

# BRITISH/ PSYCHOANALYTIC /COUNCIL

## Declarations 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 to Registrants regarding their ongoing professional responsibility to make declarations to the BPC, as their regulator, in connection with their Fitness to Practise.
5. This document may also be of use to other people who may have concerns regarding a Registrant's Fitness to Practise such as a Registrant's employer, supervisor, or colleague, as means of example.
6. The BPC will regularly review this document to ensure it remains consistent with other BPC associated guidance documents.

## Fitness to Practise

7. Fitness to Practise essentially means that a Registrant has the requisite skill, qualification, knowledge, experience, health, and good character to complete their job effectively and safely.
8. Fitness to Practise may involve issues outside of the professional or clinical sphere. A Registrant's conduct outside of work may call into question his/her Fitness to Practise if they engage in conduct which is likely to undermine public confidence in the profession and/or affect protection of the public.
9. By quality assuring the Fitness to Practise of our Registrants, the BPC upholds the standards of the profession, maintains the public confidence in the profession and ensures public safety.

## Code of Ethics

10. In accordance with Paragraph 4 of the BPC's Code of Ethics:

*"If a member is convicted of a criminal offence in any court in the UK, or elsewhere, or has any proceedings commenced against him, civil or criminal, or has proceedings commenced against him by any professional body, he must inform the Chair of the Ethics Committee of the BPC. Similarly, Registrants have a duty to inform the Chair of the BPC Ethics Committee of such information pertaining to a fellow Registrant."*

11. Supplementing this part of the Code, the Ethical Guidelines state as follows:

*"a) If proceedings are brought against a Registrant by another professional organisation they have a duty to inform the BPC.*

*b) Registrants have a duty to inform the BPC if a complaint is found against them by another organisation.*

*c) If convicted for a criminal offence or undergoing civil action pertaining to their professional work Registrants have a duty to inform the BPC.*

*d) If Registrants suspect misconduct by a professional colleague which cannot be resolved or remedied by discussion with the colleague concerned, they must take steps to bring that misconduct to the attention of the BPC."*

12. Paragraph 12 of the BPC's Code of Ethics states:

*"Registrants must limit their work, or refrain from practice when their physical or psychological health is seriously impaired or if in doubt about their ability to perform competently must seek appropriate advice."*

13. Paragraph 12 of the Code of Ethics must be read in conjunction with the Ethical Guidelines which state as follows:

*"c) Should a Registrant have to change their mode of practise because of medical advice, they must inform the Chair of the BPC of this in confidence.*

- d) Registrants must not offer treatment to patients when rendered unfit to do so, or when their judgement is impaired by reason of physical or mental illness.
- e) Registrants must refrain from practice when they are not capable of exercising adequate skill or judgement as a result of alcohol, drugs, illness, infirmity or the effects of persona stress.
- f) Registrants must not work professionally when under the influence of intoxicating drink or drugs.
- h) Registrants have a duty to be mindful of their individual responsibility to the public and the profession to discuss any information or concerns about a colleague's fitness to practise informally with a member of the Ethics Committee of the relevant MI, who may take the issue to their Committee. Where this Committee has any uncertainty about the seriousness of the situation it has a duty to inform the Chair of the BPC Ethics Committee.”

### **Why declare**

14. The BPC's Code of Ethics requires Registrants to take prompt action and notify the BPC if they have any concerns regarding their Fitness to Practise.
15. A Registrant may not be Fit to Practise if they have any criminal convictions/cautions, adverse determinations made by another regulatory body or where they are currently suffering from adverse physical or mental health condition which impacts their Fitness to Practise.
16. A Registrant is required to be candid with the BPC regarding their Fitness to Practise and further information regarding this obligation can be found within the BPC's 'Duty of Candour' guidance located here [www.bpc.org.uk/professionals/registrants/duty-of-candour/](http://www.bpc.org.uk/professionals/registrants/duty-of-candour/)
17. Where a Registrant fails to make a declaration to the BPC, this may lead to a Registrant's Fitness to Practise being questioned and investigated.
18. If a Registrant fails to declare a conviction/ caution, health condition or adverse regulatory decision, the BPC may raise a failure to declare allegation against the Registrant and this can potentially be accompanied by a dishonesty allegation.

### **What to declare**

19. Impairment of Fitness to Practise can be alleged, and found on the following grounds:
- Professional Misconduct;
  - Deficient Professional Performance;
  - Adverse Physical or Mental Health;
  - An adverse determination against the registrant by any other professional regulatory body either in the UK or elsewhere;
  - A criminal conviction or caution received in the United Kingdom or a criminal offence committed elsewhere which, if committed in England or Wales, would constitute a criminal offence.
20. Therefore, Registrants are required to make declarations to the BPC regarding their Fitness to Practise in general but especially in connection with the following:

- Criminal proceedings;
- Adverse Physical or Mental Health;
- An adverse determination by a regulatory body

### **Criminal Proceedings**

21. A Registrant has a professional duty to make a prompt declaration to the BPC where they have received a criminal conviction or caution.
22. Where a declaration is required, the declaration should be made as soon as possible, and Registrants should not wait until renewal to make the declaration.
23. Registrants are under a professional duty to disclose to the BPC the following:
  - a. A criminal conviction or caution received in the United Kingdom, or a criminal offence committed elsewhere which, if committed in England or Wales, would constitute a criminal offence;
  - b. Any investigation or proceedings that could lead to the above outcomes;
  - c. Any spent convictions or cautions under section 5(2) of the Rehabilitation of Offenders Act 1974 unless they are a protected conviction or caution. A list of categories of offences that can never be protected can be found [here](#);
  - d. Any motoring or road traffic offences resulting in a conviction. Fixed penalty notices do not need to be declared.
24. When declaring any convictions, Registrants must provide the BPC with the following information:
  - Relevant Court or venue of investigation;
  - Date of receiving conviction/caution or relevant offence;
  - Details and circumstances concerning the offence or investigation;
  - Details of sentence
25. If a Registrant has a copy of the Caution, Certificate of Conviction or Memorandum of Conviction then please also provide this to the BPC with your Declaration.

### **Adverse Physical or Mental Health**

26. A Registrant has a professional duty to make a prompt declaration to the BPC where they have an adverse physical or mental health condition which may affect their Fitness to Practise.
27. Health conditions and disabilities affect people in different ways, and it does not automatically follow that a Registrant with an adverse physical or mental health condition would pose a risk to the public.
28. A BPC Registrant is required to make a declaration regarding their health if the health condition/ disability currently affects their Fitness to Practise.

29. When making a health declaration to the BPC, Registrants should provide the BPC with as much information as possible to enable the BPC to assess whether the health condition affects their Fitness to Practise and whether the Registrant has sufficient insight and understanding regarding the condition, and how it could impact their ability to practise safely.
30. In particular, Registrants should provide the BPC with the following information:
- Nature of the condition;
  - Date of diagnosis;
  - Details of any treatment required e.g. medication etc
31. If, on reading this guidance, a Registrant is unsure whether to make a declaration or not, the Registrant should make a declaration. The Registrant may wish to seek legal advice or speak with the Ethics Committee of their Member Institution prior to making a declaration.
32. Where a declaration is required, the declaration should be made as soon as possible, and Registrants should not wait until renewal to make the declaration.
33. Any personal information of a health nature provided to the BPC will be held securely and confidentially.

### **Adverse determination by a regulatory body**

34. A Registrant has a professional duty to make a prompt declaration to the BPC if they have received an adverse determination by a regulatory body.
35. This includes determinations or decisions made by:
- Another body that regulates a health or social care profession either in the UK or abroad, including an NHS primary care organisation (PCO) or Health Board.
  - Any investigation or proceedings which could lead to such determination or decision.
36. The BPC anticipates that this requirement will largely affect registrants who are dual qualified and regulated by another regulatory body e.g. Health & Care Professions Council (HCPC), BACP, UKCP, Nursing & Midwifery Council (NMC) etc
37. When declaring an adverse determination by a regulatory body, Registrants must provide the BPC with the following information:
- Date of decision/determination;
  - Details and circumstances of the decision or investigation;
  - Outcome of the Hearing
38. The Registrant should also provide the BPC with a copy of the determination to enable the BPC to understand the allegations found proven and the sanction imposed, where relevant.

## **How to make a Declaration**

39. If you need to make a declaration, please contact the BPC on [FtPO@bpc.org.uk](mailto:FtPO@bpc.org.uk) and include the relevant information within the email. Please write 'Declaration' in the subject heading.
40. On receipt of your email, a member of BPC staff will acknowledge receipt and may request further information from you.
41. The BPC will then review the information received and write to you to confirm the outcome. Namely, whether the BPC has accepted the concern for further investigation or whether no further action will be taken.

## **Legal Advice**

42. Registrants may wish to obtain independent legal advice, via their Insurance Company, prior to making any declarations to the BPC.