



Handling complaints about therapists

Report of the UKCP Professional Conduct Committee

1 January 2021 – 31 December 2021

Our complaints 2021

The Complaints and Conduct Team handled



157
general enquiries

336
complaints-related enquiries



98
complaints were received, of which **91** were about UKCP registrants



5
complaints were referred to an Adjudication Panel relating to **4 registrants** (one registrant had **2 complaints** referred to an Adjudication Panel)



1.06%
of UKCP registrants were the subject of a complaint



5
Interim Suspension Order Panel hearings



11
Adjudication Panels and **1 Appeal Panel** were convened concerning **8 cases**



2
registrants had their UKCP registration terminated



1
registrant had their UKCP registration suspended



1
conditions of practice were issued to registrants



2
In **2 cases** misconduct was found but there was no current impairment of the registrant's fitness to practise



2
cases were discontinued



1
appeal by UKCP was upheld

Top causes of complaints:



1 failure to set and maintain professional boundaries with a client



2 breach of client confidentiality



3 dissatisfaction with delivery of therapy

Foreword

Welcome to the UKCP Professional Conduct Committee (PCC) 2021 annual report. As in previous years, I hope it reassures the public and our members that UKCP handles complaints about its members effectively.

This has been a busy year for UKCP's Complaints and Conduct Team. I extend my thanks to them for their hard work helping the volunteers of the PCC give the public confidence in the psychotherapy profession.

COVID-19 continued to impact our work in 2021, but as in 2020 the complaints team nonetheless provided high-quality complaint handling at all times. All PCC meetings and panel hearings were held online.

Professional member Kedzie Penfield retired from the committee in 2021 after many years. We will miss her thoughtful input. Lay member Kellie Green stood down due to other commitments and again I thank her for her valuable contribution to the PCC.

We do find it hard to recruit professional members onto the PCC. Please look out for our next recruitment drive – if you could spare the time, we would love to hear from you.

I'm pleased to be able to continue to assure the public and members of UKCP that the Complaints and Conduct Process is working well and is fit for purpose, as demonstrated in the report that follows.

Brian Linfield

Brian Linfield MBE
Chair, UKCP Professional Conduct Committee

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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 11,000 individual members and 75 training and accrediting organisations.

Our register of over 8,000 full clinical members is accredited by the government's Professional Standards Authority for Health and Social Care. It includes the following healthcare professionals:

- psychotherapists
- psychotherapeutic counsellors
- psychotherapists and psychotherapeutic counsellors who work with children and young people, and with families.



The Professional Conduct Committee

The Professional Conduct Committee (PCC) is responsible for overseeing the successful functioning of UKCP’s Complaints and Conduct Process. It plays a key part in enabling us to meet our responsibility for maintaining professional standards of excellence.

The PCC has oversight of each individual case that progresses through the complaints process. It provides advice and guidance to the Complaints and Conduct Team, who manage complaints on a day-to-day basis.

Occasionally, the PCC may also be asked to make the decision about whether to take an individual case forward if the professional standards manager feels unable to do so.

Another key function of the PCC is to enable learning from complaints. It undertakes a root cause analysis at the conclusion of each case to determine the issues that are driving complaints and identify key areas of concern. We use this information to shape training programmes and help identify if further policies and guidance are needed.

Membership of the PCC

During 2021, PCC members were:

Lay members

Brian Linfield MBE JP, Chair – Brian sits as a specialist member of the Mental Health Tribunal in the Health, Education and Social Care Chamber and as a disability-qualified panel member in the Social Entitlement Chamber of Tribunals. Brian is also a specialist presiding lay magistrate sitting in the family court.

He is a retired civil servant and has a 17-year background of statutory regulation within the water industry, for which he was honoured with his MBE. He was also Regional Lay Chair for complaints within the NHS.

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During 2021 lay member Kellie Greene and professional member Kedzie Penfield left the PCC after many years of valuable service.



Graham Briscoe – Graham is a chartered engineer, chartered IT professional, certified management consultant and a Fellow of the Institute of Workplace and Facilities Management. Following his retirement from Royal Sun Alliance – where he had responsibility for transformational change management – he has built up a portfolio of community investment involvement, including university and further education college governance, supporting multi-academy trust boards and visiting fellowships at several universities.

Graham is also a Board non-executive director with CXK (a young people’s careers guidance company) in Kent and he chairs its Board’s Audit, Risk and Governance Committee. He also provides pro bono change and facilities management support to charity, voluntary and not-for profit organisations in the south-west and south-east Wales. In 2019 he was re-elected for a term as a member of the Governor’s Council of the University Hospitals Bristol and Weston NHS Foundation Trust, representing North Somerset.

Kellie Green – Kellie has many years’ experience of regulating a range of healthcare professionals. Her previous roles include senior positions within fitness to practise teams at the Health and Care Professions Council and General Pharmaceutical Council.

Emi Gutwenger – Emi is a senior 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. He also has 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 of judicial and quasi-judicial processes and complaints procedures.

Professional members

Sheila Foxgold – Sheila is a UKCP-registered psychotherapist who originally trained as a counsellor before qualifying as a psychotherapist in 2000. Her particular expertise and interests include trauma work, the family dynamics of addiction and therapeutic life story work with looked-after or adopted children and young people.

Kedzie Penfield – Kedzie trained at the Scottish Institute of Human Relations. For the past 20 years she has worked as a psychoanalytic psychotherapist with adults at a private practice in Edinburgh. She has served on various committees in voluntary organisations and is particularly interested in questions around complaints procedures and their relationship to ethics. She is registered with UKCP and the British Psychoanalytic Council.

Karen Rowe – Karen has worked as a psychotherapist for nearly 30 years in different contexts including the NHS, voluntary sector and HM Prison Service. She also undertakes supervision and consultancy work for various organisations such as the NHS and forensic services, and in the media sector. She previously worked as an academic and senior manager in psychotherapy training organisations and continues to participate as a conference presenter and through publication. She was chair of a national mental health service and is currently undertaking research into organisations from a psychoanalytic-systems perspective.

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The Complaints and Conduct Team

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

The team comprises a complaints and conduct manager, two professional standards managers and a panel secretary. These are lay staff who have extensive experience in handling complaints and regulation in various fields.

As well as working with the PCC to implement the complaints process, the team responds to enquiries, which fall into two categories:

General enquiries

These can be from psychotherapists and psychotherapeutic counsellors on the UKCP register (referred to as registrants), UKCP organisational members, members of the public or representatives from other professional organisations. For example, a registrant might contact the team to ask for advice about safely storing their client records.

Complaints enquiries

These are enquiries from people who are considering making a complaint, and from registrants who might be concerned about receiving a complaint. Before making a formal complaint, most people get in touch with the team to seek advice or discuss their concerns.

The team also receives enquiries from people wanting to understand more about the Complaints and Conduct Process (CCP).

By responding to these queries the team helps to provide realistic expectations of the process, informing people what the CCP can and cannot look at and exploring what channels the enquirer has taken so far. For example, has the registrant spoken to their indemnity provider or has the client discussed concerns with their practitioner?

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The Complaints and Conduct Process

The CCP provides a centralised, transparent process for considering complaints or concerns members of the public or clients raise about UKCP registrants.

Originally adopted in December 2012, the CCP streamlined the process for making and handling complaints, making it 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 UKCP registrants
- meet the Professional Standards Authority's accreditation requirements for voluntary registers.

A summary of the complaints process

When we receive a complaint or allegation, it goes through the following process:

- The complaint is allocated to a professional standards manager in the Complaints and Conduct Team, who is responsible for gathering information from the complainant and the registrant.
- The information is put before the PCC along with the professional standards manager's recommendation on how to deal with the complaint, bearing in mind UKCP's procedural requirements. The PCC offers advice to the professional standards manager, who then makes the final decision.
- If the professional standards manager decides to take a case forward, they refer it to an Adjudication Panel hearing. The decision to refer a case to an Adjudication Panel is based on the realistic prospect test: is there a realistic prospect that UKCP will be able to establish before an Adjudication Panel that the registrant may not be suitable to be on UKCP's register without any restrictions or conditions of practice?

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- Neither the professional standards manager nor the PCC make findings on the facts 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.

If a case does not meet the realistic prospect test, but professional development and reflection may be beneficial, constructive feedback or recommendations are provided to the registrant. For example, a registrant may not have clearly explained their therapeutic methods or their contract, resulting in confusion. The registrant would be advised that they may wish to review their contracts and terms so clients fully understand from the outset the obligations and expectations of both parties.



Adjudication Panel decision-making process and outcomes

An Adjudication Panel follows a four-step process to determine:

Step 1.

whether the allegations are found proven (or admitted)

Step 2.

whether the allegations constitute misconduct

Step 3.

whether the registrant's current ability to practise is impaired

Step 4.

what sanction, if any, needs to be applied to remedy any identified training need or protect the public.

There are several possible outcomes:

- Allegations not found proven or admitted – where the Adjudication Panel finds that the complained-of behaviour did not occur and therefore there has been no breach of UKCP's code of ethics.
- Allegations proved or admitted, but no misconduct – where the Adjudication Panel finds that the alleged behaviour did occur, but that the behaviour does not constitute misconduct.
- Allegations proved or admitted, and misconduct found, but no impairment – where the Adjudication Panel finds that the alleged behaviour occurred and constitutes misconduct, but that the registrant's ability to practise unrestricted is not currently impaired.
- Allegations proved or admitted, misconduct and impairment found – where the Adjudication Panel finds that the alleged behaviour occurred, that it constitutes misconduct, and that the registrant's ability to practise unrestricted is impaired. The Panel can only consider imposing a sanction if the registrant's fitness to practise is found to be currently impaired.

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Complaints and related activity during 2021

We take all complaints very seriously and are committed to safeguarding the public. However, it is important to remember that the vast majority of UKCP members practise every day and are never complained about. In 2021, 1.06 per cent of UKCP registrants had a formal complaint made against them.

Every complaint is an opportunity for learning. By highlighting the causes of complaints in this report, we hope that members will review their current practices and procedures to avoid circumstances in which such trigger points may arise.

Overview of complaints activity in 2021

	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Total
Complaints received	27	19	25	27	98
Complaints referred to an Adjudication Panel	0	1	2	2	5
General enquiries received	38	41	37	41	157
Complaint enquiries received	94	71	97	74	336
Adjudication Panel hearings held	6	2	2	1	11
Sanction Review Panel hearings held	0	1	0	0	1
Interim Suspension Order Panel hearings held	2	1	0	2	5
Applications to appeal received	0	0	1	0	1
Appeal Panel hearings held	0	0	0	1	1

Terms explained

Complaints received – written and signed complaints received by the Complaints and Conduct Team.

Complaints referred to an Adjudication Panel – complaints that have been screened by the professional standards manager and found to be within scope of the CCP (that is, the complaint indicates a potential breach of our code of ethics), and where, having given the registrant an opportunity to respond to the complaint, a decision has been made to refer the matter to an Adjudication Panel.

General enquiries – see page 6.

Complaints enquiries – see page 6.

Adjudication Panel hearings – see page 9.

Sanction Review Panel hearings – where the Adjudication Panel that imposed sanctions on a registrant meets to determine if the registrant has complied with the sanctions or if the sanctions should be extended or varied.

Interim Suspension Order Panel hearings – hearings that are convened if the content of a complaint suggests that an interim suspension order (to temporarily stop the registrant from practising) is necessary in the interests of the public and/or the registrant. This can happen at any time during the complaints process.

Applications to appeal – a formal request for an appeal (by the registrant or UKCP) against the decision of the Adjudication Panel.

Appeal Panel hearings – hearings that are convened if the application to appeal an Adjudication Panel's decision has been granted and an Appeal Panel is to consider whether the determination made by an Adjudication Panel is safe.

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Of the 98 complaints received in 2021:



7 were about therapists

who were not UKCP registrants.



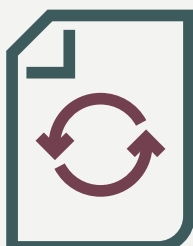
34 were outside the scope of the CCP

– that is they did not indicate a breach of our code of ethics or meet the criteria of the CCP, or the complainant did not provide enough information to assess the complaint.



44 were in scope

– that is, they included matters that indicated a breach of our code of ethics and may be referred to an Adjudication Panel.



11 are on hold

– that is, where we are awaiting further information from the complainant, a court or another regulator or employer.

Adjudication Panel hearings and referrals

There were 11 Adjudication Panel hearings in 2021. These concerned eight cases (an Adjudication Panel met 11 times because some cases were reconvened and considered at more than one sitting). Eight cases were heard and determined and one is still ongoing at the time of publication of this report.

In two of the eight cases that were concluded, the members' UKCP registration was terminated. One case resulted in the suspension of a registrant and one case involved conditions being placed on the registrant's UKCP membership. In two cases misconduct was found and two cases were discontinued. One case is ongoing.

Summary of Adjudication Panel hearing outcomes in 2021

Findings/actions arising from Adjudication, Appeal and Sanction Review Panel hearings concluded in 2021	Number of registrants
Termination of registration	2
Suspension of registration (with therapy, personal training, additional supervision and writing a reflective report during the suspension period)	1
Conditions of practice order issued (requiring the registrant to abide by specific conditions)	1
Misconduct found but no current impairment of the registrant's fitness to practise	2
Case discontinued	2

Application to appeal

The UKCP Acting Registrar, on the advice of PCC Chair Brian Linfield, submitted an application to appeal a decision of the Adjudication Panel in respect of a breach of client confidentiality. The Adjudication Panel had initially found that a breach of client confidentiality did not amount to misconduct.

Confidentiality is a fundamental tenet of the psychotherapy profession, without which it cannot function.

An Appeal Panel was convened which considered the matter and found that the breach did amount to misconduct and there was current impairment. It imposed sanctions on the registrant, including a letter of warning, a written apology to the complainant, further training and writing a reflective report.

Sanction Review Panel hearing

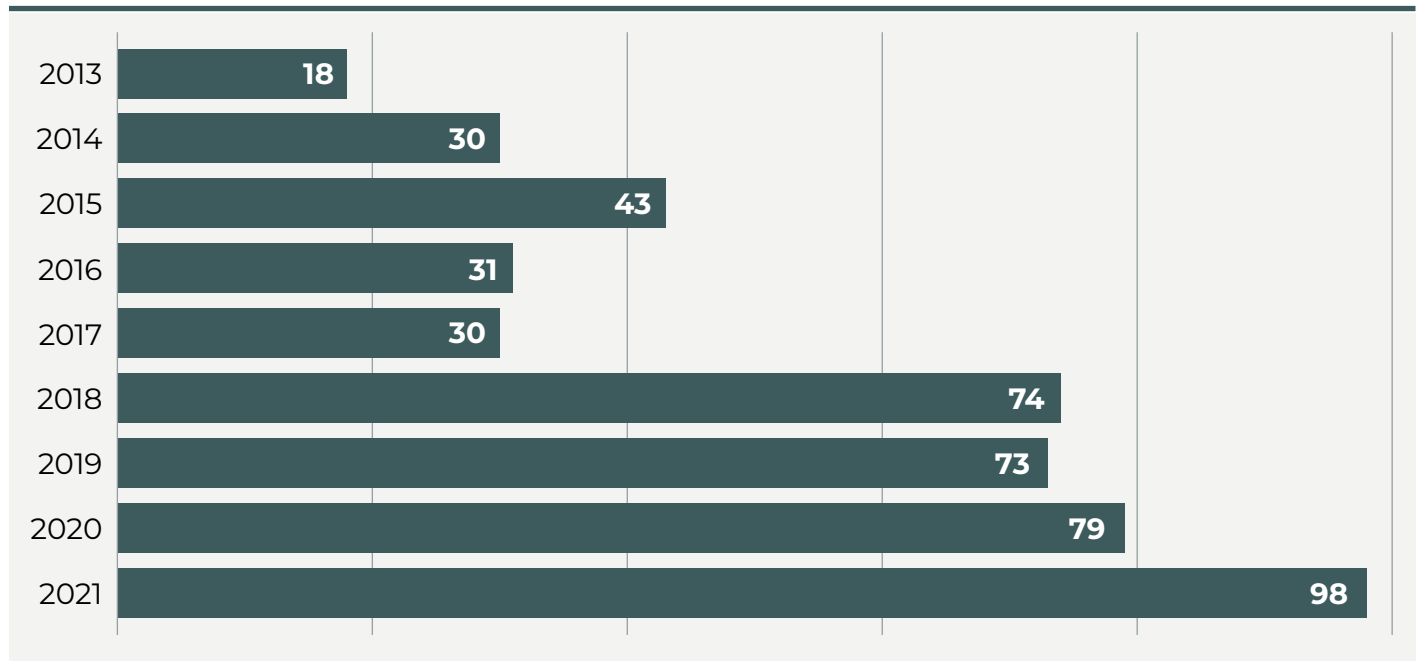
An Adjudication Panel hearing met to consider whether a registrant had complied with sanctions imposed on them in early 2021. The Adjudication Panel reviewed this matter and determined that the registrant had not complied, and removed them from the register.



Year-on-year analysis

We have been collecting complaints data since 2013. As the chart below shows, we received the highest number of complaints in 2021.

Total number of complaints received by year 2013–2021



Who made formal complaints about UKCP members?

91 formal complaints were received about UKCP registrants. The complaints were received from:

37

Third-party complainant (non-client) (this includes a complaint made by anyone outside of the therapeutic relationship, for example an employer or another regulator).

45

Client

8

Self-declaration by a UKCP registrant

1

Anonymous

Understanding the root causes of complaints

At the conclusion of each formal complaint, the Complaints and Conduct Team undertakes a detailed root cause analysis to identify the behaviours or situations that triggered the complaint.

The methodology is simple. For each complaint, we review the allegations and then categorise them into one or more broadly defined groups.

This classification gives us broad oversight of the issues that are driving complaints and throws up a red flag when certain issues recur. Once we have this information, we can begin to analyse and understand the circumstances that are causing the complaints within each category. We share this information with members through the Learning from Complaints section of our website.

We conducted a root cause analysis on 37 cases in 2021. Of those cases, the causes of the complaints were:

1. Failure to set and maintain professional boundaries with a client	11
2. Breach of client confidentiality	6
3. Dissatisfaction with delivery of therapy	5
4. Conditional discharge/caution/conviction	3
5. Poor management of therapy endings	3
6. Sexual exploitation	2
7. Adverse health	2
8. Failure to explain terms and conditions of therapy	2
9. Financial exploitation	1
10. Decision of another body	1
11. Dual relationship	1



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Learning from complaints

As confidentiality was one of the single highest causes of complaints in 2019 and 2020, Professional Standards Manager Charlotte Ferson made a concerted effort to address this.

She produced a webinar for members to supplement a magazine article and our Learning from Complaints web page. As a result, cases with confidentiality as the root cause saw a 40 per cent reduction between 2020 and 2021.

COVID-19

The Complaints and Conduct Team have continued their work uninterrupted throughout the COVID-19 pandemic, successfully holding all panel hearings online in 2021.

The PCC have kept this decision under close review and will continue to monitor the situation in 2022.

All PCC meetings have continued remotely with committee members finding the reduced travel time a real benefit in providing flexibility in their volunteer role.

As can be seen from the statistics above, 2021 saw a 24 per cent increase in complaints from 2020, which may, in part, be attributed to the COVID-19 pandemic.

UKCP continues to update and maintain our COVID-19 guidance for members.

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Sharing good practice

We are keen to promote good practice and the work of our members.

If you have an example of good practice relating to the way you run your work as a practitioner, and would like to share it with others, we would be pleased to hear from you.

To get in touch, email the Complaints and Conduct Team at complaints@ukcp.org.uk – we welcome your input and your help in disseminating effective ways of working.





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