

Handling complaints about therapists

Report of the UKCP

Professional Conduct Committee

1 January 2014–31 December 2015



Foreword

Welcome to my second report as Chair of UKCP's Professional Conduct Committee (PCC). There have been many changes to complaint handling within UKCP since my appointment and I have transitioned through the Central Final Appeals Procedure, Central Complaints Process 2010, Complaints and Conduct Process 2012 (CCP 12) and, from 31 October 2015, the Complaints and Conduct Process 2015 (CCP 15). Each process has, in my view, been an improvement on the last and a chance to implement good practice and remove processes that were not used or did not work.

Since my appointment the PCC and complaints staff have worked hard on identifying the root causes of complaints. Although the volume of complaints we receive is low, we have been able to identify recurring themes across modalities and this report is one opportunity for the PCC to share these with you. We welcome any feedback you may have on the issues identified, or the way we communicate them. We have used *The Psychotherapist* to inform members of such issues – have you found the articles useful? What further information can the PCC provide? We would be pleased to hear your ideas.

Last year, UKCP conducted a review of the CCP. I was very pleased to be asked to sit on the consultation review group with very experienced UKCP member practitioners, trustees and staff. I can assure you that every aspect of the CCP was fully discussed and debated and it is a credit to the group that, apart from one issue, it managed to come to a consensus on all the questions asked. You can find out more about the consultation on page 5 of this report.

As I write this, the PCC is planning a workshop to be held on 6 February 2016 in London, to interact with members and explain how the process works.

I have another 12 months to go as Chair of the PCC before I move back into the role of a lay chair of UKCP's Adjudication Panels. I would like to take this opportunity to thank the PCC members for all the support and help they have given me and the wise, sometimes robust, counsel they have given to complaint handling. I would also like to thank the Complaints and Conduct Team staff, Sultana, Samantha and Sunita, for the very professional way that they go about their work and the full support they give to the PCC, enabling us to carry out our function.

Finally, I would like to assure UKCP members and the public that they can have confidence in UKCP's complaints process and that it is working well.

Brian Linfield MBE

Lay Chair, UKCP Professional Conduct Committee

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:¹

- psychotherapists
- psychotherapeutic counsellors

We also hold 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's Complaints and Conduct Process (CCP)² has been in place since 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).

The 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.

The CCP aims to:

- provide an objective 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.

1. Defined by the Health and Social Care Act 2012.
2. For more information about the CCP visit <http://www.psychotherapy.org.uk/complaints>

The Professional Conduct Committee

The Professional Conduct Committee (PCC) currently comprises a lay (non-therapist) chair, three professional UKCP members and two lay members. One of the professional members is also a member of UKCP's Ethics Committee, providing an easy way for the two committees to work together.

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

Brian Linfield MBE, Lay Chair

Brian comes from a 15-year background of statutory regulation within the water industry and as a regional lay chairman for complaints within the NHS. He sits as a magistrate in both family and criminal jurisdictions and also sits as a disability-qualified panel member of the First-tier Tribunal Service of the Social Entitlement Chamber. He works as a civil servant for the Office for National Statistics.

Ruth Yudkin, Deputy Chair

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

Margaret is a UKCP-registered psychotherapist working in private practice. She is currently working towards Eye Movement Desensitisation Reprocessing (EMDR) accreditation. Margaret is also a qualified social worker with over 20 years' experience of working in both the voluntary and public sector, in frontline and training roles. Margaret finished her work with the PCC at the end of 2015.

Jane Hetherington

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.

Niki Reeves

Niki attends the PCC as the UKCP Ethics Committee representative. Niki is an attachment-based psychoanalytic psychotherapist. Her previous roles include member of The Bowlby Centre Ethics Committee and Clinical Manager of Southampton Counselling Service. Now, in addition to her busy private practice, Niki contributes to the field by training therapists and counsellors, and writing specifically in the area of attachment therapy.

Emi Gutwenger

Emi is an associate solicitor with Clifford Chance LLP and focuses on financial regulation. He has degrees in Austrian law and economics from Leopold-Franzens University in Innsbruck, Austria, and a graduate diploma in law from BPP Law School in London. Having previously worked as a judicial assistant in Austria and as a regular volunteer with various legal advice centres in London, he has considerable experience with judicial and quasi-judicial processes and complaints procedures.

Carmel Bamford

Carmel is a solicitor with over 25 years' experience of working in private practice and commercial organisations in the UK and Asia. She was a chair and a member of the Panel of Adjudicators of the Solicitors' Regulation Authority for five years and is a trustee of Age UK for the London Borough of Richmond.

The 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 and two Case Managers. They are lay staff and have extensive experience in handling complaints and regulations in various fields.

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 Case Managers, who are responsible for collecting all available information from the complainant and UKCP registrant. The information is put before the PCC along with the Case Manager's recommendation regarding the way the complaint should be dealt with, taking into account UKCP's procedural requirements. The PCC then offers advice to the Case Manager, who then makes the final decision.

Neither the Case Managers nor the PCC make findings on the content of the complaint. The Adjudication Panel makes findings of fact and it alone decides if an allegation is found proven and if so, whether any sanction should be imposed on the therapist.

The CCP consultation

On 1 October 2013 the CCP was extended to cover all UKCP, registrants and a widespread consultation process was announced. The objective of the consultation was to reflect on the current process and to bring forward improvements where necessary. The consultation was launched in January 2014 and we received a wide range of feedback from therapists, committees and organisations in the mental health field, and members of the public. The consultation was officially closed in April 2014.

An independent advisory group was established to review and discuss the feedback received during the consultation and to offer recommendations to UKCP's Board of Trustees about what might be improved. The CCP Consultation Review Group comprised representatives from UKCP's colleges, the PCC, the Complaints and Conduct Team and the Board, and was chaired by the then UKCP Chief Executive David Pink.

The group divided the consultation questions into core themes and tackled each theme during eight meetings that were held from May to July 2014. The group also discussed issues that were not specifically listed in the consultation, but that had been highlighted by respondents as key concerns. Minutes of all the group's meetings and its final report can be found on our website.³

The new CCP rules were launched on 1 November 2015 and are available to read in full on our website.⁴

The PCC, and all UKCP members, will now be involved in the next stage, working with the Ethics Committee to produce a code of conduct that is separate to the Code of Ethics and will give clear guidance to registrants on conduct issues.

3 Visit <http://www.psychotherapy.org.uk/about-us/ukcp-committees/professional-conduct-committee/reviewing-our-complaints-and-conduct-process>

4 Available to download at <http://www.psychotherapy.org.uk/16/information/complaints/making-a-complaint>

Complaints and complaint enquiries handled during 2014 and 2015

UKCP takes all complaints about its registrants very seriously and we are committed to safeguarding the public. However, it is important to remember that the vast majority of registrants 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, we hope that registrants will review their current practices and procedures in order to avoid circumstances in which such trigger points may arise.

General enquiries

Complaints and Conduct Team staff speak with a number of enquirers every day. These can be registrants, organisational members, members of the public, or representatives from other professional organisations. Not all of these conversations are about complaints or are related to the CCP. For example, a therapist might contact the team to ask for advice about safely storing their client records.

Complaint enquiries

Before making a formal complaint, most people get in touch with the Complaints and Conduct Team to seek advice or discuss their problem. The team speaks to members of the public who might want to make a complaint and therapists who might be concerned about a particular client making a complaint. It also receives calls from people wanting to understand more about the CCP.

Complaints received and accepted

Once UKCP receives a written and signed complaint, we consider this to be a formal complaint. All complaints are screened by a Case Manager to see whether they are within the scope of the CCP, and a decision about whether to refer the matter to an Adjudication Panel is made. This decision is based on the seriousness of the allegations, the quality of evidence, and whether or not the allegations constitute a breach of UKCP's Ethical Principles and Code of Professional Conduct.

Complaints activity: 2014

	Jan-March 2014	April-June 2014	July-Sep 2014	Oct-Dec 2014	Total 2014
Number of CCP cases received	8	6	3	10	27
Number of cases accepted	5	1	0	1	7
General enquiries received	38	38	24	40	140
Complaint enquiries received	74	25	59	69	227
Number of Adjudication Panels	2	2	3	3	10

Complaints activity: 2015

	Jan-March 2015	April-June 2015	July-Sep 2015	Oct-Dec 2015	Total 2015
Number of CCP cases received	18	7	6	9	40
Number of cases accepted	4	3	1	0	8
General enquiries received	71	16	16	11	114
Complaint enquiries received	42	48	38	38	166
Number of Adjudication Panels	1	3	1	2	7

Complaint outcomes

When making a decision, an Adjudication Panel must follow a three-stage process. First it must determine whether the allegations are found proven; second, whether the allegations constitute misconduct and suggest that the therapist's current ability to practise unrestricted is impaired; and thirdly what sanction, if any, can be applied to remedy the shortcomings identified. There are four possible outcomes:

1. No case to answer: where the panel finds that there is insufficient evidence to prove the allegations against the therapist.
2. Allegations proved, but no misconduct or impairment: where the panel finds that the alleged behaviour did occur, but that the therapist's ability to practise unrestricted is not currently impaired and the behaviour does not constitute misconduct.
3. Allegations proved and misconduct found, but no impairment: where the panel finds that the alleged behaviour occurred and constitutes misconduct, but that the therapist's ability to practise unrestricted is not currently impaired.
4. Allegations proved and misconduct and impairment found: where the panel finds that the alleged behaviour occurred, and that the therapist's ability to practise unrestricted is impaired. The panel can only consider imposing a sanction if the therapist is found to be currently impaired.

The table on the next page shows the outcomes of hearings held in 2014 and 2015. Most of the cases that are referred to a panel result in a sanction being issued. This should not be interpreted as adversarial, but rather as an indication that generally only the most serious cases are being put before a panel for adjudication. Complaints in which a technical breach of the Code of Ethics is identified, or where the behaviour is clearly a one-off incident that is admitted by the registrant, are being handled more effectively with letters of warning or supervision recommendations issued by the Case Managers and PCC.

Of the sanctions issued by the panel, there was one written report, three suspensions and one removal from the UKCP register. There were also numerous directions for increased supervision or personal therapy, which are often coupled with another sanction (but can be issued alone).

As investigations proceed, we continually evaluate the suitability of a complaint to be referred to an Adjudication Panel. Sometimes a case is referred to a panel, but then as the investigation deepens and the registrant's defence is presented it becomes clear that the issues raised by the complaint are no longer suitable to be referred to a panel. In these cases we stop the proceedings. This is referred to as 'proceedings stayed' in the table below.

Hearing outcomes 2014 and 2015

	2014	2015
No case to answer	1	1
Proceedings stayed	1	2
Misconduct	1	0
Impairment	0	0
Sanction issued	3	3
Proceedings ongoing	1	2

Year-on-year analysis

In 2015 we saw a 48% increase in the number of formal complaints received by the Complaints and Conduct Team. This is likely to be because, as we move into our third year of the CCP, more people are becoming aware of our process. However, we have not seen a correlating increase in the number of cases that are referred to an Adjudication Panel, which is evidence of the robust screening process that we have in place to ensure that only those cases that present a potential threat to public safety are referred to a panel.

The cases referred to a panel in 2015 were of the following nature: three instances of sexual misconduct; four instances of serious breach of boundaries; and one instance in which the best interest of the client was not respected.

Root cause analysis

At the conclusion of each case that is referred to an Adjudication Panel, the Case Manager undertakes a detailed root cause analysis. This involves identifying the behaviours or situations that triggered the complaint being made, so that if they were removed, the complaint wouldn't have occurred. The methodology is simple. For each complaint, we review the allegations and then categorise them into one or more broadly defined groups. This classification is useful because it gives us broad oversight of the areas that are driving complaints and throws up a red flag when certain issues recur.

Once we have this information, we can begin to drill down to try to understand the circumstances that are causing complaints within each category. For example, we know that there are many ways in which a therapist might breach confidentiality, but we seek to understand whether there is a specific situation that may be causing difficulties for our registrants and, if so, how we can help.

In 2014, confidentiality was a clear trigger point for many of the complaints we received. To help registrants avoid this trigger point, the PCC published an article in *The Psychotherapist* outlining some common scenarios and ways to avoid the associated pitfalls.

In 2015, breach of boundaries and dual relationships (both sexual in nature and otherwise) accounted for almost 90% of the cases referred to an Adjudication Panel. The PCC will be analysing this statistic further in order to determine the best way to address this issue.

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:

1. continue to scrutinise all conduct issues referred to UKCP and advise the Case Managers on their caseloads
2. run a complaints workshop
3. engage with the Ethics Committee on a revised code of conduct
4. recruit an additional lay member and an additional professional member to the committee.

In addition, the Chair will assist in the training of Adjudication Panel members, including lay chairs and professional members.

Sharing good practice

If you have examples of good practice relating to the way you run your practice and would like to share them with others, please get in touch with the Complaints and Conduct Team. We will aim to share this information with our 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. Our contact email is complaints@ukcp.org.uk.

