



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

**12-14 October 2020
Remote hearing**

Name of Registrant: Dr Philip Anthony (Humanistic and Integrative Psychotherapy College)

Heard by: Adjudication Panel

Panel Members: Harry Bower (Lay Chair)
Hilary Brown (Humanistic and Integrative Psychotherapy College)
John Wren (Universities Training College)

Legal Assessor: Michael Levy (2 Bedford Row)

Panel Secretary: Eloise Cadman

UKCP Presenting Officer: Sam Thomas (2 Bedford Row)

Registrant: Registrant present and represented by Dominic Thomas (25 Bedford Row)

Panel decision: Misconduct and Impairment found proved

Codes found breached: 1.2, 1.3, 1.5, 1.6, 1.8, 4.1, 1.10 and 10.

Sanction: UKCP Membership Terminated

Detail of allegations

You, Philip Anthony (the Registrant) provided mental health services to Client A between 2007 and 2017 and being a UKCP registered psychotherapist since 2015:

1. Whilst providing psychotherapy to Client A at the Oxford Street Therapy (Wellingborough) in or around 2016 to 2017 you:

- a. Charged Client A a discounted rate of £20 (half your usual fee);
- b. Hugged Client A;

2. Following the end of your formal psychotherapy sessions in or around 2017 with Client A you:

- a. Had a coffee with Client A;
- b. Visited Client A at her home, drove her to a garden centre for coffee and cake;
- c. Entered into personal and intimate relationship with Client A;
- d. Told Client A you liked to experiment with women's knickers;
- e. Kissed and cuddled Client A;
- f. Performed oral sex on Client A;
- g. Told Client A that you loved her.

3. In or around August 2018, you attended Client A's home and attempted to have sexual intercourse with her.

4. Between August 2018 to March 2019 you

- a. Sent a text message to Client A asking to talk about the attempted sexual intercourse;
- b. Sent flowers to Client A;
- c. Sent Client A a Christmas card;
- d. Sent Client A a cheque for £500.

5. Your conduct at 1-4 above was:

- a. Sexually motivated; and/or;
- b. Inappropriate; and/or
- c. Unprofessional.

6. The behaviours set out at 1 – 5 above are in breach of the UK Council for Psychotherapy Ethical Principles and Code of Professional Conduct (the Code). In particular:

- a. You failed to treat Client A with respect thereby breaching clause 1.2 of the Code.
- b. You abused and/or exploited your relationship with Client A for your sexual and emotional gain thereby breaching clause 1.3 of the Code.
- c. You entered into a sexual relationship with Client A thereby breaching clause 1.4 of the Code.
- d. You failed to undertake to take into account the length of therapy and time lapsed since therapy and failed to pay great attention to exercise reasonable care before entering into any personal or business relationships with former clients, thereby breaching clause 1.6 of the Code.
- e. You failed to carefully consider the possible implications of entering into a relationship that risk confusing the existing relationship with Client A which had an adverse effect on her, thereby breaching Clause 1.5 of the Code
- f. You caused harm to Client A thereby breaching clause 1.8 of the Code.
- g. You failed to recognise that your behaviour outside your professional life had an effect on your relationship with Client A and to take responsibility for working with potential negative or positive effects to her benefit, thereby breaching clause 1.10 of the Code.
- h. You failed to acknowledge that your professional and personal conduct may have had both positive and negative effects on the way they were experienced Client A, failing to preserve her psychotherapeutic best interests, thereby breaching clause 4.1 of the Code.
- i. You failed to report potential breaches of this Ethical Principles and Code of Professional Conduct by yourself to the relevant member organisation or UKCP, breaching clause 10 of the Code.

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 173 pages (the Bundle).
 - b. In addition, all parties were provided with:

- i. Reflective statement submitted on behalf of the Registrant dated 5 May 2020 amounting to 2 pages.

Determination on the facts

1. The Panel considered all of the documentary evidence before it and heard oral submissions from Mr S Thomas on behalf of UKCP and Mr D Thomas on behalf of the Registrant.
2. Mr S Thomas submitted that the Registrant had admitted the behaviour set out in allegations 1-4 including all subsections. The issue for the Panel was whether the conduct in 1-4 was either a) sexually motivated, b) inappropriate and/or c) unprofessional as set out in paragraph 5. It was admitted that it was in respect of allegations 2, 3 and 4 inclusive.
3. Mr D Thomas submitted that in one form or another all the facts were accepted. There was an issue in respect of allegation 1. It was submitted the Registrant did not accept that his behaviour prior to the ending of the formal therapy with Client A specifically his reduction of the fee and hugging at the end of sessions had been sexually motivated, inappropriate and/or unprofessional.
4. The Panel also heard evidence from the Registrant.
5. The Panel heard and accepted the advice of the Legal Assessor.
6. On balance, having fully considered the above, the Panel made the following findings:
 - a. Allegation 1 – found proved by admission;
 - b. Allegation 2 – found proved by admission;
 - c. Allegation 3 – found proved by admission;
 - d. Allegation 4 – found proved by admission;
 - e. Allegation 5 – found proved by admission in relation to 2, 3 and 4. The Registrant did not admit allegation 5 in relation to allegations 1a and 1b.
7. The Panel then considered whether allegation 5 was applicable to allegations 1a and 1b.
8. The Panel first went on to consider whether the discounted therapy rate was sexually motivated, inappropriate and/or unprofessional. The Panel noted there was no evidence to suggest there was sexual motivation. The Panel considered that simply offering discounted therapeutic sessions to Client A, given her indication she was unable to afford the full price, was of itself insufficient to establish an inappropriate ulterior motivation by the Registrant.
9. The Panel then went on to consider whether hugging Client A was sexually motivated, inappropriate, and/or unprofessional. The Panel noted that the Registrant was fully aware of

Client A's history, vulnerability, mental health diagnosis and hospital admissions. The Panel noted that it was the role of the Registrant, as a private therapist to create and maintain safe boundaries with Client A, this would have extended to any hugging within this relationship. It was the view of the Panel that hugging should not have taken place in private behind closed doors. In this instance the Panel determined that the Registrant did not create and maintain boundaries with this particular Client or take her history of sexual abuse adequately into account. The Registrant also displayed no awareness of his power over Client A and abused his position of trust.

10. It was the view of the Panel that even after the Registrant ended therapy with Client A, he retained a position of trust as her former therapist. The Registrant had been in a position of trust and authority in relation to Client A for approximately 7 years.

11. The Panel referenced the Registrant's therapy notes that contained his personal feelings as manifested within the sessions, mentioning "warm, erotic, manageable" (10/03/2017). The Panel noted that Mr D Thomas on behalf of the Registrant acknowledged that the Registrant should have taken his personal reflections and feelings to supervision. In the light of this failure to be open with his supervisor, the Panel deemed it more probable than not that the hugging at the end of therapy sessions between Client A and the Registrant was a manifestation of sexual motivation on his part.

12. The Panel determined allegation 6 was not to be considered at the fact-finding stage as the findings of breaches of the Code are only appropriate at the misconduct stage.

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 all of the relevant information before it.

3. The Panel heard further submissions from Mr S Thomas on behalf of UKCP and Mr D Thomas on behalf of the Registrant.

4. Mr S Thomas on behalf of UKCP invited the Panel to conclude that the facts found proved clearly constitute misconduct and impairment in accordance with the authorities.

5. Mr D Thomas on behalf the Registrant accepted that there had been some breaches of specific elements of the Code. He accepted that the Registrant had failed to respect the vulnerability of Client A and had failed to take into account her past history.

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 was satisfied that the actions of the Registrant were serious failings that fell far below the standards expected and that fellow practitioners would regard these as deplorable.

9. The Panel considered the following Ethical Principles and Codes of Professional Conduct had been breached, namely: 1.2, 1.3, 1.5, 1.6, 1.8, 1.10 4.1 and 10.

10. Code 1.2 was found to have been breached as the Registrant failed to maintain safe boundaries with Client A. The Registrant had knowledge of Client A's vulnerability, history and mental health diagnoses and did not consider the confusion that hugging could have brought to the relationship especially in the absence of strong boundaries. The Panel further considered the Registrant did not make appropriate arrangements during the period of time Client A was recovering from her operation. The Registrant adapted to this period of time when Client A could not attend his office for her usual therapy sessions by dropping the therapeutic frame to take Client A for a friendly drink rather than by ensuring special arrangements to meet her therapeutic needs by way of changing to a more accessible location or organising remote therapeutic sessions.

11. Code 1.3 was found to have been breached. The Registrant accepts this. The Panel considered the breach of this Code as an extremely serious failing in the Registrant's professional judgement, especially given his full awareness of Client A's vulnerability.

12. Mr S Thomas submitted on behalf of UKCP that the Registrant had breached Code 1.4. He invited the Panel to consider whether in this case hugging could be considered a sexual relationship. Mr D Thomas on behalf of the Registrant submitted that there is a big difference between the terms “sexual relationship” and “sexual motivation”. The Panel determined that there is no evidence to suggest the Registrant had a sexual relationship with Client A during their formal therapy but that as stated in paragraph 11 in the determination on facts, there was an underlying sexual motivation. While the Panel did not find this Code to have been breached, the Panel considered the Registrant to have sexualised the therapeutic relationship.

13. Code 1.5 was found to have been breached. The Panel found that during the therapeutic relationship, the Registrant dropped the therapeutic frame by taking Client A for coffee. This blurred professional boundaries causing serious damage and this had *“laid the groundwork for future boundary violations after the formal ending of therapy”*. Taking Client A for coffee as friends rather than as her therapist muddied the water of the therapeutic relationship, the Registrant thereby failed to appropriately maintain safe boundaries for a vulnerable client and despite noting that he needed to reestablish these norms when therapy sessions resumed, this was a precursor to the relationship that occurred later.

14. Code 1.6 was found to have been breached, Mr D Thomas accepted on behalf of the Registrant that his conduct fell far short of what was required. As Registrant had been in a position of trust and authority in relation to this vulnerable client for 7 years, the Panel considered it was deeply inappropriate to enter into a personal relationship 3 weeks after the formal therapeutic relationship had ended.

15. Code 1.8 was found to have been breached, Mr D Thomas on behalf of the Registrant did not accept that the Registrant *“had attempted to downplay the harm”* but accepted that harm had been caused. The Panel considered the Registrant’s actions had caused considerable harm to Client A considering his knowledge of her issues. The Registrant failed to manage the ending of therapy and instead discussed transitioning into a form of friendship.

16. Code 1.10 was found to have been breached and that this was conceded by Mr D Thomas on behalf of the Registrant. The Registrant admitted that he had made personal disclosures regarding his fetish to Client A that made her feel that she had been manipulated.

17. Code 4.1 was found to have been breached. The Registrant admitted in evidence that he had failed to take this matter to supervision. The psychotherapeutic relationship is a continuing process whereby the Registrant must preserve the psychotherapeutic best interests of the Client and be open to scrutiny. He failed to do so. Fellow practitioners would consider the Registrant’s actions to have fallen far below the expected standard.

18. Code 10 was found to have been breached as the Registrant failed to report his conduct to his regulator at the time of the misconduct. This matter should have been reported far earlier than after his police interview.

Determination on Impairment

1. This determination should be read in conjunction 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 whether any breaches of the Code were such that it is not suitable for the

Registrant to remain on the UKCP register without any restrictions or conditions. This is often referred to as the Impairment Stage. In addressing this question the Panel took into account all of the relevant information before it.

3. The Panel heard further submissions from Mr S Thomas on behalf of UKCP and from Mr D Thomas on behalf of the Registrant.

4. The Panel applied the approach as set out in the 5th Shipman Inquiry 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;*

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

6. In addressing the issue of current impairment, the Panel also had regard to the question of insight. It was the view of the Panel that the Registrant had shown little, if any, insight. When the Registrant entered into a sexual relationship with Client A after the therapy had ended, he had shown a complete lack of awareness of the longstanding mental health problems of Client A and of her history. It was also the view of the Panel that he failed to take responsibility for his part in initiating and “arranging” the relationship, suggesting that she had kissed him without invitation on his part, [REDACTED] and clearly stating that he would like the relationship post therapy to be “*more than friendship*”.

7. In light of the above, the Panel concluded that the Registrant's behaviour breached fundamental tenets of the profession and that his sexually motivated activities amounted to a considerable breach of trust.

8. The Panel considered that the Registrant's relationship with Client A demonstrated a failure to maintain appropriate professional boundaries. The Registrant knew that Client A was extremely vulnerable and that his actions risked undermining her mental health after he ceased the therapeutic relationship with her.

9. The Panel did recognise that the Registrant expressed some remorse and has been

engaged in psychodynamic therapy for over a year exploring the circumstances of the allegations made against him. However, the Registrant failed to take responsibility for the blurring of boundaries and the increasingly sexual nature of their relationship. Instead the Registrant suggested that Client A was the initiator and that he had merely been “*drawn in*”. The Panel found that when giving evidence the Registrant appeared to be evasive at times and did not demonstrate sufficient insight or integrity. The Panel were concerned that the Registrant demonstrated a lack of knowledge and understanding, skills and ability to manage the dynamic of the therapeutic relationship. The Registrant failed to acknowledge that it was *his* responsibility to safely manage the therapeutic relationship and manage any boundary setting that was required. It appeared from his supervisor’s reference that he has only been partially candid with her as she refers to the “incident” rather than the ongoing relationship that actually developed. The Panel considered that in these circumstances there is a real risk of repetition.

10. The Registrant had stated to UKCP in his initial response to the complaint in December 2019 “I also acknowledge that my behaviour stands to bring disrepute to the profession of psychotherapy”. The Panel found that to be the case.

11. The Panel also considered the wider public interest and was satisfied that any member of the public fully apprised of these matters would lose confidence in the profession and in UKCP as a regulator if there was no finding of current impairment.

Determination on Sanction

1. In accordance with rule 7.25 of UKCP’s Complaints and Conduct Process, the Panel then went on to consider the question of sanction. This determination should be read in accordance with the Panel’s previous determinations.

2. The Panel heard further submissions from Mr S Thomas on behalf of UKCP and Mr D Thomas on behalf of the Registrant.

3. Mr S Thomas on behalf of UKCP submitted that the only appropriate sanction in this case was termination and that nothing had been suggested throughout the case which should encourage the Panel to move away from termination. The Registrant had caused serious harm to Client A very soon after the end of her therapy and had entered into a sexually motivated relationship. He had been her therapist for a long time, he knew that she was vulnerable and he abused his position. Further, he presented a danger to the public and undermined the profession. Finally, the Registrant’s actions were very deliberate, and he had shown no insight.

4. Mr D Thomas on behalf of the Registrant submitted that the Registrant acknowledged the seriousness of the misconduct. Mr D Thomas outlined the long unblemished history of the Registrant’s career and encouraged the Panel to look at this misconduct proportionately. He accepted that there had been serious failings in the Registrant’s duty as a therapist and serious failings in his attitude to supervision. He had failed to consider the vulnerability of Client A or the

possibility that she might have a relapse. He acknowledged boundaries should have been maintained. He accepted that serious harm had been caused to Client A for at least a period of time, and that whatever progress she had made had been undermined by the Registrant's failures. It was accepted by Mr D Thomas that the decision for the Panel was whether it should be suspension or termination of registration. Mr D Thomas carefully considered with the Panel all of the factors outlined in the Indicative Sanctions Guidance at 5.4.5. Mr D Thomas then submitted that there was sufficient mitigation, in this case, to enable the Panel to prefer suspension as the appropriate sanction. The Registrant was a 68-year-old man who had fallen short and who was unlikely to repeat what had happened in this case. Furthermore there was no pattern or propensity to act in this way.

5. The Panel heard and accepted the advice of the Legal Assessor. The Panel recognised that the purpose of any sanction is not to punish the Registrant, although that may be the consequence of a carefully weighted decision. The Panel recognised that any sanction must be proportionate and weigh the public interest with that of the Registrant.

6. The public interest includes the protection of members of the public, including clients; the maintenance of public confidence in the profession; and the declaring and upholding of proper standards of conduct and behaviour within the profession.

7. The Panel considered the sanctions available to it under rule 7.25 of the Complaints and Conduct Process in ascending order, and was mindful that any sanction imposed should be the minimum that would be considered proportionate and appropriate in the circumstances.

8. The Panel first considered the mitigating factors:

- a. Client A was not compelled to give evidence;
- b. Most of the facts were admitted;
- c. The Registrant had an unblemished career prior to these proceedings;
- d. the Registrant had engaged with the process;
- e. The Registrant had expressed some remorse.

9. The Panel then considered the aggravating factors:

- a. The Registrant was in a position of trust;
- b. The Registrant had a high level of responsibility;
- c. Client A was extremely vulnerable and the Registrant had full cognisance of that;
- d. This was a course of conduct over a period of time;
- e. The Registrant had shown a lack of insight;
- f. This was a deliberate course of conduct.

10. The Panel considered all of the sanctions in ascending order of seriousness. The Panel determined all sanctions up to a Suspension Order, were inappropriate given the seriousness of the case and having considered the Indicative Sanctions Guidance on Sexual Misconduct at paragraph 5.4.

11. The Panel then considered whether a Suspension Order would be appropriate. Given all of the factors in this case, the Panel concluded that the only appropriate sanction was one of termination. The Panel considered with care the guidance in relation to sexual misconduct and taking all of the factors outlined in that guidance and applying them to the facts of this case, suspension would not be an appropriate sanction to impose. The Registrant had entered into this relationship a very short time after she had ceased to be his formal client. Client A was extremely vulnerable, and the Registrant was very familiar with her history. It was in the view of the Panel a blatant abuse of his position and was undoubtably detrimental to her mental health and wellbeing.

12. The Panel was satisfied that the Registrant's failings were so serious there was no other way to protect the public or maintain confidence in the profession. The Registrant had only shown limited insight and the factors advanced in mitigation were insufficient to tip the balance against termination of registration. The Panel determined that the Registrant is to be removed from the UKCP register with immediate effect.

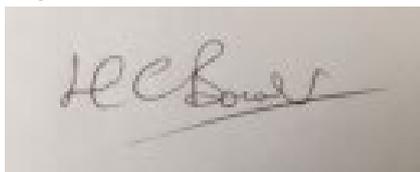
13. The current Interim Suspension Order is to remain in place until the expiry of the appeal period.

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,

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'H. Bower' written in a cursive style.

H. Bower, Lay Chair

14/10/2020