



Guidance for Registrants

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 Registrants who may not be legally represented but have a concern or a complaint raised against them.
5. The BPC understands that being subject to a Fitness to Practise concern or complaint can be stressful and confusing. With this in mind, the BPC has created this guidance to answer frequently asked questions and provide Registrants with further information regarding the Fitness to Practise Committee Hearing ('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') 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.

What happens when the BPC receives a concern or complaint about me?

8. When the BPC receives a complaint from a patient or a concern from a third party, the BPC will assess the information received and decide whether to formally accept it for investigation. The BPC uses Acceptance Criteria to carry out this function and further information is detailed within the Acceptance Criteria (Appendix 1) on the website.
9. If the complaint/concern is not accepted for investigation, the person who raised the information or complaint (the complainant) will be notified accordingly however you will not be informed of a complaint/concern having been raised with the BPC.
10. If the complaint/concern is accepted for investigation, the BPC will write to you and notify you that a complaint/concern has been received. The BPC will then begin to investigate the complaint/concern and by this, we mean that the BPC will ascertain further information and/or take witness statements from relevant witnesses.
11. Once the BPC has completed its investigation and drafted draft allegations, you will be provided with a copy of the relevant documentation and asked for a formal response. For further information, please see the Fitness to Practise Procedure document on the website.

Will I have the right to respond to concern or a complaint raised against me?

12. Once the BPC has conducted its investigations, and drafted the draft allegation(s), the BPC will provide you with a copy of the same. You will then be afforded 28 days to provide a written response to the allegation(s) raised against you.
13. When providing your response, you have the opportunity to provide detailed written representations and can be legally represented at this stage of the process if you wish to be so.

What happens if I need an extension to the 28-day deadline?

14. If you need an extension to the 28-day deadline, please contact the BPC and state why a deadline is needed. The BPC will consider your request accordingly.

Can I be legally represented?

15. You can become legally represented at any stage of the Fitness to Practise process.
16. If you become legally represented, please contact the BPC and confirm the name and contact details of your legal representative. Please then ask your legal representative to contact the BPC and confirm their instruction in writing.
17. Once you become legally represented, the BPC will send all correspondence to your legal representative directly. With reference to some documents, the BPC may also copy you into the email as and where required.

How can I receive legal assistance?

18. There are several options available to you and these are as follows:

- Contact your Insurer and seek legal advice through them;
- Obtain independent legal advice through a Solicitors Firm. For a list of ranked Solicitors Firms, please look on the Chambers and Partners Directory which can be located here: [Chambers and Partners | Researching Outstanding Lawyers Globally | chambers.com](https://www.chambers.com) . For ease of reference, this area of law is known as 'Professional Discipline'
- Obtain free legal advice through organisations such as the Citizens Advice Bureau (www.citizensadvice.org.uk) or Advocate (weareadvocate.org.uk).

19. You can also seek pastoral assistance from the Ethics Committee of your MI or from a friend or colleague.

If a complaint against me is accepted for investigation, should I notify anyone?

20. The BPC would expect you to notify your MI Ethics Chair and your employer, where relevant, as a matter of good practice.

21. Depending on the terms of your Insurance policy, you may be obliged to notify your Insurer. The BPC therefore suggests that you check the wording of your policy accordingly.

If a complaint against me is accepted for investigation, will the BPC notify anyone?

22. Once a complaint or concern is accepted by the BPC for investigation, the BPC will notify the Ethics Chair of your primary Member Institution (MI).

23. If you belong to more than one MI, it is your responsibility to notify the Ethics Chair of your other MI's.

What happens if I am referred to an Interim Orders Committee Hearing?

24. If you are referred to an Interim Orders Committee Hearing, you will receive a Notification of Hearing within the post and/or by email.

25. Whilst you are not obliged to attend the Hearing, the BPC would actively encourage you to attend as your BPC registration can be made subject to conditions or suspended on an interim basis. Please note that the Hearing may go ahead without you or your legal representative being present if the Committee is satisfied that you have been given sufficient notice of the Hearing and it is appropriate to proceed with the Hearing in your absence.

26. You are also able to be legally represented at an Interim Orders Hearing and submit documents before the Committee.
27. The Interim Orders Committee will determine whether it is necessary for the protection of the public, in the public interest or in your own interests for your registration to be subject to an Interim Order. For further information on Interim Orders, please see the Interim Order Guidance (Appendix 5) on the website.

What happens at the Screening Committee stage?

28. Once you have provided your written representations, the BPC will provide their bundle of documents and your written representations to the Screening Committee.
29. The Screening Committee will then consider all of the documents placed before them and decide how best to dispose of the complaint. The Screening Committee will apply the 'realistic prospect' test in connection with each allegation. The 'realistic prospect' test is as follows:
 - *Is there a realistic prospect of being able to prove the allegations alleged against the Registrant if referred to a Fitness to Practise Hearing; and*
 - *If the alleged facts were found proven, are they so significant as to indicate that the registrant's fitness to practise is or may be impaired to a degree that justifies action being taken against their registration.*
30. The Screening Committee have the following disposal options available to them:
 - Adjourn the case for further information;
 - Close the case with no further action;
 - Close the case with no further action but issue advice to the Registrant about their future conduct;
 - Issue a Warning to the Registrant;
 - Refer the case to the Fitness to Practise Committee

Who sits on the Screening Committee?

31. Each Screening Committee consists of five people, two of which are Registrant members of the Committee and three are lay persons.
32. The BPC has two Screening Committees in operation to reflect the ability to have a decision of the Screening Committee reviewed.

What happens if I receive a letter of advice?

33. A letter of advice received from the Screening Committee is advice, not a sanction. However, the BPC would encourage you to take on board the advice going forward to improve your practice, as and where required.

What happens if I receive a Warning?

34. If the Screening Committee notifies you that they intend to issue you with a Warning, you will be invited to provide further written submissions within 14 days. Within these submissions, you can confirm whether you accept or refute the Warning and provide the Screening Committee with any further information in support of your position.
35. The Screening Committee will consider your response and decide whether to impose a Warning against your registration or not. The Screening Committee will notify you of their decision in writing, either way and provide detailed reasons for their decision to either impose a Warning or deciding against imposing a Warning.
36. Warnings will not be published on the BPC's website, nor will their existence be disclosed to anyone making enquiries regarding your Fitness to Practise history. The fact that a Warning has been imposed however will be confirmed to the complainant who raised the complaint/concern to the BPC.
37. A Warning forms part of a Registrant's Fitness to Practise history with the BPC and will stay on the Registrant's formal record for 2 years. A Warning may be considered by the BPC or Screening Committee within those 2 years should a complaint/concern of a similar nature be received by the BPC in the future. For further information regarding Warnings, please see 'Warnings Policy & Guidance' at Appendix 3.

What happens if I am referred to a Hearing?

38. If you are referred to a Fitness to Practise Hearing by the Screening Committee, the BPC will begin to prepare their case for a Hearing. This could include obtaining further information or taking witness statements, as and where required. However, and in the majority of cases, we envision that we will only be drafting finalised charges.
39. Once the BPC is in possession of all the requisite information, the BPC will then disclose its case to you which is known as the disclosure process. In doing so, the BPC will provide you with the information we seek to rely on at a Hearing and any information which undermines our case (also known as 'unused material'). This will allow you to prepare your case for the Hearing.
40. In or around the same time, the BPC will contact you and provide you with a listing window. This is a period in time in which the Hearing may take place. You will be asked to provide your availability so the BPC can list the Hearing, taking into consideration everyone's availability.
41. Once the Hearing date(s) have been listed, the BPC will ask you to make yourself available on these dates and we will formally notify you of the Hearing date(s) in a document called a 'Notice of Hearing' which will be sent to you by Special Delivery and email. This formally sets out the time, date and location of the Hearing and you have a copy of the charge(s) raised against you.

42. You will be required to provide the BPC with any factual documents you wish to place before the Committee 4 weeks before the Hearing takes place. Any documents of a remedial or mitigatory nature, sought to be submitted at the impairment or sanction stage, can be provided closer to the Hearing and as soon as reasonably practicable.

Can I admit the allegations?

43. If you agree with some or all of the alleged facts set out in the Notice of Hearing, this is called an admission.
44. You can make an admission by telling the BPC before the Hearing takes place. Making admissions before the Hearing could mean that the length of the Hearing may be reduced, as less time might be needed to consider the evidence during the first stage of the Hearing, where the facts alleged need to be presented and proved by the BPC.
45. At the start of the Hearing, the Committee Chair will ask you if you wish to make any admissions. You can also indicate to the Committee if you wish to make any further admissions during the first stage of the Hearing based on the evidence that has been presented.

Do I have to attend the Hearing?

46. You do not have to attend your Hearing however it is usually in your best interests to attend and participate as this could potentially have an impact on your BPC registration. If you attend, you will be able to present your case, and give evidence if you wish to do so, and answer any questions that may be asked of you by the Committee.
47. If you decide not to attend the Hearing, you can submit written comments, referred to as 'submissions' to the Committee. If you wish to submit written submissions, please send them to the BPC and confirm, in writing that you will not be attending the Hearing.
48. Please note that the Hearing may go ahead without you or your legal representative being present if the Committee is satisfied that you have been given sufficient notice of the Hearing and it is appropriate to proceed with the Hearing in your absence.

How soon will the Hearing be held?

49. The Hearing will be held as soon as the BPC has obtained all of the relevant information needed to prove the allegations and the relevant documents have been disclosed to you or your legal representative enabling you to prepare for the Hearing.
50. 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 ask you to make yourself available on these dates.

What happens at a Hearing?

51. At the start of the Hearing, the Committee Chair ('the Chair') will introduce the parties in the room and ask you to confirm your Name and BPC registration number.
52. The Chair will then ask the parties whether there are any preliminary applications e.g. are there any preliminary matters/applications which need to be dealt with prior to the Hearing formally commencing. If there are, these applications/matters will be raised with the Committee and a decision made, as and where required.
53. If there are no preliminary applications or matters to be dealt with, the allegations will be read out and the Chair will ask you whether you wish to make any admissions. If so, you can state which allegation(s) you admit. By virtue of your admission(s), the relevant charge(s) will be found proven.
54. If there are any further allegations not admitted, the BPC will present the case and call any witnesses and/or rely on documentary evidence to prove the remaining allegation(s). You will be able to cross-examine any of the BPC's witnesses e.g. ask them questions.
55. Once the BPC has presented its case, you will then be able to present your case regarding the allegations not admitted. In doing so, you can decide to give evidence under oath/affirmation or call any witnesses you wish to and/or rely on any documents already submitted to the Committee. The BPC's Case Presenter will be able to cross-examine you if you decide to give evidence and your witnesses. The Committee may also ask you or your witnesses any questions.
56. Once you have presented your case, the BPC's Case Presenter will make closing submissions on behalf of the BPC, and you will then be able to make closing submissions. In essence, you will be summarising your case at the factual stage and this is the last chance you will have to provide information to the Committee prior to the Committee retiring to make a decision.
57. Once you and the BPC have provided closing submissions, the Legal Adviser will provide the Committee with legal advice. The Committee will then retire into private session to make a decision on the remaining facts not admitted. In essence, the Committee will decide whether, on the balance of probabilities, the individual allegations are proved. The meaning of the balance of probabilities is whether 'is it more likely than not' that the allegations took place. The Committee will make their decision and produce a written determination setting out their reasons. The Committee will then return to formal session and announce their decision.
58. If the remaining facts are found proven, the Hearing will continue to the Impairment stage. If not, the Hearing may end.
59. At the Impairment stage, the BPC will present evidence on impairment and sanction. This may take place together or separately, depending on the type of case before the Committee and whether you are legally represented or not.
60. Once the BPC has presented its evidence, you will then be able to present your case on impairment and sanction. In doing so, you may decide to give further evidence under oath/affirmation to the Committee.

61. Following any evidence given, the BPC will make submissions to the Committee, and you will be invited to make your own submissions. This means that you will be able to speak to the Committee and tell them what has changed since the events complained of took place and what you think should happen now to your BPC registration.
62. Submissions are not evidence. They are comments, observations, or suggestions that you wish the Committee to consider when determining the outcome of your case. This could include any extenuating circumstances and testimonials.
63. The Legal Adviser will then provide legal advice to the Committee and the Committee will retire into private session. The Committee will then determine 1) Whether your Fitness to Practise is impaired and 2) What sanction, if any, should be imposed against your registration. The Committee will make its decision using its own independent judgement and any other guidance document it considers appropriate.
64. When the Committee has made its decision, the Hearing will resume, and the Committee will announce its decision. The Committee will also provide you with a written determination providing you with detailed reasons for their decision.

Will I receive legal assistance from the BPC if I am unrepresented at the Hearing?

65. The BPC is unable to provide you with legal assistance or advice at any stage of the Fitness to Practise procedure as the BPC is bringing the case against you.
66. However, and if you are unrepresented at the Hearing, the Legal Adviser will speak to you prior to the Hearing starting, in the presence of the BPC's Case Presenter, to explain the Fitness to Practise process to you. The Legal Adviser will not be able to give you any legal advice however.

What documents can I place before the Committee?

67. Prior to the Hearing, you will be asked to provide the BPC with copies of any factual documents you wish to place before the Committee 4 weeks prior to the Hearing date. These documents should be paginated and have an index on the front for ease of the Committee's reference.
68. Only factual documents need to be provided in advance of the Hearing as any documents of a remedial or mitigatory nature, sought to be submitted at the impairment or sanction stage, can be provided closer to the Hearing and as soon as reasonably practicable.
69. You may wish to prepare and submit, at the facts stage:
 - A witness statement, setting out your factual account of events.
 - Witness statements from individuals who were present at the time when the events occurred, who will be able to give their account of what happened.
 - Other documents, which may include letters, emails, telephone notes, records, photographs, and recorded material, including audio and video clips etc.

70. If new information comes into your possession during the Hearing, you should let the BPC know, even if you don't intend to use this information at the Hearing.

Do I give evidence under oath?

71. 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.
72. 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.
73. 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."*

What happens if I cannot remember something when giving evidence?

74. 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.
75. 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 your 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?

76. If you are unable to understand the question being asked of you by the BPC's Case Presenter, your 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.
77. If you still do not understand the question, it is perfectly acceptable to say that you still don't 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.
78. It is important that you listen to the question being asked of you and understand the question prior to giving your answer.
79. Some of these questions may feel uncomfortable, but the Committee have a duty to test the evidence. Equally, the BPC's Case Presenter has an obligation to present the case on behalf of the BPC.

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

80. During an in-person Hearing, and when answering questions from the BPC's Case Presenter or your own legal representative, you will give your answers to the Committee.
81. 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.
82. 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 your own legal representative, where relevant, will remind you to do so.

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

83. 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.
84. During the break, you will not be able to speak with any of the Hearing participants, including your legal representative(s), as you will still be under oath. This is so that your evidence is preserved and is for your own benefit.

What should I wear to the Hearing?

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

Can I bring my children to the Hearing?

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

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

87. If the Committee adjourns for a break or at the end of the day and you have not finished giving your evidence, you must not speak to anyone about your evidence or the case including your legal representative, where applicable.
88. 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.

Why will there be someone recording the Hearing?

89. The Hearing will be recorded by a logger or Transcriber. 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.

Are Hearings held in public?

90. 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?

91. If the Hearing is held in person, the Hearing will be held at a venue in London. You will be notified of the location of the Hearing within the Notice of Hearing sent to you prior to the Hearing.

92. 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.

Who will be in the Hearing room?

93. Whether the Hearing is held in person or remotely, the following people 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 or a former BPC Registrant.
- **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.

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

What does the Committee do?

95. 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.

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

What action can the Committee take?

97. 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.

98. 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.

99. When deciding what sanction to impose, the Committee will always consider the least restrictive options first, and decide if it is appropriate to apply them, before moving onto other orders that are available. The Committee will always consider the individual circumstances of each case and will consider all that has been said at the Hearing before making its decision.

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

100. 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/

Can I appeal the decision of the Committee?

101. You can appeal the decision of the Committee. Further information regarding appealing the Committee's decision will be contained within the Notice of Decision issued to you after the Hearing and within Stage 7 of the Fitness to Practise Procedure document entitled 'Appeals'.