

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

IN PRIVATE

Tuesday 10 – Thursday 12 March 2020

GPHC

25 Canada Square

Canary Wharf

London, E14 5LQ

Name of Registrant: Ron Davis [2011161960]

Heard by: Adjudication Panel

Panel Members: Claire Bonnet [Lay Chair]
Gita Patel [CPJAC]
Jonathan Salisbury [HIPC]

Legal Assessor: John Donnelly [2 Bedford Row]

Panel Secretary: Eloise Cadman

UKCP Presenting Officer: Nick Bonehill [2 Bedford Row]

Registrant: Farah Mauladad [Crown Office Chambers]

Allegations proved by admission: 1 (save for dating) 2, 3, 4, 5, 7, 8a (allegation 4 and 5 only) 8b (allegation 3 only) and 9

Allegations proved: 6, 8a (allegation 2,3,and 6), 8b (allegation 1,2,4,5,6 and 7)

Panel decision: Misconduct and impairment found proved

Sanction: Termination of UKCP registration

Detail of allegations

That whilst being a registered UKCP psychotherapist for Client A between 4 July 2018 and 13 February 2019, you;

1. On unknown dates between 4 July 2018 and 13 February 2019, you disclosed your relationship to Client A and shared that you were dating;
2. On unknown dates between 4 July 2018 and 13 February 2019, you hugged Client A during the psychotherapy sessions;
3. On 19 December 2018, you sent Client A a photograph of yourself with the caption “*whose this weirdo {3 laughing emojis} x*”;
4. On 25 and 26 December 2018, you sent Client A a number of sexually explicit text messages;
5. On or around 25 and 26 December 2018, you engaged in sexual communication via telephone conversations and texting with Client A;
6. On 26 December 2018, you had sex with Client A at her home;
7. Following your conduct at 1-6 above, you continued to have 6 further therapy sessions with Client A between 9 January 2019 and 13 February 2019;
8. Your conduct at 1-7 above is:
 - a. Sexually motivated and/or;
 - b. Inappropriate
9. You failed to report breaches of the Ethical Principle and Code of Professional Conduct to the UKCP;
10. The behaviours set out at 1-9 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 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 to carefully consider the possible implications of entering into a dual relationship and/or entering into a relationship that risked confusing the existing relationship with Client A which had an adverse effect on her, thereby in breach of 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 behavior 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 by Client A, failing to preserve her psychotherapeutic best interests, thereby breaching clause 4.1 of the Code.
- i. You commit to report potential breaches of this Ethical Principles and Code of Professional Conduct by yourself to the relevant member organisation or UKCP, you to do this thereby breaching clause 10 of the Code.

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

- a) misconduct;

Background

Client A was under the care of the Registrant at [REDACTED] from 4 July 2018 to 13 February 2019.

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 during the time of therapy.

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 had received an agreed bundle which amounted to 130 pages.

Preliminary Applications

1. Mr Bonehill on behalf of the UKCP made an application for the hearing to be held in private.
2. Ms Mauladad did not oppose this application.
3. The Panel considered and accepted the advice from the Legal Assessor.
4. The Panel determined that all of the hearing should be conducted in private due to the nature of the allegations and the intimate nature of the evidence to be adduced.

Determination on the facts

1. The allegations were read and were admitted save for:
 - a. Allegation 1, the dating element was denied.
 - b. Allegation 8b, 1, 2, 6 and 7 denied.
2. The matters admitted were formally recorded as proven by admission.
3. The Panel determined that it was appropriate that Client A was accompanied by a friend in support during evidence and indicated that this support would be subject to the same rules of confidentiality in respect of the hearing.
4. The Panel considered all of the documentary evidence before it and heard oral submissions from Mr Bonehill on behalf of UKCP and Ms Mauladad on behalf of the Registrant.
5. The Panel also heard evidence from the following witnesses: Client A, the Registrant and the Registrant's brother (B).
6. Mr Bonehill on behalf of UKCP invited the Panel to consider that this is a case in which the facts speak for themselves.
7. In respect of the allegations including the hugs, dating disclosure, and sexual engagement the Panel could rely upon Client A as a reliable and consistent witness.
8. In support of that submission Mr Bonehill invited the Panel to consider Client A's first account made to [REDACTED] dated 22 May 2019 and thereafter her full response in the question and answer form dated 6 June 2019, witness statement dated 14 January 2020 and her evidence before the Panel and answers in cross examination were both consistent and reliable.

9. [REDACTED]

[REDACTED]

10. Mr Bonehill also invited the Panel to consider that a sexual encounter as alleged is not about an event in which a witness would be mistaken.

11. Ms Mauladad on behalf of the Registrant provided the Panel with the authority of *Kimathi & Ors v The FCO* [2018] EWHC 2066 (QB).

12. Ms Mauladad provided an outline of the relevant law and submitted that the hugs alleged were not sexually motivated or inappropriate and reflected that the Registrant's role as a therapist had served to improve Client A's condition considerably up until 25 December 2018.

13. Ms Mauladad further submitted that the Registrant's behaviour was out of character and further submitted it was the Registrant's case that there had been no discussion or disclosure relating to any dating by the Registrant in his private life for the simple reason that he had not been dating at that time.

14. Ms Mauladad added that any discussion of relationships had been initiated by Client A, that these had only lasted for a short period of time at the end of therapeutic sessions and would have been neither inappropriate or sexually motivated.

15. Ms Mauladad suggested that Client A had retrospectively gone back over events to analyse her therapy with a negative mindset and invited the Panel to consider that her account did not amount to a reliable recollection.

16. The Panel heard and accepted the advice of the Legal Assessor.

Determination on facts

1. The Panel considered the evidence of the witnesses:

2. Client A

a. The Panel considered Client A's evidence to be both consistent and credible and that her account was honest. The Panel noted at times she was unsure of details but was self-reflective about her account.

b. The Panel found consistency throughout Client A's accounts from her original complaint, question and answer form, statement to UKCP and responses in cross examination.

3. Registrant

a. The Panel considered the Registrant's evidence to be inconsistent and not plausible in parts.

4. Brother (B)

a. The Registrant's brother gave evidence by video link, he fully engaged with the process and clearly intended to help in proceedings.

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

6. Allegation 1 – Proved

a. The Panel noted the description provided by Client A in her witness statement that the Registrant freely shared details about dates he was going on and described these would “break the ice at the beginning of a session or help me calm down after a tough session”. Client A also referenced these in her question and answer form but described “it didn't feel awkward at the time”. In her oral evidence she described how he was meeting up for dates other people.

b. The Panel also noted that Client A mentioned this aspect of oversharing which she considered a part of the Registrant's therapeutic approach.

c. The Panel considered this was clear and cogent evidence that the Registrant had mentioned his dating during the course of their therapeutic sessions.

d. The Panel considered this was not sexually motivated but was nevertheless inappropriate and therefore determined that allegation 8 (b) was also proved.

7. Allegation 2 – Proved

a. The Registrant had admitted allegation 2 that he had hugged Client A during sessions. The Panel considered that such actions were sexually motivated.

b. The Panel considered that the text messaging on 26 December 2018 contained numerous references to hugs during sessions “It was nice when you hugged me [REDACTED]” and “You give good hugs too I'm trying to resist but it's hard xx”.

c. The Panel therefore considered that allegation 2 was both sexually motivated and inappropriate.

8. Allegation 3 – Proved

a. The Registrant had admitted that sending the photograph by text was inappropriate. The Panel determined that the photograph was also sexually motivated, noting that it included three emojis and a kiss. The Panel also noted that it was the third message of 19 December 2018 all of which finished with a kiss and emoji kiss.

b. The Panel considered this to be both flirtatious and inevitably to have been an invitation to develop a relationship of a sexual nature.

9. Allegation 4 – Proved

a. The Registrant admitted that allegation 4 was sexually motivated (explicit text messages), the Panel considered that these were also inappropriate.

10. Allegation 5 – Proved

a. The Registrant admitted that telephone communication was of a sexual nature and had been sexually motivated. The Panel considered that these were also inappropriate.

11. Allegation 6 – Proved

a. The Panel turned to consider allegation 6, that the Registrant had sex with Client A at her home on 26 December 2018.

b. The Panel has indicated that Client A was a credible and consistent witness. The Panel repeats that the consistency embraces Client A's original complaint dated 22 May 2019 which read "[The Registrant] came to my house that afternoon, where we had sex. We exchanged a few more texts and spoke on the phone once, or maybe twice, afterwards but then didn't speak again until my next therapy session on 9th January. I continued to attend therapy and [the Registrant] explained that he hadn't been in a good place at the time and acknowledged he shouldn't have done it."

c. The Panel noted the context in which Client A described in her question and answer dated 6 June 2019 "I explained in therapy that I chose to have sex with him because he did not seem to understand that the conversations over text and phone were enough to have messed with my head and ruined therapy. I hoped that having sex would cross the line for him that having sexual conversations over text message had crossed for me, and I was glad when this worked".

d. The Panel noted Client A's comment "I had discussed in therapy how I find it difficult to get myself out of situations where I know people want to have sex with me, and so I often have sex to get out of the situation as quickly as I can".

e. The Panel further noted Client A's detailed account in her question and answer form dated 6 June 2019 "We had sex and then talked before I went back to work that evening. He was worried/anxious that I'd report him but I told him that he'd already crossed the line. I reassured him that I wouldn't (already reassured him before he went to the house)".

f. The Panel also noted the account of the sexual relations set out in Client A's witness statement which detailed that the Registrant attended her house shortly after she had a bath where they went straight to the bedroom and sex took place.

g. The Panel had the benefit of copies of the text messaging between the Registrant and Client A. This evidence comprised of screenshots and the timeline which commenced on Wednesday 26 December 2018 at 00:05 when she was on shift at work. The Panel considered the nature of the text message exchange which steadily progressed from flirtatious intimacy to telephone sex.

[REDACTED]

h. The Panel noted that a definitive timeline could not be reasonably established from the screenshots of the text messaging but did identify a clear gap where there was no communication at all.

i. The Panel considered that Client A had encouraged the Registrant and had blatantly persisted in inviting him to engage in sexual relations at her home. The Panel recognised that there was little

detailed evidence of the sexual encounter but did not consider that this was unusual considering Client A's sexual history and this did not serve to undermine its reliance upon her account.

j. [REDACTED]

k. The Panel did note that the timeline of events was not always easily ascertained with any degree of accuracy, but in principle the exchanges and the timelines were consistent with the sexual encounter having taken place on 26 December 2018.

l. The Panel therefore found Client A's evidence compelling.

m. The Panel recognised that the burden of proof remains at all times with UKCP and that the Registrant need not prove any matters, and this remains the case even when an alibi type defence is raised.

n. The Panel considered that giving evidence before the tribunal would not be a comfortable experience for any witness, let alone the Registrant engaging in the subject matter that it does. The Panel had noted that the Registrant is of hitherto good character and has provided testimonials of his 30 years as a police officer, supportive evidence of his brother and of his supervisor.

o. The Panel considered that there had been notable inconsistencies in the Registrant's account. The Registrant had suggested that he had been very drunk whilst engaging in the text messaging. However, the Panel considered these text messages to be structured, lucid and clearly developing a theme. The Panel also noted that at 11:26 the Registrant describes "I was reasonably sober last night and loved every minute", this entry was made after the explicit texts and the photograph as detailed above on 26 December 2018 (and quite at odds with the suggestion that he was drunk).

p. The Panel further noted the Registrant's account in evidence that he had not been truthful in the course of the text messages [REDACTED]. As a result, the text messaging was not a truthful exchange. By way of example:

[REDACTED]

[REDACTED]"

q. [REDACTED]

r. During the course of the text messaging, both parties agreed there had been a telephone call though neither party could agree who initiated this but it was common ground there had been a conversation of a sexual nature. Client A suggested as a result of the telephone call the Registrant visited her home. There is no evidence before the Panel as to the details of the home address of Client A being provided to the Registrant albeit the Registrant had access to the database of [REDACTED] and the Panel did not find the absence of this evidence to be significant, nor did it appear in the text messaging.

s. The Panel did not consider that the Registrant had been entirely candid or transparent in discussions with his supervisor. In a letter dated 27 June 2019 from his supervisor of 5 years standing, who wrote "I was made aware of this complaint by [the Registrant] 10 days ago and we met within two days of my being informed". The Panel noted that this took place after the complaint had been lodged albeit that these allegations may have had a degree of embarrassment. The Panel considered that the failure to disclose these matters contemporaneously to his supervisor displayed a lack of transparency and a failure to be candid.

t. The Panel further noted that the Registrant's brother had become aware of this matter at a very late stage.

u. For completeness the Registrant seemed unfamiliar with the UKCP code of ethics, the Panel found allegation 6 proved to necessary standard and inevitably considered this to be sexually motivated and inappropriate.

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 the relevant information before it.
3. Mr Bonehill on behalf of UKCP invited the Panel to conclude that the facts found proved constitute misconduct and current impairment in accordance with the authorities.
4. Ms Mauladad indicated to the Panel that she would not be making any representations in respect of misconduct and impairment as her client accepted this, but recognised that it was still a determination for the Panel to undertake.
5. 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. The Legal Assessor made reference to the following authorities: *CHRE v. NMC and Grant* [2011] EWHC 927 (Admin) and *Cohen v. GMC* [2008] EWHC 581 (Admin).
6. 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."
7. 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.
8. The Panel considered the following Ethical Principles and Code of Professional Conduct had been breached namely: 1.1, 1.2, 1.3, 1.4, 1.5, 1.8, 1.10, 4.1 and 10.
9. In light of this finding the Panel moved on to the question of current impairment.

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*

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’s behaviour breached a fundamental tenet of the profession and his sexually motivated activity amounted to a breach of trust and further that the Registrant had not sought to protect Client A, a feature that was aggravated by his continued therapeutic sessions after the events of 26 December 2018.

6. The Panel considered that his actions could have had significant impact and harm to Client A and would have inevitably brought the reputation of the profession into disrepute.

7. The Panel recognised the test of impairment is of current impairment as of today. The Registrant had shown some limited insight in his admissions before the Panel and equally some remorse by apologising to Client A during a therapy session on 9 January 2019 which was confirmed in cross examination by Client A.

8. The Panel went on to consider whether the Registrant’s behaviour was capable of being remediated. The Panel considered that it was remediable, this appeared to be a single episode and the Registrant appears to have learnt a salutary lesson by engaging with the adjudication process.

9. The Panel went on to consider whether there had been any remediation thus far. [REDACTED]
[REDACTED]
[REDACTED]. The Panel had the benefit of a supportive Email from [REDACTED]
[REDACTED] dated 1 March 2020.

10. The Panel considered that the supportive Email was not comprehensive but indicated there was some progress in remediation albeit at an early stage.

11. The Panel considered that there was a real risk of repetition in all the circumstances.

12. 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 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 Bonehill on behalf of UKCP and Ms Mauladad on behalf of the Registrant.

3. Mr Bonehill on behalf of UKCP reminded the Panel that the imposition of a sanction was not a punishment, that the Panel should start with the least severe sanction available and work upwards and that any sanction should be proportionate and reasonable.

4. Mr Bonehill further invited the Panel to adopt the indicative sanctions guidance, reminding the Panel of the purpose of sanctions, the public interest, protection of the public, maintaining public confidence in the profession and upholding the proper standards of conduct and behaviour.

5. Mr Bonehill particularly invited the Panel to consider sexual misconduct as set out in the guidance at 5.4 and invited the Panel to consider that the appropriate sanction was one of termination of UKCP registration.

6. Ms Mauladad on behalf of the Registrant conceded at the outset that the matters found proved were indeed serious and respectfully reminded the Panel that any sanction is not punitive, must be proportionate and invited the Panel to adopt the staircase approach, namely to start with the least severe sanction and work upwards.

7. Ms Mauladad provided the Panel with the transcript of the authority of *Giele v. GMC* [2005] EWHC 2143 (Admin) and *Arunachalam v. GMC* [2018] EWHC 758 (Admin).

8. Ms Mauladad invited the Panel to consider that the imposition of a suspension order would not be too lenient in the circumstances, would still protect the public and that erasure (termination of UKCP registration) would be disproportionate.

9. Ms Mauladad provided reasons to support this submission, referencing the mitigating elements of the case. Ms Mauladad submitted that the sexual contact had been voluntary and that Client A had been persuasive and further that this had been a one off incident. Ms Mauladad invited the Panel to note that the text messaging ended with an acknowledgement that it ought not to have happened and further reminded the Panel of the description provided by Client A that it was "out of the blue".

10. Ms Mauladad also referenced the hugs of which there had been possibly three in total during the December 2018 period. It was submitted that these had been initiated by Client A and had not been prolonged over a period of time and further that Client A did not regard these as sexually motivated (albeit the Panel determined that they had been).

11. It was further submitted that the Registrant's actions had not formed part of a course of deliberate action but had been initiated by Client A and had been persistent.

12. It was further submitted on the Registrant's behalf that during Client A's evidence it detailed that there had been discussion in the January 2019 therapy about the events and that it was common ground that it had stopped and to that end the questions of repetition, public protection and public confidence could be addressed.

13. Ms Mauladad reminded the Panel that the Registrant had made extensive admissions which incorporated the messaging, the hugs and the telephone calls, he had shown some insight and had tendered an apology as early as the interim stage of the proceedings.

14. Ms Mauladad reminded the Panel that the Registrant was of hitherto good character and there had never been any complaint either with previous vulnerable clients in his therapeutic role, or indeed his 30 years as a serving police officer which was supportive of the submission that there was no evidence that he would repeat this behaviour and that there would be no damage to public confidence.

15. It was confirmed that the Registrant had been the subject of an interim suspension order since 28 June 2019 (to date) and that the nine months could properly be reflected in the sanction. Ms Mauladad asked for a 12-month suspension to be imposed. The Panel was further reminded that he had resigned himself in March 2019 and that as such, erasure would be disproportionate and only fitting for more serious matters.

16. 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. The Panel was reminded that the indicative sanctions guidance was a document of 'guidance' and the Panel should consider every case on its own facts. If the Panel elected to depart from the guidance document it must give full reasons for doing so.

17. 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.

18. The Panel first considered the aggravating and mitigating factors:

19. Aggravating factors

a. The Panel recognised that Client A was indeed vulnerable, but particularly noted that Client A was a client who had been referred from a particular agency concerned with supporting victims of sexual violence. The Registrant would have had a duty to be familiar with and have an understanding of Client A's vulnerability and a greater awareness of the impact upon her by his actions. Part of Client

A's background included reference to the fact that she would often have sex to get out of situations and was likely to "hit on a male therapist". The Registrant appears not to have been fully aware of Client A's background or conscious of her particular vulnerability and further the impact on her because of his actions.

b. The Panel moved on to consider whether or not the sexual contact was voluntary and considered that Client A's clinical presentation as detailed above was one with which she needed help. The Panel recognised the Registrant had been pursued and this pursuit had been persistent, but in all the circumstances this was to be expected and should have been "boundaried" and the Registrant should have been aware of this. These matters had been set out in the original complaint of 22 May 2019 contained within the Bundle at page 61.

c. The Panel then went on to consider the question of insight. The Panel had indicated earlier that it regarded the Registrant's insight as being limited and this remains the determination of the Panel.

d. The Panel has considered that the Registrant has taken some steps at remediation [REDACTED]

e. The Panel did consider that these events were in effect one episode and not a course of conduct but did reflect the context of the text messaging which had been initiated a few days earlier with an inappropriate photograph of the Registrant playing guitar out of the blue with the text "look at this weirdo". The Panel did consider this to be a deliberate act and that the Registrant had taken advantage of the situation and that this had taken place at the time where hugs had already been initiated. The Panel considered that the Registrant had hinted at something by way of the photograph and therefore concluded that although it was not a course of conduct, the context taken as a whole was aggravating.

f. The Panel had indicated earlier that there was a real risk of repetition and was satisfied that a fully informed member of the public would lose confidence in the profession and UKCP as a regulator.

g. The Panel did consider as aggravating the fact the Registrant had not been candid with his supervisor and informed them of these matters at the time.

h. The Panel also considers the fact that the Registrant continued therapeutic sessions (six in total) after the sexual encounter which was only brought to an end at Client A's instigation as an aggravating factor.

20. Mitigating factors

a. The Panel recognised that the Registrant had fully engaged with his regulator, mindful that it is his duty as a member of UKCP, but nevertheless had fully engaged.

b. The Registrant made early admissions and they were extensive.

c. The Panel gave credit for the Registrant's good character including a 30 year service to the police force and there had been no other complaints during his career as a psychotherapist.

d. [REDACTED]

e. The Panel had some evidence in respect of the Registrant's [REDACTED] and this assisted in assessing the context of these matters.

f. The Panel also noted the Registrant's apology to Client A shortly after these events.

11. 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.

12. The Panel considered the following sanctions as not appropriate or proportionate because the matters found proved were not minor in nature, or at the lower end of the fitness to practice scale and did not embrace an element of competency to be addressed.

- a. *Apology*
- b. *Warning*
- c. *Written report or oral statement*
- d. *Further training*

13. The Panel considered the following sanction as not appropriate or proportionate in all the circumstances.

- a. *Further supervision or therapy*

14. The Panel considered the following sanction as not appropriate or proportionate as there are no conditions of practise which could be workable or appropriate.

- a. *Conditions of Practise order*

15. The Panel did recognise that the imposition of a suspension order for the duration of 12 months would in itself be a severe penalty for any practitioner.

16. The Panel then moved to consider whether a suspension order for a period of up to 12 months would be appropriate and proportionate. The Panel had the benefit of the approach adopted in the *Giele* authority. The Panel considered that the relationship between the Registrant and Client A was an improper sexual relationship which had arisen during the course of therapy. The Panel further considered that this was a high-end breach of intimate trust, particularly as Client A was the victim of sexual abuse, seeking therapy. The Panel was satisfied that a well-informed member of the Public would have regarded the Registrant's behaviour as abhorrent and that the imposition of a suspension order would not properly reflect the views of an informed and reasonable member of the public.

17. The Panel noted that the Registrant had little mitigation by way of testimonials and references, save for the evidence of his brother who did refer to his high moral standing, [REDACTED] and his employment with the [REDACTED] Constabulary.

18. The Panel did consider, in an abundance of fairness whether or not to adjourn the ultimate determination on sanction and invite the Registrant to obtain further reports or testimonials before sanction was imposed. However, the Panel recognised that considerable time had elapsed since these events and that the Registrant had fully engaged with the process and had the benefit of a very experienced legal team. In those circumstances the Panel considered it was in the position to proceed to sanction today.

19. The Panel then moved on to consider the question of termination of UKCP registration and fully recognised that this sanction was a sanction of last resort. 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 shown limited insight and not displayed enough mitigation to tip the balance against termination of registration.

20. The Panel therefore determined the only available sanction was that of termination of UKCP registration.

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,

C. Bonnet

Claire Bonnet, Lay Chair

12/03/2020