



**UKCP's Complaints and Conduct Process
Complaint Hearing**

**20 – 22 September 2023
Online**

Name of Registrant: Kelly Garrett

Heard by: Adjudication Panel

Panel Members: Linda Owen (Lay Chair)
John Wren (UTC)
Hilary Brown (HIPC)

Legal Assessor: Jon Whitfield KC, Doughty Street Chambers

Panel Secretary: Kat Zhou

UKCP Presenting Officer: Laura Stockdale, Doughty Street Chambers

Registrant: Present and represented by Jonathan Goldring

Allegations found proved: 1, 2a-b, 2d-f, 3a-c, 3e-f, 4a-b, 5a-g, 5i

Allegations found not proved: 2c, 3d, 5e, 5h

Sanction: N/A

Detail of allegations

That you, Kelly Garrett, being a UKCP registered psychotherapist since at least 2007:

1. On 25 January 2022, whilst in [REDACTED] Bakery in [REDACTED] you engaged in a conversation with a colleague with whom you were involved in supervision.

Admitted (on the basis that it was not a session of supervision in the cafe)

Found proved.

2. During that conversation you:

- a. Read aloud your text message exchanges with a client (Client A);

Denied

Found proved

- b. Identified Client A by her first name and that she lived in [REDACTED]

Admitted

Found proved

- c. Described Client A as being a 'typical spoiled woman', or words to that effect;

Denied

Found not proved

- d. Stated that it was hard to find time for a session with Client A between her holidays to [REDACTED] or words to that effect;

Denied

Found proved

- e. Stated that Client A's husband had been sleeping with prostitutes, or words to that effect;

Admitted

Found proved

- f. When asked if you would see Client A again, said 'God no, why should I? Narcissistic bitch', or words to that effect.

Denied

Found proved

3. Your words at 2 above ~~were~~ had the potential to be overheard by Witness A.

Admitted

Found proved in respect of a, b, c, e, f

Found not proved in respect of d

4. Your conduct at 1 – 3 above:

- a. Was inappropriate; and/or

Denied (partial admission in evidence)

Found proved

- b. Was unprofessional.

Denied

Found proved

5. The behaviours set out at 1 – 4 above are in breach of the UK Council for Psychotherapy Code of Ethics and Professional Practice 2019 (the Code). In particular, you:

- a. Failed to act in Client A's best interests, thereby breaching clause 1 of the Code;
Denied
Found proved
- b. Failed to treat Client A with respect, thereby breaching clause 2 of the Code;
Denied
Found proved
- c. Failed to respect, protect and preserve Client A's confidentiality, thereby breaching clause 18 of the Code;
Denied
Found proved
- d. Failed to keep Client A's information confidential, and discuss it only within appropriate professional settings, thereby breaching Clause 20 of the Code
Denied
Found proved
- e. Allowed prejudice about Client A's lifestyle and/or social economic status to adversely affect the way you relate to them, thereby breaching clause 30 of the Code;
Denied
Found not proved
- f. Engaged in behaviour that could be perceived as detrimental to any client or colleague based on the above factors, thereby breaching clause 31 of the Code;
Denied
Found proved
- g. Failed to act in a way which upholds the profession's reputation and promotes public confidence in the profession and its members including outside of your professional life as a UKCP practitioner, thereby breaching clause 32 of the Code; and
Denied
Found proved
- h. Failed to ensure that any communication in which you take part, and in particular your participation on social media is carried out in a manner consistent with this Code, thereby breaching clause 34 of the Code.
Denied
Found not proved
- i. Failed to challenge questionable practice in yourself, reporting to UKCP potential breaches of the Code and activating formal complaints procedures especially where there may be an ongoing harm to clients or you have significant grounds for believing clients to be at risk of harm, thereby breaching clause 37 of the Code
Additionally Found proved by the Panel

Documents

The Panel had placed before it the following documents:

1. A bundle on behalf of UKCP amounting to 83 pages, hereafter referred to as C1;
2. A bundle on behalf of the Registrant amounting to 39 pages, hereafter referred to as R1.
3. An opening note prepared on behalf of the UKCP amounting to 5 pages.

Preliminary Matters

1. The complaint was heard under the UKCP Complaints and Conduct Process, and the Panel considered the alleged breaches of the UKCP Code of Ethics and Professional Practice 2019 (the Code).
2. Ms Stockdale applied to amend Allegation 3 as set out above. Mr Goldring consented to the amendment.
3. The Panel accepted the advice of the legal assessor and permitted the amendment. The amendment clarified a factual matter and enabled a factual admission to be made thereby narrowing the issues in dispute. The Panel determined that it was in the interests of justice so to do and caused no unfairness to the Registrant.
4. The Panel observed that should matters pertaining to health arise in the hearing they would be heard in private. The Registrant was reminded that if she needed a break at any time she should indicate.

The UKCP Case

5. Ms Stockdale opened the case by referring to her opening note and observing that the case involved a conversation between the Registrant and a male colleague overheard by Witness A. The matters in dispute revolved around what was discussed and to what extent and, whether this was inappropriate or unprofessional.

Witness A (evidence in chief)

6. Ms Stockdale then called Witness A to give evidence. She was sworn in, adopted her statement as correct and was asked some supplementary questions. Witness A said the incident occurred in [REDACTED] Bakery in [REDACTED] [REDACTED]. She was referred to the photographs of the location in the bundle. She said that she was sitting in the position of the woman in the black jumper (against the wall facing out). Witness A said she arrived at about 9am and had been in the premises for a considerable time (1-2hrs) writing. She said the premises were crowded and there were discussions regarding free tables. Two mothers had taken two tables and there was a discussion between the Registrant and her colleague and the mothers. The noise was not too loud, not unusual, it consisted of conversations, baking noises and people moving to and fro. Levels that one is used to filtering out. It was ambient chatter there was no background music so it was the general hum of chat in a crowded café.

7. Witness A said that the two were sitting at the table next to her. The Registrant was sitting facing the wall (same as the woman in the pink jumper) her male colleague (Witness C) sat where the woman in orange is. She said she was writing. She did not have earphones in because she had lost them. As she came out of the toilet they were trying to find a seat and discussing this with the two mothers. Her friend on the table next door was leaving so they took her table. The Registrant was sitting about a metre diagonally from Witness A. Their conversation was initially two people just catching up. They discussed diets, his diet. She was aware of them because they had been vocal and had already ruffled feathers since they had tried to sit down at the tables with the mothers and her friend had tried to moderate between them. She said she was actively trying not to listen to them and to write. It became obvious that they were professional therapists [REDACTED]. She was aware of who the regulars are at the café because she was there daily. You have to wedge into seats because it is tight.
8. Witness A continued and said her ears pricked up at the mention of the mother who goes on holidays and that she came from [REDACTED]. She said she was just aware that things were being discussed that should not have been including that Client A had been out of therapy for a while and wanted to see the Registrant. The Registrant then started to refer to messages and mentioned the woman's name but the man sitting with the Registrant could not remember who it was so the Registrant said she was the person who always goes to [REDACTED] and whose husband sleeps with prostitutes. That jogged the man's memory. These statements were made by the Registrant describing Client A. Witness A said she did not recall precisely what the man said but he wasn't getting a picture of who the person was which caused the Registrant to colour in the picture more elaborately. She said she could hear this very clearly at volume in the middle of a busy café. There was no effort to moderate the conversation, it was impossible not to hear.
9. When asked about the Registrant's tone of voice Witness A said it was difficult to say when her own 'ire' kicked in but it might have been when Client A was described as a narcissistic bitch. There was no empathy, it was as if Client A was being paraded as someone who was distasteful to the Registrant. It was mockery. Witness A said the Registrant started referring to messages. She could not say exactly what the Registrant said but she was looking at messages and reading them to her colleague. She was reading messages and saying listen to this. Witness A said that is how she heard Client A's name because the Registrant referred to her messages. She said here was a parading of messages that he did not need to hear with the Registrant saying 'look listen to this' as she scrolled on her phone. She did not know if it was one message or a series. She must have read her own messages since that was how she heard the Registrant's name.
10. Regarding the point at which the term "narcissistic bitch" was used she said (Witness C) asked whether the Registrant was going to see Client A again and the response was 'God no, narcissistic bitch'. She said at that stage she felt she had to intervene because she could not believe what she was hearing. She told the Panel the name of Client A. At the time she was trying not to listen and focus on her writing but it became increasingly impossible. After she heard the above term she leaned over and said 'how do you know I am not Client A's sister or friend' and she said that their behaviour was entirely wrong. She described the Registrant and her colleague as being initially absolutely silent and flushing red. She said they were both stopped in their very loud tracks and whilst the Registrant remained silent the man started to bluster.

11. When Witness A said she too had been in therapy ^{Witness C} said it had done her no good thereby publicly shaming her. He said it had been 'supervision'. Following this she decided to leave and he threatened to call the police and say she was harassing them. Witness A said she was so upset she went to see a friend across the road. She was crying. The friend searched for a local therapist with the Registrant's name and suggested she be reported. Some minutes later Witness A spoke to the Herne Hill practice. She said her voice note of the incident was recorded about 20 – 25 minutes after the events and was the most accurate record of events. She then complained to UKCP.

Witness A (cross-examination)

12. Mr Goldring then asked questions in cross examination.
13. Witness A said that she arrived at the café after 9.15am and that she often stayed there all day working on her book. She did not know at what time the Registrant and ^{Witness C} arrived. She said being told the time they paid for their food did not assist her but she thought they had been there at least thirty minutes before she intervened. She said her recollection of the specifics of their conversation escalated as they talked about Client A. She did not know the specifics of the conversation prior to the one about Client A. She said she remembered ^{Witness C} being overweight and discussing diet and ^{Witness C} her ears pricked up. Prior to that she did not recall what they were saying. She said the café was busy with ambient noise but no crying babies. She said her voice-recording was made 20 minutes after the events.
14. Regarding her earbuds she said that if she had had them with her that day she would have put them in to block out the Registrant and ^{Witness C} since they were an irritation. She said the ambient noise of a café sometimes helped her to write but sometimes she used white noise in the earbuds to block out ambient sounds. She said she was not mistaken about the earbuds and said it was 'convenient' that the Registrant and ^{Witness C} could remember her earbuds but not the ethics of their profession. She said there was no prospect that she had mixed up two conversations and that the previous conversation did not pertain to Client A rather they had moved on to her as a topic. She said the Registrant was prompted by ^{Witness C} into providing specific detail. She did not know what was in the messages but the Registrant was reading them to prompt him, that is how she became aware of Client A's name and the Registrant's name. She said she knew what the Registrant had said including the name of the Client A and where she lived. She did not know all the message(s) but recalled that the Registrant read them and said that Client A's husband used prostitutes, Client A had been to ^{Witness C} and the Registrant used the term narcissistic bitch. She conceded that the holiday may have been to ^{Witness C} but was clear in her own view that the comments about not seeing someone and narcissistic bitch was about Client A. She said it was not part of another conversation and was the reason why her outrage grew. She said she was not dipping in and out of the conversation but felt at the comment narcissistic bitch she had to say something.

Witness A (re-examination and Panel questions)

15. In re-examination Witness A said she learned the Registrant's name when she was reading aloud from the messages on her phone it was something like "Hi ... Client A here..." it was read aloud from the

messages. She said Client A was spoken of as a pampered wife and wealthy mum and the Registrant was dismissive. In answer to questions from the Panel she confirmed the recording was likely to be more accurate than her memory two years after the event.

Witness B (evidence in chief)

16. Ms Stockdale then called Witness B who affirmed and adopted her statement and exhibits. She said that she spoke to the Registrant shortly after hearing from Witness A. Subsequently the Registrant sent her an email. When they had spoken on the phone she, Witness B, had said it was a breach of ethics to have supervision in public at all. She referred to this partly because Witness A had been told it was supervision but mostly because the Registrant had said it was supervision in the café and it was wrong. She had said that on the call prior to sending the email. She said she had specifically asked if it was supervision in the café and the Registrant said it was. She said she was 'gobsmacked' at the idea.

Witness B (cross-examination)

17. In cross examination Witness B denied that the man had described the incident as supervision to Witness A to de-escalate matters. She said the Registrant herself had said she was being supervised not that she had supervised anyone. She had said she should not have mentioned anything clinical but had discussed a case, a supervision case, and that it was not a client at Witness B's practice. It was not described as a brief conversation by the Registrant it was supervision at [REDACTED] café.
18. Witness B said that supervision would involve discussing clinical matters and she would not discuss them publicly. She repeated that the Registrant had clarified that it was a supervision session and that a name had been mentioned. Witness B said that the Registrant did not provide further details nor did she ask. She said supervision would take around 60 minutes. She said the Registrant had commented that she did not think she had disclosed identifying information but was not sure of this and Witness B was of the view that she had breached confidentiality. Witness B said she did not employ the Registrant and accepted her reassurance that supervision in public would not recur so she passed the matter to the UKCP. She disagreed with the suggestion that it was a short mention of the Client A with no detail. She agreed the Registrant was embarrassed and said she would not repeat this so she allowed her to continue in association with the business. She said she had assumed that [REDACTED] was the Registrant's supervisor as he is named in the Registrant's email.
19. When asked why she contacted her business insurer she said that she wanted some legal advice as to what she should do on behalf of the profession. She was not 'whistleblowing' but was asking whether she should report the matter as she felt she had a duty to do so. That was confirmed by the legal helpline since there was a breach of confidentiality. In re-examination she reiterated that the Registrant had said she was with her supervisor in the café and was having supervision during which they discussed Client A.

The Registrant (evidence in chief)

20. The Registrant was then called to give evidence. She too was sworn and adopted her statement. She said that [Witness C] was her supervisee. She said she did not tell Witness B that she was with her supervisor she had not identified their roles at all nor did she say she was having supervision. She said that [Witness C] had said they were having supervision to de-escalate the situation. She said they had arrived at the café at about 1pm. Prior to that they had been in her consultation room for supervision which lasted about 90 minutes. During this time they had discussed Client A who was her client at the time and had been for about 9 months. She admitted that she shared publicly her name and that her husband had been seeing prostitutes. She did not disclose where she lived. She said she read a text out loud as Client A was trying to set up an appointment. She described sitting having lunch and said messages kept coming through as Client A kept ringing to get an appointment. She told [Witness C] that it was Client A who had been mentioned earlier and whose husband was seeing prostitutes. She denied reading any more and did not reply to Client A. She denied saying anything disparaging about Client A and said she had worked with her for 9 months and continued to do so for 6 further sessions. She denied the suggestion that she did not want to see Client A.
21. The Registrant said the event was regrettable and she regretted the little she did say. She said in 20yrs she had never spoken disparagingly about Client A. She did not breach confidentiality because she did not disclose identifying information. She said, "the whole thing is regrettable".

The Registrant (cross examination)

22. The Registrant confirmed that Witness A was about a metre from her and that it was busy in the café so she had to speak loud enough for [Witness C] to hear. She said Witness A was working on a laptop and she had earplugs (not buds) in, which were connected by a wire. She said she saw this. Regarding Client A she said she had mentioned her name but not where she lived. On being shown her statement at p6 she agreed that it was possible she said Client A lived in [redacted]. She also agreed that she made reference to Client A being on holiday in [redacted]. She said that throughout the conversation they had discussed a number of things including [Witness C] husband and the difficulties they were having in their relationship. These were discussed both before and after Client A was mentioned. She agreed that [redacted] relationship was a private matter between them (ie the Registrant and him).
23. It was suggested that being private they would not intersperse that discussion into another conversation but she said they were having that conversation (about [Witness C] and his partner) and Client A kept pinging on the phone so that was how the interference (with the conversation) occurred. She said she had supervision earlier that day and discussed Client A as an example. They then went to [redacted] café after that. The topic of Client A came up because of the text messages coming one after the other and interrupting the flow of the conversation. Witness A interrupted them and [Witness C] said they were having supervision because Witness A was standing up shouting and he was trying to calm it down. He introduced the idea of supervision which made it worse. She said that immediately before the interruption they were discussing Client A but then said that they were not and that they were starting to talk about [Witness C] husband. She denied calling Client A 'a narcissistic bitch'. She disagreed with the suggestion that 'bitch' was not a way to describe a man but said she remembered referring to [Witness C] husband as narcissistic and it was possible she used the term 'bitch' although she did not recall this.
24. The Registrant said it was a couple of hours later that she spoke to Witness B and she had not calmed down but was very frazzled. By that time she was aware that Witness A had called to complain that

she had broken Client A's confidentiality. She agreed that this was a serious accusation. She said Witness B had spoken to the insurance company and they had said to contact UKCP. She denied that she was 'trying to be careful' when she spoke to Witness B and said that at the time she had not recovered from the incident. She said she told Witness B that her colleague [Witness C] had mentioned supervision to calm Witness A down but she 'absolutely did not tell Witness B that I had had supervision with my supervisor at [redacted] café'. When taken to the emails at p38 of the bundle the Registrant said she was relaying a conversation she had had with her supervisor [redacted] whom she had contacted for support. The term 'very mixed conversation' did not suggest that she and [Witness C] had spoken at length about Client A in the café. She denied that the conversation about Client A was more extensive and reiterated that she had received messages from Client A. She denied scrolling through the messages and said she did not read out more than one message from Client A to [Witness C]. She told him that Client A had been to [redacted]. She said she did not know if Client A was from a wealthy family and did not tell [Witness C] this. She said Client A did not go on regular holidays when she saw her and that this was Client A's first vacation. She said she did not refer to her as spoiled. They were trying to arrange an appointment which was not difficult. They had six subsequent sessions.

25. The Registrant agreed that she had not spoken to Client A about all this she said that she had been [Witness C] supervisor since 2019 and they had become close friends and they had spoken about events.

The Registrant (Panel questions and further questions from Counsel)

26. The Registrant was taken to the emails at p38 in the bundle and said she assumed but could not confirm that Witness B's email was a direct response to hers. She could not say what Witness B was referring to or whether there had been an intervening email. She said she had received several messages but was not scrolling through them and only read one. They did not have an in-depth discussion about Client A. They had discussed a clinical matter that he was bringing (to supervision?). Regarding the reference to peer supervision she said she was [Witness C] supervisor they were not in peer supervision. She said that she had used Client A as an example when discussing clinical work with [Witness C]. She said he was a close friend but they were both aware of the boundaries between their personal and clinical relationships. She said, 'this unfortunate incident / regrettable event was caused by her opening a text and reading it.' She said she took the boundary in their relationship seriously.
27. When asked why she did not think those statements she admitted saying were a breach of confidentiality she said "I am not saying it isn't" but said she had not disclosed anything that could identify Client A. She then conceded that it was possible for someone who knew Client A to identify her from the conversation. She said that she thought breaching confidentiality would require full disclosure of Client A's name but then also conceded that providing information other than personal detail could be a breach depending on what was disclosed.
28. When asked by Mr Goldring why any detail of Client A was mentioned she said they had discussed the clinical work [Witness C] had brought to supervision. They had discussed two of his clients and Client A.
29. Ms Stockdale asked further questions and the Registrant said she had received several messages and she read one out. She was aware of the messages during the conversation with [Witness C] because the phone was on the table and lit up several times. She was taken to her statement at para 17 where she referred to one message and denied that she had made-up the detail of several messages. Ms Stockdale put to

the Registrant that mentioning Client A's first name, where she lived, her holiday and husband sleeping with prostitutes was inappropriate she replied, "I accept that". As to it being unprofessional she said, "I don't know that I agree with that". As to the disputed information, she agreed that if she had said this it would be inappropriate and unprofessional but she maintained she had not said this.

30. When asked to clarify her position she said that it would be inappropriate and unprofessional had she said what was alleged (but she had not). When asked again about Client A's name, where she lived, her holiday and her husband sleeping with prostitutes she said, "I agree it was inappropriate".

Witness ^{Witness C} [REDACTED]

Evidence in Chief

31. ^{Witness C} [REDACTED] was sworn and adopted his statement as his evidence in chief

Cross examination

32. ^{Witness C} [REDACTED] confirmed that he had seen Witness A sitting at the table next to him working on her laptop. He said that he had observed she had headphones or earbuds in her ears. He could not now recall which it was and could not recall if he saw a wire but he saw white things in her ears. He said he recalled the conversation he was having with the Registrant and a message in which the Registrant gave the name of the client. He remembered the Registrant stating the name of the client and he recalled there were subsequent messages. He did not know if the Registrant read the message verbatim. He said he remembered the content as being about an emergency session. He thought he would remember if the Registrant had read several messages and he did not recall that. He did not think it was possible that she had and he had forgotten. He had no recollection of the Registrant referring to Client A living in [REDACTED] nor of her returning from a holiday in [REDACTED] however he did recall the Registrant saying there was some difficulty in arranging a meeting with Client A because she had lots of holidays. He said he recalled a discussion about logistics. He did not recall a reference to Client A being wealthy.
33. When asked about the comment 'spoiled woman' ^{Witness C} [REDACTED] said they had been discussing his relationship with his husband and there was some crossover in the words used with him saying things and the Registrant repeating them back. He said that the term 'narcissistic bitch' was how he had described his husband. He said that the Registrant did not use this term but said it was possible she had repeated it back to him. He said if it was used it was only used once and was a reference to his private life. He rejected the suggestion that bitch is a reference to a woman and said it was an unkind phrase but it is used conversationally. He did not recall Witness A interrupting immediately after that phrase had been used although this was possible, rather he recalled the conversation continuing for a while. He said she jumped up and there was a tirade of screaming, shouting and insults. He said that spittle was landing on his face and he used the term supervision. He said they had been talking about his husband and agreed this was confidential he said Witness A jumped up at this point. He said Witness A had been concerned about several things, his weight, tone and appearance. It wasn't just about Client A. He agreed with the supposition that she interrupted because she was concerned their discussion was about private therapeutic matters i.e. a client.

34. ^{Witness C} agreed that Witness A had said 'how do you know I am not [Client A's] sister?' but said her concern was incorrect since they were discussing his husband not Client A. He said he had claimed they were having supervision to calm Witness A down. He agreed that even in supervision discussions about a client remained confidential. His mention of supervision was an attempt to calm down a complete stranger who was screaming and shouting. He said at the time he was quite frightened but in hindsight he could have done things differently. He rejected the suggestion that mentioning supervision was an attempt to justify a longer conversation about Client A and said they had had a 90 minute supervision session earlier. This had been about his client(s) and the Registrant was using her experience to guide him. He denied that he had said therapy had done her (Witness A) no good and said he asked her to stop shouting and calm down or he would call the police. He said she was aggressive and intimidating.
35. ^{Witness C} confirmed that he had seen and agreed with the contents of a letter sent to him by the Registrant's solicitors in May 2022. He said he was asked to confirm if it was right and he did. His own statement was made several months later in March 2023 but he had already put his own thoughts down on paper. He rejected the suggestion his recollection was influenced by the solicitor's letter. He said that the Registrant had been his supervisor since 2019 and was still one of his supervisors. He said the Registrant was a friend and whilst a dual relationship can be tricky they had always been able to engage in supervision and still have a coffee. He said they were friends or friendly but not close friends. He said they had spoken about the case but it was mainly about the logistics and the delay which he found stressful.
36. In re-examination he confirmed that he had seen the redacted letter from the solicitor. He denied any suggestion of collusion with the Registrant.
37. When answering questions from the Panel ^{Witness C} said that the Registrant was his supervisor and a friend but he did not consider they were in peer supervision. She assisted him. He agreed there was some cross-over in the work they had discussed in supervision which covered some marital issues. ^{Witness C} then spoke of personal issues. He said the Registrant had used Client A's case as part of his supervision. He did not think the Registrant would breach confidentiality. He said that his own personal issues with his partner were interwoven in the supervision discussion and it continued in the café but they did so as friends. He said for example that they discussed his mum and her grandmother. He agreed there was some cross-over in the conversation and they had a frank discussion about his husband which was itself disrespectful. He said he had noticed Witness A had earphones in as part of having the conversation. They had not discussed the question of the personal relationship cutting across supervision. He agreed there was not much of a boundary between personal and professional discussions and he said that was why he had said it was a dual relationship. He said this had been an unfortunate and triggering situation. He agreed that Witness A had been triggered and he had reacted in a less than compassionate way but he said he had been triggered himself owing to his own issues.
38. Regarding the mothers and children in the premises he said they were a little way away and engaged in their own conversation. Witness A had her earbuds in and they had been focussed on their own discussion. When asked if the conversation was appropriate, he said they were focussed on it if someone was purposely listening and getting it wrong. He said they were having a chat. When asked why he did not stop the Registrant when she mentioned Client A's name he said they were engrossed

in the moment and the conversation. It was not supervision but in hindsight he could have stopped her but that did not happen

Submissions

Ms Stockdale on behalf of UKCP

39. Ms Stockdale reminded the panel of the burden and standard of proof and said that the case rested on an analysis of the reliability and credibility of the witnesses. She submitted that Witness A was credible in her account of reacting to what she heard. She had no reason to lie and had no exaggerated, she had conceded that she may have been mistaken regarding the location of Client A's holiday. She submitted that Witness A had not misremembered parts, she had made voice record 25 minutes after the events. She could clearly hear the loud conversation a metre away over the ambient noise in the café. She was clear that she was not wearing earbuds. Ms Stockdale highlighted the manner in which the conversation progressed from an initial social discussion to which she paid limited attention. There came a point at which they discussed a therapeutic client which caught her attention since it was inappropriate. She focused on the conversation and considered when she should intervene. Ms Stockdale said this was a clear account.
40. Regarding Allegation 2 Ms Stockdale said that Witness A was consistent about the scrolling through and reading of texts including the mention of two names. The Registrant, she said, had changed her position regarding the disclosure of [REDACTED] as a location whereas Witness A was consistent. She referred to the comment spoiled woman and to the difficulty in arranging appointments and submitted that both Witness A and [REDACTED]^{Witness C} referred to the difficulty. Concerning the phrase narcissistic bitch Ms Stockdale submitted that Witness A had been consistent throughout. The Registrant accepted that narcissistic was a word she used but it was in regard to [REDACTED]^{Witness C} husband. She submitted that this was not a phrase that would be used as regards a man and that it was improbable the conversation involved the husband. It was because it was about Client A that Witness A intervened.
41. Ms Stockdale then turned to look at the reliability of the Registrant. She suggested the swift back and forth discussion between husband and Client A was not plausible and reminded the Panel that Witness A described a progressing conversation that she became focussed on and followed. She submitted that the Registrant was somewhat vague about what she said whilst the witness was specific. Ms Stockdale said that the Registrant's account was undermined by [REDACTED]^{Witness C}. He had immediately said they were having supervision which was consistent with a more in-depth conversation about Client A and his comment was an attempt to excuse this. She said the Registrant had also described it as supervision and she was not going to make such a mistake easily. Witness B had also been clear in her evidence that contradicted the Registrant's account. The Registrant had emailed Witness B and talked of a mixed conversation which was also consistent with an extensive discussion.
42. As to the reliability of [REDACTED]^{Witness C} Ms Stockdale submitted he was not reliable. There was a clear professional and personal relationship between them and he had provided his own statement of events after he had been shown and asked to confirm her version of events. Ms Stockdale said there did not have to be active collusion but called into question [REDACTED]^{Witness C} independence.

43. When dealing with Allegation 4 Ms Stockdale said the words had ordinary every day meanings. She said the threshold in proving both was met due to the seriousness of the allegations. I considering confidentiality Ms Stockdale submitted that it was not necessary to disclose a full name for information to be personally identifying. People could be identified by putting pieces of information together. Here it included a first name, an area, holiday destination, reference to a husband and the location of the conversation being in the same area as Client A lived increased the likelihood of personal identification. She rejected the suggestion that there was no breach of confidentiality and said the information disclosed was sensitive – particularly about Client A’s husband. Finally Ms Stockdale took the panel through Allegation 5 and submitted that on the Registrant’s own admission several were made out but that if all the facts were found proved they were all made out.

Mr Goldring on behalf of the Registrant

44. Mr Goldring started by posing the question whether Witness A heard an entire conversation or parts that she had taken out of context. He said she had heard only part because she had described herself actively trying not to hear. Balanced against that was the explanation from two witnesses of good character who had described how things could have happened. He submitted that the Registrant’s error was limited and did not include identifiable information. He said that was central to the case. He continued and asserted that if there was no breach and no identifiable information disclosed there was no breach of confidence and the alleged breaches of the Code could not be proved.

45. Regarding the Registrant’s partial admissions in evidence he said that she had been asked direct questions and accepted it was possible that there had been a breach of confidence. He said the key word was ‘possible’. This he said was an acknowledgement of the remote chance that someone who heard a name in a large town and heard [REDACTED] might put two and two together. He said that the law does not preclude any discussion about clients in a public place rather one must not disclose identifiable information. Mr Goldring then referred to the Data Protection Act and suggested this could be used as guidance on the issue of what is identifiable information, whether it was direct or indirect evidence and whether there was a name or other specific factors as set out in the Act. He submitted that the information was not sufficient to identify Client A. He then suggested that if it was, the mention of this same information by all the attendees at this hearing also breach confidence. It was a public hearing during which Client A’s name, location and family issues had all been mentioned. He said, ‘if we can mention these things so can the Registrant’. He said the risk of breaching Client A’s confidence by the Registrant making the comments she did was so unlikely and so fanciful that no wrongdoing could be attached to it.

46. Mr Goldring returned to the Registrant’s admission that her admitted conduct was inappropriate notwithstanding, he said, that there was no breach of confidentiality. He said the Panel was not bound to agree with her. It depended on the meaning of inappropriate and that could be defined in many ways. He submitted that her reference to inappropriate was a reference to it being inappropriate for her to be in the hearing, that her comments had led to Witness A intervening and her (the Registrant) being here.

47. Mr Goldring submitted there was no prohibition on two colleagues talking about work provided it did no harm to a client or the profession. He said the provisions that the Panel had been taken to did not relate to an overheard private conversation. He submitted there was no detriment to the profession

and that registrants have to discuss their days in non-clinical settings as ██████████ suggested in his letter. He said that even if the Registrant said all the things alleged it did not follow that there was detriment to the profession and that the Panel would have to be satisfied of some harm. He said there was a conversation, interrupted by a message and some limited details were divulged. He said it was understandable that Witness A intervened given what she thought she had heard but she had misunderstood and been somewhat overzealous in her pursuit of the Registrant. He said that the only people who could explain the conversation were those involved.

48. Mr Goldring concluded by submitting that the Panel could not be satisfied that Witness A's account was accurate. Even if they were satisfied, there was no breach since it was fanciful to consider there was a breach of confidentiality and/or harm to the reputation of the profession. He said that it was draconian and a nanny-state to preclude people from expressing their frustrations when a client is not specifically identified and conduct over a pint in a pub should not be regulated.

Determination on the facts

49. The Panel considered all the documentary evidence before it, the oral evidence outlined above and the oral submissions from Ms Stockdale on behalf of UKCP and Mr Goldring on behalf of the Registrant.

50. The Panel heard and accepted the advice of the Legal Assessor which included how to approach the burden and standard of proof required in this case, how to assess witnesses their reliability and credibility, the Registrant's good character, specific terms in the case such as failure, inappropriate and unprofessional and how to approach matters of privacy and confidentiality.

51. On balance, having fully considered the above, the Panel made the following findings:

Allegation 1

On 25 January 2022, whilst in ██████████ Bakery in ██████████ you engaged in a conversation with a colleague with whom you were involved in supervision.

Found proved

The panel noted the basis of the admission by the Registrant, namely that the conversation in the bakery was not itself supervision. However, the Panel also noted that ██████████^{Witness C} immediate reaction to Witness A's interjection was to describe it as supervision and, Witness B reported the Registrant as saying it had been supervision. In addition ██████████ seems to have understood that the Registrant and ██████████^{Witness C} were engaged in a "private and professional conversation with a colleague" which is wholly at odds with how the Registrant and ██████████^{Witness C} described it. The Panel was therefore of the view that despite these comments the conversation was not in any sense a professional conversation or a supervision session.

Both the Registrant and ██████████^{Witness C} were asked about how their personal relationship impacted upon their professional relationship. The Registrant suggested they were aware of this and maintained a separation between these two aspects of their relationship. ██████████^{Witness C} said this was difficult at times due to the dual nature of their relationship. The Panel considered that the Registrant's (and ██████████^{Witness C} belief in their ability to maintain an

appropriate boundary was misplaced. Rather it was likely that the boundary between their personal and professional relationship was blurred and lax. This contributed to the continued and casual public discussion of matters private to Client A. Client A had been part of the earlier private discussion in supervision and happened now to be contacting the Registrant. The casual and unboundaried or insufficiently boundaried nature of their relationship meant that the Registrant had no checks or boundaries in place to prevent her from mentioning Client A.

The Panel considered that the matters pertaining to Client A and mentioned in public should not have been mentioned outside an appropriate professional setting in order to maintain Client A's confidentiality. Speaking as the Registrant did, at volume, in a public café was therefore neither appropriate nor was it professional.

Allegation 2

During that conversation you:

- a. Read aloud your text message exchanges with a client (Client A);

Found proved

The Registrant said that Client A had messaged and called her multiple times and agreed with the suggestion that her phone was lighting up on the table. Witness A said that the Registrant was scrolling through messages which is consistent with someone receiving and looking at multiple messages. Witness A was consistent in her description of these events from her earliest voice-note to her oral evidence. She described how she learned the first name of the Registrant and Client A from the content of the messages being read.

The Panel considered it more likely that the Registrant received and looked at the messages she was receiving and which interrupted the conversation she was engaged in with ^{Witness C} [REDACTED]. She scrolled through these and in so doing commented upon and read aloud information from at least one or more of the messages she had received.

- b. Identified Client A by her first name and that she lived in [REDACTED]

Found proved

This was admitted by the Registrant and proved by way of admission. The Panel also considered that Witness A was consistent in her description of the name being read out and the location being given.

- c. Described Client A as being a 'typical spoiled woman', or words to that effect;

Found not proved

The Panel observed that this phrase did not appear in Witness A's voice note nor did she relate it in her oral evidence. Whilst it appears in a slightly different form in quotation marks in her statement/complaint it is possible to interpret that part of her statement as being a general categorisation of Client A and hence the quotes, rather than it relating to a term used by the Registrant in speech in the café.

Whilst the Panel concluded on balance that the Registrant did speak of Client A in derogatory terms, that being the reason why Witness A intervened, it was not satisfied on balance that this specific phrase was used. Such derogatory terms as were used are dealt with elsewhere and are not 'to similar effect'.

- d. Stated that it was hard to find time for a session with Client A between her holidays to [REDACTED] or words to that effect;

Found proved

Witness A clearly and consistently asserted that holidays were mentioned. She conceded that she may have got the location wrong as between [REDACTED] and [REDACTED]. The Registrant denied that multiple holidays were mentioned however, the Panel noted that [REDACTED] ^{Witness C} stated that they were mentioned and specifically that they were impacting on bookings and “logistics”.

The Panel was of the view that neither Witness A nor [REDACTED] ^{Witness C} would know about holidays and bookings or logistical difficulties unless multiple holidays were mentioned by the Registrant. The Panel considered that Witness A’s recollection was more reliable and that the words alleged or words to similar effect were uttered by the Registrant.

- e. Stated that Client A’s husband had been sleeping with prostitutes, or words to that effect;

Found proved by admission

The Registrant confirmed that she said this. Witness A was clear and consistent in her recollection of this. [REDACTED] ^{Witness C} also confirmed this was said.

- f. When asked if you would see Client A again, said ‘God no, why should I? Narcissistic bitch.’, or words to that effect.

Found proved

In her description of events Witness A said that she was aware of personal conversations going on but whilst this was distracting she did not really focus on it. However, as she became aware of the Registrant mentioning matters about a client that she, Witness A, regarded as private, she focussed more. It was the comment narcissistic bitch that finally drove her to intervene.

[REDACTED] ^{Witness C} said that the term was used by him about his husband. He was unclear whether the Registrant said this. He first denied that she did but then said it was possible she repeated it back to him. The Registrant denied using the term but said she had described [REDACTED] ^{Witness C} partner as narcissistic.

Whilst it may be that the Registrant and [REDACTED] ^{Witness C} were at times discussing matters private to him and his partner, the Panel found their description of a conversation jumping back and forth between describing his partner and Client A to be unlikely. Witness A spoke of a progression from their personal matters, such as weight, that she was less interested in or distracted by, to matters that became more and more focused on Client A and difficult to ignore. They reached a nadir at the use of the term ‘narcissistic bitch’ at which point Witness A intervened. The Panel found that to be a compelling and logical description of events as they progressed. The Panel considered this version of events to be more probable and it accepted Witness A’s evidence as outlined in her voicemail and in her oral evidence.

Allegation 3

Your words at 2 above **were had the potential to be** overheard by Witness A.

Found proved

This was admitted by the Registrant. The findings of the Panel in respect of Allegation 2 a, b, c, e and f are that they not only had the potential to be overheard but that they were, in fact, overheard. That is why Witness A intervened.

Allegation 4

Your conduct at 1 – 3 above:

- a. Was inappropriate; and/or

Found proved

The panel was of the view that the term inappropriate is one in ordinary everyday use with a general meaning of unsuitable or unacceptable. The Panel had no doubt that the public discussion of personal and private information received from or about a client during therapy sessions was unacceptable. Furthermore that the wider public would consider it so. Not only does it have the potential to adversely affect individuals such as Client A and those close to her, but it also has the potential to damage the wider profession.

For members of the public to witness healthcare professionals discussing a patient or patients in derogatory terms and disclosing information about them in a public space adversely impacts the reputation of the individuals and the wider profession.

The Panel noted the partial and late recognition by the Registrant that the conduct she admitted was inappropriate and her further recognition that the other matters which were not admitted, if proved, would also be inappropriate.

- b. Was unprofessional.

Found proved

Having concluded that the Registrant's conduct was inappropriate the Panel next considered the higher bar of whether it was unprofessional. It concluded that it was. Again, the Registrant mentioning Client A and her private issues in public where they could be and were overheard was a gross error of judgement. The Panel had no doubt that it was unprofessional and that the public would regard it as such for the reasons set out above.

The Panel considered the comments from [REDACTED] particularly his comment that it was unfair to take the Registrant to task for what was "intended to be a private and professional conversation". However, it was the Registrant's suggestion, bolstered by ^{Witness C} [REDACTED] that it was anything but such a conversation. Rather the Registrant suggested that it was a casual chat over coffee about their families which included a disrespectful conversation about ^{Witness C} [REDACTED] partner. The friendly chat was interrupted by texts and an unfortunate slip as ^{Witness} [REDACTED] described it or regrettable event as the Registrant described it. The Panel had little doubt that [REDACTED] would not regard a loud unboundaried chat in a café as 'private and professional'. It was most unfortunate and highly regrettable.

The Panel considered the suggestion that professionals need a "space" to express their views and decompress as entirely reasonable and indeed necessary but, the Panel was clear in its own mind and had no doubt the

public would expect this to occur in an “appropriate professional setting”. That precludes a loud discussion involving derogatory terms and highly personal information in the hearing of members of the public.

The Panel rejected the submission made by Mr Goldring that dealing with the conduct complained of through the regulatory process was an example of the ‘nanny state’, or that the public would be accepting of healthcare professionals such as the Registrant and ^{Witness C} moaning/complaining to each other about their clients in the pub after work.

Allegation 5

The behaviours set out at 1 – 4 above are in breach of the UK Council for Psychotherapy Code of Ethics and Professional Practice 2019 (the Code). In particular, you:

- a. Failed to act in Client A’s best interests, thereby breaching clause 1 of the Code;

Found proved

The Panel found that disclosing the details set out above and using the derogatory terms found proved were detrimental to Client A’s best interests. They were personal, private and not for public hearing. The Registrant had a duty to act in Client A’s best interests and she failed in meeting that duty.

- b. Failed to treat Client A with respect, thereby breaching clause 2 of the Code;

Found proved

Similar to 5a above, the language used and the detail disclosed was a failure to respect Client A and her broader expectation of privacy and discretion on the part of the Registrant.

- c. Failed to respect, protect and preserve Client A’s confidentiality, thereby breaching clause 18 of the Code;

Found proved

The Panel noted that Clause 18 of the Code contains two sentences. First the duty to respect protect and preserve confidentiality. Second the imperative (‘must’) to protect sensitive and personally identifiable information. The Panel considered that both limbs of this Code had been breached. The Registrant did not preserve confidentiality – that is she did not keep private those matters that Client A may reasonably expect to keep private. This included information about her personal and family life.

The Panel considered whether the information was such as to potentially personally identify Client A. The information included Client A’s first name (which is not the most common), the area in which she lived (which was where the conversation occurred), the fact that she had been on holiday to [REDACTED] and took frequent holidays, private information about her husband, and of course the obvious fact that Client A had been or was in therapy and the name of her therapist. The Panel was of the view that collectively they raised a real risk of someone identifying Client A. This was neither remote nor fanciful.

The Panel considered that mentioning such details locally and in an uncontrolled public space was wholly different to investigating and litigating events in a hearing which, whilst public, had no members of the public present and, if there had been, had the power to prevent the dissemination of sensitive material.

- d. Failed to keep Client A's information confidential, and discuss it only within appropriate professional settings, thereby breaching Clause 20 of the Code

Found proved

The Panel adopts the reasoning in 5c. above. The Panel was of the view that the public can and do reasonably expect the information they provide to healthcare professionals to be treated as confidential. If it is to be discussed this is done in a professional way, in the best interest of the client, and in a professional setting which maintains privacy and confidentiality.

Client A had that reasonable expectation of the Registrant. The Registrant failed in her duty to keep information about Client A private. She did so on her own admission let alone by reason of the facts found proved. Discussing Client A over lunch in a busy café in earshot of others is evidently not an appropriate professional setting.

- e. Allowed prejudice about Client A's lifestyle and/or social economic status to adversely affect the way you relate to them, thereby breaching clause 30 of the Code;

Found not proved

The Panel found that the Registrant did speak of Client A in derogatory tones. This included the complaint that she was off on holidays as stated by Witness A and Witness C. The Panel was satisfied on balance that there was an element of prejudice regarding Client A's socio-economic status when the Registrant made such comment. However, there is no evidence that such an attitude spilled over into her direct contact with Client A, indeed she said she remained a client.

- f. Engaged in behaviour that could be perceived as detrimental to any client or colleague based on the above factors, thereby breaching clause 31 of the Code;

Found proved

The Panel was satisfied on balance of probabilities that the behaviour found proved was such as could be detrimental to others and could be perceived as such. It was detrimental to Client A to speak of her and her family in the terms used. It was detrimental to Witness C to put him in the position of being involved in a public conversation that involved confidential information about a client.

There is continued concern regarding the potential for detriment to Client A. The Registrant said she had not informed Client A about this case. Client A is thus unaware that she is at the centre of these proceedings. If, when or how she is told and what the consequences of that may be, carries a risk of substantial harm and detriment to her.

- g. Failed to act in a way which upholds the profession's reputation and promotes public confidence in the profession and its members including outside of your professional life as a UKCP practitioner, thereby breaching clause 32 of the Code; and

Found proved

The Panel has found that the Registrant's conduct was inappropriate and unprofessional. It involved the disclosure of confidential information (including regarding a 3rd party – Client A's husband) and of personally identifiable information in public. Client A was described in derogatory terms and tones.

The Panel considered that the Registrant's conduct was detrimental to the reputation of the profession and public confidence in the profession. This was a serious failing by the Registrant.

- h. Failed to ensure that any communication in which you take part, and in particular your participation on social media is carried out in a manner consistent with this Code, thereby breaching clause 34 of the Code.

Found not proved

Whilst the Registrant received messages via social media there was no evidence that she used it inappropriately. It is stretching the term communication to suggest that the discussion between the Registrant and ^{Witness C} would be described in that way. The panel was of the view that this part of the Code relates more to communication by electronic means.

52. In addition to the above Clauses said by the UKCP to be engaged, the Panel considered the entirety of the Code as it is required to do. The Panel regarded Clause 37 to be engaged and found that the Registrant failed to challenge questionable practice in herself and failed to report to the UKCP potential breaches of the Code. The Panel noted that this Clause is particularly concerned with a risk of ongoing harm.

53. The Registrant was aware of the tension in her relationship with ^{Witness C} yet she formally maintained a supervisory relationship with him. She was aware of a complaint that would be reported by Witness B and the Registrant was sufficiently concerned about events to discuss them with her supervisor. There is an ongoing risk of harm to Client A who, as set out above, is unaware of these proceedings. Despite these issues, the panel concluded that the Registrant has not challenged herself nor has she self-reported her conduct to UKCP. The Panel concluded that this was in breach of Clause 37.

54. In total the Panel found **7 breaches** of UKCP's Ethical Principles and Code of Professional Conduct proved as set out above. The Panel noted that there is a degree of overlap between several of the Codes and breaches.

Determination on Misconduct and Impairment

55. This determination should be read in accordance with the Panel's previous decisions in this case.

56. In accordance with rule 7.23 of UKCP's Complaints and Conduct Process, the Panel went on to consider the question of misconduct. In addressing this question, the Panel considered all of the relevant information before it. It accepted the advice of the Legal Assessor.

Submissions

Ms Stockdale on behalf of UKCP

57. Ms Stockdale invited the Panel to conclude that the facts found proved, including the breaches of the Code, amounted to misconduct. She submitted that the Registrant had departed from the standards reasonably expected of registrants and that the departures were serious.
58. Ms Stockdale submitted that the question was whether the Registrant should be on the register without limitation. She referred to familiar caselaw including Roylance v GMC (no.2) [2000] 1 A.C. 311 and Nandi v General Medical Council (2004) EWHC 2317 (Admin) and submitted that misconduct was a serious falling short in the conduct expected of professionals and has been described as conduct that would be regarded by other professionals as deplorable. She submitted that the threshold had been breached because there were multiple breaches of the Code caused by a gross error of judgement. Ms Stockdale reminded the Panel that both limbs of Clause 18 in the Code had been breached and that where there is a breach of confidentiality there was guidance at Paragraph 5.1 of the Indicative Sanctions Guidance (ISG) provided by the UKCP that this would 'nearly always' amount to misconduct since confidentiality is a fundamental tenet of the practice of psychotherapy. Ms Stockdale continued and highlighted the risk of harm to Client A and to public confidence in the profession. In this case that confidence had, as far as Witness A was concerned, been undermined. Finally she said the Registrant had not challenged herself about her own failings. Ms Stockdale said there was a continued risk to Client A and to her husband and to Witness C and there had been harm to Witness A.
59. Ms Stockdale then addressed the issue of impairment which she said was a matter for this Panel's judgement. She said the focus was on current impairment and the questions posed within the case of CHRE v Grant. These included the question of past and/or future risk, past and/or future disrepute, and past and/or future breaches of the fundamental tenets of the profession. Considering insight, Ms Stockdale said there was little if any. There had been limited admissions but they had not addressed the risks in this case. As to remediation, Ms Stockdale said there was no evidence of any and the Registrant had been unable to describe confidentiality as set out in the Code of Ethics, when asked about it. Ms Stockdale said there were some concerns regarding the Registrant's attitude given the way she spoke of Client A and, finally, given the seriousness of the case, a finding of impairment was necessary on the grounds of maintaining public confidence.

Mr Goldring on behalf of the Registrant

60. Mr Goldring first stated that the Registrant was extremely disappointed that her evidence regarding the remarks and the question of confidentiality had not been accepted. He said she maintained her position.
61. Notwithstanding this, Mr Goldring submitted that the breach of confidentiality as found was inadvertent rather than deliberate. He asserted that no client was actually identified or harmed and the risk of this was, he maintained, fanciful or at worst minimal.
62. Concerning the decision whether to admit or deny matters, Mr Goldring said the question of confidentiality was a matter of law and the Registrant should not be blamed for following legal advice. She had made admissions contrary to that advice. He said the incident lasted a matter of seconds in a 20 year career and said that the proceedings themselves had been sufficient to ensure there was no risk moving forward. He said this was not a case of dishonesty or sexual misconduct where there is a presumption of impairment. He rejected the suggestion of continued risk to Client A and said neither

he nor the Registrant understood that risk, given that Client A was no longer a patient of the Registrant, unless there was some form of direction that Client A must be informed. He said there was no such risk. He said the real risks to focus on were a future breach of confidence or disparaging remarks by the Registrant and the impact the proceedings had had, made such risks unlikely.

Determination

Misconduct

63. The Panel recognised that the questions of misconduct and thereafter current impairment are matters of independent judgement and are not a matter of proof for the parties.
64. The Panel considered that the UKCP's Code of Ethics and Professional Practice represented the minimum standard expected of a registrant and whilst a departure from the code may not necessarily amount to misconduct, it was indicative of the potential for misconduct. The Panel reviewed its findings of fact and considered that the Registrant had on this occasion fallen far short of the standards expected. It had described her conduct on the day as a gross error of judgement and it was of the view that fellow practitioners would regard it as deplorable.
65. In light of the above the Panel found that the Registrant's conduct did amount to serious professional misconduct.

Current impairment

66. The Panel next considered the question of current impairment. In so doing it took note of the factors set out in Paragraph 5.1 of the ISG including that a breach of confidentiality will "nearly always" constitute misconduct – that of course has been considered but, the phrase 'nearly always' admits that this is not an absolute and, these are matters for this Panel's judgement.
67. The Panel also considered the further guidance provided by Paragraph 5.1 which, although they refer to the necessity of sanction, are pertinent to the issue of current impairment. Matters to consider include
 - *Whether the breach was a once-off instance;*
 - *The reason for the disclosure;*
 - *Whether the Registrant has shown insight and recognises the failings;*
 - *The likelihood of repetition;*
 - *Whether the breach arose due to a lack of knowledge or understanding;*
 - *Any bad faith or improper motive evident; and*
 - *Any public interest reason for the disclosure and to what extent public confidence in the profession may be undermined by this particular case.*
68. In addition, the Panel bore in mind that the Registrant has twenty years of practise to her name without incident. She is well regarded by other professionals who have provided testimonials which, in this Panel's view, impact upon the question of the likelihood of repetition.

69. The Panel has found that there was a gross error of judgment on the part of the Registrant, and it is one that she has only partially accepted. It was notable that her acceptance was, according to Mr Goldring, against the advice of her lawyers.
70. Notwithstanding the above, the Panel did view this as a single “once-off instance” in this registrant’s lengthy career. It was of the view that it was not a premeditated act, nor was there any bad faith on the part of the Registrant. Rather, her misconduct occurred during an unguarded and unboundaried conversation.
71. The Panel considered the effect these proceedings have had on the Registrant, noting that she has remained fully engaged despite personal challenges in so doing. It considered whether the length and seriousness of the proceedings themselves meant that the Panel could be confident such an unboundaried conversation would not recur. The Panel concluded that it was sufficiently confident of this, and it could thus regard the Registrant as not being currently impaired. Whilst the Registrant did not accept the Panel’s findings, it had little doubt that the length and impact of these proceedings meant that she would not repeat such unboundaried public conversations about a client in future.
72. Having considered the risk of repetition and current impairment, the Panel went on to consider the risk to the reputation of the profession and whether this alone necessitated a finding of impairment. The Panel concluded that it did not.
73. This incident has been thoroughly investigated and considered at length both by the UKCP and now by a professional panel. The Registrant had engaged in that process. The Panel was of the view that the Public Interest was engaged and upheld by this process. In the absence of a risk of repetition the Panel was of the view that public confidence would not be enhanced or improved by a finding of current impairment and/or a sanction being imposed on this Registrant, based on the protection of the profession. Rather, it was of the view that in the absence of a risk of repetition, such a finding and/or sanction may be regarded as punitive.

Determination on sanction

74. N/A.

Right of Appeal

75. Both the Registrant and UKCP have 28 days from when the written decision is served in which to exercise their right of appeal.
76. The sanction outlined above will not take effect until after the 28-day period has lapsed. If no appeal is received the decision will take effect after the 28th day.

Signed,

A handwritten signature in black ink that reads "L Owen". The letters are cursive and connected, with a large initial "L" and "O".

Linda Owen, Lay Chair

Date: 22/09/2023