

Format of appeal hearing

The task of the Appeal Panel is to consider the grounds of appeal submitted by the Appellant and to review the findings and decision, including the sanction, of the Professional Conduct Panel to determine whether these were just and reasonable based on the evidence presented to it.

The Appeal Panel will decide whether to allow the appeal or not. Please be advised that in all cases, as a matter of best practice and for an accurate record of a hearing to be maintained, hearings are audio recorded. The recordings of these hearings form part of the evidence and are stored confidentially and securely under lock and key as per the Professional Conduct Procedure. The recordings are not delivered to anyone other than the two parties concerned, the Registrant/Member Complained Against and the Complainant, upon written request. They are then destroyed in line with our retention policy after a period of seven years.

1. The Chair of the Appeal Panel will open the Hearing and introduce fellow panel members.
2. The Chair will invite the attendees to introduce themselves.
3. The Clerk will outline the findings of the Professional Conduct Panel and any sanction that was imposed, together with an outline of the grounds of appeal submitted by the Appellant.
4. The Chair will invite the Appellant to verbally present the reasons for appealing, of no more than 10 minutes duration.
5. The Chair will invite the Complainant to verbally present the reasons why the appeal should not be allowed, of no more than 10 minutes duration.
6. The Appellant has up to 60 minutes to put questions through the Chair to the Complainant. The Chair of the Panel has the discretion to extend the period of questioning, should it be necessary.
7. The Complainant has up to 60 minutes to put questions through the Chair to the Appellant. The Chair of the Panel has the discretion to extend the period of questioning, should it be necessary.
8. The Panel will question any witness(es) called. The Appellant and the Complainant will be offered an opportunity to cross-question the witness(es). All questions must be restricted to the written statement(s) submitted by the witness(es).
9. The Panel may call back the witness(es) if it has any further questions for clarification.
10. The Appeal Panel will ask questions of the Appellant and the Complainant.
11. The Chair will invite the Appellant to present a closing statement of no more than 10 minutes duration.
12. The Chair will invite the Complainant to present a closing statement of no more than 10 minutes duration.

13. If it becomes apparent to the Chair of the Panel, either before or during the Appeal Hearing, that the evidence of the parties cannot be heard within one day, the Chair has the power to extend the time allocated for the hearing to one further day. If the decision is made during the Hearing, the Chair will adjourn the Hearing at an appropriate time and the case will be deemed to be part heard and the remainder of the Hearing will take place on a second date to be notified to the parties by the Professional Conduct Department;
14. The Chair will close the Hearing and ask both parties to leave.
15. The Appeal Panel will consider the written and verbal presentations made and make its decision. This decision will be notified to both parties in writing within 28 days of the date of the Appeal Hearing. If the Hearing takes place over more than one day the twenty eight days will run from the date of the last day of the hearing. This decision will be final and, if the appeal is not successful, will be published on the BACP website and may be published in the Association's journal in accordance with clause 8 of the Professional Conduct Procedure.

Latest review: September 2013, 2018