



CCP Review Group Minutes

Meeting Date: Wednesday 9 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) – Dial in
 Catherine Freeman (CF)
 Debbie Livingstone (DL)
 Sunita Thakore (ST)
 Samantha Lind (SL)
 Fiona Biddle (FB)

Apologies: Sally Forster (SF)

Minutes: Samantha Lind (SL)

Item	
1.1	<p>Welcomes and Apologies Apologies from KW who had been previously unable to attend the CRG meetings. KW is up-to-date on the group's work and does not feel that any decisions have been made without her input that she disagrees with.</p>
1.2	<p>The group discussed how the members should be feeding back to their colleges regarding the progress of the CRG. The group advised that they are currently feeding back in general terms, such as the topics discussed and the fact that recommendations have been made, though nothing has been communicated about the content of those recommendations. The group agreed that it was important that the process is transparent and that colleges do not feel like we are in a 'news blackout'. Members agreed that they must use their discretion when discussing the review group and must keep in mind that the recommendations are a work in progress and may be revised before being put forth to the Board of Trustees. A member's bulletin will be</p>

	going out to the membership in the next week to advise that the summary report is available to view on the UKCP website.
2.1	<p>Review of Minutes of 25 June 2014</p> <p>The group discussed the new format for the minutes and agreed the method communicated the discussions well. Slight amendments to the previous minutes have been suggested. AP: SL to review previous minutes and amend as necessary.</p>
2.2	<p><u>Actions from 11 June 2014</u></p> <p>2.2.1 Representative for CFCST will continue to be KW. 2.2.2 Minutes have been amended as necessary. 2.2.3 Consultation summary report has been published on the UKCP website. 2.2.4 Minutes have been amended as necessary. 2.2.5 Report is being continually updated. 2.2.6 Timetable has been updated as necessary. 2.2.7 Complaints form will be amended once the process has been changed.</p>
3	<p>Notifying external bodies re: Consultation</p> <p>The group discussed the PSA and whether they need to be informed that we are proposing changes to the Complaints and Conduct Process. The group were aware that the PSA were particularly interested in the CCP when considering UKCP for accreditation and considered it proper behaviour to inform them that we are undergoing a consultation. The recommendations made by the PSA at the time of accreditation were considered when drafting the consultation questions and there are no recommendations they made that should alter the course of the work being conducted in the review group. AP: UKCP to liaise with PSA to ensure they are informed.</p>
4	<p>Update to the Chair of Ethics</p> <p>The group had intended on providing the new Chair of Ethics with an update on the progress of the group; however he was unable to attend the meeting today. AP: DP to offer either the 23rd or 30th to the Chair of Ethics.</p>
5.1	<p>Q10. Is UKCP’s screening process appropriate?</p> <p>The group considered the following points of discussion:</p>
5.1.1	<p><i>3 year time limitation</i></p> <p>Currently in the CCP there is a three-year limitation on when a complaint can be accepted. There is an allowance for ‘exceptional circumstances’ in which there is a public interest factor where a decision can be taken to waive the three year limitation. The group were provided an overview for other regulators in the field, many of which were unlimited. The group considered whether five years, as in CCP 09, would be appropriate; however most felt that was too long. The group was mindful that the span of time undermines the capacity of the people involved to be fair and to remember key events. The group considered whether there would likely be any circumstances in which someone was unable to make a complaint within three years (and there was no public interest factor to allow it to be waived), however felt that this would be rare. Recommendation: Guidance notes should be produced to explain how the “public</p>

	<p>interest” is applied and determined. Recommendation: The current wording of the CCP refers to fairness to “both parties”; however the Complainant is a witness and not a party to the complaint. This should be reworded or removed. Recommendation: Three years is sufficient as long as there is an ability to make exceptions where there is a public interest factor.</p>
<p>5.1.2</p>	<p><i>Consideration of complaints when someone has left our Register</i> The group considered whether the CCP should extend to members who have already left our Register before the complaint has been made. The group were mindful that resignation of UKCP membership may be used to circumvent the process in extreme cases, but also agreed that the worst possible sanction we can inflict on someone is to remove them from the Register, so there is little gained by investigating an issue if they are already gone. The group also recognised that it is massively problematic that we are not a statutory body – this means that there are limited effects for our system and we legally cannot impose it on those who have not agreed to be party to it. The group also considered whether we should investigate retired members, however agreed that as they are not practising there is no public interest factor and no impact on the quality of our Register. The group lastly considered whether the CCP should cover conduct that occurred prior to membership. The current CCP allows investigation of conduct outside of membership with UKCP as long as the member is currently on the Register. The group agreed that this should continue, though there should be a high hurdle to prove the public interest because the behaviour occurred before they were bound by our Code of Ethics. Recommendation: The clause which states that a member cannot resign whilst a complaint is in process must remain, but should be re-worded to make it clear that the resignation will not be prevented, but the complaint will continue to be processed. Recommendation: The ability to investigate conduct that occurred prior to UKCP membership should remain, however it must be relevant to the public interest.</p>
<p>5.1.3</p>	<p><i>The role of the Professional Conduct Committee and the Complaints and Conduct Officers</i> The group discussed the roles of the PCC and the CCOs. A number of options were put forth and discussed, including: the CCOs as the decision-makers with the PCC as an oversight body; the CCO’s as the decision-makers and the PCC as the ratifying body; and the PCC as the decision-makers with input from the CCOs. The group recognised that the current PCC Terms of Reference are at odds with CCP 12. It was put forth that feedback from the membership suggested that they preferred group decisions with the involvement of professionals, but also considered the difficulties that group decision making can entail. The group agreed that it was important not to impose another layer of process unnecessarily. It was suggested that now that Fitness to Practise is not considered at the beginning of the process and we are instead looking to clear breaches of the Code of Ethics, it would be reasonable for the CCOs to make that decision with the caveat that the PCC are there for support if needed. The group were unable to reach consensus on this point. AP: DP to meet with PCC and CCOs to agree a recommendation. The group will then discuss at the next meeting.</p>
<p>5.2</p>	<p>What concerns do you have about your initial contact at UKCP when making a concern or complaint? The group recognised that the most common issue raised by this question during the</p>

<p>5.3</p>	<p>consultation was about the requirement (or not) for the CCOs to be trained psychotherapists. The group agreed that without Fitness to Practise at the beginning of the process, it was not necessary for the CCOs to be trained as psychotherapists, and in fact it is better that they are not.</p> <p>Recommendation: Training in psychotherapy is not necessary to perform the role of a CCO, though awareness of psychotherapy and mental disorders is advantageous.</p> <p>Q14. Do you think hearings should be normally held in public? If so, what are the exceptions?</p> <p>The group considered the fact that all non-statutory bodies similar to us held their hearings in private. The group agreed that transparency was the key, but has often been interpreted very literally. Transparency is about transparency of process – it doesn't necessarily mean that you have to be in the room to see justice done. To ensure transparency we need to ensure that information is available and that due process is followed whilst maintaining the confidentiality of those involved. The group were informed that the reason CCP 12 had public hearings was because the drafting group felt that public with the option of private allows the choice, whereas having private hearings removed that choice. The group were advised that the CCP 12 drafting group expected that most hearings would be closed, however in practise this was not done. The group were mindful of the principles of open and natural justice. This matter will be expanded on in the next meeting.</p>
<p>5.</p>	<p>Finalise Actions / AOB</p> <p>AP: SL to review previous minutes and amend as necessary.</p> <p>AP: DP to offer either the 24th or 30th to the Chair of Ethics.</p> <p>AP: DP to meet with PCC and CCOs to agree a recommendation. The group will then discuss at the next meeting.</p>
<p>6.</p>	<p>Date of next meeting</p> <p>Wednesday 23 July 2014</p>