

# HANDLING COMPLAINTS ABOUT THERAPISTS

Report of the UKCP  
Professional  
Conduct Committee

1 January 2020–31 December 2020

# At a glance

Complaints activity in 2020



The Complaints and Conduct Team handled **196 general enquiries** and **392 complaint-related enquiries**.

**79 complaints were received.**

7 complaints were referred to an Adjudication Panel.

**2 registrants** had their UKCP registration terminated.

In **3 cases** misconduct was found but the registrants' fitness to practise was not found to be impaired.



**0.78%** of all UKCP registrants were the **subject of a complaint.**

**4 interim suspension order hearings** (including one review) were held.

## Top 3 causes of complaints:



- 1** Breach of client confidentiality
- 2** Failure to set and maintain professional boundaries with a client
- 3** Dissatisfaction with the manner in which the registrant provided therapy

**15 Adjudication Panels** were convened, concerning 11 cases.

**Conditions of practice** were issued to 2 registrants.

## Foreword

Welcome to the Professional Conduct Committee (PCC) 2020 annual report. Once again, I hope you find it informative and that it reassures the public and our members that UKCP's complaints procedure remains fit for purpose and is operating well.

It will be no surprise that the focus of this year's foreword is the COVID-19 pandemic. As the Chair of the PCC, I applaud UKCP for the agile way in which it responded to events to ensure the complaints system never faltered in its operation. The swift movement to virtual online hearings has ensured that the most serious complaints have continued to be heard in a timely manner. Keeping the high-quality handling of complaints going while working remotely from home is a significant achievement.

We will continue with virtual hearings for the foreseeable future and will keep the situation under constant review. However, online hearings have proved popular with participants and may well be here to stay as an option.

Despite the pandemic, UKCP has been able to recruit and train lay and professional Adjudication Panel members. There was a small increase in complaints in 2020, but none were directly related to the pandemic. With nearly all face-to-face psychotherapy stopped, practitioners must be commended for adapting so well to the move to telephone and video therapy.

Once again, our complaints data demonstrates that the vast majority of members on our register never have a complaint made against them. The public can be assured that serious complaints are rare, and that when things do go wrong our robust complaints process enables us to step in and take action. Registrants will be able to see that we take a fair, proportionate approach that ensures serious complaints are taken forward to a hearing. We analyse all complaints received to enable us to focus on learning and development to support registrants to practise safely.

I would like to thank the PCC committee members who have supported me so well during the pandemic, helping to ensure that complaints were scrutinised without delay and that public protection was maintained. One of our professional members, Henry Adeane, stood down due to extra work commitments. My thanks to Henry for his in-depth analysis when discussing complaints; he will be missed.

**Brian Linfield MBE JP**

Chair, Professional Conduct Committee



# Contents

About UKCP .....	4
The Professional Conduct Committee .....	5
The Complaints and Conduct Team .....	7
The Complaints and Conduct Process .....	8
Complaints and related activity during 2020 .....	10
• Response to the COVID-19 pandemic	
• Overview of complaints activity	
• Outcomes of Adjudication Panel hearings	
• Application to appeal	
• Sanction review hearing	
Number of complaints year on year .....	13
Understanding the root causes of complaints .....	14
Learning from complaints: confidentiality .....	15
Sharing good practice .....	16



## 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 just under 11,000 individual members and more than 70 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. By doing so, it plays a key part in enabling UKCP to meet its 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 UKCP's Complaints and Conduct Team, which manages complaints on a day-to-day basis (see page 7).

Occasionally, the PCC may also be asked to decide whether to take an individual case forward if the case manager feels unable to make the decision.

Another key function of the PCC is to enable learning from complaints. The PCC asks the Complaints and Conduct Team to undertake a root cause analysis at the conclusion of each case to determine the issues driving complaints and identify key areas of concern. This information is then used to shape training programmes. It also helps to inform UKCP policy decisions.

## Membership of the PCC

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

During 2020, the PCC's membership was as follows:

### 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. He is a specialist presiding lay magistrate sitting in the family court.

He is a retired civil servant and has a 16-year background of statutory regulation within the water industry, for which he was honoured with an MBE. He was also regional lay chair for complaints within the NHS.

#### **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, multi-academy trust board support and visiting fellowships at several universities.

He is 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 of England and in Wales. In 2019 he was re-elected as a member of the Governor's Council of the University Hospital Bristol and Weston NHS Foundation Trust, representing North Somerset.

### **Kellie Green**

Kellie has many years' experience of regulating a range of healthcare professionals. 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, Austria, and a graduate diploma in law from BPP Law School in London.

Having previously worked as a judicial assistant in Austria and as a regular volunteer with various legal advice centres in London, he has considerable experience of judicial and quasi-judicial processes and complaints procedures.

## **Professional members**

### **Henry Adeane**

Henry is a psychotherapist, trainer and clinical supervisor. He currently works at the Counselling Foundation in St Albans, the Bedford Prison Counselling Service, Matrix College of Counselling and Psychotherapy in Norwich and Ipswich, and in a number of other organisations in various capacities.

He specialises in complex cases, forensic psychotherapy and the ethical treatment of addiction and personality disorder.

### **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 UKCP and British Psychoanalytic Council registered.

## **Ethics Committee representative**

### **Karen Rowe**

Karen has worked as a psychotherapist for nearly 30 years in different contexts including the NHS, voluntary sector and HM Prison Service. Currently 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.



## The Complaints and Conduct Team

The PCC works closely with UKCP's Complaints and Conduct Team, from the receipt of a complaint or allegation through to its resolution. The team currently comprises a complaints and conduct manager, two case 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. These 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 information about safely storing their client records.

### Complaints enquiries

These include enquiries from people who are considering making a complaint and who want to seek advice or discuss their concerns, or from registrants who might be concerned about a client making a complaint.

The team also receives enquiries from people who want to know more about the Complaints and Conduct Process.

By responding to these queries, the team helps to provide realistic expectations of the process, letting people know what the complaints process covers and exploring what steps the enquirer has taken so far – for example, whether a registrant has spoken to their indemnity provider or a client has discussed their concerns with their practitioner.

---

# The Complaints and Conduct Process

The Complaints and Conduct Process (CCP) provides a centralised, transparent process for considering complaints or concerns raised by members of the public and clients about UKCP registrants.

## 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.



## The complaints process in summary

When a complaint or allegation is received, it goes through the following process:

- The complaint is allocated to a case 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 case manager's recommendation on the way the complaint should be dealt with, taking into account UKCP's procedural requirements. The PCC offers advice to the case manager, who then makes the final decision.
- If a decision is made to take a case forward, it will be referred 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?
- Neither the case managers 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 to review their contracts and terms so that 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:

- 1 Whether the allegations are found proven (or admitted).
- 2 Whether the allegations constitute misconduct.
- 3 Whether the registrant's current ability to practise is impaired.
- 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 proved 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 found 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 found 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 found 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.

# Complaints and related activity during 2020

## Response to the COVID-19 pandemic

COVID-19 brought immense challenges for psychotherapy during 2020. Thanks to a programme of emergency and business continuity planning which began in 2018, and investment in resources, UKCP was able to respond swiftly to the COVID-19 restrictions and move its operations online almost overnight.

A top priority for UKCP was to protect the health and wellbeing of registrants and their clients. It was essential that registrants were provided with resources to enable them to practise as safely as possible. To this end, just over three weeks after lockdown began, UKCP launched guidance on working online. It also created a COVID-19 information hub on its website which was regularly updated amid changing national and local guidance.

The priority for the PCC and the Complaints and Conduct Team was to ensure that UKCP could continue to protect the public through its regulatory process. The team began working remotely on complaints handling and we adapted our processes to allow hearings to take place via video conference or telephone. As a result, our complaints process and hearings continued without interruption during 2020.

## Overview of complaints activity

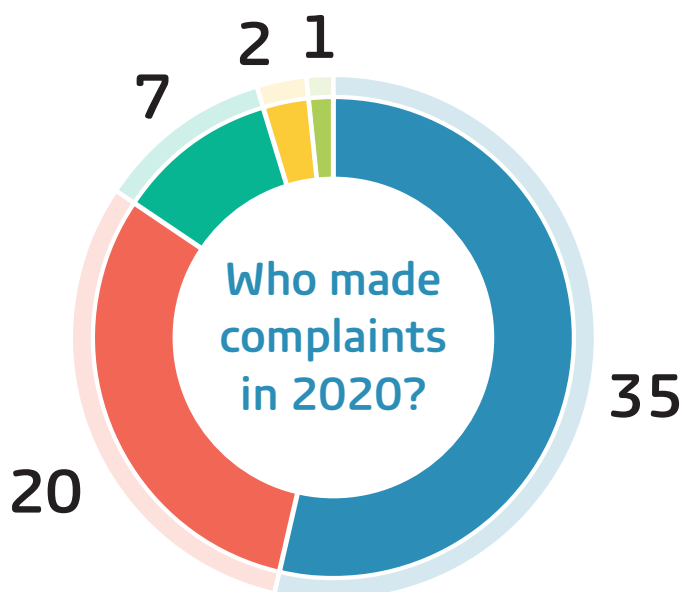
UKCP takes all complaints very seriously and is committed to safeguarding the public. However, it is important to remember that the vast majority of members on our register practise every day and are never complained about. In 2020, 0.78 per cent of UKCP registrants had a formal complaint made against them.

Every complaint is an opportunity for learning. We hope that registrants will use the information in this report about the causes of complaints to review their current practices and procedures, in order to avoid circumstances in which such trigger points may arise.

## Who made the complaints?

Of the 79 formal complaints received in 2020, 65 were about UKCP registrants.

- Client
- Third-party complainant\*
- Self-declaration by UKCP registrant
- UKCP
- Anonymous



\* Someone who is not a client – this could include anyone outside of the therapeutic relationship, for example an employer or another regulator.

The following table shows complaints activity during 2020.

	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Total
Complaints received	29	14	20	16	79
Complaints referred to an Adjudication Panel	2	3	2	0	7
General enquiries received	63	52	46	35	196
Complaints enquiries received	111	86	113	82	392
Adjudication Panel hearings held	6	3	4	2	15
Sanction review hearings held	0	1	0	0	1
Applications to appeal received	0	1	0	0	1
Interim suspension order hearings held	1	2	1	0	4
Appeal Panel hearings held	0	1	0	0	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 a case manager and found to be within scope of the CCP (that is, the complaint indicates a potential breach of UKCP's 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 7.

**Complaints enquiries:** see page 7.

**Sanction review hearings:** where the Adjudication Panel that imposed sanctions on a registrant meets to determine whether the registrant has complied with the sanctions or whether the sanctions should be extended or varied.

**Interim suspension order 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.

**Appeal Panel hearings:** hearings that are convened if an application to appeal (submitted by UKCP's Registrar or the registrant) against an Adjudication Panel decision is granted.

---

# Of the 79 complaints received in 2020:

14

were about therapists

who were not UKCP registrants.



21

were outside the scope of the CCP

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

32

were in scope

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



12

are on hold

– where we are awaiting further information from the complainant or another regulator or employer.

## Outcomes of Adjudication Panel hearings in 2020

There were 15 Adjudication Panel hearings in 2020 which dealt with 11 cases (some required more than one sitting). Of these:

- ten cases were heard and concluded
- one case is still ongoing at the time of publication of this report.

Findings/actions taken	Number of registrants
Termination of UKCP registration	2
Conditions of practice order issued, requiring the registrant to comply with certain conditions in order to stay on the UKCP register	2
Misconduct found but no current impairment of the registrant's fitness to practise	3
No misconduct found	2
Case discontinued by UKCP	1

## Application to appeal

One registrant submitted an application to appeal against an Adjudication Panel decision. The application was considered by a lay chair (who had no prior involvement with the complaint).

The test for granting permission to appeal was met, therefore an Appeal Panel was convened to consider the matter.

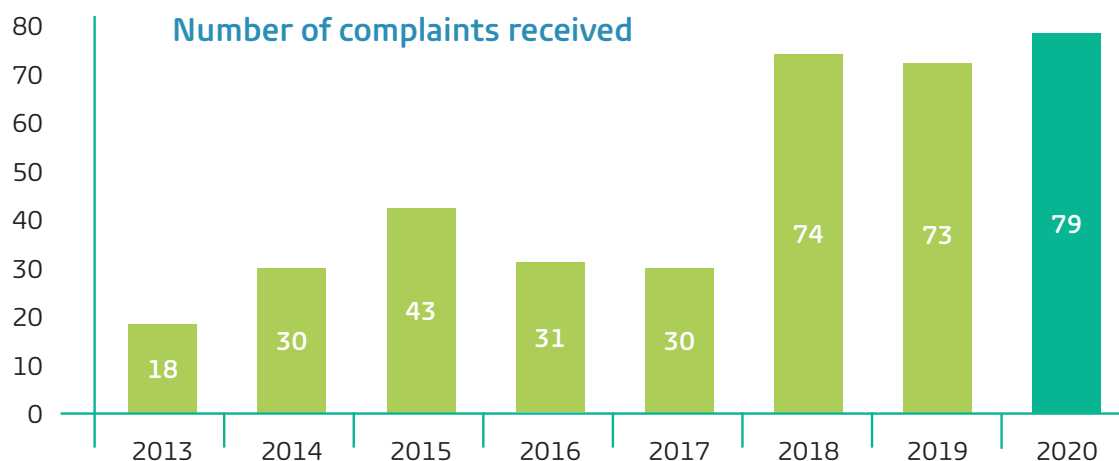
The Appeal Panel dismissed the registrant's appeal and determined that the Adjudication Panel's decision stands.

## Sanction review hearing

An Adjudication Panel met to consider whether a registrant had complied with sanctions imposed on them in 2019. The Panel determined that the registrant had complied with the sanctions.

## Number of complaints year on year

We have been collecting complaints data since 2013. As the chart below shows, the number of complaints UKCP received in 2020 was slightly higher than in previous years.



# 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. For each complaint, the team reviews the allegations and then categorises them into one or more broadly defined groups.

This classification gives a broad oversight of the issues that are driving complaints and throws up a red flag when certain issues recur. We can then analyse and understand the circumstances that are causing the complaints within each category. We share this information with registrants through the 'Learning from complaints' section of our website.

We analysed the root cause of the 45 complaints concluded in 2020. The causes/behaviours that led to these complaints were as follows (some complaints fall into more than one category).



- Breach of confidentiality
- Failure to set and maintain professional boundaries with a client
- Client dissatisfaction with the manner in which the registrant provided therapy
- Decision of another body/regulator/employer
- Failure to adequately explain terms and conditions of therapy
- Dual relationships with clients (that is, a relationship both inside and outside the therapeutic relationship)
- Poor management of therapy endings
- Misleading advertising/use of social media
- Criminal conviction/caution
- Bringing the profession into disrepute
- Sexual exploitation

Note: some cases had more than one root cause.

---

## Learning from complaints: confidentiality

Through root cause analysis work, the Complaints and Conduct Team identified that confidentiality continues to be the most common cause of complaints about members on our register. It is a topic we have provided information and advice on previously, including an article on the subject in the autumn 2019 edition of *New Psychotherapist* and a page on the 'Learning from complaints' section of the UKCP website.

In December 2020, Case Manager Charlotte Ferson delivered a webinar for UKCP registrants looking at situations where they may be asked to break confidentiality – such as subject access requests or court proceedings – and what to do about it.

The webinar was attended by 97 practitioners and was well received, with attendees reporting that it provided a clear tool to assist them in their decision-making and that they have used it to improve their practice. The webinar recording is available online for UKCP members as an exclusive member benefit.

We will continue to review the data we obtain from complaints and share learning with registrants, to help them avoid situations from which complaints might arise and so reduce the number of complaints made.



# Sharing good practice

We are keen to promote good practice and the work of UKCP registrants.

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](mailto:complaints@ukcp.org.uk) – we welcome your input and your help in disseminating effective ways of working.

