



# Handling complaints about therapists

Report of the UKCP Professional Conduct Committee

1 January 2022 – 31 December 2022

# Complaints in 2022



**93**

complaints were received, of which **76** were about UKCP registrants



**0.87%**

of UKCP registrants were the subject of a complaint



**11**

complaints were serious enough to be referred to an adjudication panel. These related to **10 registrants** (1 registrant had 2 complaints referred)

The complaints and conduct team handled



**292**

general enquiries

**209**

complaints enquiries



**3**

registrants had their UKCP registration terminated

UKCP convened:



**4**

interim suspension order panels



**3**

interim suspension order review panels



**1**

preliminary hearing



**9**

adjudication panels concerning **6 cases**



**2**

sanction review panels

Top causes of complaints:

**1**

unprofessional communication and/or breakdown in communication

**2**

decision of another body

**3**

failure to maintain professional boundaries

# Foreword

**We hope you find this UKCP Professional Conduct Committee (PCC) report useful and informative. As always, its purpose is to give members of the public and registrants a view of the complaints UKCP has received about registrants over the past year. More importantly, it also allows us all to learn what triggers complaints so we can hopefully avoid similar issues going forward.**

Once again, a big thank you to all the PCC members who give their time freely to oversee complaints, promoting confidence in the psychotherapy profession and in UKCP's Complaints and Conduct Process. Thank you also goes to Sunita Thakore, UKCP's complaints and conduct manager, and the professional standards managers, Charlotte Ferson, Alice Love and Nirosha Thilagarajan, who complete all the background work on complaints before they reach the PCC.

Thankfully we are now through the worst of the COVID-19 pandemic. However, we must keep hold of the agile ways of working we adopted at that time. For example, we will continue to hold all adjudication panels online except in exceptional circumstances.

The PCC online Learning from Complaints event in June 2022 proved extremely popular. Attendees' feedback was very positive, especially on the interactive case study exercise. We will look to include even more interactivity at the next complaints event.

*Brian Linfield*

**Brian Linfield MBE**  
Chair, UKCP Professional Conduct Committee



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# About UKCP

**The UK Council for Psychotherapy is the leading professional body for psychotherapists and psychotherapeutic counsellors in the UK. Alongside offering professional support for our members, we regulate the profession, protect the public and promote access to psychotherapy for all.**

Our membership includes over 11,000 individual members and more than 70 training and accrediting organisations.

Our register of over 8,000 full clinical registrants is accredited by the government's Professional Standards Authority for Health and Social Care. It includes the following healthcare professionals:

- psychotherapists
- psychotherapeutic counsellors
- psychotherapists and psychotherapeutic counsellors who work with children and young people, and with families.



# The Professional Conduct Committee

**The Professional Conduct Committee (PCC) is responsible for overseeing the successful functioning of UKCP's Complaints and Conduct Process. It plays a key part in enabling UKCP to meet its charitable and public protection objectives and maintain professional standards of excellence.**

The PCC has oversight of each individual case that progresses through the complaints process. It provides advice and guidance to UKCP's complaints and conduct team, who manage complaints day-to-day.

Occasionally, the PCC may also be asked to make the decision about whether to take a case forward if the professional standards manager feels unable to do so.

Another key function of the PCC is to enable learning from complaints. The complaints and conduct team undertake a root cause analysis at the conclusion of each case to determine the issues that are driving complaints and identify key areas of concern. Both the team and the PCC use this information to shape training events and help identify if further policies and guidance are needed.

## PCC members

During 2022, PCC members were:

### Lay chair

**Brian Linfield MBE JP** – Brian sits as a specialist member of the Mental Health Tribunal in the Health, Education and Social Care Chamber and as a disability-qualified panel member in the Social Entitlement Chamber of Tribunals. Brian is also a specialist presiding lay magistrate sitting in the family court.

He is a retired civil servant and has a 17-year background of statutory regulation within the water industry, for which he was honoured with an MBE. He was also regional lay chair for complaints within the NHS.



**The Professional Conduct Committee has oversight of each individual case that progresses through the complaints process.**



## Lay members

**Cassandra Dighton** – Cassandra worked in criminal defence for seven years before joining the General Medical Council as a legal adviser to the Fitness to Practise Directorate. She also worked at the Medical Protection Society and the Infected Blood Inquiry. Cassandra holds a master's degree in medical ethics and law. She has also completed her studies for a diploma in forensic science and is a fellow of the Philosophy of Medicine faculty at the Worshipful Society of Apothecaries. She is currently head of professional discipline for the Association of Optometrists.

**Emi Gutwenger** – Emi is a senior associate solicitor with Clifford Chance LLP and focuses on financial regulation. He has degrees in Austrian law and economics from Leopold-Franzens University in Innsbruck. He also has a graduate diploma in law from BPP Law School in London. Having previously worked as a judicial assistant in Austria and as a volunteer with various legal advice centres in London, he has considerable experience of judicial and quasi-judicial processes and complaints procedures.

**Emma Moir** – Emma works nationally as a senior manager in healthcare and focuses on transformational change and delivery. She is a qualified solicitor (non-practising) and previously had a successful career in the civil service for over 30 years, holding a number of senior roles. Emma has considerable experience of judicial and quasi-judicial roles and sits on a tribunal, as well as professional conduct, mental health and advisory committees.

**Graham Briscoe** – Graham is a chartered engineer, chartered IT professional, certified management consultant and a fellow of the Institute of Workplace and Facilities Management. He has built up a portfolio of community investment involvement, including university and further education college governance, supporting multi-academy trust Boards and visiting fellowships at several universities.

Graham is also a Board non-executive director with CXK (a young people's careers guidance company) in Kent and he chairs its Board's Audit, Risk and Governance Committee. He also provides pro bono change and facilities management support to not-for-profit organisations in Wales. He is a member of the Governors' Council of the University Hospitals Bristol and Weston NHS Foundation Trust

**During 2022,  
professional member  
Sheila Foxgold left the  
PCC after many years  
of valuable service.**



## Professional members

**Christina Sensale** – before qualifying as a psychotherapist in 2008 at The Minster Centre, London, Christina worked as a human resources manager, consultant, workshop facilitator and coach within the retail, professional services and higher education sectors. She also completed a MSc in organisational behaviour at Birkbeck College. She has taught on courses at several psychotherapy training organisations and now works as an integrative psychotherapist with adults in private practice and through several employee assistance programmes.

**Karen Rowe** – Karen has worked as a psychotherapist for over 30 years in different contexts including the NHS, voluntary sector and HM Prison Service. She also undertakes supervision and consultancy work for various organisations such as the NHS and forensic services, and in the media sector. She previously worked as an academic and senior manager in psychotherapy training organisations and continues to participate as a conference presenter and through publication. She was chair of a national mental health service and is currently undertaking research into organisations from a psychoanalytic-systems perspective.

**Rachel Cook** – Rachel is a psychotherapist, teaching and supervising transactional analyst, clinical supervisor and trainer. She has worked in psychotherapy and education for 30 years and is currently a senior lecturer and primary tutor for the MSc in transactional analysis psychotherapy at Metanoia Institute, London. She is a published author and is on the editorial board of the Transactional Analysis Journal.

During 2022, professional member Sheila Foxgold left the PCC after many years of valuable service.

# The Complaints and Conduct Team

**The team manages complaints... from the receipt of the complaint through to its resolution.**

The PCC works closely with UKCP's complaints and conduct team. The team manages complaints in accordance with the Complaints and Conduct Process from the receipt of the complaint through to its resolution.

The team is made up of four staff: the complaints and conduct manager, two professional standards managers and a complaints assistant. These staff have extensive experience in handling complaints and regulation in various fields.





# The Complaints and Conduct Process

## The Complaints and Conduct Process (CCP) aims to:

- provide an objective, streamlined and transparent way of dealing with concerns or complaints about UKCP registrants
- meet the Professional Standards Authority's accreditation requirements for voluntary registers.

When UKCP receives a complaint or allegation, it goes through the following process:

- A professional standards manager will consider the complaint and collate the necessary information from the complainant and the registrant.
- The professional standards manager will put the information before the PCC along with their recommendation on how to proceed with the complaint. The PCC offers advice to the professional standards manager, who then makes the final decision.
- After consulting with the PCC, if the professional standards manager decides to take a case forward, they will refer it to an adjudication panel hearing. The decision to refer a case to an adjudication panel is based on the realistic prospect test: is there a realistic prospect that UKCP will be able to establish before an adjudication panel that the registrant may not be suitable to be on UKCP's register without any restrictions or conditions of practice?
- Neither the professional standards manager nor the PCC make findings on the facts of the complaint. The adjudication panel makes findings of fact, and it alone decides if an allegation is found proven and if so, whether to impose any sanction.



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If a case does not meet the realistic prospect test, but professional development and reflection may be beneficial, the PCC may give the registrant constructive feedback or recommendations.

For example, a registrant may not have clearly explained their therapeutic methods or their contract to their client, resulting in confusion. The PCC would advise the registrant to review their contracts and terms, so clients fully understand the obligations and expectations of both parties from the outset.

### Enquiries

As well as working with the PCC to implement the CCP, the complaints and conduct team respond to enquiries, which fall into two categories:

**General enquiries** – these are enquiries from UKCP registrants, UKCP organisational members, members of the public and representatives from other professional organisations. For example, a registrant might contact the team for advice about disclosing client notes upon request or a member of the public might query whether a therapist is on our register.

**Complaint enquiries** – these are enquiries from people who are considering making a complaint but would like further information on the CCP before doing so. Before making a formal complaint, most people get in touch with the team to seek advice or discuss their concerns. The team also receive enquiries from registrants who are concerned about receiving a complaint.

By responding to these enquiries, the team help offer realistic expectations of the process, informing people about what the CCP can and cannot look at and exploring what channels the enquirer has taken so far. For example, has the registrant spoken to their supervisor and/or indemnity provider?  
Has the client discussed their concerns with their therapist?

**Before making a formal complaint, most people get in touch with the team to seek advice or discuss their concerns.**



## Of the 93 complaints received in 2022:



### 46 were in scope

– that is, they indicated a potential breach of the Code of Ethics and required further investigation.

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### 17 were about therapists

who were not UKCP registrants.

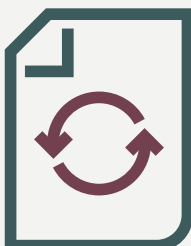
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### 15 were outside the scope of the CCP

– that is they did not indicate a breach of the Code of Ethics or meet the criteria of the CCP, or the complainant did not provide enough information to assess the complaint.

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### 15 are on hold

– that is, where the complaints and conduct team are waiting for more information from the complainant, the police, a court or another regulator or employer before determining whether the complaint is in scope.

# Complaints in 2022

We take complaints seriously and are committed to safeguarding the public. However, it is important to remember that the vast majority of UKCP registrants practise every day and never receive a complaint. In 2022, 0.87 per cent of UKCP registrants had a formal complaint made against them.

## Overview of complaints in 2022

|   | Jan-Mar | Apr-Jun | Jul-Sep | Oct-Dec | Total |
|---|---------|---------|---------|---------|-------|
| General enquiries received                          | 65      | 55      | 87      | 85      | 292   |
| Complaint enquiries received                        | 77      | 48      | 36      | 48      | 209   |
| Complaints received                                 | 19      | 20      | 24      | 30      | 93    |
| Complaints referred to an adjudication panel        | 4       | 5       | 2       | 0       | 11    |
| Adjudication panel hearings held                    | 2       | 2       | 1       | 4       | 9     |
| Preliminary hearings held                           | 0       | 0       | 0       | 1       | 1     |
| Sanction review panel hearings held                 | 1       | 0       | 1       | 0       | 2     |
| Interim suspension order panel hearings held        | 1       | 0       | 3       | 0       | 4     |
| Interim suspension order review panel hearings held | 2       | 0       | 0       | 1       | 3     |

# Terms explained

**General enquiries** – see page 8.

**Complaints enquiries** – see page 8.

**Complaints received** – written and signed complaint forms received by the complaints and conduct team.

**Complaints referred to an adjudication panel** – complaints that a professional standards manager has screened and found to be within the scope of the CCP (that is, the complaint indicates a potential breach of the Code of Ethics), and where, having given the registrant an opportunity to respond to the complaint, a decision has been made to refer the matter to an adjudication panel. This decision is based on the realistic prospect test (see page 7).

**Adjudication panel hearings** – an adjudication panel comprises two registrant members (one is usually of the same modality as the registrant who is subject to the complaint) and a lay chair. An independent legal assessor and a panel secretary assist the panel. For an outline of the process, see page 12.

**Preliminary hearings** – where an adjudication panel meets before the full hearing to hear and determine preliminary applications the parties have made.

**Sanction review panel hearings** – where the adjudication panel that imposed sanctions on a registrant meets to determine if the registrant has complied with the sanctions or if they should extend or vary them.

**Interim suspension order panel hearings** – hearings that are convened if the content of a complaint suggests that an interim suspension order (to temporarily stop the registrant from practising) is necessary for public protection; in the interests of the registrant; and/or in the public interest. This can happen at any time during the complaints process.

**Interim suspension order review panel hearings** – hearings that are convened when either UKCP or the registrant make an application to review an existing interim suspension order due to a significant change of circumstances.

**An adjudication panel comprises two registrant members (one is usually of the same modality as the registrant who is subject to the complaint) and a lay chair.**

# Adjudication panel process

**An adjudication panel follows a four-step process to determine:**

- 1 whether the allegations are found proven (or admitted)
- 2 whether the allegations constitute misconduct
- 3 whether the registrant's current ability to practise is impaired
- 4 what sanction, if any, needs to be applied to remedy the registrant's practice, identify any training needs and protect the public.

An adjudication panel hearing has several possible outcomes:

**Allegations not found proven or admitted** – where the adjudication panel finds that the complained-of behaviour did not occur and therefore there has been no breach of UKCP's Code of Ethics.

**Allegations found proven or admitted, but no misconduct found** – where the adjudication panel finds that the alleged behaviour did occur, but that the behaviour does not constitute misconduct.

**Allegations found proven or admitted, and misconduct found, but no impairment found** – where the adjudication panel finds that the alleged behaviour occurred and constitutes misconduct, but that the registrant's ability to practise is not currently impaired.

**Allegations found proven or admitted, misconduct and impairment found** – where the adjudication panel finds that the alleged behaviour occurred, that it constitutes misconduct, and that the registrant's ability to practise is currently impaired. The panel can only consider imposing a sanction if they find the registrant's fitness to practise is currently impaired.

**The panel can only consider imposing a sanction if they find the registrant's fitness to practise is currently impaired.**

# Adjudication panel hearings in 2022

**There were nine adjudication panel hearings in 2022, all of which the panel conducted remotely. These concerned six cases (an adjudication panel met nine times because it convened and considered some cases at more than one sitting).**

In one of the six cases, the registrant's UKCP registration was terminated. UKCP did not pursue three cases due to preliminary decisions the panel made. Two cases are still ongoing at the time of publication of this report and will continue into 2023.

## Sanction review hearing

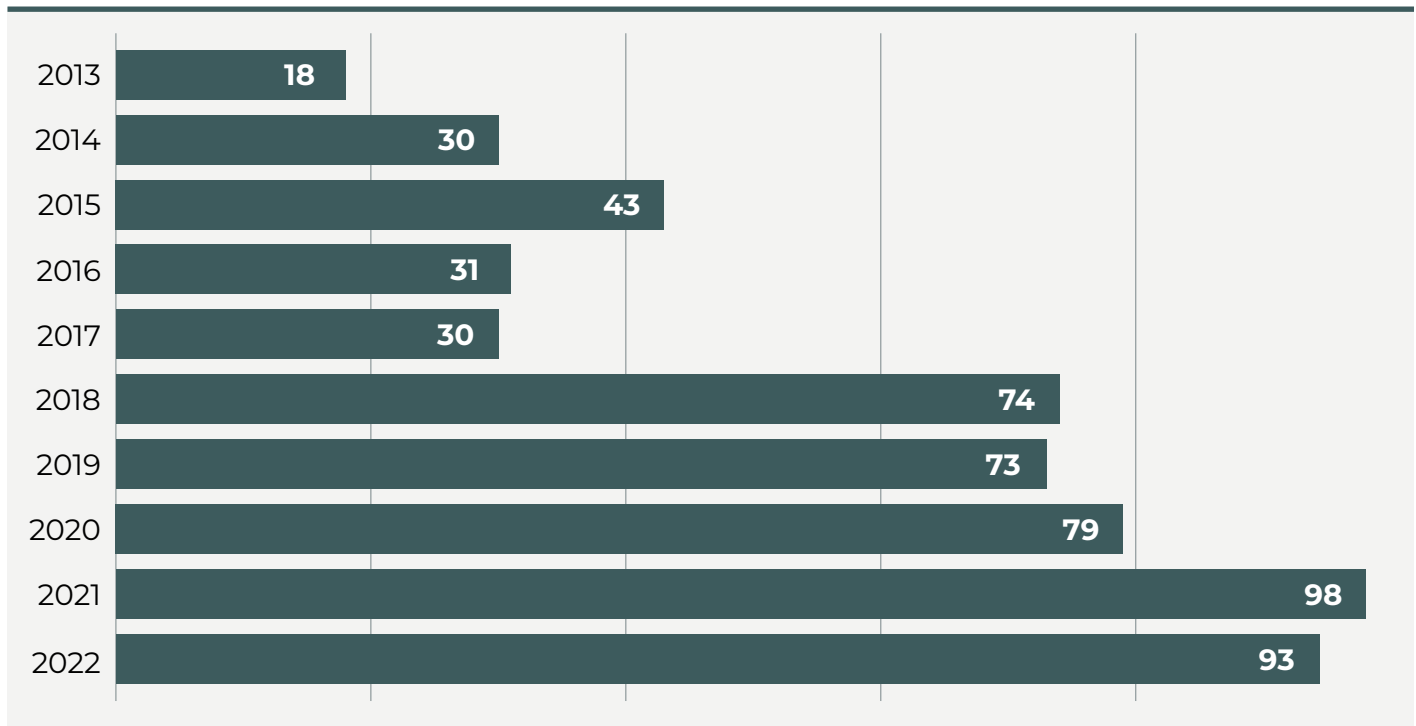
On two occasions, an adjudication panel met to consider whether a registrant had complied with sanctions imposed on them. In both cases, the panel determined the registrant had not complied and removed them from the register.



# Year-on-year analysis

UKCP has been collecting complaints data since 2013.

## Total number of complaints received by year 2013–2022



We believe complaints have increased since 2017 because the public profile of UKCP has strengthened. We welcome this increase as it shows the public are aware that they should contact UKCP if they have a concern about a registrant.

### Who made formal complaints about UKCP registrants?

UKCP received 76 formal complaints about UKCP registrants. The sources of complaints were:

**28**

Third-party complainants (this includes complaints made by anyone outside of the therapeutic relationship, for example an employer or another regulator)

**34** Clients

**13**

Self-declarations by UKCP registrants

**1** Anonymous



In 2022, UKCP implemented a new online system for membership renewals. All registrants who apply to renew their UKCP membership must now confirm that they have not been the subject of any complaints, or police or disciplinary action.

This process is a further step in UKCP's commitment to assure the public and the Professional Standards Authority of the UKCP national register's integrity. It also serves as a helpful annual reminder to registrants of their obligations under the Code of Ethics.

In 2022, 98 registrants declared that they had been subject to a complaint, police action or disciplinary action. These were all reviewed and further action under the CCP was taken in 13 instances because there was a potential breach of the Code of Ethics.



# Understanding the root causes of complaints

**After the PCC considers each case, the complaints and conduct team undertakes a detailed root cause analysis to identify the behaviours or situations that triggered the complaint.**

The methodology is simple. For each complaint, the team review the information and categorise the complaint into one or more broadly defined groups.

This classification provides a broad oversight of the issues driving complaints and throws up a red flag when certain issues recur. Once we have this information, we can begin to analyse and understand the circumstances that are causing the complaints within each category. We share this information through the Learning from Complaints section of our website.

**This classification provides a broad oversight of the issues driving complaints and throws up a red flag when certain issues recur.**



We conducted a root cause analysis of 48 cases in 2022. The causes of the complaints were:

|  |           |
|--|-----------|
| <b>1. Unprofessional communication and/or breakdown in communication</b> | <b>12</b> |
| <b>2. Decision of another body</b>                                       | <b>11</b> |
| <b>3. Failure to maintain professional boundaries</b>                    | <b>7</b>  |
| <b>4. Poor management of the ending of therapy</b>                       | <b>6</b>  |
| <b>5. Breach of client confidentiality</b>                               | <b>6</b>  |
| <b>6. Failure to act within limits of competency</b>                     | <b>4</b>  |
| <b>7. Conditional discharge/caution/conviction/arrest</b>                | <b>3</b>  |
| <b>8. Inaccurate/misleading advertising</b>                              | <b>2</b>  |
| <b>9. Sexual exploitation</b>  | <b>2</b>  |
| <b>10. Failure to safeguard</b>  | <b>1</b>  |
| <b>11. Adverse health</b>  | <b>1</b>  |
| <b>12. Emotional and financial exploitation</b>                          | <b>1</b>  |

As you can see, the second highest cause of complaints were decisions of another body. Under the CCP, UKCP may consider any adverse findings other bodies make, including the NHS or other regulators. These adverse decisions can relate to a range of situations, for example, failing to maintain professional boundaries or breaching client confidentiality.

# Learning from complaints

**The PCC and the complaints and conduct team held their annual Learning from Complaints event on 18 June 2022.**

Alice Love gave an overview of the complaints process and how COVID-19 has impacted the team's work. Nirosha Thilagarajan, Charlotte Ferson and Sunita Thakore spoke on two recurring themes in complaints: confidentiality and bringing the profession into disrepute. Brian Linfield MBE discussed his work as chair of the PCC and led an interactive case study exercise.

The feedback from the event was extremely positive:

**'The case study was brilliant, loved the voting bit. It really humanised a scary part of being a therapist.'**

**'Knowledgeable speakers. Clearly presented. It gave me good insight into what happens in the complaints process.'**

**'I liked the examples and inviting us to think critically, applying the knowledge.'**

**'Useful information presented in a calm and non-persecutory way.'**

A recording of the event is available to UKCP registrants.

# Sharing good practice

**We are keen to promote good practice and the work of our registrants.**

If you have an example of good practice relating to the way you carry out your work as a practitioner, and would like to share it with others, we would be pleased to hear from you.

To get in touch, email the complaints and conduct team at **[complaints@ukcp.org.uk](mailto:complaints@ukcp.org.uk)** – we welcome your input and your help in sharing effective ways of working.





**UK Council for Psychotherapy**

2nd Floor  
America House  
2 America Square  
London EC3N 2LU

Telephone: **020 7014 9955**  
Website: **[www.psychotherapy.org.uk](http://www.psychotherapy.org.uk)**

