

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

**16 and 17 February, 20 March and 22 March 2021  
Remote hearing**

**Name of Registrant:** Andrew Paul Hill (Council for Psychoanalysis and Jungian Analysis College)

**Heard by:** Adjudication Panel

**Panel Members:** Edward Lord (Lay Chair)  
Diane Cunningham (Council for Psychoanalysis and Jungian Analysis College)  
Christopher Hope (Humanistic and Integrative Psychotherapy College)

**Legal Assessor:** Sean Hammond (2 Bedford Row)

**Panel Secretary:** Gabi Wisurova (16 and 17 February 2021)  
Lizzy Millar (20 and 22 March 2021)

**UKCP Presenting Officer:** Nick Bonehill (2 Bedford Row)

**Registrant:** Registrant present. Self-representing

**Charges found proved:** All charges found proved

**Sanction:** UKCP Membership Terminated

## **Detail of allegations**

That being a UKCP registered psychotherapist since at least 2008, you, Andrew Paul Hill (the Registrant):

1. Entered into a personal and/or sexual relationship with Client A;
2. Between January and February 2019 sent at least 162 text messages to Client A including messages of an intimate and personal nature.
3. Your conduct at 1 – 2 above was:
  - a. Sexually motivated; and/or;
  - b. Inappropriate; and/or
  - c. Unprofessional.
4. The behaviours set out at 1 – 3 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 take responsibility for and respect Client A's best interests when providing therapy, thereby breaching clause 1.1 of the Code.
  - b. You failed to treat Client A with respect, thereby breaching clause 1.2 of the Code.
  - c. You abused and/or exploited your relationship with Client A for your sexual and emotional gain, thereby breaching clause 1.3 of the Code.
  - d. You entered into a sexual relationship with Client A, thereby breaching clause 1.4 of the Code.
  - e. You failed 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 Client A, thereby breaching clause 1.6 of the Code.

- f. You failed to carefully consider the possible implications of entering into dual relationship and/or entering into a relationship that risked confusing the existing relationship with Client A, thereby in breach of clause 1.5 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 failed 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 accept responsibility for ensuring that you are competent and have sufficient supervisory arrangements and other necessary support to enable you to meet your psychotherapeutic obligations to Client A. Including the responsibility of ensuring the very careful consideration of how best to refer client A to another psychotherapist or professional should it become clear that this would be in her best interests, thereby breaching clause 5.7 of the Code.
- j. You failed to report potential breaches of this Ethical Principles and Code of Professional Conduct by yourself to the relevant member organisation or UKCP, thereby breaching clause 10 of the Code.

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

## **Background**

1. The Registrant has been a UKCP registered member since 13 October 2008.
2. In December 2015, the Registrant became Client A's therapist. The therapeutic relationship between the Registrant and Client A continued and was on-going in February 2019.
3. On 5 February 2019, Witness A returned home from work at around 2pm. It is alleged by Witness A that he found the Registrant and Client A in the bedroom. It is further alleged by Witness A that the Registrant [REDACTED] Client A were both on the bed, both of them were partially dressed and that Client A tried to stop Witness A from entering the Room.
4. There was a domestic incident later on that week, after which Witness A took photographs of text messages from Client A's mobile phone. The photographs were taken without Client A's

knowledge or consent. The photographs show text messages of a personal and intimate nature exchanged between the Registrant and Client A between December 2018 and February 2019.

5. The complaint to the UKCP in this matter was received from Witness A on 2 January 2020.

### **Preliminary Matters**

6. 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.
7. The Panel considered the following preliminary matters:
  - a. The UKCP bundle amounting to 126 pages. The bundle will herein be referred to as C1.
  - b. The Registrant's bundle amounting to 5 pages. The bundle will herein be referred to as R1.

### **Preliminary Applications**

#### Application for the hearing to be heard in private

8. The Registrant made an application for the entire hearing to be held in private due to the nature of the allegations and the intimate nature of the evidence to be adduced. The Registrant submitted that the evidence relied upon by the UKCP including personal text messages 'stolen' from Client A's phone by her ex-partner Witness A. [REDACTED]  
[REDACTED]  
[REDACTED]
9. Mr Bonehill, on behalf of UKCP, did not oppose this application.
10. The Panel considered and accepted the advice from the Legal Assessor who referred the Panel to the test set out in rule 7.8 of the UKCP's Complaints and Conduct Process 2017.
11. The Panel noted that the allegations relate to the Registrant behaving in an unprofessional and inappropriate manner and breaching professional boundaries by engaging in a personal

relationship of a sexual nature with Client A. The complaint includes evidence of text correspondence of a sexual nature, allegedly sent by the Registrant during the time of therapy.

12. The Panel further noted that hearings should normally be held in public for reasons of openness and transparency, however, it was satisfied that the entirety of the hearing should be held in private in order to protect Client A's privacy.

#### Application to amend the allegation

13. Mr Bonehill on behalf of the UKCP made an application to amend particular 4.h of the allegation to correct a typographical error. He invited the panel to add the word "by" before the words "Client A".

14. The Registrant did not object to the proposed amendment.

15. The Panel decided to allow the amendment in the terms sought. In reaching its decision the Panel was satisfied that the amendment was necessary to correct a typographical error and that it caused no unfairness to the Registrant.

#### Admissions

16. The allegations were read aloud and the Registrant admitted the following allegations:

- Allegation 1 (in part). The Registrant admitted that he entered into a personal relationship with Client A.
- Allegation 2.
- Allegation 3.c.
- Allegation 4.e.
- Allegation 4.j.

17. The admitted allegations were formally recorded as proved by admission.

#### Application to exclude evidence

18. The Registrant made an application to exclude exhibit AH/02, namely the photographs of text messages produced by Witness A.

19. The Registrant submitted that it would be unfair for the UKCP to be able to rely on this evidence because of the circumstances in which it was obtained. The Registrant submitted that Witness A had taken Client A's phone without her knowledge or consent. He then took photographs of personal text messages stored on the phone. The Registrant further submitted that Witness A kept these messages for over a year before using them in support of a complaint against the Registrant to the UKCP. The Registrant referred the Panel to email correspondence between Client A and the UKCP in which she stated that she did not support the complaint against the Registrant and objected to the use of her personal text messages by the UKCP as evidence. The Registrant informed the Panel that Client A had made a formal complaint to the UKCP regarding the use of her personal messages without her consent and that she had also made a complaint to the Information Commissioner's Office. The Registrant submitted that the use of her personal messages was causing distress to Client A and was unfair in all of the circumstances. He therefore invited the Panel to exclude them from the evidence.

20. Mr Bonehill submitted that the relevant test for admissibility of evidence is contained in rule 7.14 of the UKCP's Complaints and Conduct Process 2017. Mr Bonehill referred the Panel to case law from criminal and civil jurisdictions and submitted that the Panel had a wide discretion to admit the evidence notwithstanding the circumstances in which it was obtained by Witness A. He submitted that the text messages were probative of the matters in issue and therefore clearly relevant to the case. He submitted that when considering the fairness of the admission of the evidence, the panel should have regard to:

- Fairness to both parties;
- The UKCP's duty to regulate the profession and investigate complaints made against registrants;
- The Registrant has admitted allegation 2 and therefore there is no issue as to the veracity of the text messages;
- The Panel has already determined that the hearing should be held in private;
- The views of Client A should not outweigh the Panel's duty to consider all relevant evidence available in relation to the regulatory concerns raised against the Registrant; and
- The Registrant and Client A will have the opportunity of giving evidence in relation to the text messages during the hearing.

21. Mr Bonehill submitted that having regard to these factors, the text messages should not be excluded from the evidence.

22. The Panel considered and accepted the advice of the Legal Assessor and applied the test as set out in rule 7.14 of the UKCP's Complaints and Conduct Process 2017.
23. The Panel first considered whether the evidence was relevant. The Panel was of the view that the text messages were clearly relevant to the disputed allegations.
24. The Panel next considered whether the admission of the evidence was fair to the parties. The Panel noted the content of the email correspondence from Client A and her strong opposition to the use made by the UKCP of her personal text messages without her consent. The Panel further noted the circumstances in which Client A alleges that Witness A obtained photographs of those messages. The Panel also took into account that Client A has made complaints to the UKCP and the Information Commissioner's Office. The Panel therefore had careful regard to the risk of infringement of Client A's Article 8 ECHR rights.
25. However, the Panel had to balance fairness to the Registrant and Client A with fairness to the UKCP. The Panel noted the UKCP's duty as a regulator to investigate the complaint made against the Registrant by Witness A and its overarching duty to protect the public and maintain public confidence in the profession. In the Panel's view, the text messages provide important evidence in relation to the disputed allegations. Furthermore, it is accepted that the messages were sent between the Registrant and Client A. The Panel was also of the view that as a result of its decision to hold this hearing in private, Client A's privacy was protected and that there would be no publication of her personal messages. In these circumstances, the Panel was satisfied that fairness to the UKCP outweighed the objections raised by the Registrant and Client A.
26. Accordingly, the Panel decided to refuse the Registrant's application to exclude exhibit AH/02 from the evidence.

### **Determination on the facts**

27. The Panel considered all of the documentary evidence before it and, heard oral submissions from Mr Bonehill on behalf of UKCP and from the Registrant. In addition, at the request of the Panel, Mr Bonehill produced a 7-page opening note. The opening note will herein be referred to as C2.

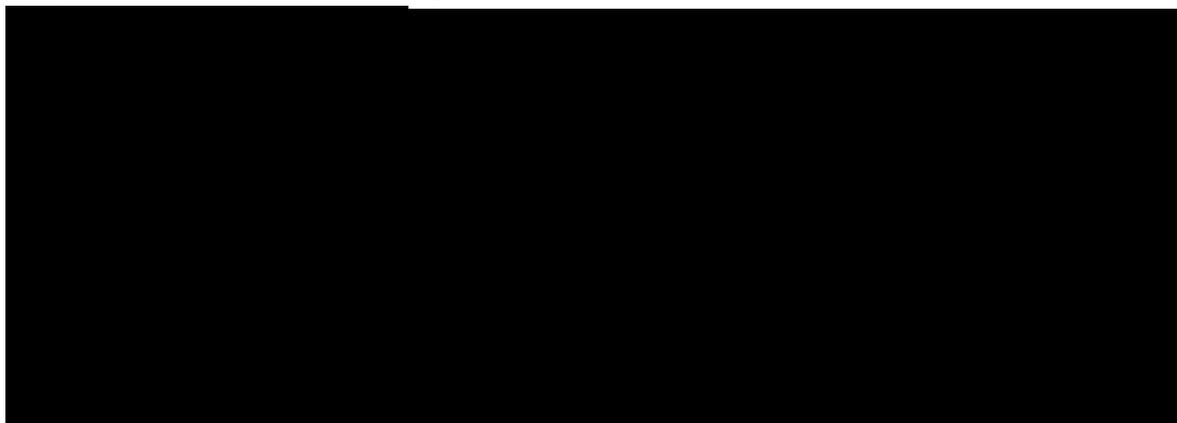
28. The Panel heard evidence from Witness A on behalf of the UKCP. The Panel noted that Witness A's oral evidence was emotionally charged because he was dealing with the end of his relationship with Client A. The Panel found that some factual elements of Witness A's evidence, in particular, his account of how on 5 February 2019 he returned home and saw the Registrant and Client A partially undressed on the bed, did not stand up to cross-examination by the Registrant. To that extent, the Panel did not find Witness A's evidence to be entirely reliable.
29. The Panel also heard evidence from the Registrant. The Panel noted that the Registrant accepted most of the underlying facts in this matter and did his best to answer all of the questions put to him. However, the Panel was of the view that he lacked insight and sought to interpret the evidence in a favourable light to himself.
30. The Registrant also provided the Panel with a written statement from Client A. That statement will herein be referred to as R2. The Panel accepted the evidence of Client A but was of the view that it was not material to the fact-finding stage but, it may be of relevance to subsequent stages of the hearing.
31. The Panel accepted the advice of the Legal Assessor.
32. On balance, having fully considered the above, the Panel made the following findings:

#### Allegation 1

33. The Panel noted that the Registrant admitted that he entered into a personal relationship with Client A. The Panel therefore found this part of allegation 1 proved by the Registrant's admission.
34. The Panel next considered whether the Registrant had entered into a sexual relationship with Client A. The Panel applied the ordinary, dictionary definition of the word 'sexual'.
35. The Panel noted that in his evidence, the Registrant accepted that on 5 February 2019 he was in Client A's bedroom and that they were lying on the bed kissing each other. When the Registrant was cross-examined by Mr Bonehill, he was asked if the kissing was sexualised and he replied "yes". When asked by Mr Bonehill if he was motivated by sexual desire, the Registrant responded "*That's a tricky one. There were sexual desires, but there was also love*".

In the Panel's view, this is clear evidence that the Registrant had entered into a sexual relationship with Client A.

36. The Panel was also of the view that the sexual nature of the Registrant's relationship with Client A is demonstrated in the text messages exchanged between them and the erotic imagery referred to. By way of examples, the Panel noted:



37. The Panel was therefore satisfied on the balance of probabilities that this part of allegation 1 was proved.

#### Allegation 2

38. The Panel found this allegation proved by the Registrant's admission.

#### Allegation 3.a.

39. The Panel found this allegation proved for the same reasons as allegation 1 as set out in paragraphs 34-37 above.

#### Allegation 3.b.

40. The Panel noted that in his evidence, the Registrant repeatedly made reference to the fact that he loved Client A and that this overrode his professional responsibilities as a therapist and superseded his professional duties as set out in the UKPC's Ethical Principles and Code of Professional Conduct 2009. The Panel further noted the Registrant's evidence that whilst he accepted it was ordinarily not appropriate to send a text message to a client saying: "I love you", he felt it was therapeutically acceptable to do so in the case of Client A. This is not an interpretation of the Code which is accepted by the Panel. In the Panel's view, by allowing a dual relationship to develop and by entering into a personal and sexual relationship with Client A, the Registrant breached one of the fundamental tenets of the profession. Furthermore, the Panel was satisfied that the text messages sent by the Registrant to Client A were inappropriate given that the Registrant was Client A's therapist at the time. The Panel noted

that most of the text messages sent by the Registrant to Client A did not relate to therapy sessions and that they breached professional boundaries. For these reasons, the Panel was satisfied that the Registrant's conduct was inappropriate and therefore found this allegation proved.

Allegation 3.c

41. The Panel found this allegation proved by the Registrant's admission.

Breaches of the UKCP's Ethical Principles and Code of Professional Conduct 2009

42. In accordance with Rule 7.23(b) of the UKCP's Complaint's and Conduct Process, the Panel went on to consider allegations 4.a.- 4.j., namely whether the proven or admitted allegations 1-3 amounted to a breach of UKCP's Ethical Principles and Code of Professional Conduct 2009.

Allegation 4.a.

43. *You failed to take responsibility for and respect Client A's best interests when providing therapy, thereby breaching clause 1.1 of the Code.*

44. The Panel was satisfied that the Registrant's conduct fell far short of the standard expected in clause 1.1 of the Code. In reaching this decision, the Panel had regard to the content of the text messages exchanged between the Registrant and Client A. The Panel determined that by engaging in a dual relationship Client A became confused, and at times, clearly upset. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The Panel was therefore satisfied that the Registrant failed to take responsibility for and respect Client A's best interests when providing therapy.

Allegation 4.b.

45. *You failed to treat Client A with respect, thereby breaching clause 1.2 of the Code.*

46. The Panel was satisfied that by allowing a dual relationship to occur, the Registrant failed to Client A with respect. Although the Panel accepted the Registrant's evidence [REDACTED] [REDACTED] it was of the view that he should have therefore ended the therapeutic relationship. The Panel noted that most of the text messages sent by the Registrant to Client A were sent outside of therapy sessions and breached professional boundaries. The Panel further noted that some of the messages were sent late at night and were of a persistent and badgering nature. The Panel was therefore satisfied that this amounted to a significant breach of clause 1.2 of the Code.

Allegation 4.c.

47. *You abused and/or exploited your relationship with Client A for your sexual and emotional gain, thereby breaching clause 1.3 of the Code.*

48. The Panel determined that by allowing a personal sexual relationship to develop, the Registrant abused the knowledge and understanding of her vulnerability gained from the therapeutic relationship with Client A. The Panel noted the content of Client A's text message at page 66 of C1 in which she stated: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] In the Panel's view, the text messages show the Registrant to be actively pursuing a personal and a sexual relationship with Client A which was both abusive and exploitative of his therapeutic relationship with Client A.

Allegation 4.d.

49. *You entered into a sexual relationship with Client A, thereby breaching clause 1.4 of the Code.*

50. The Panel was satisfied that the Registrant has breached this clause of the Code for the reasons set out in relation to the Panel's findings of fact in respect of allegations 1 and 3.a.

Allegation 4.e.

51. *You failed 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 Client A, thereby breaching clause 1.6 of the Code.*

52. The Registrant admitted that he has breached this clause of the Code.

Allegation 4.f.

53. *You failed to carefully consider the possible implications of entering into dual relationship and/or entering into a relationship that risked confusing the existing relationship with Client A, thereby in breach of clause 1.5 of the Code.*

54. The Panel noted that in his evidence, the Registrant stated that he did consider the possible implications of entering into a dual relationship with Client A and that he also considered the possibility of transference and counter-transference. However, he stated that his love for Client A superseded his professional duty as a therapist. He stated that he did not raise his relationship with Client A in supervision because he knew the answer he would be given. The Panel was therefore satisfied that the Registrant made a conscious decision to enter into a dual relationship with client A in breach of clause 1.5 of the Code.

Allegation 4.g.

55. *You failed to recognise that your behaviour outside your professional life had an effect on your relationship with Client A and failed to take responsibility for working with potential negative or positive effects to her benefit, thereby breaching clause 1.10 of the Code.*

56. In reaching its decision, the Panel noted the content of the text messages from Client A and in particular the message at pages 65 and 66 of C1, in which she stated: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] The Panel was satisfied that by his actions, the Registrant had breached clause 1.10 of the Code.

Allegation 4.h.

57. *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.*

The Panel determined that the Registrant had breached this clause of the Code for the reasons set out above. Allegation 4.i

58. *You failed to accept responsibility for ensuring that you are competent and have sufficient supervisory arrangements and other necessary support to enable you to meet your psychotherapeutic obligations to Client A. Including the responsibility of ensuring the very careful consideration of how best to refer client A to another psychotherapist or professional should it become clear that this would be in her best interests, thereby breaching clause 5.7 of the Code.*

59. The Panel noted that in his evidence, the Registrant accepted that he did not take his relationship with Client A to supervision because he knew that he would be told that he must cease to act as Client A's therapist as a result of the dual relationship that had developed. The Registrant further accepted that he had not referred Client A to another therapist or commenced a termination process because in his opinion, it was not in her best interests to do so.

60. The Panel also had regard to the content of the text messages exchanged between The Registrant and Client A on 14 January 2019 set out on pages 48-56 of C1. [REDACTED]

[REDACTED]

[REDACTED] The Panel noted that the Registrant then sends a further 26 text messages to Client A, the last being at 11.34pm. The text messages from the Registrant included: *"Now I feel foolish, judged and betrayed. Hard route to empathy... but I get it!"*, "I love you" and *"Tell me you don't love me."*

61. In light of the above, the Panel was satisfied that the Registrant failed to meet his professional obligations by taking this matter to his supervisor which would have necessitated the commencement of the termination process and referral of Client A to refer another therapist. The Panel therefore found this allegation proved.

Allegation 4.j.

62. *You failed to report potential breaches of this Ethical Principles and Code of Professional Conduct by yourself to the relevant member organisation or UKCP, thereby breaching clause 10 of the Code.*

63. The Registrant admitted that he has breached this clause of the Code.

64. The Panel therefore found that the Registrant has breached the following clauses of the Code: 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.10, 4.1, 5.7, and 10.

**Determination on misconduct**

65. This determination should be read in accordance with the Panel's previous decisions in this case.

66. 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.

67. Mr Bonehill on behalf of UKCP, provided written submissions to the Panel in relation to the issues of misconduct and impairment. These written submissions will herein be referred to as C3. In his oral submissions to the Panel, Mr Bonehill referred the Panel to his written submissions in C3. He invited the Panel to conclude that the facts found proved constitute serious professional misconduct.

68. The Registrant made oral submissions in relation to misconduct and impairment. He submitted that he was a good man and not a risk to anyone. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] He submitted that the Panel was wrong and that he is a good therapist and an honourable man.

69. 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.

70. 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 (No.2) (2000) 1AC 311. 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.”*

71. Taking into account the multiple and significant breaches of the Code, the Panel was satisfied that the Registrant’s conduct fell significantly short of the standard expected of a registered practitioner. The Panel had regard to the judgement of Collins J in the case of Nandi v General Medical Council (2004) EWHC 2317 (Admin) in which he said: *“The adjective “Serious” must be given its proper weight, and in other contexts, there has been reference to conduct which would be regarded as deplorable by fellow practitioners. It is, of course, possible for negligent conduct to amount to serious professional misconduct but the negligence must be to a high degree.”*

72. The Panel therefore determined that the Registrant’s failings amounted to serious professional misconduct that fellow practitioners would regard as deplorable.

### **Determination on impairment**

73. The Panel then went on to consider the question of impairment. This determination should be read in accordance with the Panel’s previous decisions in this case.

74. In reaching its decision, the Panel was mindful that the question of impairment is a matter for the Panel’s professional judgement. The Panel was required to determine whether the Registrant’s fitness to practise is currently impaired. The Panel has to assess the current position looking forward not back, however in order to form a view of the Registrant’s fitness to practise today, the Panel will have to take account of the way in which the Registrant has acted or failed to act in the past. The Panel acknowledged that a finding of misconduct does not necessarily mean that there is impairment of fitness to practise. There must always be situations in which a panel can properly decide that the act of misconduct was, on the part of the Registrant, isolated and the chance of it being repeated in the future is so remote that his or her fitness to practise has not been impaired.

75. The Panel applied the approach to determine the question of impairment by Dame Janet Smith as set out in the 5th Shipman Enquiry and cited with approval in the case of CHRE v Grant (2011) EWHC 927 (Admin):

*“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. Has in the past acted dishonestly and/or is liable to act dishonestly in the future.*

76. The Panel was satisfied that the Registrant’s misconduct did put Client A at unwarranted risk of harm. Furthermore, the Registrant’s multiple breaches of the Code amounted to breaches of the fundamental tenets of the profession and that his actions were therefore capable of damaging the reputation of the profession. Accordingly, the Panel was satisfied that the Registrant had previously acted in such a way as to engage limbs ‘a’-‘c’ of the above test.

77. The Panel next considered whether the Registrant was liable to act in such a way in the future. The Panel had regard to the level of insight shown by the Registrant. The Panel also had regard to the decision in the case of Cohen v GMC (2008) EWHC 581 and considered whether the Registrant’s misconduct is easily remedied; has already been remedied; and whether it is likely to be repeated.

78. In the Panel’s view, the Registrant has demonstrated no insight into his misconduct. There was no evidence of any reflection or self-analysis of his professional behavior. The Registrant continues to assert that he is a good therapist. Furthermore, the Panel noted that the Registrant has taken no steps to remediate his misconduct either through therapy or by engaging in supervision with respect to his dual relationship with Client A.

79. The Panel therefore determined that there is significant risk that the Registrant would repeat his misconduct in the future and therefore place clients at risk of harm. The Panel therefore decided that a finding of impairment is required on grounds of public protection.

80. 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 had regard to the following part of the judgement in the case of Grant:

*“In determining whether a practitioner’s fitness to practice is impaired by reason of misconduct, the panel should generally consider not only whether the practitioner constitutes a present risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.”*

81. In the Panel’s view, given the serious nature of the Registrant’s misconduct and the multiple and significant breaches of the Code, a finding of impairment is also required to uphold proper professional standards and to maintain public confidence in the profession.

### **Determination on Sanction**

83. 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 decisions on the facts, misconduct and impairment.

84. In reaching its decision, the Panel had regard to the UKCP’s Indicative Sanctions Guidance 2019 (“the ISG”) but exercised its own independent judgement.

85. The Panel heard further submissions from Mr Bonehill on behalf of UKCP and from the Registrant.

86. Mr Bonehill referred the Panel to the ISG and in particular, paragraph 5.2 of the ISG which contains guidance in relation to boundary issues and, paragraph 5.4 of the ISG which contains guidance in relation to sexual misconduct. Mr Bonehill invited the Panel to have regard to the following factors:

- The nature and seriousness of the Registrant’s breaches of the Code;
- The number of breaches of the Code and the time period over which they occurred;
- The Registrant’s distinct lack of insight; and
- The risk going forward in light of the above.

87. Mr Bonehill submitted that in light of the Panel’s previous determinations in relation to the Registrant’s breach of professional boundaries, paragraph 5.2.3 of the ISG is applicable. Paragraph 5.2.3 provides:

*“In circumstances where the conduct is deliberate or prolonged over a period of time and the Registrant shows insufficient insight into their failings and an unwillingness to remedy their shortcomings, boundary issues can result in suspension or termination of UKCP registration.”*

88. Mr Bonehill further submitted that the Panel should have regard to paragraphs 5.4.1 – 5.4.3 of the ISG, which provide:

*“UKCP’s code of ethics is very clear that a Registrant must not enter into a sexual relationship with a client. Sexual misconduct seriously undermines public confidence in the profession and represents a breach of one of the fundamental tenets of psychotherapy.”*

*“Sexual misconduct is considered particularly serious where the person concerned is particularly vulnerable and there has been an abuse of the special position of trust that the Registrant occupies.”*

*“In all cases of sexual misconduct it is extremely unlikely that a sanction less than suspension from UKCP’s Register will be sufficient, although it is likely that most cases will result in termination of UKCP registration. If a panel imposes any sanction other than termination of registration it needs to be particularly careful to explain the reasons for doing so in a way that can be understood by those who have not heard all of the evidence.”*

89. Mr Bonehill invited the Panel to follow the guidance in the ISG. He submitted that the Registrant’s course of conduct and breaches of the Code were extremely serious. He submitted that the Registrant lacks insight [REDACTED]  
[REDACTED] Mr Bonehill submitted that this was a case where termination of the Registrant’s UKCP registration was required.

90. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

91. The Registrant submitted that *“I do not agree with any sanction other than full termination because I do not want to remain a member of UKCP.”* The Registrant further submitted that *“it was obvious where this was going from the start”* and that *“reading the determination I sound like a monster so full termination is the only option”*.

92. The Registrant concluded his submission by stating *“I am not a danger. I am not going to repeat this with other clients. I care about clients and people very deeply. The determination is wrong [REDACTED].”*

93. 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 its decision. The Panel recognised that any sanction must be proportionate and weigh the public interest with that of the Registrant.

94. The Panel noted that 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.

95. The Panel identified the following aggravating and mitigating features:

Aggravating:

- The Registrant’s course of conduct was deliberate and occurred over a prolonged period of time;
- Client A was a vulnerable client;
- By entering into a dual relationship with Client A the Registrant abused the imbalance of power and prioritised his own needs over Client A’s needs;
- The Registrant prioritised his personal relationship over his professional obligations;
- The Registrant has shown no insight and an unwillingness to remedy his shortcomings;
- The Registrant’s supervision was not used appropriately;
- There is a high risk of repetition of the misconduct; and
- Although the Registrant has engaged with these proceedings, the Panel was concerned by his conduct during the remote hearing. At times, the Registrant was observed to be laughing and did not appear to be taking the proceedings seriously.

Mitigating:

- The admissions made by the Registrant during the hearing; and
- The Registrant’s good character and previous unblemished regulatory record.

96. The Panel considered the sanctions available to it under rule 7.25 of the Complaints and Conduct Process and was mindful that any sanction imposed should be the minimum that would be considered proportionate and appropriate in the circumstances and the Panel must give reasons for its decision.
97. The Panel noted that the lesser sanctions, namely 7.25.1 – 7.25.5 were each capable of being imposed as a sanction either individually or in combination with other sanctions within the same range. The Panel therefore adopted an approach to reflect this option. The Panel considered the full range of sanctions, starting with the least severe. The Panel gave due weight to the submissions of both parties and the Registrant's hitherto unblemished regulatory record. The Panel also had regard to the content of the witness statements provided by Client A [REDACTED]
98. The Panel also took into account the fact that the Registrant has been the subject of an interim suspension order from 28 February 2020, and has therefore been unable to practise as a psychotherapist for over a year. The Panel recognised that there may be some personal hardship as a result of the interim suspension order, albeit there were no submissions made to the Panel in that regard.
99. The Panel made the following findings:

#### Apology

100. The Panel was of the view that a verbal or written apology would not reflect the serious nature of the Registrant's misconduct and the multiple, significant breaches of the Code. Furthermore, an apology would not protect the public as it would impose no restriction on the Registrant's practice, nor would it address the wider public interest considerations identified by the Panel in this case. The Panel therefore concluded that an apology was not appropriate.

#### Letter of Warning

101. The Panel determined that a letter of warning would not be appropriate for the same reasons as set out in paragraph 100 above.

### Written Report or Oral Statement

102. The Panel determined that a written report or oral statement would not be appropriate for the same reasons as set out in paragraph 100 above.

### Further Training

103. The Panel noted that in his submissions to the Panel, the Registrant stated that he no longer wanted to remain on the UKCP register. In these circumstances, the Panel had no confidence that the Registrant would comply with an order requiring him to undertake further training. Furthermore, this sanction would not protect the public as it would impose no restriction on the Registrant's practice, nor would it address the wider public interest considerations identified by the Panel in this case.

### Further Supervision or Therapy

104. The Panel noted that the Registrant did not make proper use of his supervision in 2018 – 2019 and that he deliberately chose not to raise his dual relationship with Client A during his supervision sessions. The Panel has not been provided with any evidence of the Registrant undertaking therapy or further supervision since he was made the subject of an interim suspension order. In these circumstances and, given the Registrant's stated position that he no longer wants to remain on the UKCP Register, the Panel was satisfied that this sanction would not adequately protect the public or maintain confidence in the profession. In addition, the Panel was satisfied that the Registrant's breaches of the Code were so severe that this sanction was not proportionate.

### Combination of Lesser Sanctions

105. The Panel considered the above sanctions both individually and in potential combination, and was satisfied that neither approach reflected the serious nature of the breach of boundaries and the sexual misconduct found proved and would not adequately protect the public or maintain confidence in the profession.

### Conditions of Practice Order

106. The Panel then considered whether the Registrant's impairment could be addressed by placing conditions on his practice. However, given the nature and seriousness of the

misconduct, the Panel concluded that it could not formulate workable and effective conditions that would provide sufficient public protection or meet the wider public interest concerns identified. Furthermore, given the Registrant's stated position that he no longer wants to remain on the UKCP Register, the Panel had no confidence that he would comply with such an order.

Suspension Order (for a maximum of one year)

107. The Panel considered that the Registrant's misconduct had been of the utmost seriousness. It involved multiple and significant breaches of the Codes. The Panel had careful regard to the guidance set out in paragraphs 5.2 and 5.4 of the ISG. [REDACTED]

[REDACTED]

[REDACTED] The Registrant knew that he should not have entered into a dual relationship with a vulnerable client and that he should have commenced a proper termination process of his therapeutic relationship with Client A and then referred her to another therapist. The Panel has found that the Registrant has demonstrated no insight into his course of conduct [REDACTED]

[REDACTED] In the Panel's view, the Registrant's deliberate [REDACTED] breach of professional boundaries and sexual impropriety with Client A, can only be regarded as reprehensible and a breach of trust.

108. The Panel had concerns about the serious lack of understanding of therapeutic boundaries and process which was reflected in the Registrant's individualistic laissez-faire attitude to psychotherapy resulting in a lack of self-regulation as exhibited in his oral evidence.

109. The Panel noted that a suspension order would protect the public as it would prevent the Registrant from practicing as a psychotherapist. However, the Panel was satisfied that confidence in the profession would not be maintained if a suspension order for one year only was imposed in the particular circumstances of this case. The Panel recognised that termination of the Registrant's UKCP registration may end his career as a psychotherapist but was satisfied that the need to protect the public, maintain confidence in the profession and to declare and uphold standards in the profession, outweighed the Registrant's interests.

110. The Panel therefore determined that suspension for one year was not appropriate or proportionate in this case.

## Termination of Registration

111. The Panel therefore decided that the Registrant's registration must inevitably be terminated. The Registrant's behaviour was fundamentally incompatible with UKCP registration and removal from the register was the only appropriate sanction.
112. The Panel determined that the Registrant will be removed from the Register for a minimum of three years in accordance with rule 11 of the UKCP's Complaints and Conduct Process.

## **Interim Suspension Order**

113. Mr Bonehill made an application for the interim suspension order to be continued until the 28 day appeal period has expired and the sanction imposed by the Panel takes effect.
114. The Registrant made no submissions to the Panel in relation to the continuation of the interim suspension order.
115. The Panel accepted the advice of the Legal Assessor.
116. In light of the determinations made by the Panel in this case, the Panel was satisfied that an interim suspension order is necessary to protect the public and maintain confidence in the profession during the 28-day period before the sanction imposed by the Panel takes effect. The Panel therefore directed that, in accordance with the provisions of rule 7.30 of the UKCP Complaints and Conduct Process, the existing interim suspension order should remain in place until the 28 day period allowed for lodging an appeal as passed. If no appeal is lodged within 28 days of this decision, the sanction imposed by the Panel will come into effect automatically the next day. If, however, an appeal is lodged, the interim suspension order will remain in effect until the appeal is heard.

## **Right of Appeal**

117. Both the Registrant and UKCP have 28 days from when the written decision is served in which to exercise their right of appeal.
118. 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 28<sup>th</sup> day.

Signed,

A handwritten signature in black ink, appearing to read "Edward Lord". The signature is written in a cursive style with a large initial 'E' and a distinct 'L'.

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Edward Lord, Lay Chair

Date 22 March 2021