



What to expect at the Professional Conduct Hearing

This document should be read together with the format of the Professional Conduct Hearing.

This document is aimed at helping the parties to understand what will happen at the hearing and how to prepare for it.

Layout of the hearing

Each party may bring one representative or support person of their choosing. The support person/representative can be anyone, for example a friend, a relative or a lawyer.

The Panel, that hears the complaint, consists of three people, at least one of whom will be a lay person, i.e. not a practitioner. One of the three Panel members will act as the Chair.

In attendance will also be the Case Manager and the Clerk, whose role is to provide guidance to the Panel regarding the Professional Conduct Procedure and associated protocols and read out the allegations being considered.

Each party is provided with their own syndicate room, which is theirs for the day. On arrival, parties will be greeted by a member of staff from BACP and escorted to and from their syndicate room throughout the day.

Structure of the hearing

At the start of the hearing, the Chair will ask everyone present to introduce themselves. The hearing is recorded to ensure accuracy and it is therefore important for the parties to give verbal responses and speak loudly and clearly.

If there is any late evidence submitted by either party, the Panel will hear submissions from both parties in relation to this prior to the commencement of the formal Professional Conduct Hearing.

Once the issue of late evidence has been dealt with or if there is no late evidence, both the Complainant and the Member/Registrant will be given the opportunity to make an opening statement of up to 10 minutes duration. The opening statement can be made by either the parties or their representatives.

The parties will then have up to 60 minutes to put questions to each other. The questions can be put by the parties or their representative, but any questions asked must be answered by the party being questioned. Whilst parties are allowed to confer with their support person, the support person cannot coach them, i.e. tell a party how to respond to a question. All questions must be put through the Chair and asked in the third person as the parties are not permitted to question each other directly. For example:

Correct way to phrase a question

Can the member/complainant explain?.....

Does the member/complainant accept?.....

Why did the member/complainant?

Incorrect way to phrase a question

Do you.....

Can you.....

Why did you.....

If a question is phrased in the incorrect way, the Chair will ask the party to re-phrase the question.

It is also suggested that only one question is asked at a time, rather than asking a number of questions framed together.

The parties must ensure that their questions are relevant to the allegations set out by the Pre-Hearing Assessment Panel and the material within the folio of papers. The Chair may ask a party to explain the relevance of a question if it is not apparent whether or not it relates to the complaint allegations.

When referring to information within the folio, it is important to provide the page number so that the other party and the Panel can review the document being referred to.

This 60 minute questioning time is the only time during the hearing when the parties can question each other. It is therefore important that the parties ensure that they use the 60 minutes wisely. Parties must only ask questions during this period. It is not an opportunity to make statements or respond to answers given by the other party. Statements are not permitted during the parties questioning of each other, but there is an opportunity to make a final closing statement. If it becomes apparent during the course of questioning that a party is making statements, the Chair will remind the party concerned that only questions may be asked.

The Chair will monitor the 60 minute time period and notify the parties when they are near the end of their allotted time.

Once the parties have finished questioning each other, the witnesses, if any have been called, will be questioned. Witnesses can only be questioned in relation to the information contained with their statement.

The Panel will then take the opportunity to question each of the parties in turn, starting with the Complainant. There is no time limit as to how long the Panel has to put its questions.

Once the Panel is satisfied that it has asked all of the questions it needs to, the parties will be invited to make a closing statement of up to 10 minutes duration. The closing statement can be made by the party or their representative/support person. The closing statement is important as it is the final opportunity for both parties to summarise their position, and say anything that they have not had the opportunity to say or that they feel has been missed during the day.

At the conclusion of the closing statements, the Panel will then ask the parties to return their syndicate rooms while they consider all of the evidence and make its decision. On some occasions, the Panel may have additional questions to ask the parties to assist in its deliberations, and we therefore ask that the parties remain in their syndicate room until they are informed by a member of staff that the panel has no further questions for them.

At any time during the hearing either party can request a recess and this will be granted at the discretion of the chair.

Staff from BACP will be on hand throughout the day to answer any queries in relation to the procedure that either party may have.