

Information for Witnesses

Professional Conduct and Competence Panel Hearings and Health Committee Hearings

Introduction

Thank you for agreeing to act as a witness.

If you have been called to give evidence before the Professional Conduct and Competence Panel or Health Committee this will be because either you are the complainant, or you have evidence to give that supports the case of the complainant.

Your role is very important. What you have to say will provide the Panel or Committee with first-hand information about the case and help them understand it and ultimately make a decision about it.

Notice of the hearing and venue

We will contact you to let you know when we propose to schedule the hearing.

Nearly all hearings are now held remotely.

If the hearing is not held remotely, we will arrange for it to be held at a neutral venue. This means that the hearing will not take place at the BAcC office. We try to make the venue convenient for public transport.

We will give at least 28 days' notice of the hearing date.

If you have a disability

If you have a disability, please let us know in good time before the hearing so that we can make any necessary arrangements. We will do all we reasonably can to meet your needs.

What you should have/bring with you

You should have your witness statement and exhibits with you for a remote hearing or bring your witness statement and exhibits with you to the hearing if it is not held remotely.

You will be able to refer to these during your evidence. However, it is a good idea to read through them before you give your evidence.

If the hearing is not remote, you will have time to read through them before you give evidence.

You might have to wait before you are called to give evidence, so it is worthwhile bringing a book or a magazine with you or some work to do. You can bring a friend or relative with you for support but they will not be able to speak at the hearing.

Help we can give you before and during the hearing process

We know that the process can seem intimidating, and we will try to provide you with our help and assistance throughout the hearing process. Please note that although we can give you general advice about giving evidence, we cannot provide the detail of, discuss or speculate upon the specific questions you are likely to face or discuss with you how to answer the questions.

If at any time you need to speak to us you can contact us by telephoning 020 8735 1213.

We will pay your reasonable travel costs and overnight stay if necessary, but you must check with us first.

Please note that we will pay expenses for BAcC witnesses only.

Giving evidence

You will be called into the hearing room (or contacted by email or text to join the remote hearing) by a member of the BAcC staff and then the chair of the Panel or Committee will introduce you to everyone present. The Panel or Committee is made up of at least three members, some of whom are acupuncturists and some of whom are 'lay' representatives who do not work in the acupuncture profession. The Panel or Committee member who is chairing the hearing - the chair - always sits in the middle (this may look different in an online hearing). There will also be a number of other people present. These will include: BAcC staff members, a legal assessor who is there to advise the Panel or Committee on legal matters, the BAcC's legal representative, the member's legal representative. If the case involves a health issue, there will also be a doctor present.

Please note that you will not be asked to give your evidence on oath as the hearing is not before a statutory tribunal.

Examination and cross-examination

Examination

When you are called to give evidence, you will be asked questions by the BAcC lawyer based on your witness statement. This period of questioning is likely to be fairly short.

Cross-examination

The acupuncturist's legal representative's job is to put their client's case and to challenge what the BAcC is alleging, including by suggesting that you are mistaken or lying. You should listen carefully to any such suggestion and clearly say whether you agree or disagree with it.

You will be able to have the witness statement with you when you give evidence. You may be asked to look at documents when you give your evidence. Please take your time to read each document carefully. If you need any help please let us know.

You should not be afraid to ask for a break if you genuinely need one such as if you feel tired after prolonged questioning, are losing concentration or if you want to compose yourself emotionally.

Other Questions

You may also be asked questions by the Panel or Committee members or, in a Health Committee hearing, the doctor.

Material which cannot be used

If you are the person who made allegations about the acupuncturist's conduct, you should be aware that it is possible that only some of those allegations will be considered by the Panel. If that is the case, then only material relating to those specific allegations will be referred to in the hearing. The other material will be redacted and not discussed. You may, at times, be guided by the Legal Assessor as to what you can and cannot discuss.

This also means that your statement may be redacted, sometimes quite heavily. Redactions may be necessary for various reasons, including because the information relates to allegations which are not to be considered, or because it is your personal opinion. Your redacted statement will be sent to you. However, sometimes it is not possible to do this until quite late in the matter, often the day before the hearing.

Adjournments

The hearing will adjourn from time to time, sometimes for a long period. Mostly the Panel or Committee will adjourn for lunch, or at the end of each day, but in some cases, hearings adjourn because of illness or because there is a need to obtain additional evidence, or simply because they overrun.

Witnesses should not talk to anyone about the case during any adjournment as this could affect the outcome of the case.

After the hearing

Following the conclusion of the hearing, any orders made against the practitioner will appear on the BAAC website, together with the Panel's decisions. Your name will be anonymised in these documents.

Our contact details

c.jones@acupuncture.org.uk

020-8735-1213