

**UKCP's Complaints and Conduct Process
Complaint Hearing**

**7-8 January 2021
Remote hearing**

Name of Registrant: Lynne Ridden 06158747

Heard by: Adjudication Panel

Panel Members: Mark Bissell (Lay Chair)
Charmian Beer (College for Sexual and Relationship Psychotherapy)
Sandra Spenceley (Humanistic and Integrative Psychotherapy College)

Legal Assessor: Michael Levy

Panel Secretary: Eloise Cadman

UKCP Presenting Officer: Sam Thomas (2 Bedford Row)

Registrant: Registrant present and represented by Tom Walker (Blake Morgan)

Charges found proved: Charges 1a and 1b/2b/3/4a and 4b – all proved by Admission

Charges found not proved: 2a

Panel determination: **Misconduct found**

Detail of allegations

That being a UKCP registered psychotherapist between 2006 and 2019:

1. You wrote a letter dated 2 January 2019 and provided it to Client B, which was then used by Client B in legal proceedings between her and Client A, which:

- a. contained information about Client A; and
- b. portrayed Client B in a more favourable light than Client A;

2. You EITHER:

- a. knew and/or suspected that Client B intended and/or was likely to use the letter as evidence in legal proceedings between her and Client A; OR
- b. failed to obtain sufficient clarification from Client B regarding what the letter was to be used for before providing it to Client B.;

3. You failed to obtain Client A's consent before writing the letter;

4. Your actions at 1-3 above were:

- a. inappropriate and/or
- b. unprofessional

5. The behaviour set out at 1-4 above is in breach of UK Council for Psychotherapy Ethical Principles and Code of Professional Conduct (the Code). In particular:

- a. Failed in your undertaking not to harm or collude in the harming of your clients or a client of others thereby breaching clause 1.8 of the Code;
- b. Failed to respect, protect and preserve the confidentiality of Client A thereby breaching clause 3.1 of the Code.
- c. Failed to protect the sensitive and personally identifiable information obtained from the course of their work with Client A thereby breaching clause 3.2 of the Code.

For the reasons set out above, your fitness to practice is impaired by reason of misconduct.

Preliminary Matters

1. The complaint was heard under the UKCP Complaints and Conduct Process 2017, and the Panel considered the alleged breaches of the UKCP Ethical Principles and Code of Professional Conduct 2009.
2. The Panel considered the following preliminary matters:
 - a. The agreed bundle amounted to 131 pages. The bundle will herein be referred to as Exhibit A.
 - b. In addition, all parties were provided with:
 - i. A Bundle of Supporting material which included a Reflective Statement, Certificates, Character References and other material (37 pages)

Preliminary Applications

1. Mr Walker on behalf of the Registrant made an application under rule 7.8 for the entirety of the hearing to held in private.
2. Mr Walker submitted that given the nature of the allegations and the sensitive nature of the case it would be more appropriate for the proceedings to be held in private.
3. Mr Thomas submitted that only sensitive parts of the hearing needed to be held in private and that there was a public interest in open hearings and transparency. Mr Thomas emphasised that the case centred on the question of confidentiality and that there was little or no need for sensitive matters to be heard at all.
4. The Panel accepted the advice of the Legal Assessor.
5. The Panel were not persuaded that the entirety of the hearing had to take place in private, that there should be openness and transparency and that it was incumbent upon Counsel to ensure that the Panel should be alerted should any sensitive matters seem likely to arise during submissions or evidence.

Determination on the facts

1. The Panel considered all of the documentary evidence before it, and heard oral submissions from Mr Thomas on behalf of UKCP and Mr Walker on behalf of the Registrant.
2. The Panel also heard evidence from the Registrant.
3. The Panel heard and accepted the advice of the Legal Assessor.

4. On balance, having fully considered the above, the Panel made the following findings:

a. Allegation 1 (a) and (b) – found proved by admission.

The Panel were in no doubt that the letter, dated 2nd January 2019, had been written by the Registrant and then provided to Client B, which was then used in legal proceedings by Client B between her and Client A. The Panel were in no doubt that Client A was in fact a client of the Registrant from the time of the first contact between Client A and the Registrant. Further that there was a clear duty of confidentiality arising from that first contact. The Panel further noted that Client A had also paid for the services of the Registrant. It was also quite clear that the letter did in fact portray Client B in a more favourable light than the Client A.

b. Allegation 2(a) - not proved. The Panel noted that the Allegation said "...knew and/or suspected.....and intended and/or was likely....".

The Panel were satisfied that, with the consistency of the Registrant's verbal testimony and written evidence that, on balance the Registrant did not know or suspect that this letter would be used in formal legal proceedings against Client A. The Panel accept that the evidence provided by the Registrant was that she did not know what the letter would ultimately be used for but that it would be shown to Client B's barrister. The Panel noted the Registrant's previous experience of providing formal documentation for use in family judicial proceedings, and throughout the evidence both oral and documentary, there were various descriptions of this document provided by the Registrant: "informal draft discussion document" "draft summary" "brief overview" "objective overview". The Panel were of the view that the Council had failed to prove this allegation to the required standard.

Allegation 2(b) – Proved by way of Admission. It was clear to the Panel that the Registrant accepted in her written and oral evidence that she had failed to obtain sufficient clarification from Client B regarding what the letter was to be used for before providing it to Client B.

c. Allegation 3 – Proved by way of Admission. The Panel were not in any doubt that the Registrant had failed to obtain the consent of Client A before writing the letter. This was not disputed by the Registrant.

d. Allegations 4(a) and (b) – Proved by way of Admission. It was accepted on behalf of the Registrant that her conduct departed from the expected standards.

Determination on misconduct

1. This determination should be read in accordance with the Panel's previous determinations.
2. In accordance with rule 7.23 of UKCP's Complaints and Conduct Process, the Panel then went on to consider the question of misconduct. In addressing this question the Panel took into account of the relevant information before it.
3. The Panel heard further submissions from Mr Thomas on behalf of UKCP and Mr Walker on behalf of the Registrant.
4. Mr Thomas on behalf of UKCP invited the Panel to conclude that the facts found proved constitute misconduct. He submitted that these were serious breaches of the Code and caused both harm and distress. Client A was a client and the Registrant was under a duty to protect her client and maintain confidentiality. Whilst it may not have been her intention, it was seriously careless. On any view she failed to check what use would have been made of the letter. The breaches were serious, had the potential for serious harm and harm was caused. The failure to protect confidentiality was also serious.
5. Mr Walker on behalf of the Registrant submitted that that the breaches amounted to misconduct. He stated that the Registrant bitterly regretted what had happened and apologised to the Client A. She recognised the distress he had suffered and felt humbled by the process. She accepted that she had breached the standards expected and accepted that it amounted to misconduct.
6. The Panel accepted the advice of the Legal Assessor as to the approach it should adopt in considering the question of misconduct. The Panel recognised that the question of misconduct is a matter of independent judgement and is not a matter of proof for the parties.
7. In addressing whether the facts proved amounted to misconduct, the Panel had regards to the words of Lord Clyde in the case of *Roylance v. General Medical Council*. He stated:
"Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required by...a practitioner in the particular circumstances."
8. In light of the above, the Panel determined that the breaches clearly amounted to misconduct. There was no doubt that Client A had suffered trauma and there had been an emotional impact upon Client A.

Determination on impairment

1. The Panel then went on to consider the question of impairment. This determination should be read in accordance with the Panel's previous determinations.

2. The Panel applied the approach as set out in the 5th Shipman Enquiry and Dame Janet Smith's approach to determine the question of impairment.

“Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:

- a. Has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b. Has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c. Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d. ...*

3. The Panel considered whether the Registrant's misconduct is easily remedied, has already been remedied, and whether it is likely to be repeated.

4. In addressing the issues of current impairment, the Panel also had regard to issues of insight.

5. In light of the above, the Panel concluded that the Registrant was not currently impaired. The Panel were of the view that the Registrant was contrite and clearly accepted that her conduct had been unprofessional and poor. The Registrant said she was “deeply shocked and apologetic for any distress caused” to Client A . The Panel were of the view that this was unlikely to be repeated and was a single isolated incident. The Panel recognised that the Registrant has had a long and previously unblemished career.

6. The Panel noted that the Registrant had taken a number of remedial steps and had done much to remedy her failings. The Panel were greatly encouraged by the Bundle of Remediation provided and additional training which had been completed. The Panel found the Registrant to be genuine, reliable and truthful in her evidence. She had shown ample evidence of insight.

7. The Panel was also mindful that when considering impairment, it is entitled to have regard to the wider public interest in the form of maintaining public confidence in the profession and declaring and upholding proper standards. The Panel considered that a fully informed member of the public would not lose confidence in the profession if the Panel did not make a finding of impairment.

8. The Panel was satisfied that the consequences of the Registrant's misconduct have been a salutary experience for her. The Panel noted that the Panel's finding of misconduct would be published on the UKCP website for a period of 12 months and was noted that this in itself may have consequences for the Registrant.

9. In the circumstances therefore, the Panel found that the Registrant is not currently impaired.

Right of Appeal

1. Both the Registrant and UKCP have 28 days from when the written decision is served in which to exercise their right of appeal.
2. The sanction outlined above will not take effect until after the 28 day period has lapsed. If no appeal is received the decision will take effect after the 28th day.

Signed,

Mark Bissell

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Lay Chair

08/01/2021