



CCP Review Group Minutes

Meeting Date: Wednesday 30 July 2014

Time: 10:00 to 16:45

Location: Room 1, UKCP

Present: David Pink (DP) – Chair
 Kate Waters (KW) – joined at 3pm
 Haya Oakley (HO)
 Sian Ellis (SE)
 Brian Linfield (BL)
 Catherine Freeman (CF)
 Debbie Livingstone (DL)
 Sunita Thakore (ST)
 Samantha Lind (SL)
 Fiona Biddle (FB)
 Sally Forster (SF)

Apologies: None

Minutes: Samantha Lind (SL)

Item	
1.1	<p>Welcomes and Apologies KW to join at 3pm. Comments on questions being addressed today have been sent to SL and ST to circulate.</p>
2.1	<p>Review of Minutes of 23 July 2014 Minor amendments suggested. The group discussed the publication of all minutes once today's meeting has been signed off and agreed that all will be reviewed and signed off by each member of the group prior to publication, which should occur after the Board meeting in September.</p> <p>AP: SL to review previous minutes and amend as necessary. AP: Group to review the minutes of all meetings in preparation for sign-off in September.</p>

<p>2.2 2.2.1 2.2.2 2.2.3</p>	<p><u>Actions from 23 July 2014</u> Minutes of 8 July 2014 amended as suggested. The new Chair of Ethics will be notified once the recommendation report is prepared. CCO's to meet with Field Fisher on 2 September.</p>
<p>3.1 3.1.2 3.1.3 3.1.4 3.1.5</p>	<p>Question 10. Is UKCP's screening process appropriate? The group continued the discussion from the meeting on 9 July 2014 and considered the following options available:</p> <p>3.1.2 The CCO as the decision maker, with the ability to seek advice from the Professional Conduct Committee if necessary;</p> <p>3.1.3 The CCO as the decision maker; with a requirement to refer all cases to the Professional Conduct Committee that are going forward to a hearing to seek their advice and comments. CCO retains the ability to disregard that advice if they disagree;</p> <p>3.1.4 The CCO as the decision maker; with a requirement to refer all cases to the Professional Conduct Committee that are going forward to a hearing. The CCO must gain the endorsement of the Professional Conduct Committee before making a referral to hearing.</p> <p>3.1.5 The Professional Conduct Committee as the decision makers, having taken advice from the CCOs.</p> <p>The group agreed that it was the role of the CCOs to undertake the analytical aspect of a complaint and to prepare a summary of the alleged breaches of the Code of Ethics. This will include a documented analysis of why a complaint has been accepted or rejected. The group discussed the role of the Professional Conduct Committee and the CCOs. It was suggested that the Professional Conduct Committee could act as a review committee maintaining oversight of the decisions, rather than being the decision makers. It was noted that removing 'fitness to practise' from the decision making process provides a clear system to make judgements against. It was suggested that the tightest lock would be for the CCOs to require the PCCs endorsement for a case to progress, and without both parties in agreement it could not move. The group also discussed quality assurance of the process and who could perform that function.</p> <p>The group agreed that there must be both CCO and Professional Conduct Committee involvement in every decision being made, but were unable to reach consensus about where the final decision making power should lie. The professional members felt they could have voted either way. The group will put two options to the Board of Trustees and allow them to make the judgement.</p> <p>Decision: UKCP's screening process is appropriate and should filter out all complaints that the CCP is not appropriate for.</p> <p>Recommendation: The Board of Trustees to consider the following options:</p> <ol style="list-style-type: none"> 1. The CCO as the decision maker; with a requirement to refer all cases to the Professional Conduct Committee that are going forward to a hearing. The CCO must gain the endorsement of the Professional Conduct Committee before making a referral to hearing. 2. The Professional Conduct Committee as the decision makers, having taken

advice from the CCOs.

3.2 Preliminary Enquiry Committee

The group were advised that PECs were not a specific question in the consultation, but that feedback had been provided by some respondents and by the office about the use of PECs. The group discussed the intention of a PEC as something to expedite the complaints process and remove lawyers from the equation where possible. The group were advised that PECs are not practical as they can only be used where all allegations have been accepted and there is no disputation of the facts. Even then, a Registrant must be offered the opportunity to attend as they have a right of audience, in particular at the sanction stage. In practise UKCP have only held three PECs and two of those have later been referred to an Adjudication Panel. PECs are not particularly cost-effective nor quicker than Adjudication Panels. If the Registrant does not want to attend a hearing, an Adjudication Panel can be conducted on paper (therefore, in essence as a PEC) if required.

Recommendation: PECs should be removed from the CCP as the Registrant must be offered the opportunity to attend a hearing.

3.3 Question 8: Many of our members are subject to multiple complaints procedures. How would you like UKCP to address this?

The group considered the 'Decisions by another Professional Body' document and noted that it needs to be updated to reflect the new CCP.

The group were aware that many of UKCPs members belonged to another professional body and the necessity of avoiding double jeopardy where possible. The CCO's advised the group of the current process followed (though noted much of the process is not thoroughly documented as such in the current CCP). The CCOs advised that when a decision is made by another body, it is screened to determine the relevance of the decision to the Registrant's position on our Register. The CCOs do not undertake fact-finding, but accept the findings of fact as proved by the other body (when making this decision the CCOs consider the complaint process of the other body and it's reliability). If the allegations are not relevant to breaches of UKCP's Ethical Principles and Code of Professional Conduct, then the decision is kept on file. If the decision is relevant, then the decision will be referred to a Panel. The Panel do not re-find the facts, but rather consider the decision of the other body and listen to representations from the Registrant (or their legal representative) in relation to sanction. The Panel can either: uphold no sanction, uphold the sanction imposed by the other body, or substitute a new sanction.

The group also discussed the possibility of automatic adoption or mutual recognition with other bodies in the future and felt that this could be a good way of ensuring there is no double jeopardy. The group discussed the possibility of totally re-opening a case that has already been heard by another professional body and agreed there should be a high hurdle to do so – such as an irregularity in the process or new evidence coming to light.

Recommendation: Registrant's should be offered an opportunity to select where they would like their complaint to be heard.

Recommendation: 'Decisions by another Professional Body' document needs to make it clear that we will also consider decisions made by an employer, such as the NHS.

Decision: CCP and 'Decisions by another Professional Body' document should be updated to reflect the above practice.

Interim Orders

The group were advised that Interim Orders were not a specific question in the consultation, but that feedback had been provided by some respondents and by the office about the use of Interim Orders.

The group began by acknowledging the difficulty surrounding Interim Orders – on one hand, it is important that article 6 and 8 are not impacted and that a Registrant’s reputation is not ruined unnecessarily; however on the other we have a public protection function that must be exercised where necessary. The group discussed these issues at length and also considered the impact of Interim Orders on a Registrant’s existing clients. The group considered the Interim Order as a safety valve and agreed that they are a necessary evil if our objective is public protection. The group agreed that there will be very few circumstances in which an Interim Order is necessary, and these circumstances must be extreme in nature and indicate a demonstrable risk to clients. The group discussed the Interim Orders policies of both the GMC and NMC and discussed whether there ought to be a ground for an Interim Order concerned with maintaining public confidence in the profession and the Regulator. The group could not reach consensus on this, but agreed that if present it should not be used as a sole ground to impose an Interim Order. The group also considered whether there should be an opportunity for a voluntary removal from the Register pending an investigation.

Recommendation: Interim Orders are a necessary evil and should remain in the CCP. They should be used sparingly and only in the most extreme circumstances.

Sanctions

The group were advised that sanctions were not a specific question in the consultation, but that feedback had been provided by some respondents in relation to this.

The group considered the list of sanctions currently available in the CCP and discussed whether there is a need to alter these. The issue of awarding costs or refund of fees as a sanction was raised in the consultation responses; however the group felt that this is something better dealt with through the court system. The group considered the sanction regarding “removal from office” as unnecessary as it is up to the committee or organisation to which they belong to make such a decision. It was suggested that instead of writing a report, there could be an option for the therapist to meet with the Panel face-to-face to discuss their learnings. The group considered this choice could be made by the Panel and the Registrant. The group agreed that once the indicative sanctions guidance is in place, the sanctions currently in CCP are adequate.

Recommendation: The sanction at 8.9.3 regarding removal from office should be removed.

Recommendation: The written report should have an option of being done verbally if agreed by the Panel and Registrant.

Questions 5, 16, 17, and 18: Local Resolution and Alternative Dispute Resolution

The group determined to tackle these questions as a group as they are all related to the idea of early-stage complaint or dispute resolution. The group all acknowledged the importance of having a means to resolve complaints at an early stage – whether this sits locally, with the

	<p>organisations, or centrally with UKCP. There are benefits and equally, there are challenges, with both options. The group discussed the ideal scenario of locally-placed, UKCP-trained, mediators who specialised in dispute resolution that can be used to try to settle low-level disputes that have entered the CCP. The group discussed whether ADR could be made mandatory and whether this is something that could work in practise. The group also considered that there could be a place in the colleges or Organisational Members for complaints that do not reach the threshold of the CCP but where it is clear that there has been a breakdown in the therapeutic relationship.</p> <p>The group agreed that UKCP should hold a centralised (or at least a centrally-monitored) ADR system, but perhaps it should be renamed as “preliminary complaints resolution” or something similar. This resolution process could have the ability to voluntarily impose low-level sanctions to address concerns, and if the process failed the issue would be referred to a Panel. The group considered whether this process should sit within the CCP, or as a separate process, but determined it has a place in CCP/</p> <p>The group acknowledged that there is much more work to do to set up such a scheme and that it was improbable that it would be ready in time for the re-launch of the new CCP. The group determined that the matter should be discussed with the colleges and OMs and a working group should be convened to develop a process.</p> <p>Decision: The ADR process as is currently in CCP12 will remain.</p> <p>Recommendation: A working group should be convened to develop a robust local (or central) early resolution process. This group should contain representatives from the colleges and a mediation expert at a minimum.</p>
4.	<p>Finalise Actions / AOB</p> <p>AP: SL to review previous minutes and amend as necessary.</p> <p>AP: Group to review the minutes of all meetings in preparation for sign-off in September.</p> <p>AP: CCOs to prepare recommendation report for September meeting.</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 10 September 2014</p>