



**UKCP's Complaints and Conduct Process  
Sanction Review hearing**

**20 July 2022**  
Online

<b>Name of Registrant:</b>	Adam Saltiel
<b>Heard by:</b>	Adjudication Panel
<b>Panel Members:</b>	Mark Bissell (Lay Chair) John Wren (UTC) Vivienne Taylor (CPJAC)
<b>Legal Assessor:</b>	Jon Whitfield QC (Doughty Street Chambers)
<b>UKCP Presenting Officer:</b>	Charlotte Ferson
<b>Registrant:</b>	Not present or represented
<b>Panel Secretary:</b>	Alice Love
<b>Decision:</b>	Termination of UKCP registration and direction to any UKCP organisational member to terminate his membership

## **Preliminary matters**

### Documentation

1. The Panel had placed before it the following documentation:
2. UKCP's application for variation of the sanction to terminate the Registrant's membership, amounting to 14 pages, in conjunction with 18 Appendices:
  - a. Appendix A: Complaints and Conduct Process (CCP);
  - b. Appendix B: Determination of the Adjudication Panel dated 18 to 20 August 2021;
  - c. Appendix C: UKCP Documents considered by the Appeal Panel;
  - d. Appendix D: Registrant's Documents considered by the Appeal Panel;
  - e. Appendix E: Determination of Appeal Panel dated 13 to 14 December 2021;
  - f. Appendix F: Letter of warning from PCC Chair to the Registrant dated 21 April 2022;
  - g. Appendix G: Email from Registrant to UKCP dated 16 May 2022;
  - h. Appendix H: Apology from the Registrant to Client A dated 16 May 2022;
  - i. Appendix I: "Full Document" undated;
  - j. Appendix J: CPD Certificate CK 05.03.22 A Saltiel dated 5 March 2022;
  - k. Appendix K: Email from UKCP to Registrant dated 10 June 2022;
  - l. Appendix L: Email from the Registrant to UKCP dated 17 June 2022;
  - m. Appendix M: "Final Response to UKCP" dated 17 June 2022;
  - n. Appendix N: UKCP Study Full Section dated 16 June 2022;
  - o. Appendix O: Apology to Client A dated 16 May 2022;
  - p. Appendix P: CPD Certificate dated 5 March 2022;
  - q. Appendix Q: Email from UKCP to the Registrant dated 17 June 2022;
  - r. Appendix R: Email from the Registrant to UKCP dated 6 July 2022.
3. A service bundle amounting to eight pages;
4. A response from the Registrant to UKCP's application, amounting to four pages, dated 18 July 2022;
5. An email from the Registrant to UKCP resigning his UKCP membership, amounting to one page, dated 18 July 2022.

### Service of notice

6. The Registrant was not in attendance at the hearing and was not represented.
7. Ms Ferson, on behalf of UKCP, submitted that all reasonable efforts had been made to notify the Registrant of today's hearing. Ms Ferson observed that Notice of hearing was sent to the Registrant on 13 July 2022 via email and recorded delivery. Proof of delivery by way of Royal Mail tracking was provided in which the Notice of hearing was signed for. On 19 July 2022, the Registrant informed UKCP that he would not attend the hearing or be represented.

8. The Panel accepted the advice of the Legal Assessor.
9. Having heard from Ms Ferson the Panel was satisfied that all reasonable efforts had been made to serve notice of the hearing upon the Registrant. It was clear from the email correspondence that service had in fact been effective and the Registrant was aware of today's hearing.

#### Application to proceed in absence

10. Ms Ferson submitted that it was in the public interest to proceed in the Registrant's absence. She further submitted that in light of the Registrant's email correspondence no purpose would be achieved by adjourning the hearing. The Registrant had made it plain that he would not attend a hearing on this matter.
11. The Panel accepted the advice of the Legal Assessor and took into account the factors set out in the case of *R v Jones* [2003] 1 AC 1, HL, and the decision of the Court of Appeal in *General Medical Council v Adeogba* [2016] EWCA Civ 162.
12. The Panel was mindful of the need to balance the Registrant's interests and right to attend a hearing with the public interest when determining whether to proceed in absence. This included consideration of why the Registrant was absent; whether he had chosen to absent himself; what an adjournment might achieve and the need to avoid unnecessary delay. Ms Ferson submitted that the public interest favoured proceeding in the absence of the Registrant.
13. The Panel concluded that the Registrant was aware of the proceedings and had voluntarily absented himself. He was aware of the application that UKCP intended to make at today's hearing and was aware of the nature of the order sought. There was no evidence that the Registrant would attend a future hearing, indeed he had made it plain that he would not engage.
14. The Panel concluded that it was appropriate to proceed in the absence of the Registrant. In reaching this decision, the Panel considered the submissions of the UKCP, the correspondence and written documentation from the Registrant and the advice of the Legal Assessor. It had regard to the factors set out in the above-mentioned cases. The Panel was satisfied that it could hold a fair hearing taking account of the overall interests of justice and fairness to all parties.

#### **Submissions**

15. Ms Ferson, on behalf of UKCP, asked that the Panel consider, as set out in paragraph 7.35 of the CCP, that the sanction be varied to a direction that the Registrant's membership of UKCP

be terminated and a direction to any organisational member to terminate the Registrant's membership as set out a paragraph 7.25.8 of the CCP.

16. The Application was made under provisions 7.25, 7.34 and 7.35, of UKCP Complaints and Conduct Process.

## **Background**

17. On 13 and 14 December 2021, an Appeal Panel imposed a Conditions of Practise Order (Conditions) as follows:

84.

*a. Written Apology: This should be from the Registrant to the Complainant but provided to UKCP for UKCP to forward it to the Complainant. The Panel regarded this as an appropriate sanction since it would require the Registrant to reflect upon what had occurred and upon the disciplinary process. It would require him to confront and acknowledge his failings and would be the first step toward remediation thereof.*

*b. Warning: The Panel considered that a formal letter from UKCP would reinforce the seriousness of the case thereby building upon the potential for insight. It would leave the Registrant in no doubt that any recurrence would be considered serious. As such it would be a form of protection to the public.*

*c. Further training: Given the Panel's finding that a lack of knowledge and understanding was central to the Registrant's misconduct, training and support would provide protection to the public whilst allowing him to continue in practice.*

*d. Written Report: Following completion of the training as described in c, the Registrant to submit a written report to UKCP.*

86. Concerning the issue of further training, the Panel considered that the Registrant should within six months from today's date undertake training with an accredited body in the following areas:

*(i) client confidentiality*

*(ii) data protection and the duties under the General Data Protection Regulations*

*(iii) the management of client data*

*Collectively these should cover the following: The meaning of confidentiality in psychotherapy; the limits of confidentiality in psychotherapy; legal requirements to report; response strategies to requests for information from the Police, courts and other statutory bodies; the application in practice of the UKCP Code of Ethics as regards confidentiality; responsibilities under GDPR; informing your client verbally and/or in writing of the limits of confidentiality and your documentation of the same; what processes are in place in organisations (and your own organisation) to ensure that the meaning of confidentiality and the exchange of information if*

*and when required is uniform and conforms to the current law? The effect of breaches of confidentiality for the client and the standing of the profession.*

*87. The Registrant is to advise his own college (CPJAC) within the UKCP of the training he proposes to attend and seek their approval.*

*88. The intended learning outcome is that by the end of the training the Registrant will have the appropriate knowledge and understanding of confidentiality and its application in his field of practice.*

*89. The Registrant is to provide a reflective report to UKCP setting out the knowledge he has acquired from the above training and how his practice has changed as a result. It should include any academic references and any certificate(s) provided by the training body. It should specifically address the question of insight into his failings as set out in this determination.*

18. On 16 May 2022 the Registrant sent an email to UKCP (Appendix G) attaching 3 documents:
  - a. Apology – 16<sup>th</sup> May 2022.pdf (Appendix H)
  - b. A Full document.pdf (Appendix I)
  - c. CPD Certificate CK 05.03.22 A Saltiel.pdf (Appendix J)
  
19. The Registrant responded to UKCP on 17 June 2022 providing 4 further attachments (Appendix L).
  - d. Charlotte Ferson’s Final Response to UKCP Sanctions Requirements.pdf (dated 17 June 2022) (Appendix M)
  - e. UKCP-Study-Full-Section-BB-0.4.pdf (dated 16 June 2022) (Appendix N)
  - f. LE -16<sup>th</sup> May 2022.pdf (dated 16 May 2022) (Appendix O)
  - g. CPD Certificate CK 05.03.22 A Saltiel (dated 5 March 2022) (Appendix P)
  
20. The Panel considered the statement in support of the application supplied by Ms Ferson. The Panel invited further oral submissions from Ms Ferson.
  
21. Ms Ferson submitted that UKCP was satisfied that the Registrant has complied with the requirement to make a written apology and undergo further training however, the Registrant had not fully complied with the requirement to submit a reflective report.
  
22. Ms Ferson submitted that the Order should be varied in accordance with paragraph 7.35 of the CCP and that the only sanction appropriate is set out at paragraph 7.25.8:

*A direction that the Registrant's membership of UKCP shall be terminated and a direction to any organisational member to terminate the Registrant's membership.*

23. Finally, Ms Ferson submitted that should the application be granted and a termination order made, the Panel should impose an Interim Suspension Order to cover the duration of the period in which the Registrant could appeal the order.
24. The Registrant was placed on notice of UKCP's intention to vary the sanction to that of termination on 28 June 2022.
25. On 6 July 2022 the Registrant sent an email to UKCP (Appendix R). The Registrant stated that he does not consider himself a member of UKCP. He contested that UKCP can terminate his membership in light of his resignation.

### **Determination**

26. The Panel considered all the material before it, including the representations from the Registrant and the submissions of the UKCP.
27. The Panel heard and accepted the advice of the Legal Assessor.
28. The Panel first considered why the Conditions of Practice Order was imposed. It noted that the Appeal Panel had determined that the Registrant's fitness to practice was impaired by a serious error (as opposed to deliberate/malicious conduct) but that such impairment could be remediated by learning, reflection and, crucially, an indication that such learning and reflection would be integrated into future practise.
29. The Panel next considered whether the Registrant had met the conditions set out in the Conditions of Practice Order and which were designed to facilitate and demonstrate such learning, reflection and integration. The Panel was of the view that the Registrant had not met the conditions.
30. In reaching the above conclusion the Panel noted that although the Registrant reported he had undertaken a considerable amount of training and reflection, his written documentation demonstrated that he had not learnt from this. The document contained a mass of information and intellectual discussion but, most if not all of this appeared to centre around his rejection of the regulatory process, the sanctions imposed and reasons for them, and rejection of the UKCP as a regulatory body. The Panel was unable to find any evidence that the Registrant had learned from the training/research and would apply that learning to current and future practice. The Panel concluded that there was no evidence of a change in the Registrant's understanding and attitude and no evidence to conclude that such understanding would be applied to practise.
31. The Panel was careful not to draw any adverse inferences from the Registrant's absence. However, his non-attendance meant that it was unable to explore with him whether he had in fact learned from his training and did now apply that learning. Whilst this deprived the Registrant of the opportunity to 'state his case' regarding learning and application, the Panel

remained of the view that this was the Registrant's conscious choice. He had rejected the process to the point that he purported to resign from the register. The Panel determined that the Registrant had no insight into his failings and had not demonstrated the capacity for insight or change.

32. The Panel next considered whether an alternative sanction to that of termination could be imposed under rule 7.26 however, it determined that there was not. In so concluding the Panel considered all available sanctions in ascending order. It considered the Registrant's lack of compliance with the Conditions of Practice Order, his lack insight and engagement with the regulatory process and his purported resignation from the UKCP register. The panel concluded that no lesser sanction would protect the public and that the only proportionate sanction was termination of membership. The Panel therefore terminated the Registrant's registration and directed that any UKCP organisational member should terminate the Registrant's membership. Both these directions were made in accordance with 7.25.8 of the CCP in order to protect the public and to maintain public confidence in the profession and the regulatory process.

#### **Right of Appeal and Interim Suspension Order (ISO)**

33. Both the Registrant and UKCP have 28 days from when the written decision is served upon them in which to exercise their right of appeal. An interim suspension order may be imposed to cover the 28 day appeal period and the time during which an appeal that may be heard.
34. The Panel considered the application by the UKCP to impose an ISO on the Registrant. The Panel considered Ms Ferson's submissions and accepted the advice of the Legal Assessor.
35. The Panel has determined that the Registrant has failed to meet the conditions of practice designed to remediate his impaired fitness to practice. His lack of insight and the lack of evidence to demonstrate learning and change led the Panel to conclude that there remained a risk of repetition of his previous conduct. As such the risk to the public remained and an ISO was necessary.
36. The Panel therefore determined to impose an ISO to protect the public. The interim suspension order will automatically fall away following expiry of the appeal period.

Signed,

A handwritten signature in grey ink, appearing to be 'M. Ferson', is located below the 'Signed,' text.

Mark Bissell, Lay Chair  
Date: 20 July 2022