

CCP Review Group Minutes

Meeting Date: Wednesday 23 July 2014

Time: 12.30 to 15:30

Location: Room 1, UKCP

Present: David Pink (DP) – Chair
Kate Waters (KW)
Haya Oakley (HO)
Sian Ellis (SE)
Brian Linfield (BL)
Catherine Freeman (CF)
Debbie Livingstone (DL) – Dial in
Sunita Thakore (ST) – joined at 2.00pm
Samantha Lind (SL)
Fiona Biddle (FB)
Sally Forster (SF)

Apologies: None

Minutes: Samantha Lind (SL)

| Item | |
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| 1.1 | Welcomes and Apologies No apologies. ST to join at 2pm. |
| 2.1 | Review of Minutes of 9 July 2014 Minor amendments suggested. It was raised in relation to 5.2 whether being a psychotherapist should exclude someone from performing the role of a Complaints and Conduct Officer. The group discussed the matter but considered it was not necessary to impose such a restriction. AP: SL to review previous minutes and amend as necessary. |
| 2.2 | <u>Actions from 9 July 2014</u> |
| 2.2.1 | Minutes of 25 June 2014 amended as suggested. |

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| 2.2.2 | The new Chair of Ethics is unable to attend on either 23 July 2014 or 30 July 2014. |
| 2.2.3 | DP met with BL and the Complaints and Conduct Manager, SK. Recommendations to be put to the group on 30 July 2014. |
| 3.1 | <p data-bbox="358 331 1154 363">Q14. Do you think hearings should normally be held in public?</p> <p data-bbox="358 369 1442 432">The group continued the discussion from the previous meeting and considered the following points. It has been noted that the group found this a difficult topic for a number of reasons.</p> <p data-bbox="272 474 829 506">3.1.2 <i>Reputation of UKCP and the Registrant</i> The group considered the impact upon the reputation of a Registrant when hearings were held in public and private. The group further considered the reputation of UKCP and if hearings were to be held in camera whether this would adversely impact upon the reputation of UKCP as a regulator.</p> <p data-bbox="272 684 532 716">3.1.3 <i>Confidentiality</i> The group agreed that the confidentiality of the Registrant and the client should be paramount. It was suggested that this should override any considerations about the reputation of UKCP. The group discussed the Code of Ethics and the clause regarding confidentiality, and in particular focused on the effects that upholding this clause may have on a Registrant's ability to defend themselves against a complaint. Although a client waives their right to confidentiality by filling out a complaint form, it was suggested that it is unreasonable to expect that a client would understand fully what might be disclosed during a hearing. A hearing could be re-traumatising and our duty of care is to prevent this from happening/ Concerns that a complainant may not want to lodge a complaint due to fear of a public hearing.</p> <p data-bbox="272 1066 659 1098">3.1.4 <i>Transparency of process</i> The group recognised that the need for transparency was exceptionally important, but it was suggested that the risk of a public hearing was an ethical issue that may limit both parties' ability to speak freely. This is important as the public must feel that they can trust a psychotherapist to maintain confidentiality. The group agreed that if hearings were to be closed, we need safeguards in place to ensure that due process is followed and that the record is clear and the outcome accessible to the public. The group also agreed that there are many ways that we can be seen to be running a good and just process whilst still holding confidentiality and client's interests at the forefront. If the public can see why someone has come off UKCP's register or has restrictions on their practise, will this be enough to keep public confidence?</p> <p data-bbox="272 1455 919 1486">3.1.5 <i>Process for applying for public/private hearings</i> The group agreed that if hearings were to be normally closed, there must be an avenue for an application to be made for the hearing to be made public, though recognised that if they are private in principal they will almost certainly always be in private as it is difficult to foresee a situation in which someone would apply for a public hearing. Will the public understand the reason for a closed hearing?</p> <p data-bbox="272 1703 1487 1829">3.1.6 Consideration given to article 6 and 8 of the Human Rights Act – do open hearings encroach on this? We are not a statutory regulator – we are trying to behave in a way that takes into account the public interest, but our relationship with our members is private. BL, the Lay Chair of the PCC notes that he is not content with the decision of the group, though he does understand the</p> |

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| | <p>reasoning.</p> <p>Decision: Hearings should normally be held in private, but may be opened to the public upon application.</p> <p>Recommendation: Guidance notes should be produced to expand upon closed hearings – who will be in attendance, will the hearing be published, etc.</p> <p>AP: Chair of Ethics should be notified once the final recommendation report is prepared.</p> |
| 3.2 | <p>Q7. Is there merit in extending the current CCP to include complaints about students or trainee therapists?</p> <p>The group considered the following points:</p> |
| 3.2.1 | <p><i>Role of the Organisational Member</i></p> <p>The group considered whether it is practical for the OM to both prosecute and support a trainee if there is a complaint about their client work, and if so, how this should be done. The group discussed whether there is a possibility of separating client complaints from training complaints, and if so whether either can be addressed by CCP. The group noted that there was a problem with OM diversity and the various complaints processes in place, though agreed that this is lessening through the Quinquennial Review process.</p> |
| 3.2.2 | <p><i>Practicality</i></p> <p>The group were aware that legally it would be difficult for us to hold a trainee or student to our Ethical Principles and Code of Professional Conduct if they were not a member of UKCP. The group agreed that complaints made about the training should be referred to the college and UKCP can liaise with them to reach an outcome – however this is for the Regulation department, not the CCP. The group recognised that 99% of trainees have no contractual relationship with UKCP, and unless it is made mandatory to obtain membership whilst training there is no real possibility to enforce a UKCP-run complaints system. The group also recognised that UKCP is not aware of what the trainees have learnt or where they are in their studies and cannot take this into account when considering a complaint.</p> <p>Decision: The CCP is about maintaining the integrity of our Register and as such it cannot cover those who are not on the Register at this time.</p> <p>Decision: Complaints about Organisational Members and training do not sit within the CCP. There needs to be a clear avenue for these complaints, but it is not the CCP.</p> <p>Recommendation: Consideration should be given to a trainee status that could extend the CCP to them in the future. The relationship between UKCP and trainees should be reassessed to determine what it means and how trainees should interact with UKCP.</p> |
| 3.3 | <p>Q13. Is UKCP’s role in presenting cases against its members consistent with its registration and regulatory role?</p> <p>The group agreed that we should be aware of the potential conflicts in these roles, but potential conflict does not necessarily mean that they exist in practise. The group were aware of the perception that UKCP works both for, and against, its members, but considered the CCP not the right place for these discussions.</p> |

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| | <p>Decision: It is compatible as long as there is a fair and robust process in place with the necessary support mechanisms.</p> <p>3.4 Q10. Is UKCP’s screening process appropriate? To be discussed at the next meeting.</p> <p>3.5 Q15. How would you like the review and appeal of complaints to look like? For instance: what should the criteria be for appealing to UKCP? The group considered the following points:</p> <p>3.5.1 <i>Who should have the right of appeal?</i> The group considered whether UKCP should have the right to appeal. The group were aware that there is the possibility of the situation, however unlikely, in which the Panel ignore the advice of the Legal Assessor and come to a perverse decision, and were of the opinion that UKCP should be able to appeal in that instance. The group discussed whether the Complainant should have a right of appeal. The group considered whether it was necessary for the Complainant to have the right of appeal if the Registrant does. The group recognised that the Complainant is not a party to the complaint; however they should be able to petition UKCP to lodge an appeal on their behalf. The group discussed the logistics of UKCP appealing and agreed that it was important to separate the original complaint and the appeal. The group agreed that anyone should be able to assess the appeal in UKCP as long as there are clear grounds for acceptance or rejection. Decision: Only UKCP and the Registrant should have direct access to lodge an appeal, although the Complainant can petition UKCP to appeal on their behalf.</p> <p>3.5.2 <i>Grounds of Appeal</i> The group reviewed the grounds of appeal as outlined in UKCP’s defunct Central Final Appeal Procedure and Central Complaints Process, as well as the current CCP12 grounds. Decision: The ability for both parties to appeal a sanction should remain; however the wording should be changed from ‘unduly lenient or unduly severe’ to ‘disproportionate’. Decision: The ability for both parties to appeal on the ground that there has been a ‘procedural irregularity materially affecting the findings’ should remain. Decision: A ground based on new evidence should be introduced, but it must be within 28 days and must be material to the decision. ‘That a piece of evidence that was not reasonably available at the time of the hearing and which may have had a material affect on the finding of the complaint was not considered.’</p> <p><i>Re-opening cases</i> The group discussed whether we should be re-opening cases after the appeal period of 28 days has lapsed. All agreed that we want to avoid protracted litigation and disputes. AP: CCO’s to check with Field Fisher whether there is an ability to re-open cases in other organisations.</p> |
| 4. | Finalise Actions / AOB |

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| | <p>AP: SL to review previous minutes and amend as necessary.</p> <p>AP: Chair of Ethics should be notified once the final recommendation report is prepared.</p> <p>AP: CCO's to check with Field Fisher whether there is an ability to re-open cases in other organisations.</p> |
| 6. | <p>Date of next meeting</p> <p>Wednesday 30 July 2014</p> |