



## CCP Review Group Minutes

**Meeting Date:** Wednesday 22 October 2014

**Time:** 12:00 to 15:15

**Location:** Room 1, UKCP

**Present:** David Pink (DP) – Chair  
Kate Waters (KW)  
Haya Oakley (HO)  
Sian Ellis (SE)  
Brian Linfield (BL)  
Catherine Freeman (CF)  
Sunita Thakore (ST)  
Samantha Lind (SL)  
Fiona Biddle (FB)  
Sally Forster (SF)

**Apologies:** Debbie Livingstone (DL)

**Minutes:** Samantha Lind (SL)

Item	
1.1	<b>Welcomes and Apologies</b> The group was in full attendance for the final meeting with the exception of DL. DP thanked the group for their contribution and noted that the work had been done well. Responding to a question from one of the members, the group were advised that the Board of Trustees would be responsible for signing off the final draft of the rules early next year.
2.1	<b>Review of Minutes</b> The group confirmed that they had reviewed the minutes of the previous meetings and had sent in any necessary amendments. The group discussed the publication of the minutes and the report, and agreed that they should be published together. It is currently the intention to publish the documents after the Board of Trustees have signed off the report, however if for any reason this cannot be done the group intend on publishing a statement of progress so that it is clear where we are in the process. DP has agreed to alert the Board of Trustees to the fact that the

	group would like the information made available to the public sooner rather than later.
3	<p><b>Report of the CCP Review Group Report</b></p> <p>The group considered the CCP Review Group Report as an in-depth reflection of the work done by the group. It was agreed that the report will require the ‘wrapping’ of a formalised Board Paper, and that it may be sensible to produce a summary document of 1-2 pages outlining key changes and decisions for the public. It was suggested that the strength of the report is that it clearly guides you through the consultation and decision-making process and shows that even if feedback was not agreed with, it was listened to. The group was also made aware of the deadline for submitting required changes to the report and agreed to do so before that time.</p>
3.1	<p><i>Healthcare and Professions Council Report</i></p> <p>BL brought to the attention of the group a report produced by the Healthcare and Professions Council. This report followed on from a statutory consultation in the healthcare field and contained many of the same themes as the UKCP consultation. BL advised he not only read the report, but also read the responses to the consultation, and is of the opinion that it does not put the decisions made by the group at risk. BL noted that it may have been helpful for the group to be aware of the consultation and report earlier, but advised he would input in today’s discussions if he felt there was something relevant that the group needed to be aware of. DP noted that the report was about best practise in uniform statutory regulation, and although the responses to the consultation may be relevant, our goal is slightly different in that we want to move away from convergent regulation and to instead develop a robust system that is relevant to non-statutory regulation in the psychotherapy field.</p>
4.	<p><b>Decisions and Recommendations</b></p>
4.1	<p><i>Question 2: Are the five categories used to describe possible impairment of fitness to practise the right ones?</i></p> <p>The group discussed the advice received from their Legal Counsel (hereafter referred to as LC) in regard to question two.</p> <p>LC suggested that removing the category ‘unethical conduct’ may mean that a complaint is unable to be processed if it does not fit into any of the other categories. LC advised that it may be worth keeping it there just in case there is a scenario in which UKCP would like to investigate a complaint but cannot do so. The group discussed this at length and agreed that leaving a wide, almost open-ended entry point for the CCP was what we wanted to avoid, and therefore will suggest that ‘unethical conduct’ is removed. The group considered that it may be frustrating if a situation arises that should, but cannot be progressed, however agreed that if the Code of Ethics is updated as requested this should not occur.</p>
4.2	<p><i>Question 3: How might we make the criteria for assessing impairment of fitness to practise clearer?</i></p> <p>LC advised that in the draft report the group had attempted to substitute the word ‘impairment’ instead of using ‘fitness to practise’ during the screening stage. LC advised that these words were not interchangeable and that the group should make their intention clear. The group discussed this at length and were aware that if no consideration was given to ‘impairment’ or ‘fitness to practise’ at the screening stage, unnecessary complaints would automatically be referred to a Panel which is contrary to the aim of CCP. The group agreed that the intention was not to remove the final stage of the screening process, but to phrase it differently so that it was</p>

	<p>clear what was being considered. The group made a number of suggested phrases which will be put to the board, and if accepted, the drafting team will develop a phrase to encapsulate the intention. This phrase will not be 'fitness to practise'. The group agreed the intention of the third stage of the screening process to be: if the allegations were upheld, would it potentially justify sanctions; have a public safety aspect; or compromise the integrity of the register.</p> <p>4.3 <i>Question 8: Many of our members are subject to multiple complaints procedures. How would you like UKCP to address this?</i></p> <p>LC advised that one of the recommendations that had been suggested in the report, that a Registrant subject to multiple complaints procedures due to membership of multiple organisations should be able to choose which organisation they want to hear their complaint, may require revisiting. LC advised that doing so may be seen as abdicating responsibility and undermines the goal of a centralised complaint process. The group discussed this and unanimously agreed to remove the recommendation from the report.</p> <p>The group also discussed at length the difficulties that arise due to Organisational Members retaining internal complaints processes in relation to UKCP members. The group were concerned that members may be subject to double jeopardy and noted that there is a lot of confusion and inconsistency amongst our Organisational Members in regard to this. The group expressed a hope that after the review of the CCP is completed and the new process is launched, those Organisations that had not yet signed a Memorandum of Understanding with UKCP (agreeing to direct all complaints about their UKCP members through the CCP) will do so. The group also agreed to highlight this issue with the Board of Trustees so that consideration can be given to resolve the situation and potential guidance given to Organisational Members and Colleges in relation to this.</p> <p>4.4 <i>Question 10: Is UKCP's screening process appropriate?</i></p> <p>The advice regarding this question relates to that raised at question two. LC advised the group to make it clear what the steps of the screening process are. The group agreed to make clear the following:</p> <ol style="list-style-type: none"> <li>1. Does the complaint meet one of the four entry points as stipulated in question 2?</li> <li>2. If so, is there a realistic prospect of providing the allegations / breaches of the Code of Ethics are true, on the balance of probability?</li> <li>3. If so, if the allegations were upheld, would it potentially justify sanctions; have a public safety aspect; or compromise the integrity of the register?</li> </ol> <p>A complaint must meet all three of these points to be referred to a panel.</p> <p>The group also discussed the role of the Professional Conduct Committee and the Complaints and Conduct Officers. BL advised that after reading the responses to the Healthcare and Professions Council Report he had changed his position regarding the role of the PCC and CCOs. BL suggested a compromise between the three various options that the group had proposed (but were unable to reach a consensus on). BL proposed that the CCO's should become Case Managers and act as the final decision makers. The CCO's should be responsible for screening complaints and making a decision about whether they need to be referred onward to a Panel or not. The Case Managers will be obliged to seek the advice of the Professional Conduct Committee for each case before taking action; however will retain the power to make the final decision. The Case Managers will not be members of the Professional Conduct Committee which will function independently of the Case Managers. The Professional Conduct</p>
--	---

	<p>Committee will have a quality-checking and auditory function and will hold the responsibility of the root cause analysis and training work. The group agreed that this formed the safest possible system as the PCC would retain oversight over all complaints received, not just those that are referred to a Panel. The group were mindful that there could be an instance where a CCO incorrectly went against the advice of the PCC; however DP confirmed that he would not expect that to occur and that there must be written evidence of each step in the process, so if this occurred he would expect the CCO to be answerable to their decision. The group agreed to remove the three options initially proposed, and to instead put forward this suggestion.</p> <p>4.5 <i>Question 14: Do you think hearings should normally be held in public? If so, what are the exceptions?</i>  LC advised that the recommendation made by the group to close hearings to the public was not unlawful and noted that other regulators in the psychotherapy field also hold close hearings; however suggested that the group consider the role of transparency – if hearings are closed, we need to make it clear that we are still fulfilling our public protection duties. The group considered whether there was a middle ground between fully open hearings and fully closed ones. This might minimise the reputational damage that closed hearings may cause, whilst also maintaining confidentiality. This was discussed at length; however the group determined that it was better to have ‘all or nothing’. The group considered LC’s advice in line with previous discussions about this matter and agreed to retain the recommendation that hearings are closed.</p> <p>4.6 <i>Question 15: How would you like the review and appeal of complaints to look?</i>  The group had initially suggested that the words ‘unduly lenient or unduly severe’ be replaced with ‘disproportionate’; however LC advised that this widened the scope for an appeal considerably and was a much lower threshold. This was not the intention of the group – rather we meant to suggest an appeal right for an unexplained decision, or one inconsistent with the indicative sanctions guidance (once produced). The group agreed to communicate this intention to the Board of Trustees and the drafting team so that a suitable phrase can be employed.</p> <p>4.7 <i>Alternative Dispute Resolution / Local Resolution</i>  The group discussed the role of ADR within the CCP and noted the advice from LC that there appeared to be confusion about whether the CCP was a fitness to practise policy intended to maintain the integrity of the register, or a dispute resolution process focused primarily on resolving disputes between two parties.  The group were all unanimous that ADR or Local Resolution was exceptionally important and had a big role to play, however agreed that it was confusing to try to integrate the two into one system. The group considered that the CCP was only for those complaints which suggest that there is a public safety risk or of such a severe nature that a sanction or finding of impairment was likely. Minor disputes between two parties do not belong in the CCP, but should be directed through a dispute resolution program. The group determined to keep their recommendation to the Board of Trustees, namely that a working group should be convened to develop a robust process, but also agreed to make another recommendation, that the ADR process be removed from the CCP and instead sits as a policy independently of the CCP (though it is possible the two may be used in tandem at times).</p>
--	---

5. **Next Steps**

The group briefly discussed what will happen once the report has been sanctioned by the Board. The group agreed it would be a good idea for the changes to be communicated in person to the Colleges or Organisational Members so that the work of the group is understood and the impact of the changes noted. DP asked any members who were interested in doing this work to contact him to discuss. The group agreed that all comments on the report would be submitted by Wednesday, with the final copy of the report going to the Board of Trustees on Friday 31 October 2014.