

## **BPC Publication Policy for Fitness to Practise Decisions**

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### **Overview**

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 MI's;
  - 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, 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 responsibility for considering complaints raised against Registrants to the BPC.

### **Framework**

4. When applying this policy, the BPC is required to uphold and implement the PSA's standards. This means that the BPC must carry out its governance in a transparent, open, and accountable manner.
5. In relation to Fitness to Practise Hearings ('Hearings'), where the BPC considers complaints concerning a Registrant's Fitness to Practise, the BPC's position is that these decisions should be published as a matter of course unless the Fitness to Practise Committee making the decision finds that one of the exceptions, as set out in this policy is met.
6. By publishing Fitness to Practise decisions ('Decisions'), the BPC is:
  - Providing information to members of the public allowing them to make better-informed choices when choosing a psychotherapist to treat them. The BPC

therefore supports members of the public to make informed decisions regarding their choice of psychotherapist;

- Promoting a more complete understanding of the high standards of conduct, and clinical practice expected of Registrants;
- Ensuring that Registrants are transparent and accountable for their decisions;
- Providing transparency to other relevant regulators. As the BPC is an accredited voluntary regulator, any Registrant removed from the BPC's register can apply to join other relevant talk therapy regulators and can continue to work without any accredited registration. By virtue of publication, the BPC is ensuring that other registers and members of the public are informed of the Decisions made against particular Registrants.

## **Confidentiality & Human Rights**

7. The BPC accepts that publication of Decisions will involve a degree of interference with the Registrant's right to privacy.
8. When making a Decision, the Fitness to Practise Committee will need to consider if this interference is proportionate in all the circumstances. In most cases, publication will be deemed proportionate to uphold the PSA's standards. In some exceptional cases however, the BPC accepts that interference with a Registrants right to privacy may be so severe that publication is not justified in the public interest, even in a redacted form.
9. In these particular cases, which the BPC expects to be the minority, the Fitness to Practise Committee will be required to balance the potential harm caused to the Registrant by publication with the overriding objective of transparent regulation and the need to protect the public.
10. In connection with such cases, the Fitness to Practise Committee will consider any representations made by a Registrant, on application, in connection with the following factors detailed below:

### **Factors in support of publication**

- The importance of transparency in the BPC's decision-making process;
- The need to maintain public confidence in the psychotherapy profession and the need to uphold the reputation of the profession;
- The need to uphold standards of practice amongst the psychotherapy profession;
- The importance of providing members of the public with information regarding findings/sanctions taken against a Registrant to enable them to make informed decisions regarding their choice of psychotherapist;
- To encourage complainants and others to report Fitness to Practise allegations to the BPC for investigation

### **Facts against publication**

- The inability to publish, even with appropriate redaction due to:

- Disclosing confidential or legally privileged information (including information concerning someone's medical condition or treatment);
  - Prejudicing legal proceedings or other investigations
- The impact of publication on the Registrant would be disproportionate, even when considering the public interest of good regulation.
11. In general, appropriate redactions will usually be able to deal with any objection, while still setting out the identity of the Registrant and details of the allegations.
12. Consideration of Human Rights is integral to this policy. Article 8 of the European Convention of Human Rights protects the right to respect for private and family life and, in this context, the right to a professional reputation. This policy provides a framework for decisions concerning publication which may represent an interference with a Member's Article 8 rights. It provides for a decision to be made for each case on its individual facts.

### Publication Overview

13. The BPC will publish Decisions made by the Fitness to Practise Committee on the website where facts have been found proven and/or a sanction has been imposed unless there are compelling reasons against publication.
14. These Decisions will be redacted, where appropriate, to protect parties other than the Registrant from being identified and to protect all parties from disclosing details regarding their state of health.
15. All publication and redaction decisions will be made in accordance with this policy, after a finding has been made or a sanction has been imposed.<sup>1</sup>
16. For the avoidance of doubt, the BPC will not publish Practice Review Panel ('PRP') decisions on the website. PRP outcomes will only be disclosed in accordance with the BPC's 2016 Complaints Procedure.
17. The Decisions will be published on the BPC's website as soon as reasonably practicable after the conclusion of the Hearing and following the application of redactions.
18. If a Registrant lapses their BPC membership during or after a Hearing, including before completing any sanction imposed, this will not affect the publishing of the decision in accordance with the above policy.

### Decisions subject to publication

19. The BPC's position on the publication of Decisions is as follows:
- **Where the Fitness to Practise Committee find none of the facts proven** – The Decision will not be kept on the website.

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<sup>1</sup> This policy should be read in conjunction with the procedure set out at paragraph 7 of the BPC's complaints process.

- **Where the Fitness to Practise Committee have found facts proven (e.g. a Breach of the Code) but the Committee do not find Impairment** – The Decision will be kept on the website for one month from the date of the decision.
  - **Where the Fitness to Practise Committee has found Impairment, but no sanction is imposed** – The Decision will be kept on the website for 12 months from the date of the decision.
  - **Where the Fitness to Practise Committee has issued a sanction of Admonishment** – The Decision will be kept on the website for 12 months from the date of the decision.
  - **Where the Fitness to Practise Committee has issued a sanction of Conditions** – The Decision will remain on the website for the duration of the order.
  - **Where the Fitness to Practise Committee has issued a Suspension** – The Decision will remain on the website for the duration of the order.
  - **Where the Fitness to Practise Committee has terminated the Registrant's registration and removed the Registrant from the register** – The Decision will remain on the website for 5 years from the date of the decision.
20. The BPC will publish the decision in full subject to the required redactions. This will include but is not limited to the specified reason for the finding, the sanction, and the specific reason for the sanction.
21. The BPC will publish the name of the Registrant and their registration number to allow them to be identified correctly. The BPC will not include private personal information that is not contained in the determination itself or which would cause disproportionate harm to the private life of the person concerned. This will include not publishing details of any health issues, which have been cited in proceedings, though general reference to health issues will not be removed. When considering what is disproportionate, the Fitness to Practise Committee will consider if the information is directly relevant to their findings. If it is, it will be proportional unless there are exceptional circumstances.

## **Redactions**

22. The following information will be redacted from Decisions:
- Information which identifies persons other than the Registrant either directly or indirectly. In particular, the Fitness to Practise Committee will be very careful to not include any information to identify any person who is vulnerable, or who is under the age of 18 years. This obligation should not lead to the Registrant's name not being published, but the decision should be drafted in such a way to protect other persons identities;
  - Any information which discloses details of any health issues that any party in the proceedings, or any other person may have;
  - Any of the Registrant's personal information which is not linked to their practice. This includes their personal address (where it is not their professional address) and their personal contact details as means of example;

23. The Fitness to Practise Committee will draft the Decision with publication in mind. Where redactions are required, post-Hearing, these will be applied by the BPC's Executive Team.

### **Interim Measures**

24. Any Registrant, whose registration with the BPC is suspended or where conditions have been imposed pending an investigation regarding their alleged conduct, and where no appeal is ongoing, will have the fact that they are interim suspended or have conditions imposed published on the BPC website.
25. These details will remain on the website, for the duration of the interim suspension or the imposed conditions. These details will be removed after the interim measure ends.

### **Post publication requests**

26. Where a request is made, after publication of the decision, and before the requisite time has expired, because of new information or a change in circumstances, a decision may be amended or removed from our website where we consider that publication is no longer necessary in the public interest, or to correct or update information.

### **Sharing of Information**

27. The BPC is a PSA Accredited Register and has agreed to share information where a Registrant is removed from its Register with all the other PSA Accredited Registers under their information sharing protocol. This is to ensure transparency and that the public are sufficiently protected.

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