

Professional Conduct Procedure

PR 9 - Interim Suspension

The Investigation and Assessment Committee (IAC) may decide to suspend a Member from membership pending final determination of the complaint. Suspension from membership will mean that those Members who are on the BACP Register, will also be suspended from the Register until such a time membership is reinstated.

A Member will only be suspended in exceptional circumstances. When the IAC make their decision, it will assess the risk to the public balanced against the risk to the Member. The decision will be made on a majority basis.

The IAC will usually consider imposing an Interim Suspension when an allegation(s) has been referred to it, but where it has not taken a final decision in relation to the allegation (s) or where it has considered that there is a case to answer. However, the IAC has the power to impose interim suspension before or after a case has been accepted.

If the Case Manager refers a complaint to the IAC in line with paragraph 2.8 of the Professional Conduct Procedure (PCP), the Case Manager will make the Complainant aware of the protocol on Interim Suspension and how it can be used by the IAC. When deciding, the IAC will be made aware of any views the Complainant expresses, but it is not bound by them. Any decision made is solely a matter for the IAC.

The IAC will exercise caution when making its decision, taking into account that allegations have not been proved.

Where the IAC impose an Interim Suspension, it will report the its decision and reasons for imposing an Interim Suspension. The IAC will direct if, and the extent to which, its decision should be published or notified to any third party.

The IAC should take the following factors into account when considering imposing Interim suspension:

- whether it's necessary for the public protection or that it is otherwise in the public interest
- whether having regard to the overall strength of evidence that the allegation is serious and credible and that there is a material risk of further harm occurring if it does not impose Interim Suspension on the Member
- Whether there is a material risk of damage to the public's confidence in the counselling professions were the Member to remain free to practise without restraint under the auspices of BACP membership and/or the register pending the outcome of any proceedings

- The risk of loss of livelihood for the Member

The decision to impose an Interim Suspension on a Member will depend on the circumstances of each case, the following are examples of circumstances in which the IAC may decide to impose interim suspension:

- allegations of serious sexual impropriety on the part of the Member
- the Member is committed to prison pending trial
- the Member is convicted of a serious offence
- the Member is removed from membership or a register of another association organisation
- the members' activity suggests there's a serious risk to the public and or the reputation of the profession

The IAC will review an Interim Suspension annually and can lift it following a review if it decides it is fair and just to do this.

The IAC can also lift an Interim Suspension if it is satisfied that the Member's circumstances have substantially changed following notification from the Member.

Review of an IAC decision to impose an Interim Suspension

A Member may request a review of the IAC's decision to impose an Interim Suspension in line with paragraph of 3.6 e) of the PCP.

A Member can only seek a review of the decision to impose an Interim Suspension on the ground that it was unjust and unreasonable in all of the circumstances. The Member must set out their reasons for requesting the review no later than 28 days after being notified of the decision to impose an Interim Suspension. Any evidence upon which the Member intends to rely must be submitted with the request for review.

All requests for review will be considered by the Independent Reviewer. When considering a request for review, the Independent Reviewer must have regard to the following

- whether the decision to suspend is proportionate to the seriousness of the allegations
- the likely sanction which would be imposed if the complaint were upheld
- whether the Member has accepted or admitted all or some of the allegations made against them
- whether the suspension protects the public
Whether lifting the suspension will or could undermine the public's trust and confidence in the profession
- whether the circumstances have substantially changed since the decision to impose an Interim Suspension

New or late evidence will only be considered in line with Protocol 4 (PR4).

Interim Suspension Review Hearings

- Hearings may take place in person, by way of telephone or video conference or by other such means as directed by the Independent Reviewer.
- A representative can accompany the Member who may present the case on their behalf.
- The reasons for the interim suspension will be read out at the start of the hearing.
- The Member or their representative will be given the opportunity to make submissions to the Independent Reviewer about why the Interim Suspension should be lifted.
- The Independent Reviewer may ask questions of the Member on the contents of their appeal.
- The decision of the Independent Reviewer must be notified to the Member within 14 days of the hearing.
- Where an interim suspension is lifted following review, the decision will be published.