

FORMAT OF THE PROFESSIONAL CONDUCT HEARING

1. Adjudication is the process that examines complaints against a Registrant/Member of BACP. The Professional Conduct Panel decides whether, on the basis of the information in front of it on the day, the complaint is proved or not. The Panel will consist of three people, one of whom takes the role of Chair. The Registrar should be notified immediately if there is any doubt about impartiality or known interests of either party in the complaint. The name of each party's support person will normally be notified to all parties in the final folio of papers.
2. The Panel, Complainant and Member/Registrant Complained Against will have copies of all submissions made. The decision of the Panel is based on the written documentation and verbal contributions delivered on the day. Each party must attend but they may have a Support Person to support them, who may also represent them. The Chair of the Panel has discretion about whether or not late submissions or witnesses are admissible. The Panel may wish, on reading the papers, to ask in advance of the hearing if a witness can be available to attend to clarify a submission. 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 Member/Registrant Complained Against and the Complainant, upon written request. A copy will be provided to an Appeal Assessor if an appeal is made. The recordings are transcribed if a case goes to an Appeal Hearing. They are then destroyed in line with our retention policy after a period of seven years.
3. The following sequence will normally be observed. **All questions must be put through the Chair:**
 - a) The Clerk outlines the procedures and the allegations;
 - b) The Chair invites the Complainant, if they so wish, to present a short verbal summary of no more than 10 minutes duration, of their complaint;
 - c) The Chair invites the Member/Registrant Complained Against, if they so wish, to present a short verbal summary of no more than 10 minutes duration, of their response;
 - d) The Complainant has up to 60 minutes to put questions through the Chair to the Member/Registrant Complained Against. The Chair of the Panel has the discretion to extend the period of questioning, should it be necessary;
 - e) The Member/Registrant Complained Against 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;
 - f) The Panel may call witnesses for the Complainant and ask questions for clarification;
 - g) The Member/Registrant Complained Against and the Complainant have the opportunity to question the witness(es);
 - h) The Panel may call witnesses for the Member/Registrant Complained Against and ask questions for clarification;
 - i) The Complainant and the Member/Registrant Complained Against have the opportunity to question the witness(es);
 - j) The Panel may call back the witness(es) if it has any further questions for clarification;
 - k) The Panel questions and seeks clarification from the Complainant and the Member/Registrant Complained Against;

- l) Finally, the Chair will offer the Complainant up to 10 minutes to summarise their position;
- m) The Chair will offer the Member/Registrant Complained Against up to 10 minutes to summarise their position;
- n) If it becomes apparent to the Chair of the Panel, either before or during the 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;
- o) The Chair satisfies him/herself that the Panel has all the clarification available and then asks the parties to leave after explaining the procedure for communicating the decision, sanctions and opportunity for appeal. The decision will be sent to both parties within twenty-eight days of the Professional Conduct 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.

During the course of the Professional Conduct Hearing, the Panel may have reason to believe that there is a further area of practice that contravenes the Ethical Framework for Good Practice in Counselling & Psychotherapy. This should be brought to the attention of the person or organisation concerned, in line with the corresponding section of the Ethical Framework for Good Practice in Counselling & Psychotherapy. The party concerned will have the opportunity to respond to that allegation. If the matter cannot be resolved directly with the party concerned, the Panel has the opportunity to formally lodge the matter under the Professional Conduct Procedure or Article 12.6 of the Memorandum & Articles of Association if of sufficient seriousness.

Latest review: Sept 2013