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# British Psychoanalytic Council

## Guidelines for making a complaint

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The logo of the British Psychoanalytic Council, consisting of a black circle with the text "British Psychoanalytic Council" in white, stacked vertically.

Making a formal complaint and dealing with the different stages of the process can be a daunting experience. Complaints need to be carefully considered so this can be a lengthy process though the BPC makes every effort to handle complaints in a timely manner. Submitting clear, concise information can prevent unnecessary delays. These guidelines are a step by step aid to help you to use the BPC **Complaints Procedure** (CP) and ensure that you have submitted all that is necessary at each stage of the Procedure. Some stages of the Procedures have time limits and these are the times by which you are required to respond. However, you are encouraged to reply as soon as you are able.

This is only a quick reference guide and you are strongly advised to read the full CP and the **Code of Ethics** (Code) carefully as well.

N.B. There is a glossary of some of the specific terms used in the CP at the end of this document. These terms appear in bold in the text.

### **What can you complain about?**

The BPC will consider any complaints or expressed concerns about a BPC registrant's fitness to practise.

Usually complaints can only be considered if we receive them within 5 years of the incident taking place or coming to light. In exceptional circumstances older complaints of a serious nature will be considered.

If you decide to make a formal complaint, you will be responsible for submitting your own case. If the committee which initially receives complaints, the **Screening Committee**, needs to clarify something, it may ask you for further information.

**Note:** In serious cases, such as in the case of potential threat to public safety, the BPC has the right to take a complaint further even if you decide not to proceed. Generally, however, you are expected to initially make your own case if a complaint is to be followed through.

### **How to make a Complaint**

Your complaint must normally be made by letter and signed by you. If you are unable to submit your complaint in writing you should let the FtPO know, and then submit your

complaint by email. The FtPO will then email back a form for you to confirm your postal contact details and signature by return. If you cannot send a written or signed complaint you should consult the FtPO, outlining the reasons for this. The FtPO, in consultation with the BPC Chair of Ethics, will decide if an exception can be made. If you have difficulty writing a letter of complaint, due to language difficulties or a disability please contact the FtPO in the first instance.

Please address your letter to the Fitness to Practise Officer at the following address:

British Psychoanalytic Council  
Suite 7  
19-23 Wedmore Street  
London N19 4RU

Please ensure that you sign and date your letter.

If you are complaining on behalf of another person, the BPC will need a signed letter of consent from that person in order to proceed. It will be helpful if you can send this along with your letter of complaint.

### **How to give a clear explanation**

Please set out clearly the reasons why you are bringing your complaint:

- Give a detailed account of the registrant's actions you believe to be wrong.
- Explain why you think those actions were wrong.
- State when those actions occurred.
- Provide evidence, where possible.
- If the actions of the registrant were witnessed by another person, confirm whether they are willing to provide a statement if the complaint reaches a final hearing.

Be concise, although details can be helpful, if an explanation is very long, or substantial amounts of supporting material are submitted, it may mean that the essentials of your complaint become obscured.

Read the explanation you have written to yourself, imagining that you know nothing about the case. This is the position the committees will be in, so make it as easy as possible for them to understand your case. It may be helpful to:

- Start with a brief summary of the complaint. Then give the more detailed explanation.
- Include any actions you or others have taken to try to resolve the situation.
- List any relevant documents you want the committee to read or take into account.
- List the names of any **third parties**. Preferably, state their professions, explain briefly how they were involved and make clear which people, if any, may be able to provide written statements.
- Please show the utmost respect for the sensitivity and confidentiality of other parties and do not include irrelevant information about someone else.

- Although the committees involved in considering the complaint will be sensitive to personal and confidential matters, you may be asked questions to clarify certain points in your complaint. This might involve revealing more than in the original submission.
- Your confidentiality will be maintained, and the registrant will be expected to maintain it, except in respect of any details necessary to their response to the complaint.
- Please note too that the registrant will automatically see your complaint, and any further information you send.

### **Checklist for Submission of a Complaint**

- Include the name of the registrant about whom you are complaining. The BPC cannot investigate complaints against unnamed individuals, or against institutions.
- Give a clear, concise summary of the complaint.
- Submit relevant documents.
- Send a list of the documents you have submitted.

### **What happens now?**

The complaint will be considered by a Screening Committee they will consider the complaint and decide whether to:

- refer it to the Practice Review procedure if it considers it would be in the public interest, and if both parties agree.
- refer the case to a Hearing Panel if it considers there is a realistic prospect that the allegations could be proven and found to impair the registrant's fitness to practise, and that it is in the public interest to do so.
- refer it to a Health Review Panel if this seems appropriate.
- dismiss the complaint.

They may ask you for further written information. They may also ask for the initial response of the registrant to your complaint. Each response may take up to 21 days. This Committee will evaluate your complaint and assess whether it could be substantiated, and, if it were to be substantiated, whether this would indicate that there has been impairment of the registrant's fitness to practise (paragraph 3.7). The Committee will decide whether or not your complaint should be pursued, and if so whether it should be dealt with by a Practice Review Procedure Panel, or by a disciplinary Hearing or Health Review Panel. You will be informed of their decision.

If the complaint goes ahead, the Screening Committee will advise the FtPO, who will pass all relevant information to the **Complaints Management Committee** who will select the members of either a **Practice Review Panel** or a **Hearing Panel (HP)**, as appropriate, to process the complaint.

If the Screening Committee decides your complaint will not be pursued you will be advised of this in writing by the FtPO who will outline the reasons for this decision. There is no formal appeal at this stage. The BPC cannot reconsider a complaint unless there is either compelling new evidence which you can provide, or the BPC considers that the original decision may have been unlawful.

### **Preparing for a Practice Review Procedure Meeting**

If the Screening Committee determines that your complaint will be best addressed through the Practice Review procedure, and both you and the registrant agree to this, you will both be asked to sign formal letters agreeing to the use of this procedure. (See paragraphs 4.1-4.2 of the Procedure.) If there is no agreement or undertaking, the complaint will be referred back to the Screening Committee whom will consider which of the other options should be applied.

A Practice Review Panel will be convened, comprising three members, of whom at least one will be a lay member. The Practice Review Panel will decide whether a decision can be made on the basis of the written submissions alone, or whether a meeting with the parties is required. Either party may also request that a meeting be held.

A Practice Review meeting is intended to resolve a complaint in a less formal manner. Decisions are not publicised. It provides an opportunity to air grievances.

At the meeting:

- You can, if you wish, bring someone to the meeting to support you.
- Following your opening presentation of your complaint, the registrant will be asked to respond.
- You and the registrant will be asked to leave the room while the Practice Review Panel consider either their decision, or whether they will resume the meeting to obtain further clarifications.
- The Practice Review Panel may ask questions of either you or the registrant. You, and then the registrant, will then be asked to make a final statement.
- You and the registrant may then leave, and the Practice Review Panel will decide the outcome.
- You will receive a written Notification of their decision.
- The Practice Review meeting can take place even if you do not attend.

If you wish to contest the decision of the Practice Review panel, you will have 21 days from receipt of the Notice to tell the FtPO. (See paragraph 4.15.)

### **Preparing for a Hearing**

If the Screening Committee determines that the complaint should be heard by a Disciplinary Hearing Panel, the complaint will be referred to a Hearing Panel. The Hearing Panel will comprise three members, of whom at least one will be a lay member.

The BPC will present the complaint, with the assistance of a Presenting Officer (usually a barrister or lawyer). The BPC's legal representatives are there to advise and act on behalf of the BPC. The BPC has a duty to protect the public and brings its proceedings against a registrant on that basis. The registrant will be advised to seek legal advice and may bring legal representation to the hearing. Rather than present your own case, you will be called as a witness for the BPC, and therefore may not have legal representation. This is the usual practice among healthcare regulators. This procedure is more supportive for people bringing a complaint in that they do not have the burden of presenting their complaint in a formal, legal manner.

It may take several months before the complaint comes to the Hearing Panel, as at least 35 days' notice must be given of the hearing date, and the documentation has to be prepared. A written statement will be taken from you (paragraph 5.9), and this will be given to the registrant in advance of the hearing together with any other evidence the BPC decides to include (referred to as the hearing bundle).

The hearing will be held in private.

During your witness presentation you will be asked questions and may be cross-examined (paragraph 5.24). If before the hearing you consider that you will be unable to present your account or evidence effectively in the presence of the Registrant, please let the FtPO know. The Hearing Panel may decide to adopt any measures to hear the presentations and evidence as they consider appropriate, including the use of video links, pre-recorded evidence, interpreters or other intermediaries, or screens or other similar measures (paragraph 5.29).

The people present during the hearing will be:

- the three members of the Hearing Panel
- the legal assessor who will assist the Panel
- the BPC's presenting officer
- the Registrant
- the Registrant's counsel, if appointed
- yourself as a witness, as and when you are needed
- your supporter, if you wish to bring one
- any other witnesses during the presentation of their evidence

A recording of the proceedings will be made.

The Panel will apply the standard of proof used in civil courts and will decide the merits of the complaint based on the balance of probabilities (paragraph 5.32). If the Panel concludes that the complaint is substantiated, either in whole or in part, then it may impose one or more of a number of sanctions. It will give reasons for the sanction imposed. The FtPO will write to inform you and the registrant of the Panel's finding.

## **Outcomes**

If a complaint is upheld following a hearing – i.e. if the facts are proven, if they amount to misconduct, and if the registrant’s fitness to practise is found to be impaired – the Hearing Panel may impose a sanction on the registrant. If this happens the decision will be published on the BPC website; however, you will not be identified and confidential details will not be included.

The following possible sanctions may be imposed on the registrant (paragraph 5.37):

- they must undertake a particular action, e.g. attend supervision or additional training;
- they are removed or suspended from a body they belong to, such as a committee;
- they may be required to stop a particular activity e.g. teaching, supervision for a specified time, or until specified conditions are met; or
- they may be removed from the BPC Register.

**Note:** Please see 5.37 for a more detailed explanation on sanctions.

If the Hearing Panel finds that the facts are not proven, or that any facts found proven do not amount to misconduct, and/or that the registrant’s fitness to practise is not impaired, no sanction can be imposed.

## **Appeals**

The BPC or registrant can appeal against the outcome of a Panel (section 6 of the Procedure). You as the original complainant may request that the BPC consider lodging an appeal.

The person bringing an Appeal is called the “**Appellant**”.

- To make an Appeal, the appellant must write to the FtPO within 35 days of the posting of the letter confirming the finding of the Panel.
- The appellant writes a letter saying why they are making an appeal.

The reason must be based on one or more of the following:

- That a defect in the procedure in the proceedings before the Hearing Panel may have had a material effect on the finding and/or sanction.
  - That a piece of evidence which could not have been adduced at the time of the hearing and which may have had a material effect on the finding and/or sanction is now available;
  - That the sanction is not proportionate to the finding of the hearing panel and/or is unjust in all the circumstances.
- The case submitted by the appellant is sent to the other party, and any response must be submitted within 35 days of the posting of the appeal

- An Appeal Panel will be appointed by the Complaints Management Committee. This Panel will decide, usually no later than 35 days from the receipt of the appeal, whether to call a new Hearing or whether there is sufficient information to make a decision
- If the Appeal Panel decides the grounds for an appeal have been made out to its satisfaction, then it will request the Complaints Management Committee to appoint a new Hearing Panel; none of the members of the new Hearing Panel may have been involved in any previous consideration of the case
- the new Hearing Panel will follow the same procedures as the original Hearing Panel.

## **Glossary of Terms**

### **Appellant**

If you appeal the outcome of a Hearing you will be referred to as the appellant.

### **Code of Ethics**

This sets out the ethical standards expected of registrants.

You can get a copy of the Code:

- by writing to the FtPO at the British Psychoanalytic Council:  
Suite 7, 19-23 Wedmore Street, London N19 4RU.
- by telephoning 020 7561 9240, or
- from the organisation of which the registrant is a member, or downloading it from the BPC website: [www.bpc.org.uk](http://www.bpc.org.uk)

### **Complaints Procedure**

This is the current statement of the procedures which must be followed by all parties involved in a formal complaint. Though definitive, it is from time to time updated. However, the Complaints Procedure used in any particular case will be the one that is current, rather than the one that would have been relevant at the time the alleged behaviours or events took place.

### **Hearing Panel**

A Hearing Panel consists of three people, comprising BPC current or retired registrants and at least one lay person.

### **Lay member**

A lay member is someone from outside of the profession who has experience in ethical matters.

## **Publication**

Publication of a finding and sanction will occur after the period for making an appeal has elapsed, or, if an appeal has been made, after a decision has been made to uphold the finding. However, the BPC has discretionary powers to publish the finding and the sanction immediately after it makes its decision if it considers that that is in the interest of public protection.

## **Relevant documents**

As stated, you may wish to submit documents or call on third parties. You should only do so where they specifically relate to your complaint. Otherwise, they may confuse the issue instead of making it clearer.

Examples of documents which could be relevant may include:

- letters
- medical evidence
- extracts from relevant literature
- procedural documents
- records of treatment

## **Screening Committee**

The Screening Committee is made up of professional and lay members. The Chair of the Committee is a lay member.

## **Third Parties**

You are entitled to have somebody accompany you to a Hearing. This person is there to help and support you and it is worth giving thought to whom could best do this for you. It is a personal support, not a legal or union function, and not to be confused with what the procedure refers to as witness or relevant third parties.

Relevant third parties are people who have been directly or indirectly involved in the events leading to the complaint, or have relevant knowledge of the situation.

If there is a relevant third party, you need to check whether the third party you have identified is willing to be involved in the complaint as the role comes with certain responsibilities and they may be required to attend a hearing should there be one.