and we may also take a witness statement from you.
10. Without obtaining such evidence, the BPC may be unable to prove the allegations raised against the Registrant and the case may be unable to proceed. As such, it is vital that those who raised the concern or complaint, and those who have further evidence, assist the BPC with their investigations.
11. A wide range of people can be considered a witness and such people include:
 - The person(s) who raised the initial concern or complaint with the BPC;
 - A member of BPC staff;
 - Another BPC Registrant;
 - A member of the public;
 - Patients;
 - Professional Experts;

What is a witness statement?

12. A witness statement is a formal document recording a witness' evidence. This document will set out the evidence a witness will give at a Hearing and will be signed and dated by the witness.
13. Any signed witness statement(s) obtained by the BPC will be given to the Registrant at the disclosure stage of the investigation process so the Registrant can prepare their case for a Hearing.

What does it mean if my witness statement is agreed?

14. If the BPC informs you that your witness statement has been agreed, this means that you do not need to attend the Hearing.
15. Generally, witness statements are agreed where the Registrant/Registrant's legal representative agrees the contents of the statement and have no questions to ask of you and/or points to clarify at a Hearing. If this is the case, the BPC will confirm the same to you.

16. If your witness statement is not agreed, you will be asked to attend the Hearing. Where the BPC is able to agree your witness statement in advance of the Hearing, the BPC will do so.

What will I be asked to do at a Hearing?

17. If the BPC asks you to attend a Hearing, you will give evidence to the content of your witness statement.
18. This means that you will be asked questions, based on the information contained within your witness statement, by the BPC's Case Presenter (the Barrister who presents the case on behalf of the BPC) and you will be asked questions by the Registrant/Registrant's legal representative.
19. The members of the Committee may also have questions to ask you.
20. When answering questions, remember to answer the questions slowly and clearly so that everyone can understand what you have said and a record of what you have said can be made.

Do I give evidence under oath?

21. Prior to giving evidence, you will be asked to confirm whether you wish to give evidence under oath or take the general affirmation. This essentially means that you are promising to tell the truth when giving evidence.
22. If the Hearing takes place in person, you will be asked to read the oath or general affirmation from a piece of paper prior to giving evidence. If the Hearing takes place remotely, you will be asked to repeat the words of the affirmation after a BPC staff member has confirmed them to you.
23. The general affirmation is as follows: *"I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth."*

Can I have my witness statement in front of me when I give evidence?

24. You normally will be able to refer to your witness statement whilst giving evidence. If you need to look at your statement at any point, to refresh your memory, you can ask for a copy to be provided to you.
25. It is important that you re-read your witness statement before giving evidence so that you remember what you have said and what you will say when giving evidence.
26. When Hearings are held in person, there will usually be a bundle of documents in front of you when giving evidence and you may be directed to certain documents throughout the Hearing. You will be sitting down when you are giving evidence so you can easily locate the relevant documents in front of you.

27. If you are asked to comment on or refer to a document during a remote Hearing, the BPC will send you the relevant documents in advance of the Hearing so that you can have them to hand during the Hearing.

What happens if I cannot remember something when giving evidence?

28. If you cannot remember something whilst giving evidence, you simply say that you cannot remember. Giving evidence is not a memory test and you are not being asked to speculate.
29. If you have previously given the answer to the question, and this information is contained within the documents before the Committee, the BPC's Case Presenter or the Registrant's legal representative may assist you by directing you to the particular document to refresh your memory.

What happens if I do not understand the question asked of me?

30. If you are unable to understand the question being asked of you by the BPC's Case Presenter, the Registrant's legal representative or the Committee member, simply say that you cannot understand the question. The relevant person will rephrase the question and ask you again.
31. If you still do not understand the question, it is perfectly acceptable to say that you still do not understand the question. The person asking the question will most likely rephrase the question again or break down the question into different parts to ensure that you understand the question being asked of you.
32. It is important that you listen to the question being asked of you and understand the question prior to giving your answer.
33. Some of these questions may feel uncomfortable, but the Committee have a duty to test the evidence. Equally, the relevant legal parties have an obligation to present the case on behalf of their clients.

When answering questions from a Barrister, do I look at him/her or the Committee?

34. During an in-person Hearing, and when answering questions from the BPC's Case Presenter or the Registrant/Registrant's legal representative, you will give your answers to the Committee.
35. As such, you face the Committee when responding to the questions asked of you. This is because it is the Committee's role to decide the facts of the case and they need to clearly hear the answers you give.
36. All parties appreciate that this is difficult, as you would normally direct your response to the person asking you a question. If you forget to do this during the Hearing, the

BPC's Case Presenter or the Registrant's legal representative, where relevant, will remind you to do so.

What happens if I need to take a break whilst giving evidence?

37. If you need to take a break whilst giving evidence, do not be afraid to ask for one and the Committee will usually take a ten-to-fifteen-minute break.
38. During the break, you will not be able to speak with any of the Hearing participants as you will still be under oath. This is so that your evidence is preserved and is for your own benefit.

Do I have to stay in the Hearing once I have completed giving evidence?

39. Once you have completed your evidence at a Hearing, you will be asked to leave the Hearing as our Hearings are currently held in private.

What do I do whilst waiting to give evidence?

40. When attending a Hearing in person, you may be waiting around for some time prior to giving evidence. As such, we recommend that you bring something with you to read or something to occupy your time.
41. We would ask that you do not speak to any other witnesses or the Registrant prior to giving evidence so that your evidence is preserved. If you have a query or concern, please locate, and speak with a BPC member of staff directly.

What should I wear to the Hearing?

42. Since you will be giving evidence before the Committee, we would ask that you dress smartly.
43. The rest of the Hearing participants will be dressed smartly or in suits.

Can I bring my children to the Hearing?

44. You should not bring children to the Hearing venue as there will be no-one there to look after them.
45. The BPC will confirm the Hearing date(s) with you in advance of the Hearing allowing you to make the relevant childcare arrangements.

What happens if the Committee adjourns whilst I am giving evidence?

46. If the Committee adjourns for a break or at the end of the day and you have not finished giving evidence, you must not speak to anyone about your evidence or the case.

47. You will be warned not to do so by the Committee Chair. This is so that your evidence is preserved and is for your own benefit.

What happens if I have additional needs, am disabled or I am vulnerable?

48. If you have additional needs, a disability or are vulnerable, please let the BPC know so that we can assist you and take your needs into account at the first available opportunity. The BPC will do all that we can to assist you to give evidence.
49. If you are vulnerable, the BPC can make an application to the Committee for special measures to be imposed which could include giving evidence behind a screen, pre-recorded evidence, or other suitable alternatives. The BPC needs to understand your relevant circumstances at first instance, however, and we are then obliged to place the Registrant/Registrant's legal representative on notice of such circumstances.
50. If you have any concerns about giving evidence, please raise them with the BPC prior to any Hearing and we will address them directly.

Will I have to see or be near the Registrant on the day of the Hearing?

51. Prior to the Hearing starting, and where the Hearing is held in person, you will be directed to a separate waiting room away from the Registrant. If you see the Registrant within the communal areas of the building, we suggest that you do not speak to the Registrant. This is for your own, and the Registrant's benefit.
52. When you are called to give evidence, you will be brought into the Hearing room. The Registrant will already be present in the Hearing room and the Registrant will listen to the evidence you give (if the Registrant has attended the Hearing).
53. Where the Hearing is held remotely, the Registrant will already be present on the screen if they attend the Hearing.

Will the Registrant be legally represented?

54. The Registrant is able to be legally represented at a Hearing and may be represented by a Barrister or a Solicitor.
55. Equally, the Registrant may choose not to be legally represented and they may represent themselves at a Hearing.

Why will there be someone recording the Hearing?

56. The Hearing will be recorded by a logger or Transcriber.
57. The reason for this being that the Committee's decisions are subject to appeal and if the decision is appealed, a verbatim transcript of the proceedings will be required.

Will I be notified of the outcome post-Hearing?

58. If you have raised a concern or complaint with the BPC, we will notify you of the Hearing outcome unless you inform the BPC otherwise.
59. If you are not the person who raised the concern or complaint with the BPC, but are a witness in the case, and you wish to know the outcome of the case, please communicate this to the BPC and we will confirm the outcome with you once known.

Can I claim back my expenses for attending the Hearing?

60. You can claim back reasonable travel, sustenance, and hotel costs in accordance with the BPC's Expense Policy in force at the relevant time when asked to attend a Hearing in person. Please note that you are unable to claim expenses in connection with remote Hearings.
61. Please keep all receipts, invoices and any other documentary evidence of expenses incurred, and the BPC will reimburse you within 30 days of receipt by BACS transfer.

Are Hearings held in public?

62. The BPC currently holds Hearings in private. This means that members of the public and the press are unable to attend the Hearing.

Where will the Hearing be held?

63. If the Hearing is held in person, the Hearing will be held at a venue in London. If you are attending the Hearing as a witness, you will be informed of the venue several weeks prior to the Hearing date.
64. If the Hearing takes place remotely, you will attend the Hearing from your own home or another venue of your choice. When giving evidence, you need to be in a quiet and private room to maintain confidentiality.

How soon will the Hearing be held?

65. The Hearing will be held as soon as the BPC have obtained all of the relevant information needed to prove the allegations and once the BPC has disclosed the relevant documents to the Registrant/Registrant's legal representative enabling them to prepare for the Hearing.
66. Prior to the Hearing being listed, the BPC will contact you to canvass your dates of availability. Once the Hearing date(s) have been listed, the BPC will confirm the Hearing date(s) with you and ask you to make yourself available on these dates.

Who will be in the Hearing room?

67. Whether the Hearing is held in person or remotely, the following persons will be present in the Hearing room:

- **The Committee** – The Committee consists of three members, and they are independent from the BPC. The Committee members are solely responsible for making the decision.
- **Committee Chair** – The Committee member who leads the Hearing.
- **Lay Committee member** – A Committee member who is not a member of the profession.
- **Registrant Committee member** – A Committee member who is registered with the BPC.
- **Registrant** – The individual about whom the Fitness to Practise concern has been raised.
- **Registrant's legal representative** – A Solicitor or Barrister representing the Registrant.
- **Legal Assessor** – An independent Solicitor or Barrister who provides the Committee with legal advice during the Hearing. The Legal Assessor will assist the Committee to draft the Hearing decision, also known as a Hearing determination.
- **Presenting Officer** – A Solicitor or Barrister instructed on behalf of the BPC to present the case at the Hearing.
- **Logger or Transcriber** – An individual who records or takes verbatim notes of the Hearing for the purposes of producing a transcript.

68. One or two BPC staff members will also attend the Hearing.

What does the Committee do?

69. The Committee listens to the evidence in the case and decides:

- Whether the facts alleged are found proved;
- Whether the Registrant's actions or omissions mean that his/her Fitness to Practise is impaired; and if so
- Whether a sanction needs to be imposed against his/her BPC registration.

70. The Committee will produce a written determination at each stage of the Hearing process and provide detailed written reasons for their decision(s).

What action can the Committee take?

71. The Committee has the following sanctions available to them:

- **Reprimand** – This is a statement of the Committee's disapproval, but the Registrant is still deemed Fit to Practise with no restrictions and so no other action needs to be taken.

- **Conditions (to be met within a specific time)** – The Registrant's BPC registration will be subject to conditions for a certain period of time. Conditions may include further training or supervision requirements, as a means of example.
- **Suspension (for up to 12 months)** – The Registrant's BPC registration will be suspended for a period of time. This means that they will be unable to call or refer to themselves a BPC Registrant during that period of time.
- **Termination of registration** – The Registrant will no longer be a member of the BPC.

72. In addition to the sanctions mentioned above, the Committee can also impose the following sanctions against a Registrant:

- Removal of the Registrant from the Membership of a committee, sub-committee, working group, party or any other body of the BPC or a BPC MI for a period to be determined by the Committee but for no longer than 3 years.
- Require the Registrant to stop training, teaching, supervising, or carrying out any other activity on behalf of the BPC or the MI for a specific period of time but for no longer than 3 years.

Will the Committee's decision be published on the website?

73. The Committee's decision will be published on the website after the Hearing has concluded, in accordance with the BPC's publication policy which is located here: www.bpc.org.uk/regulation/fitness-to-practise-hearings/