

# Handling complaints about therapists

Annual Report of the UKCP  
Professional Conduct Committee  
1 April–31 December 2013



## Foreword

I am pleased to present my first annual report as chair of UKCP's Professional Conduct Committee (PCC).

The period covered by this report was one of transition to a new Complaints and Conduct Process (CCP). The UKCP Board has, correctly in my view, made this process compulsory for all members as recommended by the Professional Standards Authority. Dealing with concerns and complaints is a core element of UKCP's commitment to public protection and I am confident in assuring the public and our members<sup>1</sup> that UKCP has a complaints process that is fit for purpose and operating well.

I am mindful here that CCP is currently under review when this report is issued. For that reason I will make no further comment on the procedure itself.

When I joined the committee it was clear that UKCP itself had been going through a transitional period. The Complaints and Conduct Team was made up of agency or temporary contract staff, with one member of the team off on maternity leave. This had resulted in a backlog of work. We now have a permanent team, who have worked extremely hard over the last 12 months and, apart from one case, the backlog has been cleared.

It was no easy task for the team to work with two complaint procedures (the Central Complaints Process that was in place from 2009, and the current process, launched in 2012) along with the Central Final Appeals Procedure. I would like to thank the staff for the highly professional and independent way in which they dealt with cases.

I would also like to extend my thanks to the members of the PCC for all the time they give freely for this very important role, and for their patience in answering my many questions as a lay member of the committee.

Dr Anne Rogers, the longest serving member on the committee, retired from the PCC in April 2014. The committee is grateful to Anne for all the work she has done over many years within the Ethics and Professional Conduct Committees. She has been resolute in driving standards forward and I personally thank her for making me so welcome on my appointment and for all her invaluable advice during her time on the PCC.

### **Brian Linfield MBE**

Lay Chair, UKCP Professional Conduct Committee

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<sup>1</sup> Throughout this report, general references to 'member' should be read as individual member, organisational member or college.

## About UKCP

The UK Council for Psychotherapy (UKCP) is the UK's leading professional body for the education, training and accreditation of psychotherapists and psychotherapeutic counsellors.

Our membership includes over 7,800 individual therapists and more than 70 training and accrediting organisations.

UKCP holds the following national registers of health care professionals:<sup>2</sup>

- psychotherapists
- psychotherapeutic counsellors

UKCP also holds a specialist register of psychotherapists who work with children and young people.

These registers are accredited with the Professional Standards Authority for Health and Social Care.

## About the Complaints and Conduct Process

UKCP introduced the current Complaints and Conduct Process (CCP<sup>3</sup>) in December 2012. It provides a centralised, transparent process for considering complaints or concerns raised by members of the public and clients about therapists on the UKCP register (also known as registrants).

Before CCP was put in place there was no single, consistent way to make a complaint about a UKCP registrant. The current CCP has streamlined the way complaints are made and handled, resulting in a process that is much easier for the public to understand and engage with.

CCP aims to:

- provide an independent and transparent way of dealing with concerns or complaints about therapists
- be relevant to the psychotherapy profession
- meet the Professional Standards Authority's accreditation requirements for voluntary registers

UKCP is currently reviewing its complaints process, and aims to produce a revised CCP by 2015.

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<sup>2</sup> Defined by the Health and Social Care Act 2012.

<sup>3</sup> For more information about CCP visit <http://www.psychotherapy.org.uk/complaints>

# The Professional Conduct Committee

The Professional Conduct Committee (PCC) currently comprises a lay (non-therapist) chair and three professional UKCP members. It is looking to recruit three new lay members. Also it awaits a professional to be appointed to the PCC by the Ethics Committee, to provide the link between the PCC and UKCP's Ethic Committee.

New terms of reference for the PCC were approved by UKCP's Board in October 2013 (see Annex A).

During the period covered by this report, the committee's membership was as follows:

## **Brian Linfield, Chair**

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Brian is a civil servant working for the Office for National Statistics. He currently also has two Judicial Appointment: he sits as a Magistrate where he chairs in the Family Court and the Adult Court; and he sits as a Disability Qualified Panel Member in the Social Entitlement Chamber of the Appeals Tribunals. Brian was awarded his MBE for services to consumer representation in the water industry.

## **Ruth Yudkin, Deputy Chair**

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Ruth is a UKCP registered psychotherapist, working with individuals, couples and families in private practice and at the Bridge Foundation in Bristol. Ruth has many years' experience of committee and complaints work, having previously worked for the Healthcare Commission, the Big Lottery Fund and other public bodies.

## **Margaret Headland**

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Margaret is a UKCP registered psychotherapist working in private practice. She is currently working towards Eye Movement Desensitization Reprocessing (EMDR) accreditation.

Margaret is also a qualified social worker with over 20 years' experience of working in both the voluntary and public sector both in the front line and in training roles.

## **Jane Hetherington**

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Jane is an integrative psychotherapist who trained at Metanoia, having previously worked in law and industry. Jane has worked in the substance misuse field and in primary healthcare, where she managed services in the voluntary sector and NHS. Jane currently works in early intervention in psychosis and maintains a small private practice.

## **Dr Anne Rogers**

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Anne assisted the PCC's work by acting as a representative from UKCP's Ethics Committee. She is a psychoanalytic psychotherapist, semi-retired with no clinical practice. Anne's focus is now on further research into ethics and complaints and in organising workshops for members of ethics and training groups to explore ways of working together to enhance ethical practice and to provide support for those involved in complaint handling.

## Complaints and Conduct Team

The PCC works very closely with the Complaints and Conduct Team, from the receipt of a complaint or allegation through to its resolution.

The team currently consists of a Complaints and Conduct Manager (CCM) and two Complaints and Conduct Officers (CCOs). They are lay staff and have extensive experience in handling complaints and regulations in various fields.

## Roles and responsibilities

The Complaints and Conduct team receives all enquiries relating to complaints against psychotherapists registered with UKCP. It also addresses questions about best practice and provides information about the complaints process.

All complaints and allegations are received by the Complaints and Conduct Officers. They are responsible for the collection of all available information from the complainant and UKCP member. The information is put before the PCC for advice or for a decision on how the complaint should be dealt with, taking into account UKCP's procedural requirements.

Neither the CCOs nor the PCC make findings on the actual complaint. The Preliminary Enquiry Committee or Adjudication Panel make findings of fact and they alone decide, if an allegation is found proven, on any sanction that should be imposed on the therapist.

## Complaints and complaint enquiries handled during 2013

UKCP takes all complaints about its members very seriously and is committed to safeguarding the public. However, it is important to remember that the vast majority of members practise every day and never have a complaint made against them.

Complaints can range from serious professional misconduct to expressions of dissatisfaction with a service. Whatever the cause or severity, each complaint is an opportunity for learning. By highlighting the causes of complaints in this report, UKCP hopes that members will review their current practices and procedures in order to avoid circumstances in which such trigger points may arise.

## Key statistics for 2013 (1 April 2013 to 31 December 2013)

Although the CCP went live in January 2013, UKCP began keeping detailed records of statistics in April 2013. Therefore, please see below statistics for 8 months of 2013.

### Number of general enquiries received

This is the number of enquiries the Complaints Team has received about things not directly related to CCP. For instance, advice on supervision notes, therapists worried that there might be a complaint about them, information on the complaints process etc.

	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sept-13	Oct-13	Nov-13	Dec-13	Total YTD
Number of members covered by the CCP	1743	1869	2071	3514	3692	3692	7428	7428	7428	
Number of general enquiries received	18	21	8	15	16	21	21	19	10	149
% of members enquired about	0.24%	0.28%	0.11%	0.20%	0.22%	0.28%	0.28%	0.26%	0.13%	

### Number of complaint enquiries received

This is the number of enquiries received in relation to CCP or complaints against our members.

	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sept-13	Oct-13	Nov-13	Dec-13	Total YTD
Number of members covered by the CCP	1743	1869	2071	3514	3692	3692	7428	7428	7428	
Number of complaint enquiries received	5	5	23	22	18	32	29	10	12	156
% of members enquired about re complaints	0.07%	0.07%	0.31%	0.30%	0.24%	0.43%	0.39%	0.13%	0.16%	

## Number of cases considered and accepted under CCP

This includes the number of formal, written complaints that have been investigated under the Complaints and Conduct Process, and those that have been accepted to be referred to either the Adjudication Panel or Preliminary Enquiry Committee.

	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sept-13	Oct-13	Nov-13	Dec-13	Total YTD
Number of members covered by the CCP	1743	1869	2071	3514	3692	3692	7428	7428	7428	
Number of cases received under CCP	2	0	1	0	2	3	2	1	3	14
Number of cases accepted under CCP	2	0	1	0	1	1	1	1	1	8

Of those cases:

- 6 cases went to an Adjudication Panel
- 2 cases went to a Preliminary Enquiry Committee
- 1 case was appealed against

None of the cases we accepted were suitable for Alternative Dispute Resolution (ADR)

## Types of complaints received

UKCP received complaints about a variety of issues during the first year of the new CCP. Recurring themes include boundary issues and failure to use supervision correctly. The root causes of complaints are listed below as a good practice tool that can be used by therapists to review their own practice.

The order of the lists does not indicate priority or frequency. Some issues apply to more than one category.

<b>Best interest of clients</b> <ul style="list-style-type: none"> <li>• Sexual relationship with client</li> <li>• Dual relationships</li> <li>• Length of therapy</li> <li>• Client confidentiality</li> <li>• No supervision in place</li> <li>• Client autonomy</li> <li>• Behaviour of therapist in sessions</li> <li>• Contract between the client and therapist</li> <li>• Consent from client</li> <li>• Failure to seek advice</li> </ul>	<b>Professional knowledge, skills and expertise</b> <ul style="list-style-type: none"> <li>• Failure to disclose qualification on request</li> <li>• False qualifications claimed</li> <li>• Failure to seek supervision</li> <li>• Lack of expertise</li> <li>• Failure to refer against best interest of client</li> </ul>
<b>Confidentiality</b> <ul style="list-style-type: none"> <li>• Protection of client information</li> <li>• Disclosure of client information to third parties</li> <li>• Failure to seek advice</li> <li>• Publication of client information</li> <li>• Dual party conflict/boundary issues</li> </ul>	<b>Conduct</b> <ul style="list-style-type: none"> <li>• Non-disclosure of criminal convictions</li> <li>• Non-disclosure of disciplinary proceedings by other professional bodies</li> <li>• Failure to have proper, if any, supervision</li> </ul>

## Summary of sanctions

UKCP are able to impose a number of sanctions following a hearing (either a Preliminary Enquiry Committee or Adjudication Panel). You can find the full list of the possible sanctions in Annex B.

In the past year, UKCP have imposed the following sanctions, following the hearing between 1 April 2013 and 31 December 2013:

- Conditions of Practice Order – 1
- Letters of Warning – 2
- Reflective reports by the therapist – 5
- Additional or altered supervision – 4
- Supervisor's reports – 5
- Additional therapy and accompanying report – 1
- Removal from the UKCP register – 1

## Central Final Appeals Procedure (CFAP) and Central Complaints Process

Before CCP came into place in December 2012, UKCP operated the Central Complaints Process and a Central Final Appeals Procedure. Both these processes have now been closed, but some legacy cases continued during the period of this report.

These processes were lengthy, with some cases taking years to complete. The PCC is pleased to report that there is currently only one case open under the old system and that all the CFAP appeals have now been completed.

## The next 12 months

As well as carrying out its usual function of dealing with any allegations, self-disclosure and complaint handling, the PCC will:

- recruit three new lay members onto the committee to give a more even balance, as is good practice within a regulatory environment
- make comments on how the current CCP has been operating and suggestions on how it may be improved
- following the CCP consultation, assist in the recruitment and training of panel members
- continue to monitor complaint trends
- work with the Ethics Committee on producing more up-to-date advice on supervision.

## Sharing good practice

If you feel you have examples of good practice relating to the issues that could give rise to complaints about your practice and would like to share them with others, please let us know via the Complaints and Conduct Team. We will aim to share this information with UKCP members over the next 12 months.

If you would like a member of the PCC to come and talk to your organisation or at a meeting please get in touch.



## Annex A

### Terms of reference for the Professional Conduct Committee (Sept 2013)

#### 1. Constitution

- 1.1 The Board of Trustees of UKCP hereby resolves to establish a committee to be known as the Professional Conduct Committee (PCC).

#### 2. Membership

- 2.1 The PCC will be chaired by a lay person appointed by the Chief Executive of UKCP.
- 2.2 The PCC shall comprise:
  - 2.2.1 Lay Chair
  - 2.2.2 Up to three lay members
  - 2.2.3 Up to three UKCP members
  - 2.2.4 A representative from UKCP's Ethics Committee.
  - 2.2.5 UKCP's Complaints Conduct Officer(s) (CCO) in a non-voting, ex-officio capacity.
  - 2.2.6 Any other persons the PCC Chair may appoint for short periods where additional expert advice or expertise is required (non-voting).
  - 2.2.7 Members appointed in 2.2.2 and 2.2.3 must have an interest in, and knowledge of, professional ethics and conduct. Notification of a vacancy on the PCC shall be by advertisement. Appointment shall be through interview by a selection board that includes the PCC Chair. If selection is not required, appointment may be made by application and CV. The representative from the Ethics Committee (2.2.4) shall be appointed by the Ethics Committee.
- 2.3 A quorum shall be three members including the PCC Chair.
- 2.4 Normal tenure for the Chair will be periods of three years. The Chair may be asked to stay on for further periods of three years at the request of the UKCP Chief Executive. Members appointed under 2.2.2 and 2.2.3 shall be appointed for up to three years, with tenure of appointment ensuring a continuity of membership. Renewal of appointment under 2.2.2 & 2.2.3 shall be via invitation of the PCC Chair.
- 2.5 The PCC Chair may appoint a deputy chair from the professional members of the PCC if required.

#### 3. Meetings, conduct and reporting

- 3.1 The committee will meet as required by the PCC Chair, given the business needs of UKCP. Meetings shall be a mix of face-to-face meetings and teleconferencing. There should be a minimum of four meetings per annum.
- 3.2 The PCC shall be supported by the CCO's and UKCP's Complaints and Conduct Manager.
- 3.3 If a committee vote is required and tied, the PCC Chair shall have an additional casting vote.
- 3.4 Minutes shall be kept of each meeting and must be agreed by the PCC. Minutes will not be published due to the confidential nature of the PCC's business. Extracts of the minutes may be released by the PCC if it is in the public interest to do so. In this instance, only relevant extracts may be released and the released minutes may be redacted to preserve confidential information.
- 3.5 The PCC, when conducting its business, will take reference to all UKCP's policy documents.

#### 4. Authority

- 4.1 The PCC is authorised by the Board of Trustees to investigate any activity within its Terms of Reference (TOR) or any issue that is deemed in the public interest.
- 4.2 The PCC is authorised to direct any UKCP employee, individual member or organisational member, to release any information the PCC may require in order to carry out its remit.
- 4.3 The PCC is authorised to obtain outside legal advice, or other independent professional advice.

#### 5. Remit and function of the PCC

- 5.1 The PCC's prima facie responsibility is the protection of the public.
- 5.2 The committee shall produce an annual report on its activities for the membership with a strategic summary report being prepared for the Board of Trustees.
- 5.3 The PCC shall carry out root cause analysis of all complaints received by UKCP and disseminate the information to the whole UKCP membership.
- 5.4 The PCC shall, in conjunction with the CCO, deal with all complaints relating to UKCP members' professional conduct, fitness to practice or breach of UKCP polices.
- 5.5 The PCC shall deal with any conduct matter that it or the CCO considers is in the public interest to do so.
- 5.6 The PCC will be responsible for the implementation of the Complaints and Conduct Process (CCP 12) in conjunction with the CCO. The PCC shall keep CCP 12 under constant review and make any suggestions for improvement to any relevant committee within UKCP.
- 5.7 If a situation arises that is not covered by CCP12 the PCC shall take any action or remedy it feels appropriate, giving full reasons and ensuring it acts in good faith at all times.
- 5.8 The PCC will assist with the training of all panel members dealing with CCP 12.
- 5.9 The PCC will review the outcome of all panel hearings, hearing costs and organisation of all panels.
- 5.10 The PCC shall offer advice and training when necessary to organisational members and direct members.
- 5.11 The PCC will support and advise the Complaints and Conduct Team.

## Annex B

### Possible sanctions UKCP can impose following a hearing

#### Preliminary Enquiry Committee

UKCP are able to impose *only* one of the following sanctions following a Preliminary Enquiry Committee

1. Apology where the registrant has acknowledged mistake(s);
2. Letter of warning in relation to specific conduct or misjudgement;
3. Removal from office if the therapist is a member of a committee or provides services such as training with the agreement of the College or organisational member or both;
4. Reflective report (showing what they have learned from the experience);
5. Further training in a specified area of practice;
6. Further a) supervision or b) therapy;
7. Consensual Conditions of Practice Order;
8. Consensual Suspension Order;
9. Consensual termination of membership;

#### Adjudication Panel

UKCP are able to impose a number of the following sanctions following an Adjudication Panel.

1. Apology where the registrant has acknowledged mistake(s);
2. Letter of warning in relation to specific conduct or misjudgement;
3. Removal from office if the therapist is a member of a committee or provides services such as training with the agreement of the College or organisational member or both;
4. Reflective report (showing what they have learned from the experience);
5. Further training in a specified area of practice;
6. Further a) supervision or b) therapy;
7. Conditions of Practice Order;
8. Suspension Order (additional training or therapy or both will be usually accompany a period of suspension);
9. Termination of membership from UKCP or any organisational member;

