# Role briefClerk (Legal Assessor) to BACP decision-making panel

#### Context

The British Association of Counselling and Psychotherapy (BACP) is a membership organisation and a registered charity that sets standards for therapeutic practice and provides information for therapists, clients of therapy and the public. Through its work BACP ensures that it meets its remit of public protection whilst also developing and informing its members.

BACP sets, promotes and maintains standards for the profession. The Ethical Framework for the Counselling Professions and its Professional Conduct Procedure ensure that members of BACP abide by an accepted and approved code of conduct and accountability. It safeguards both practitioners and members of the public alike. The Professional Conduct Department processes complaints of professional misconduct.

BACP holds a Register known as BACP Register of Counsellors and Psychotherapists. The Register is accredited by the Professional Standards Authority (PSA) under its Accredited Voluntary Registers scheme, which exists to provide assurance that accredited registers are well run and achieve its high standards in the following areas: governance, setting standards for registrants, education and training, managing the register, complaints and information.

Being accredited under the scheme offers enhanced protection to anyone looking for counselling and psychotherapy (and related services). People now have the opportunity of seeking practitioners on a register that has been vetted and approved. Professional Conduct and its related roles are consequently predicated upon public protection and the reputation of the counselling professions. The Register Department manages all professional conduct matters including the processing of complaints, suitability declarations by existing members and suitability declarations by those seeking to become a member of BACP.

Clerks provide guidance to the Panel in relation to BACP’s procedures and the cases being considered by a Panel. Professional Conduct Hearings are attended by the Case Manager, the Member Complained against, who is subject to the complaint, the Complainant and their respective support people or legal representatives. The Panel will consist of three individuals, at least one of whom will be a lay member. In serious cases, the complaint will be presented by a BACP appointed Presenting Officer in the Disciplinary Proceedings Track. In cases of poor service, the Complainant will present their complaint to the hearing panel through the Practice Review Track.

The purpose of the hearing is to examine the written and oral evidence presented by both parties and decide whether the complaint is proven or not. The Clerk will provide guidance and support to the Panel in fulfillment of its role.

#### Purpose of role

To clerk professional conduct hearings and any other decision-making panel as required, under the Professional Conduct Procedure, providing advice and support to the Panel Members ensuring compliance with procedural, statutory and/or legal requirements and to reach fair, appropriate, consistent and timely decisions in the interests of public protection and to ensure that decisions and the reasons for them are clear, adequate and sufficient and are communicated appropriately.

#### Main responsibilities

A Clerk will work independently to provide advice and guidance to a Panel, deal with any procedural or legal issues arising to ensure that the Panel reaches a decision that is well-reasoned, fair and proportionate and prepare the decision of the Panel in a timely manner.

Specific tasks include:

* Read case papers in advance of the hearing
* Take notes of the oral evidence during the hearing, which may form part of the Panel's deliberations and decision making.
* Provide advice and guidance to the Panel in relation to the Procedure and associated Protocols, including the relevant Ethical Framework and any rules or codes which apply.
* Ensure the Panel reach a decision which is evidence based and clearly reasoned.
* Take accurate notes of the Panel's decision and draft the decision in a timely manner.
* Ensure the hearing is conducted in accordance with the Professional Conduct Procedure and within the principles of Natural Justice.
* Ensure any sanctions imposed are fair and proportionate and in accordance with the relevant Protocol.

#### Person specification

##### Required skills, experience and qualifications

You will be expected to demonstrate skills, knowledge and ability in the following areas both in your application and at interview:

* Qualified Barrister, Charted Legal Executive, Solicitor or relevant experience of presenting cases in a similar setting
* Participation in quasi-judicial proceedings tribunals or similar
* Excellent oral and written communication skills
* Experience of operating in health-related fitness to practise environment or other regulatory jurisdiction with a record of clerking hearing Panels
* Excellent understanding of legal concepts relating to regulation generally
* Proven ability to grasp unfamiliar procedures quickly and accurately and provide sound advice
* Experience of maintaining effective working relationships with internal and external colleagues/stakeholders
* Excellent oral and written communication skills and interpersonal skills, including the ability to communicate professionally with a wide range of stakeholders
* Ability to write clear, concise and reasoned decisions
* Good IT skills

##### Desirable

* Conducting meetings in public
* Drafting formal reports
* Proven knowledge of the legal and/or policy context affecting delivery and development of professional practice in a health, social care or therapeutic setting.

#### Time commitment

BACP have on average between 15 and 25 hearings a year. Hearings are normally set down for one or more days and dates are fixed 3–6 months in advance. We also hold an Investigation and Assessment Committee sitting every 4 weeks. Work will be allocated on a contract for service basis in accordance with your availability. BACP cannot guarantee the amount of work you will receive.

#### Remuneration and expenses

This is an independent contractor role under the terms of a Contract for Service. This is not PAYE role and you are responsible for notifying HMRC regarding earnings.

The role will attract a fixed fee which will include any pre-reading at a rate of £580.00 per day inclusive of subsequent decision writing.

Where appropriate, overnight accommodation will be provided if the hearing is moved to a location outside of the Midlands. Reasonable travel expenses will be covered in line with BACP expenses policy.

#### Training

The BACP Register is committed to the training of its Clerks. If your application is successful, you will attend two Professional Conduct Hearings, along with another Clerk, to observe the procedure. At the second hearing you will draft the report recording the decision of the Panel, with assistance from the Clerk. Subsequent hearings will then be clerked independently. Hearings observed will attract a fee of £125.00 for each hearing observed. You will also be provided with written guidance material to support your sittings. You will also shadow the Investigation and Asessment committee, with a view to Clerking. A fee will payable for this.

#### Venue

Hearings normally take place at BACP offices in Lutterworth. BACP may be required to make a reasonable adjustment for a complainant or a member, and therefore a hearing may, on occasion, be moved to another location within the UK.