



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

18, 19 & 20 September 2024

21 & 22 October 2024

ONLINE

Name of Registrant: Phillip Callaghan

Heard by: Adjudication Panel

Panel Members: Anthony Harrison
Jane Knights (HIPC)
Rita Glover (CSRP)

Legal Assessor: Jon Whitfield KC, Doughty Street Chambers

Panel Secretary: Kat Zhou

UKCP Presenting Officer: Sophie Walmsley, Guildhall Chambers

Registrant's Representative: Jonathan Goldring

Charges found proved: Allegation 1a, b, c, d, e, f, h, i,

Allegation 2a in respect of Allegations 1a, b, c, d, e, f, h, i,
Allegation 2b in respect of Allegations 1a, b, c, d, e, f, h, i,

Allegation 3a in respect of Allegations 1a, b, c, d, e, f, h, i,
Allegation 3b in respect of Allegations 1a, b, c, d, e, f, i,
Allegation 3d in respect of Allegations 1a, b, c, d, e, f, i,
Allegation 3e in respect of Allegations 1a, b, c, d, e, f, i,
Allegation 3f in respect of Allegations 1a, b, c, d, e, f, h, i,
Allegation 3g in respect of Allegations 1a, b, c, d, e, f, h, i,

Charges found not proved: Allegation 2a in respect of Allegation 1d

Allegation 3a in respect of Allegations 1 d, g
Allegation 3b in respect of Allegations 1 d, g, h
Allegation 3c
Allegation 3d in respect of Allegations 1 d, g, h
Allegation 3e in respect of Allegations 1 d, g, h
Allegation 3f in respect of Allegations 1 d, g
Allegation 3g in respect of Allegations 1 d, g, h

Panel decision: Misconduct and current impairment found.

Sanction: Removal from UCKP register

Detail of allegations

(Amendments are shown in red).

That being a UKCP registered psychotherapist since 2003, you Phillip Callaghan, (the Registrant):

1. Between December 2011 and February 2018, while being in a therapeutic relationship with Client A you:

- a) provided therapy sessions to Client A in exchange for home cooked meals prepared by Client A on 31 July 2012, 9 August 2012, 16 August 2012 and 25 August 2012;

Admitted and found proved by way of admission

- b) asked Client A ~~on 12 January 2012~~ between 12 January 2012 and 6 April 2012, to send her coursework for you to review by checking her spelling and grammar;

Admitted and found proved by way of admission.

(The basis of the admission, that the Registrant did not offer help but that Client A sought help, was subsequently withdrawn.)

- c) provided feedback to Client A on 23 January 2012, and 7 April 2012 about her coursework and recommended a former client reviews her work;

Admitted and found proved by way of admission.

(The basis of the admission, that the Registrant did not offer help but that Client A sought help, was subsequently withdrawn.)

- d) addressed Client A as “lassie” and told her that people may find her difficult;

Admitted and found proved by way of admission

- e) offered Client A a free therapy session in exchange of her looking after your cat whilst you were away;

Admitted and found proved by way of admission.

- f) hugged Client A during therapy sessions that took place on 16 August ~~2021~~ 2012, 25 August ~~2021~~ 2012 and 17 December 2013;

Denied

Found proved in respect of 16 August 2012, 25 August 2012 and 17 December 2013

- g) invited Client A to your house on 22 April 2014, [REDACTED]. You were both seated in your living room, watching television and Client A had informed you about the sexual harassment she was experiencing at work. You

stated, “*wouldn’t it be great if you could get free football tickets from him*” and asked Client A to pursue the man that had been sexually harassing her;

Denied

Found not proved

- h) met Client A at a park for a therapy session on 13 May 2015 however, no therapy session took place as you both walked around the park;

Denied.

(The Registrant accepted that they met and went for a walk but it was his case this involved a therapy session.)

Found proved

- i) left a voice message to Client A on 12 January 2016 asking for her help with editing your website.

Admitted and found proved by way of admission

2. Your conduct at 1 above was:

- a) Inappropriate; and/or;

Admitted in respect of Allegations 1(a), 1(e), 1(i)

Conceded in evidence regarding Allegations 1(b) (c)

Denied in respect of Allegations ~~1(b), 1(c),~~ 1(d) 1(f) 1(g) 1(h)

Found proved in part respect of Allegation 1(d)

Found proved in respect of Allegation (f), (h)

Found not proved in respect of Allegations 1(g)

- b) Unprofessional.

Admitted in respect of Allegations 1(a), 1(e), 1(i)

Conceded in evidence regarding Allegations 1(b) (c)

Denied in respect of Allegations ~~1(b), 1(c),~~ 1(d) 1(f) 1(g) 1(h)

Found not proved in respect of Allegation 1(d)

Found proved in respect of Allegation (f), (h)

Found not proved in respect of Allegations 1(g)

3. The behaviours set out at 1 – 2 above are in breach of the UK Council for Psychotherapy Ethical Principles and Code of Professional Conduct 2009 (2009 Code) and the UK Council Code of Ethics and Professional Practice 2019 (2019 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 (2009).

Admitted in respect of Allegations 1(a), 1(e), 1(i)

Conceded in evidence regarding Allegations 1(b) (c)
Denied in respect of Allegations ~~1(b), 1(c)~~ 1(d) 1(f) 1(g) 1(h)
Found not proved in part respect of Allegation 1(d)
Found proved in respect of Allegation (f), (h)
Found not proved in respect of Allegations 1(g)

- b) You failed to treat Client A with respect thereby breaching clause 1.2 of the Code (2009).

Admitted in respect of Allegations 1(a), 1(e), 1(i)
Conceded in evidence regarding Allegations 1(b) (c)
Denied in respect of Allegations ~~1(b), 1(c)~~ 1(d) 1(f) 1(g) 1(h)
Found not proved in part respect of Allegation 1(d)
Found proved in respect of Allegation (f),
Found not proved in respect of Allegations 1(g) (h)

- c) You abused and/or exploited your relationship with Client A for your emotional gain, thereby breaching clause 1.3 of the Code (2009).

Denied in its entirety
Found not proved

- d) You failed to carefully consider possible implications of entering into dual relationship with Client A and failed to make every effort to avoid entering into a relationship which risked confusing your existing relationship with Client A therefore breaching clause 1.5 of the Code (2009).

Admitted in respect of Allegations 1(a), 1(e), 1(i)
Conceded in evidence regarding Allegations 1(b) (c)
Denied in respect of Allegations ~~1(b), 1(c)~~ 1(d) 1(f) 1(g) 1(h)
Found not proved in part respect of Allegation 1(d)
Found proved in respect of Allegation (f),
Found not proved in respect of Allegations 1(g) (h)

- e) You failed to respect Client A's autonomy thereby breaching clause 1.7 of the Code (2009).

Admitted in respect of Allegations 1(a), 1(e), 1(i)
Conceded in evidence regarding Allegations 1(b) (c)
Denied in respect of Allegations ~~1(b), 1(c)~~ 1(d) 1(f) 1(g) 1(h)
Found not proved in part respect of Allegation 1(d)
Found proved in respect of Allegation (f),
Found not proved in respect of Allegations 1(g), (h)

- f) 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 (2009).

Admitted in respect of Allegations 1(a), 1(e), 1(i)

Conceded in evidence regarding Allegations 1(b) (c)

Denied in respect of Allegations ~~1(b), 1(c)~~ 1(d) 1(f) 1(g) 1(h)

Found not proved in part respect of Allegation 1(d)

Found proved in respect of Allegation (f), (h)

Found not proved in respect of Allegations 1(g)

- g) You failed to report potential breaches of this Ethical Principles and Code of Professional Conduct and the Code of Ethics and Professional Practice by yourself to the relevant member organisation or UKCP, thereby breaching clause 10 of the Code (2009).

Admitted in respect of Allegations 1(a), 1(e), 1(i) [in relation to admitted breaches]

Conceded in evidence regarding Allegations 1(b) (c)

Denied in respect of Allegations ~~1(b), 1(c)~~ 1(d) 1(f) 1(g) 1(h)

Found not proved in part respect of Allegation 1(d)

Found proved in respect of Allegation (f), (h)

Found not proved in respect of Allegations 1(g)

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

Documents

The Panel had placed before it the following documents:

- A principal bundle on behalf of UKCP amounting to 197 pages, hereafter referred to as C1;
- A principal bundle on behalf of the Registrant amounting to 169 pages, hereafter referred to as R1;

Hearing

1. The complaint was heard under the UKCP Complaints and Conduct Process 2022, and the Panel considered the alleged breaches of the UKCP Ethical Principles and Code of Professional Conduct 2009 (the Code).

Delayed start to hearing

2. The hearing was listed to commence on 18 September 2024. Unfortunately, the case could not commence due to a difficulty regarding the advocate instructed on behalf of the UKCP.

3. Following discussion with all parties and the canvassing of available dates the Panel determined that the case should be adjourned overnight to commence on 19 & 20 September 2024 and be part heard to 21 and 22 October 2024. The Panel observed that adjourning the entire case to a fresh three-day listing would involve delaying until 2025. Neither party considered that to be reasonable. The Panel determined that such an adjournment would be unfair to both the Registrant and the complainant and contrary to the overarching objective of these proceedings which is to protect the public by way of the timely investigation and hearing of complaints.

Preliminary Matters

4. The Panel considered the following preliminary matters:
 - a. An agreed bundle amounting to 197 pages. The bundle will herein be referred to as Exhibit C1.
 - b. A bundle amounting to 169 pages provided by the Registrant and referred to as R1.

Special Measures

5. Ms Walmsley, Counsel for the UKCP applied for special measures to be in place during the oral evidence of the principal witness, Client A. During 'in-person' proceedings this would normally be in the form of screens placed between a witness and a registrant. Since these were remote proceedings, Ms Walmsley submitted that the measures should involve the Registrant switching off the camera on his computer whilst Client A gave evidence. Ms Walmsley submitted that this would enable Client A to give her best evidence.
6. Mr Goldring, Counsel for the Registrant, did not object to the application.
7. The Panel accepted the advice of the Legal Assessor.
8. The Panel acceded to the application.
9. The Panel considered that enabling Client A to give her best evidence was provided for in the Rules and was in both the public interest and the Registrant's interest. It was in accordance with the overarching objective and no adverse inference could or would be drawn from the fact special measures were in place.

In Private

10. Ms Walmsley applied for Client A to give evidence in private since parts of her evidence and some of the issues in the case concerned her health and/or similar matters private to her.

11. Mr Goldring did not object to the application but submitted that it would be sensible for the Registrant to give his evidence in private to continue the protection afforded to Client A.
12. The Panel accepted the advice of the Legal Assessor.
13. The Panel was mindful of the public interest in professional disciplinary hearings and of the principle that hearings should, in the main, be open to the public. This was to be balanced against the private interest(s) of a witness and/or a registrant concerning personal matters such as their health and welfare.
14. The Panel determined that Client A should give evidence in private for the reasons outlined by Ms Walmsley. The Panel considered that it was premature to make a ruling in respect of the Registrant's evidence since it had not yet determined whether there was a case for him to answer and/or to consider what evidence he may wish to give if there was. The Panel determined that it should revisit this application at the conclusion of the UKCP's case.

Reconsideration of privacy

15. The Panel reviewed the above at the conclusion of the case for the UKCP with the assistance of representations by both Counsel. The Panel determined that whereas previously the private interest(s) of Client A outweighed the public interest of an open hearing, the reverse was now the case. The Panel determined that the Registrant should give evidence in public with any further or residual matters personal to Client A or the Registrant being heard in private.

Amendments to Allegations

16. Ms Walmsley applied to amend the dates referred to in Allegations 1b and 1c as shown above. Mr Goldring did not object. The amendment was permitted as being clarificatory and causing no unfairness to either party.
17. Ms Walmsley also applied to amend two of the dates referred to in Allegation 1f, altering the dates from 2021 to 2012 as set out above. Mr Goldring objected asserting that there was no basis for the change since the dates were clearly set out in Client A's witness statement. Ms Walmsley submitted that the date was a typographical error, and this had been confirmed by Client A in a pre-hearing conversation. Mr Goldring applied for disclosure of the any record of such conversation.
18. The Panel accepted the advice of the Legal Assessor and ordered disclosure of any record of the conversation.

19. Ms Walmsley withdrew her application to amend Allegation 1(f) at this stage but said that the issue may be revisited at the close of the case for the UKCP.
20. The Allegations were put to the Registrant and his admissions/denials were recorded as set out above. The case then proceeded.

Determination of Facts

21. The Panel considered all of the documentary evidence before it and heard oral submissions from Ms Walmsley on behalf of UKCP and Mr Goldring on behalf of the Registrant.

Client A's evidence

22. Client A gave evidence and confirmed that the contents of her witness statement were true and accurate save that she wished to amend the dates set out in Paragraph 24 which referred to August 2021. She said this should have read August 2012. Client A was then asked about the circumstances of Allegation 1(g) (football tickets). She said that she had experienced a panic attack due to bullying at work and the Registrant had invited her to attend his home for a session to discuss this. [REDACTED] [REDACTED]. Client A said that the Registrant was watching an Ireland football match in his living room. The television was on mute. She said that she disclosed her concerns, but the Registrant was focussed on the football and regarded her concerns as 'comical'. He said 'wouldn't it be great if you could get football tickets'. Client A said she found this isolating and traumatising [REDACTED].
23. Regarding Allegation 1(f) (hugging), Client A said that the first two incidents occurred in August 2012 following an altercation with her father. She described the Registrant 'opening his arms' and said, 'he hugged me'. She said he always said he wanted the best for her and spoke of his own isolation from his children. She said that he felt abandoned, and she felt sorry for him since he was isolated similar to her. [She said that, for her, the hug was a form of affection she had never known from her own father.]
24. Mr Goldring asked questions in cross-examination. Regarding Allegation 1(d) (lassie/difficult), Mr Goldring suggested that the term 'lassie' was an ordinary everyday term in common usage in Glasgow and that she would not and did not find this offensive. Client A rejected this and said it was fine in everyday conversation but not in a professional therapeutic relationship. She said her relationship with the Registrant was not healthy rather she was powerless. She said it was unprofessional of him to refer to her as lassie and should have used her name. As to the issue of saying that people may find her difficult, Client A agreed that the Registrant did not say she was difficult. Mr Goldring suggested that what was said (people may find you difficult) was an appropriate therapeutic assertion and was factually accurate. Client A said this was labelling her and

was not factually accurate. She denied this was a coping mechanism or advice provided to her and said it was rude.

25. Concerning Allegations 1(b) and 1(c) (review, 3rd party), Client A asserted that the Registrant inappropriately offered help to her and attempted to push friends upon her so that they or he could extract money from her. Mr Goldring suggested that Client A knew the Registrant had been a teacher for many years and she asked for help due to her anxiety over her dissertation. In making this assertion Mr Goldring took Client A through various emails which, he asserted, supported the Registrant's version of events. Client A denied this and said she only asked for help after the Registrant had offered it. Mr Goldring suggested she was selective with her account and with the information she had disclosed but she denied this. Regarding the Registrant's former client helping her, Client A said that she did not realise the person would charge her. She said she should have been able to cope on her own and that the Registrant had disempowered her by providing the contact and she had had to borrow money from her family to pay.
26. Mr Goldring took Client A through further emails and suggested that she was distorting the facts. He reiterated that she had asked for help first, but she denied this.
27. Regarding Allegation 1(e) (cat) Mr Goldring confirmed that this was admitted by the Registrant but denied the context asserted by Client A that he knew she was scared of cats and allergic to them. She said that the Registrant did know this but had persuaded her she was wrong. Mr Goldring showed Client A her email that says, 'Thanks for offering to look after my cat.' Client A reiterated that she did not offer to do so rather the Registrant asked her and convinced her she was not allergic to cats.
28. Mr Goldring next dealt with Allegation 1(h) (park/outdoor therapy) and said this was a walk and talk therapy session. Client A said she was not aware of this rather she was frightened by the fact the Registrant drove her in a locked car to an unknown location where they stayed for approximately one hour during which she was silent, frightened and helpless. She agreed she had not previously felt physically threatened by the Registrant. She confirmed they walked by a lake and sat in silence. She said she was too frightened to speak, and he was controlling her. Client A said she did not disclose her concerns for seven years until other professionals helped her see that the Registrant had been emotionally abusing her. She denied that the lapse of time had affected her recollection because the events were traumatic and memorable to her.
29. Regarding Allegation 1(f) (hugs), Client A denied these events were invented by her. She said she did not know it was wrong at the time and was attached to the Registrant. Regarding the December allegation she said she had tried to leave him, but he had hugged her. She said it took her several years to process what had occurred and her other therapists had been horrified at what had

occurred. She said it took years for her to understand events, she loved the Registrant and he had ruined her life for seven years.

30. Mr Goldring criticised the delay in Client A reporting matters. She reiterated it had taken time to come to terms with events and she had sought legal advice, researched how to get support and had studied ethics to understand the limits of a professional. She said she understood she was a witness in proceedings but said she had undertaken this research and looked at 'therapeutic malpractice' because she was on her own as a witness. She said she had reached out to UKCP in January 2022 prior to making her complaint in July 2022.
31. Turning to the correction of the date from 2021 to 2012 in Allegation 1(f), Client A said she had not received legal assistance in drafting her statement she had received legal advice on how to do so having never produced anything like a statement before. She confirmed that she had read it and signed it as correct but that the date in Paragraph 24 had been drawn to her attention. It was read to her and she said it was not correct.
32. Client A was asked to leave the hearing for a short while during which Mr Goldring asserted that what had occurred was inappropriate. Ms Walmsley denied there had been any impropriety and it was quite normal for a witness to read through their statement and be informed some parts were accepted and some not. During submissions/discussion it was noted that the Panel had themselves raised the issue of the date. Mr Goldring said this was correct but that did not mean the UKCP should alert a witness to inconsistencies. Ms Walmsley again said nothing improper had taken place and Mr Goldring said he was not making any allegation of misconduct. He said that the issue went to the credibility of the Client A as a witness.
33. *Note: Two witnesses were interposed but for clarity/continuity their evidence is dealt with below.*
34. Client A returned to the hearing and Mr Goldring again asked about the dates. Client A said there was no reason it had not been previously changed. She said the dates were specific because she had had an altercation with her father and she had reached out to the Registrant for support. The Registrant had consoled her by hugging her. She said the altercation had occurred in August 2012 and the hugs followed in the next two appointments which were 16 and 25 August 2012. He had hugged her again on 17 December 2013 when she tried to leave him. He had refused to accept her going and invited her to his practice where he hugged her. She had tried to leave again by way of email on 23 February 2018.
35. [Mr Goldring then asked Client A about the symptoms of Emotionally Unstable Personality Disorder (EUPD). She said she was aware of them. Ms Walmsley objected to the questioning on the basis that there was no evidence of any diagnosis and Client A's understanding was not relevant. Mr Goldring

asserted that access to medical records had previously been ruled upon and denied but that Client A's understanding was relevant.

36. Following advice from the Legal Assessor, the Panel determined that it would allow questions that touched on credit generally but that questions should not seek to adduce a self-diagnosis by a lay person and in the absence of any formal diagnosis.
37. Client A confirmed she was aware of the symptoms of EUPD. She said Mr Goldring was listing the extremes and denied experiencing them. She agreed she struggled with some things but denied exaggerating or distorting events and denied any mental health condition.]
38. Returning to the dates of the alleged hugs Client A said that she had used her personal records and emails to indicate the dates as well as the altercation with her father.
39. Finally, in dealing with Allegation 1(g) (football) Client A confirmed that the Registrant [REDACTED] was now at home and his ex-wife was in the house at the time of her visit. She said she was not confused, and she had not fabricated the allegation concerning the football tickets.
40. In re-examination Client A said that she was anxious about her dissertation, and she had expressed this anxiety to the Registrant. He provided feedback and suggested a third-party look at her coursework. Regarding her allergy and fear of cats, Client A said this had been the case since she was aged 8 years. She said that there was an email chain in which she said she could not stay at his home to cat sit but the Registrant said this was an opportunity for her to overcome her fears. Regarding the hug in December 2013 Client A said she had emailed on the 10th but the Registrant declined to accept and said he should see her at which time he had hugged her. Subsequently she did leave him. She said she was accurate regarding the August 2012 dates due to the recollection of the fight with her father and how that translated to the dates of therapy.
41. In answering questions to the Panel, Client A said she found the Registrant to be warm, affectionate and he made her feel safe and cared for however this changed over time and she later felt insignificant and abandoned. She had tried to find a therapist and he was the last one that she found. She said over the seven years there was no contract, no explicit goals were set and no specifics as to the location which once included the park and a coffee-shop. She said they disagreed over the regularity of sessions. Regarding meeting at the Registrant's home Client A said she did not realise this was a therapeutic session, she just wanted contact with someone. She agreed she paid for this meeting. She said there was roll-play in some of the meetings and she took instruction from him. There was no advice on how to deal with trauma. [REDACTED]
[REDACTED]
[REDACTED]

42. Regarding the altercation with her father, Client A said that at the end of the therapy sessions the Registrant had opened his arms and held her, there was no conversation. She said she allowed him to hug her and she felt empty and vulnerable. She said the Registrant had said to take care and be gentle with herself and he would see her in a week. On this second occasion it had felt like a father/daughter moment between them. On the December occasion she said he had broken down in tears. She had not expected this and felt guilty at hurting him.
43. Client A confirmed she had looked at emails that had been provided to UKCP when considering the dates of the hugs.

Amending Allegation 1(f) (hugs)

44. Ms Walmsley again applied to amend Allegation 1(f). Mr Goldring did not object.
45. The Panel accepted the advice of the Legal Assessor.
46. The Panel acceded to the application since it was a matter of clarification following the evidence on this issue.
47. *Note: Following discussion and advice from the Legal Assessor a short electronic note confirming Client A had made contact with UKCP in January 2022 was disclosed to Mr Goldring. It had not been previously disclosed since it was not in the form of a complaint rather it was a record of contact with no way of ensuring the correctness of the caller's identity.*

Dr AT's evidence

48. Dr AT adopted her statement and exhibits as her evidence. She confirmed she was a witness of fact and was not attending as an expert. She confirmed she had seen Client A on various dates, and she (Client A) had expressed concern about the Registrant. She said that in May 2022 Client A had asked for support in making a complaint. She (Dr AT) had provided a letter of support. Dr AT said that the Client had seen her for several sessions not to discuss the potential case but for therapy. Following this Client A felt strong enough to complain. Dr AT said that she did not help Client A draft her complaint nor did she see the final document. Whilst she said that Client A may have behaviours consistent with EUPD she was not qualified to make a diagnosis nor had she, nor was it helpful to do so.

Witness PB's evidence

49. PB adopted her statement and exhibits as her evidence. She confirmed she was a witness of fact and was not attending as an expert. She said that Client A had come to see her in 2019. She raised concerns about the Registrant but did not disclose his identity until 2022. It took a long time for Client A to trust her. Client A had asked for a report to support her complaint and she (PB) had provided a letter dated 1 June 2022 which later formed the basis of her statement. She had not discussed the details of Client A's complaint or supported her in its production.

The Registrant's Evidence

50. The Registrant took the oath and adopted his witness statement and exhibits. He confirmed he admitted certain of the factual allegations. He agreed that Allegations 1(a) (meals), 1(e) (cat), 1(i) (website) amounted to inappropriate and/or unprofessional conduct. The Registrant said he had not done anything like this with any other client and he said 'maybe at times I overreach and try to take care of my clients'. He confirmed his view that it was inappropriate and unprofessional to have done these things but said there was no malice.

51. Regarding hugging Client A (Allegation 1(f)), the Registrant absolutely denied this saying he had never hugged anyone it was too close to the boundaries even if he felt like comforting someone. He said he would close the distance between himself and a client talking quietly to them asking them to work with him and if there was anything he could do. He had not hugged a client in 30 years of practise.

52. Regarding the incident at his home (Allegation 1(g)) [REDACTED]
[REDACTED]
[REDACTED]. He said that Client A had said she was sexually harassed at work. Client A had attended his house and this harassment was discussed. He denied making light of it and denied suggesting she get football tickets. He denied this absolutely.

53. Turning to the walk in May 2015 (Allegation 1(h)), the Registrant said this was a walk and talk therapy they had not walked or sat in silence for an hour. He said the conversation was predominantly from him and she had answered questions. He said they had walked round a beautiful loch. It was a wildlife centre, and they had not sat down. He said he had done this with some other clients but not many. They had discussed her relationship with her family and how she was not getting on in life. He said he had made notes at the time, but this was now many years ago and he had moved several times so these had been destroyed.

54. Ms Walmsley asked questions in cross-examination. The Registrant said that communication was fundamentally by email but may include some phone-conversations and sessions. Regarding Allegation 1(b) (review) the Registrant said that Client A was anxious about her coursework and this increased as she came toward deadlines. She knew he was a teacher for many years because he had

said so in therapy sessions. He had encouraged her to get support from her tutors and others. He was concerned at her distress, and he said he may have suggested he could help with her spelling and grammar. She did not specifically ask for this help; he had suggested feedback to her and was 'offering to help her'. He described this as a 'general' recollection and nothing distinct or specific.

55. Concerning Allegation 1(c) (3rd party feedback) the Registrant said Client A had asked for someone who might help, and he had given her two names. When she asked for more detailed help on structure and the aim of the dissertation, he suggested another person who may help. This was a client from many years before. He said he could not recall the details but may have given Client A the person's details. He did not divulge any information. He said Client A asked for help and he responded but he now accepted this may at least partially have crossed boundaries. He had reached out 'a little bit' but there was no wrongful intent. He said he saw the concern of duality and crossing boundaries as a possibility. He did not see a potential negative effect rather he thought it would reduce Client A's anxiety and be beneficial.
56. When considering Allegation 1(d) (lassie, difficult) the Registrant said that he did not necessarily ask clients how they wished to be addressed, and he accepted that the term 'lassie' could be offensive when used in a therapeutic context. He said he used the term rarely and neither saw her take offence nor did she complain. Regarding the question of 'difficulty' the Registrant said he could imagine himself saying others may find her difficult as a way to bring some self-awareness to Client A. She described her difficulties with others but did not recognise the part she may play in this nor did she take responsibility for her thoughts, behaviour and actions. When asked to look at emails and consider what Client A said, the Registrant observed that he understood she was saying his approach was cold and disrespectful, but she said different things about people at different times. Client A was in crisis and focussing on him.
57. Regarding her attempts to terminate the relationship he explained that he always sought to do so face to face and this was why he said they should meet. He explained that she may have perceived his approach as offensive, but she felt that way about many people in her life. He was gently trying to start her looking others maybe finding her difficult. He said that was what was done with respect and compassion in therapeutic sessions. The Registrant rejected the suggestion that calling Client A 'lassie' or saying that others may find her difficult was wrong. He said that if this caused her distress or had a negative impact upon her then it was a blind spot in how he worked and he apologised but meant no disrespect. He said that it was not an issue for him, nor did he observe it to be an issue for her at the time. It had become an issue for which he apologised but he disagreed that he failed to maintain a therapeutic relationship with Client A.
58. Concerning Allegation 1(e) (cat) the Registrant maintained that he was unaware that Client A feared cats or had an allergy. He did not recall saying it may help her overcome her fears and nor would he push her to do so. Looking back at his emails he accepted he asked her to cat-sit and offered for her

to stay at his property. He said he accepted absolutely that this was inappropriate and unprofessional.

59. Ms Walmsley next turned to Allegation 1(f) (hugs) and the Registrant said that he had never hugged anyone in a therapy session. Ms Walmsley took the Registrant to his witness statement in which he had not fully excluded the possibility of hugging. He replied that he could not recall contact, and he would not touch or cuddle but described quiet supportive verbal comforting. The Registrant said that Client A had at times described the difficulties she had in her relationship with her father, and this was a highlight/crisis. He tried to explore this, but Client A was very volatile with people around her particularly her family. He said 'of course I would try to console her' but he denied hugging her. Regarding the allegation in December 2013 the Registrant said he did not cry or get distressed, nor did he hug Client A. He agreed it would be inappropriate and unprofessional to hug a client and that was why he would never do this. He had not as a therapist nor when working in a stress-centre nor as a teacher. He said to do so would breach boundaries and, whilst he had conceded he had done so regarding other complaints such as the cat sitting, he did not hug Client A.

60. Ms Walmsley turned to Allegation 1(g) (football). [REDACTED]
[REDACTED] The Registrant said that Client A reached out and he agreed to see her at his home because he could not travel at the time. His home was a large property and his wife was present, something he had told Client A. He said that Client A complained of sexual harassment and that the person had been discussed in the past. [REDACTED]
[REDACTED] He said this was a sensitive matter and asked how she was. He said after 12 years it was difficult to remember the minutiae, but he knew the gist of matters including his intent which was to get Client A's feet back on the ground. [REDACTED]
[REDACTED] Client A needed help to soothe her, ground her and find peace. He said she was in constant turmoil. He flatly denied suggesting Client A should ask for football tickets and denied trying to be humorous about the complaint. He agreed that such a request would be inappropriate and unprofessional if it ever happened, but it did not.

61. Concerning going to a park (Allegation 1(h)), the Registrant said this was walk and talk therapy and was something he offered on occasion. This was the only time he offered it to Client A. He said he believed a session did take place and Client A had said she felt like she was in a glass snowball. She couldn't get out and other people couldn't get in. He said he was trying different ways for her to get into the world and for him to get closer to her. He said he had explained the risks and benefits of such therapy, he did not do things lightly. He did so before going and when they were walking and talking for an hour. He said he considered the issues in walk and talk therapy as set out in his defence bundle. He knew the walk was safe and private and suggested it may ease her. At the end of the session, he said he sensed she was unhappy, uncomfortable and a little bit scared, but she was always scared. She was withdrawn in the session but that too was not unusual. He said she was

often fearful and angry; she was a scared lady. He denied that there was no session and denied that they remained in silence for an hour. He described Client A walking, talking and showing some signs of distress and fear but that was how she lived her life. Allegation 3 was put to the Registrant, and he denied it in all respects.

62. When again asked about comforting a client, the Registrant said he would talk quietly, close distance but not touch. If seated he would lean closer, if standing he would reduce distance. He denied he had said she was difficult but said others may perceive her as such. He said that her difficulties were considered at all times by him but unless we deal with difficulties how can therapy move on.
63. In re-examination the Registrant said that he believed Client A asked for help with grammar etc and he responded to that by making an offer. He agreed others might see this as crossing boundaries. He considered this to be a grey area but on reflection he conceded that it was probably inappropriate and unprofessional. The Registrant repeated his denial regarding asking about football tickets. He said that Client A had been scared in the park (by the loch) but she was not scared of him, quite the opposite, rather she was fearful of being in the world.
64. In responding to questions from the Panel, the Registrant said he used supervision with three people. He met 1:1 with an older retired practitioner and met with two colleagues monthly having done so for 24/25 years. He said he explored the walk and talk therapy with his 1:1 supervisor. He said he had not offered this therapy again. He said he had reflected this supervision back to Client A. He said that Client A had difficulty in finding any self-awareness or responsibility and that was her main difficulty. He did not use a Gestalt process rather he used a core process of self-awareness, care and compassion. He said it was similar to Buddhist philosophy which he respected. He said that core-processing allowed for the introduction of other techniques all of which would be explained to a client.
65. Concerning the start of their relationship the Registrant said Client A approached him. His usual approach was to discuss matters in an opening session and continue these before reviewing after six sessions and then re-contracting for further sessions every two to three months thereafter. He believed this is what he did with Client A. The Registrant accepted that some of his email correspondence had a therapeutic element and were supportive, but he denied offering 'e-counselling' as such before conceding that the emails may be seen as at the bottom end of such a process. He said there had been some discussion over his fees. She offered £40 but he suggested £20 per week and commented that she was regularly in and out of work.
66. Regarding preparing for a session the Registrant said he usually left at least ½ hour between clients and he would look at previous notes to reflect on where the sessions were going. Events at his home were different [REDACTED] and he probably did less preparation. Regarding the walk and talk therapy he said he had not undertaken specific CPD at the time but he

had undertaken as similar exercise with another client who had covid but who still needed support. He explained the therapy to Client A and said walking side by side can be relaxing and may assist sharing. He said he did not specifically advise he had not had training, nor did he normally explain the limits or contradictions in therapies. He said he placed emphasis on self-awareness.

67. In re-examination the Registrant said he had experienced this with one other client but no others.

68. Following the Registrant's evidence Mr Goldring conceded that Allegation 2(a) and (b) and Allegations 3(a), (b), (d), (e), (f) and (g) were made out in respect of Allegations 1(b) and (c).

69. It was agreed as between Ms Walmsley and Mr Goldring that the Registrant had been in practise since 2003 and he had not been the subject of prior complaint to the UKCP.

Submissions

Ms Walmsley on behalf of UKCP

70. Ms Walmsley reminded the Panel of the burden and standard of proof. She said that although there had been some admissions by the Registrant the case concerned the word of one person against another. She said that Client A had remained consistent and credible in her lengthy evidence. She said that the criticism regarding the change of date was said to be a typo/error which was neither unusual nor indicative of being unreliable or contrived evidence. Client A, she said, had given an account of why the dates were significant and this was supported by email evidence. The same may be said about the hug in December 2013. Ms Walmsley submitted that Client A felt strongly about matters, but this was not unusual. She had withstood the challenge of cross-examination, and her evidence had the ring of truth about it. There was consistency and detail in events such as the visit to the Registrant's home. Regarding suggestions of mental-health issues she said this should be treated with caution in the absence of any expert evidence. There was no evidence she hallucinated or was inherently unreliable rather she was consistent and reliable. Ms Walmsley added that the Registrant had conceded certain matters which demonstrated Client A had been correct in some matters she alleged. Regarding the timescale of the complaint, she submitted that Client A's evidence was consistent with that of the other witnesses, and it was consistent with someone struggling with the impact of events. She said no undue weight should be placed on the delay. Ms Walmsley then looked at various of the allegations.

71. Regarding Allegation 1(b) (review) she said the Registrant had made some concession, but his evidence was inconsistent. At first, he said he had responded to her request, but he then said he had offered to do. Ms Walmsley pointed out that the emails were consistent with Client A taking up the Registrant's offer. His evidence in re-examination was not consistent with his evidence. As to Allegation 1(c) (3rd feedback) Ms Walmsley pointed out that the actual allegation had been admitted

and who asked or who offered was not part of the allegation. Allegation 1(d) (lassie/difficult) was admitted. As to Allegation 1(f) (hugs) Ms Walmsley submitted Client A had been wholly consistent and credible in her evidence. In contrast, whilst the Registrant now categorically denied this, in his earlier statement she observed that the Registrant had not ruled out the possibility of contact. He had also spoken of closing the gap leaning or standing closer. Client A had been very clear about what happened how and when, unlike the Registrant.

72. Concerning Allegation 1(g) (football) Ms Walmsley submitted that there were elements common to both Client A's version and the Registrant's. Client A had explained who the individual was and named him, she discussed this with the Registrant, a third-party was present at his house, the TV was on. Whilst the Registrant had strongly denied matters there were elements of detail that Client A had not invented or contrived. Ms Walmsley submitted she was consistent and reliable, and the allegation had been proved. Similarly in respect of Allegation 1(h)(park) Ms Walmsley said there were details of Client A's account that were accepted by the Registrant. Client A was uncomfortable, scared, quiet and withdrawn. They had not had this form of contact before. Again, Ms Walmsley submitted that these areas of agreement supported Client A's version of events, and the allegation was proved.

73. Turning to the second and third allegations, Ms Walmsley said that Allegation 2 was denied in respect of Allegation 1d (lassie/difficult) but, she submitted such comments were clearly inappropriate and unprofessional. As to Allegation 3, Ms Walmsley submitted that each subparagraph was made out. Regarding Allegations 1 (f)(hug), (g)(football) and (h) (walk) Ms Walmsley said that the Registrant had clearly conceded that such conduct would breach the various codes in the allegation but, he had denied the conduct had taken place. It was for the Panel to determine what had occurred.

Mr Goldring on behalf of the Registrant

74. Mr Goldring submitted that there were nine factual decisions to be made six of which had been admitted in whole or in part. There were three that were matters of 'real attention' namely the allegations concerning the hugs (Allegation 1(f)), the remarks about football tickets (Allegation 1(g)) and the visit to the park (Allegation 1(h)). He said there had been a raft of satellite issues, but this was not a case about contracts, consent, supervision or Client A's views on the allegations. He said it was not unusual for panels to ask questions consistent with their inquisitorial remit, but they should not speculate on evidence they may not have. He said that Client A kept referring to information the Panel did not have and, for the purposes of the Panel such information did not exist.

75. Regarding the direct conflict of evidence between Client A and the Registrant (re hugs, football, park etc) Mr Goldring said there was no room for error, these events either happened or they did not which meant the Panel would have to conclude someone was lying. However, he said that such a

conclusion was not necessary. He cautioned against making any global assessment of a witness and said that demeanour or confidence were not reliable indicators of truthfulness. He said such matters were dealt with by the burden of proof which remained on the UKCP. Whilst he invited the Panel to accept what the Registrant had said, he submitted that the Panel only had to ask itself whether the UKCP had proved its case on balance of probability.

76. Mr Goldring then turned to the various allegations. He submitted that the Registrant's recent admissions concerning Allegations 1(b) and (c) (review and 3rd party review) were not an acceptance of Client A's evidence. He said that she claimed the Registrant was controlling and coercive and sought gain, but the evidence made it abundantly clear she had asked for help. This he said was the first hint Client A was not giving the whole picture but was giving evidence that supported what she wanted the Panel to see. That was a theme in her evidence. He said she had prepared methodical, forensically and was not impartial. She had sought legal advice, researched codes of conduct and was keen to share her view of when codes were breached. He said she had an unhealthy interest in the case and had to be reminded she was a witness not a party.
77. Concerning the recent change of date from 2021 to 2012, Mr Goldring said Client A had had two years to review her statement and had read it many times but only made the alteration when it was called to her attention at the 11th hour. He said this was not a simple typo. Mr Goldring submitted that whilst Client A said she had referred to emails and her own diaries, no real weight could be given to her statement as to dates without corroborative evidence. He said unless the incidents took place on the exact dates alleged the allegations would have to be dismissed. He said there was no evidence that these appointments took place. Mr Goldring reiterated that Client A was advised that the codes of conduct were not in her remit as a witness, and she had an unhealthy interest in the case. He said there was a real risk her evidence was partial and distorted; it could not be relied on. He submitted this was compounded by the lapse of 12 years since these events which, unlike sexual or violent events, were unlikely to be imprinted on a witness' memory. He said Client A was unreliable and trying to make mud stick.
78. Regarding Allegation 1(c) (lassie/difficult) Mr Goldring said 'lassie' was hardly inappropriate in the context of being said in Scotland. He submitted Client A would not blink an eyelid at these terms, yet she would have the Panel believe she was rendered speechless and frightened. He said she was strongly opinionated and could fight her corner. As to falling out with others, he submitted the comment was part of the therapy and her awareness of how others saw her. He submitted it was appropriate and the UKCP had not proved otherwise. Regarding the cat-sitting he said the Registrant had admitted this, but Client A was clearly exaggerating and distorting events. Mr Goldring then turned to what he said were the serious matters of the hugs, tickets and the walk. He said he would consider them together.

79. Mr Goldring said that in respect of all three matters there was a clear and direct dispute of fact. He said the allegation regarding walking in the park was not about whether a session should have occurred or been terminated, it was whether a session took place at all. He said that Client A claimed they had walked in complete silence and, unless the Panel accepted this, it was clear that a session took place. Mr Goldring said that the Registrant had spent 22 years working with the UKCP as his regulator and 20 years as a teacher before that. Forty years without complaint supported his credibility and his lack of propensity to act as alleged. He said that if the Registrant was the controlling, crying, needy therapist as alleged by Client A there would be something in his past but there was nothing. Mr Goldring said that whilst she was undiagnosed Client A had symptoms consistent with EUPD. He said that her medical records had not been disclosed so if and where she was on the spectrum could not be explored. He said this could not be ignored despite the lack of a diagnosis.

80. Mr Goldring submitted that the concessions and admissions made by the Registrant enhanced his credit. He had been open and willing to make concessions demonstrating accountability and reflection which were the hallmarks of a professional. The admissions demonstrated his character and the allegations regarding the hugs, football tickets and park were inconsistent with his character. Client A was a complex character suffering from a number of issues. Her twelve-year delay had deprived the Registrant of his notes that could have provided information supportive of him. Mr Goldring said that the Registrant had made admissions regarding breaches of the Code. He said that Allegation 3(c) was not supported by any evidence at all. There was no evidence of financial or emotional gain.

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

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

Allegation 1(a) (meals)

83. This allegation and the consequent allegations of inappropriate and unprofessional conduct (Allegations 2(a) and (b)) were admitted and found proved. Allegation 3 (a), (b), (d), (e), (f) and (g) were also admitted and found proved.

84. The Panel found Allegation 3(c) not proved in respect of this allegation. The Panel considered it more likely that the Registrant did not fully reflect upon the consequences of his actions and, over time, the professional boundary between himself and Client A became blurred such that breaches such as this occurred. The Panel found no evidence to conclude that the Registrant's conduct was or was intended to be abusive, exploitative or was undertaken for emotional gain.

Allegation 1(b) (review)

85. This allegation and the consequent allegations of inappropriate and unprofessional conduct (Allegations 2(a) and (b)) were admitted and found proved. Allegation 3 (a), (b), (d), (e), (f) and (g) were also admitted and found proved.
86. Regarding the factual dispute as to who initiated the conduct the Panel noted that Client A said she was worried about her course and the Registrant confirmed this. The Registrant volunteered the information that he had been an English teacher. In cross-examination the Registrant accepted as possible the scenario that, knowing of Client A's worries, he suggested she send her coursework to him so he could review it. In light of all the evidence including the Registrant's concession, the Panel found it more likely that this is indeed what occurred.
87. The Panel considered the above context to be important namely that the Registrant noted Client A's distress and offered to help in a way that he now conceded was unacceptable. The Panel regarded this conduct as incautious rather than malicious. It rejected the assertion that this was or was intended to be abusive, exploitative or for the Registrant's emotional gain. It thus found Allegation 3(c) not proved.

Allegation 1(c) (3rd party review)

88. This allegation and the consequent allegations of inappropriate and unprofessional conduct (Allegations 2(a) and (b)) were admitted and found proved. Allegation 3 (a), (b), (d), (e), (f) and (g) were also admitted and found proved. The Panel found Allegation 3(c) not proved in respect of this allegation there being no evidence that the Registrant's conduct as alleged was or was intended to be abusive, exploitative or was undertaken for emotional gain.
89. Regarding the factual dispute as to who initiated the conduct the Panel noted that the Registrant conceded in cross-examination that he recommended to Client A that a former client review her coursework. The Registrant conceded this was inappropriate and unprofessional, and breached various of the codes as set out above.
90. The Panel found it more likely that, knowing of Client A's worries, the Registrant suggested his ex-client review her work. Again, the Panel considered this context to be important. There was no evidence to support Client A's belief that the Registrant made the suggestion for any financial or emotional gain and the Panel rejected this interpretation of events.
91. The Panel found it more likely that the Registrant did not properly consider or reflect upon the significance of bringing an ex-client into the picture. This action breached the ex-client's

confidentiality, muddled the professional boundaries between himself, Client A and the ex-client and as the Registrant conceded, was inappropriate and unprofessional. He further conceded that he breached the Code as set out in Allegation 3 (a), (b), (d), (e), (f) and (g).

92. Again, the Panel considered the above context to be important namely that the Registrant noted Client A's distress and acted in way that he conceded was unacceptable. The Panel regarded this conduct as incautious rather than malicious. It rejected the assertion that this was or was intended to be abusive, exploitative or for the Registrant's emotional gain. It thus found Allegation 3(c) not proved.

Allegation 1(d) (lassie/difficult)

93. The Registrant admitted the facts as set out in the allegation and these were found proved.
94. In terms of the disputed background and what conclusions could be drawn from the use of the term 'lassie', the Panel received no evidence as to the context at the time of the events beyond the fact that this was a professional therapeutic relationship involving an older man in a position of authority and a younger female client. The Panel considered the term to be somewhat old-fashioned and, in the context of the age and power differential it was inappropriate but, in the absence of any malice or intended disrespect, the Panel was not satisfied that it was so serious as to be unprofessional. The Panel considered it likely that the Registrant's use of the term stemmed from his chatty, colloquial style, not keeping up to date with modern times and his lack of thought as to the potential impact it may have on Client A. In the Panel's view it was incautious. It was not malicious.
95. The Panel thus found Allegation 2(a) (inappropriate) proved in respect of this part of Allegation 1(d). It found Allegation 2(b) (unprofessional) not proved.
96. Concerning the suggestion that people may find Client A difficult, the Panel considered that such a comment could form part of Client A's journey to understand herself. Asking Client A to look at herself, to consider if she thought others may find her difficult could be useful. The Registrant expressed the view that Client A did not have much insight into her own behaviour and, this was set against a background of Client A's having difficulty with family and work-place relations.
97. The Panel wishes to stress that it makes no finding that Client A is in some way to blame for the difficulties she experiences in relationships, rather it finds that exploring such difficulties is neither inappropriate nor is it unprofessional.
98. The Panel thus found that Allegation 2(a) and (b) were not proved in respect of this part of Allegation 1(d).

99. Turning to the consequent alleged breaches of the Codes as set out in Allegation 3(a)-(g). Whilst the Panel found that the term lassie was used by the Registrant and it was inappropriate for him so to do, it concluded that in the absence of any malice or intended disrespect it was insufficiently serious to found a breach of the Codes as set out in Allegation 3.

Allegation 1(e) (cat)

100. This allegation was admitted and found proved. The fact that the conduct was inappropriate and unprofessional (Allegation 2(a) and (b)) was conceded by the Registrant in his evidence.

101. The Panel considered this to be a serious breach of boundaries since it involved the Registrant offering free therapy sessions and the suggestion that Client A sleep in his house in his bed. The seriousness of this is informed by the fact that in other circumstances such conduct might be regarded as potentially exploitative. The Panel emphasises that it did not find any evidence to support such a conclusion, and it found Allegation 3(c) not proved. Rather it makes this observation in order to illustrate the importance of boundaries, the public interest in maintaining them and how breaches may appear serious to the public and thus potentially adversely affect a registrant and the profession.

102. The Panel found that this conduct was misguided and stemmed from the fact that personal contact was becoming inappropriately entwined with the professional contact between the Registrant and Client A. This conduct had the potential to create a dependency. As the Registrant rightly admitted, it was not in Client A's best interests, nor did it respect Client A or her autonomy, it involved the possibility of a dual relationship, and he did not consider the potential negative effect such conduct may have. The Panel found Allegations 3(a), (b), (d), (e), (f) and (g) proved by way of admission. As set out above the Panel found Allegation 3(c) not proved.

Allegations 1(f) (hugs)

103. The Panel considered Client A to have been both clear and consistent regarding the fact of the alleged hugs occurring. She spoke of these events happening at the end of the sessions and did so in an authentic and understandable way. The Panel noted that the Registrant described Client A as being upset at the fall-out with her father. In this respect her evidence was compelling, and it was supported by what the Registrant said. In contrast, the Panel observed the change in the Registrant's stance regarding the possibility of contact. Whilst he was now concrete in his denial of physical contact, his previous stance was that he could not rule it out. He spoke of his conduct when consoling a distressed client namely leaning or stepping closer to close the distance between them. He said he could not rule out that he tried to console Client A.

104. The Panel found it more likely than not that Client A was particularly distressed following the altercation with her father, and the Registrant reacted to that distress by spontaneously hugging her to console her. The Panel has already found that there was a blurring in the professional boundaries between Client A and the Registrant. This it concluded was an example of such boundaries not being properly held. The Panel found it was more likely the Registrant reacted to Client A's distress in a personal way by hugging her in an attempt to console her. The Panel regarded this as more likely to be a spontaneous and incautious reaction on the part of the Registrant rather than a malicious act.
105. Regarding the specific date of the 16th and 25th August 2012, the Panel considered Client A to be clear as to why she was able to name those specific dates. She had fallen out with her father and these two dates were the next sessions in time after that fallout. She had, as Mr Goldring suggested, joined the dots between the fallout and the sessions. The Panel also noted that although Client A was criticised for her ability to name these dates, Mr Goldring did not suggest that there were no sessions on those dates nor did the Registrant deny the dates in his evidence.
106. Turning to the events of 17 December 2013, the Panel found Client A's description of events to be consistent and credible. She made particular reference to the lack of physical contact with her own father and referred to family difficulties the Registrant had also experienced. Whilst the Registrant made no concessions regarding the closing of space between them, or the expression of feeling on his part, the Panel considered that the relationship between the Registrant and Client A was insufficiently boundaried and was at times akin to a parent/child relationship. The evidence suggested that family relations were a topic charged with some emotion. The Panel concluded that the Registrant was likely to have demonstrated some emotion at the potential conclusion of their relationship. The Panel determined that it was likely Client A responded to the Registrant's show of emotion in the way she described and, with the lack of firm boundaries and hugs having already taken place on two prior occasions, the Registrant did not prevent Client A from contact with him and thereafter he hugged her.
107. Turning to Allegation 2 (a) and (b), the Registrant conceded that physical contact in the way described by Client A would be inappropriate and unprofessional. The Panel regarded that as an appropriate concession to make. The Panel found that the hugs did take place on 16 and 25 August 2012 and 13 December 2013 and that they were indeed inappropriate and unprofessional notwithstanding that they emanated from the Registrant's intention to console or be consoled rather than anything more sinister.
108. Having found the hugs did occur and that they were inappropriate and unprofessional the Panel next considered the consequential breaches. Regarding Allegation 3(a) the Panel was satisfied that for the Registrant to hug or be hugged by Client A in the above circumstances was not in Client A's best interests nor did such conduct respect Client A or her personal space (Allegation 3(b)). As with other allegations, the Panel was not satisfied that these events were or were intended to ~~be~~

abusive, exploitative or for the Registrant's emotional gain. Rather they were the result of the blurred professional boundaries between the Registrant and Client A. For these reasons it found Allegation 3(c) not proved.

109. The Panel did not consider Allegation 3(d) to be applicable to the spontaneous circumstances as found proved. However, in the absence of ground-rules, discussion, permission or boundaries concerning contact the Panel was satisfied that the Registrant failed to maintain Client A's autonomy when contact occurred, Allegation 3(e) was thus proved. Allegation 3(f) was engaged and found proved for the same reasons. Finally, the Registrant ought to have recognised that such contact was a potential breach of the Code and as such he failed to report this. Allegation 3(g) was thus proved.

Allegation 1(g) (football)

110. The Panel noted that there was some agreement between the Registrant and Client A as to the circumstances of the event. The Registrant was at home [REDACTED] and invited Client A to attend his home, he had been watching football, there was another person in the house, the subject that concerned Client A was highly emotional. However, there was a divergence of views as to the detail of what was said.

111. The Panel considered that the Registrant inviting Client A to his house [REDACTED] [REDACTED] was another example of his relaxed and incautious approach to his relationship with Client A. However, beyond that concern as to the circumstances of the event, it was difficult to determine several years after the event exactly what occurred, what was said and the intention behind any statement(s). Whilst the lax boundaries and the Registrant's chatty style of conduct made incautious comment a possibility, the Panel could not be satisfied to the required standard that the comments and conduct complained were said or intended in the way complained of. The Panel determined that the UKCP had not discharged its burden of proof, and it found this allegation not proved.

Allegations 1(h) (park)

112. Both Client A and the Registrant agreed that a meeting took place. Client A described herself as silent and fearful throughout the event. She said there was no explanation of events prior to the Registrant taking her to the park. The Registrant noted that Client A was fearful and quiet but he said that she responded to his questions albeit he did most of the talking. The Panel noted that Client A paid for this event.

113. The Panel concluded that the Registrant thought that what occurred was indeed a therapeutic session and, that is why he billed for his time. However, the Panel noted that the Registrant had no training and little if any experience of what he now termed 'walk and talk' therapy. Whilst the Registrant's rationale appeared to be that Client A may find walking outdoors to be beneficial, the Panel concluded that there was little if any firm basis for this, little if any consideration of the pros-and-cons and similarly little if any discussion of such matters with Client A. In the event it is common ground that Client A was distressed by this event.

114. The Panel determined that this event appeared to be more akin to the Registrant trying something out with little preparation or forethought as to the merits, demerits or consequences. There appeared to be little if any consultation with Client A and, the Panel considered this to be little more than a walk in the countryside. Despite the Registrant's belief as to this being a session, the Panel concluded there was insufficient consideration of content, application or result to properly term this as a therapeutic session. The Panel thus found this allegation proved.

115. Turning to the consequential allegations, the Panel determined that holding a meeting in the open with Client A in the way described above, unboundaried, unprepared and without direction was both inappropriate and unprofessional. The Panel determined that Allegation 2(a) and (b) were thus found proved. As regards Allegation 3, the Panel concluded that such a meeting was not in Client A's best interests (Allegation 3(a)) and was an example of the Registrant not fully considering the positive and negative effect of what he was doing (Allegation 3(f)). That being the case, the Registrant failed to report what were potential breaches of the code and thus Allegation 3(g) was also proved. The Panel determined that Allegation 3 (b), (d) and (e) were not really germane to this allegation.

Allegation 1(i) (website)

116. This allegation was admitted as were the consequent Allegations 2(a) and (b) of it amounting to inappropriate and unprofessional conduct. The Registrant also admitted Allegations 3(a), (b), (d), (e), (f) and (g) which were proved by way of admission. For the reasons set out above the Panel found Allegation 3(c) not proved.

General comment

117. In coming to the above conclusions, the Panel took account of all the evidence and the submissions by both Counsel. The Panel noted that Mr Goldring sought to mount a general attack on Client A's reliability. He did so on the basis that she may suffer from EUPD and may experience one or more of the symptoms associated with it namely emotional instability, disturbed thinking,

impulsive behaviour and intense & unstable relations with others. He complained that the defence had been denied the opportunity to investigate this. However, this was not the case.

118. Careful examination of the evidence confirmed that there was no diagnosis by any qualified person. In her written evidence Dr T reported that Client A said the Registrant had purported to diagnose her. Dr T did not consider a diagnosis to be helpful. In her oral evidence Dr T confirmed the above. She said that she was qualified to make a diagnosis, but it was difficult and highly subjective. Whilst she said some of Client A's conduct may be consistent with EUPD she did not make a diagnosis and considered it unhelpful to do so. Client A denied that she had EUPD and denied that she experienced what she described as the extremes of behaviour alleged by Mr Goldring.

119. Mr Goldring did not ask the Registrant about this issue in his evidence in chief.

120. Taking the evidence at its highest there was a report of a purported diagnosis by the Registrant but no evidence to confirm he made such a diagnosis or that he was qualified to do so. Furthermore, there was no evidence that he referred or considered referring her to another clinician. There was some evidence that some of Client A's behaviour was consistent with EUPD but no evidence diagnostic of this. There was no evidence to suggest that she experienced any of the symptoms that Mr Goldring asserted were associated with EUPD and, she denied that she experienced these 'extremes' as she termed them.

121. In light of all the above the Panel concluded that, whilst it should and would carefully consider Client A's evidence and apply the burden and standard of proof appropriately as with any witness but, there was no reason to conclude that she was fundamentally unreliable in the way that Mr Goldring sought to argue.

Allegation 2(a) (inappropriate)

122. For the reasons set out above under each of the factual allegations this allegation was found proved in respect of Allegation 1(a), (b), (c), (d) in part, (e), (f), (h), and (i).

123. The Panel found this allegation not proved in respect of Allegation 1(g).

Allegation 2(b) (unprofessional)

124. For the reasons set out above under each of the factual allegations this allegation was found proved in respect of Allegation 1(a), (b), (c), (e), (f), (h), and (i).

125. The Panel found this allegation not proved in respect of Allegation 1(d) and 1(g).

Allegation 3(a) (best interests)

126. The Registrant admitted this allegation in respect of Allegations 1(a), (b), (c), (e) and (i).
127. The Panel found that Allegation 1(d) (lassie) was proved but that this was insufficiently serious to found a breach of the Code.
128. The Panel found that Allegation 1(f) was proved, and it noted that the Registrant conceded that such conduct would be inappropriate and unprofessional and would be likely to breach professional boundaries. The Panel was satisfied that the conduct found proved namely hugging Client A was not in her best interests. Such conduct blurred boundaries that were already not properly enforced by the Registrant.
129. Allegation 1(g) (football) – the Panel found this not proved.
130. The Panel found that Allegation 1(h) (park) was proved as set out above. Having determined that the event was not a properly constituted therapeutic session the Panel determined that what occurred was not in Client A's best interests.

Allegation 3(b) (respect)

131. The Registrant admitted this allegation in respect of Allegations 1(a), (b), (c), (e) and (i).
132. The Panel found that Allegation 1(d) (lassie) was proved but that this was insufficiently serious to found a breach of the Code.
133. For the reasons set out above the Panel found that in conducting himself as he did regarding Allegation 1(f) the Registrant did not respect Client A. He did not have prior permission to hug her and the power imbalance and professional relationship between them should have alerted him to the fact that such permission/consent as her conduct appeared to provide was not to be relied upon.
134. Allegation 1(g) (football) – the Panel found this not proved.
135. Allegation 1(h) park) – the Panel determined that the matters found proved were not an issue of respect and this allegation was not applicable and not proved.

Allegation 3(c) (abusive etc)

136. The Panel determined that there was no evidence to support this allegation.

Allegation 3(d) (duality)

137. The Registrant admitted this allegation in respect of Allegations 1(a), (b), (c), (e) and (i).
138. The Panel found that Allegation 1(d) (lassie) was proved but that this was insufficiently serious to found a breach of the Code.
139. The Panel found that the conduct found proved in relation to Allegation 1(f) was an example of the personal/unprofessional contact between the Registrant and Client A that breached professional boundaries. In conducting himself in the way found proved the Registrant failed to avoid entering into a potentially dual or confusing relationship with Client A.
140. Allegation 1(g) (football) – the Panel found this not proved.
141. Allegation 1(h) park) – the Panel determined that the matters found proved were not an issue of duality and this allegation was not applicable and not proved.

Allegation 3(e) (autonomy)

142. The Registrant admitted this allegation in respect of Allegations 1(a), (b), (c), (e) and (i).
143. The Panel found that Allegation 1(d) (lassie) was proved but that this was insufficiently serious to found a breach of the Code.
144. The Panel found that in hugging Client A as proved in Allegation 1(f) the Registrant failed to respect Client A's autonomy. There was no evidence of ground-rules or discussion or permission concerning such contact that could enable Client A to maintain her autonomy. Whilst the Panel found that the Registrant acted as he did to provide or receive consolation rather than for any sinister purpose, this did not negate the failure to respect Client A's autonomy.
145. Allegation 1(g) (football) – the Panel found this not proved.
146. Allegation 1(h) park) – the Panel determined that the matters found proved were not an issue of autonomy and this allegation was not applicable and not proved.

Allegation 3(f) (+/-ve impacts)

147. The Registrant admitted this allegation in respect of Allegations 1(a), (b), (c), (e) and (i).

148. The Panel found that Allegation 1(d) (lassie) was proved but that this was insufficiently serious to found a breach of the Code.

149. The Panel has already found that that the contact proved in Allegation 1(f) was not in Client A's best interests etc. It was clear to the Panel that in acting as he did the Registrant did not consider the potential negative aspects of providing physical consolation thereby failing to preserve her psychotherapeutic best interests.

150. Allegation 1(g) (football) – the Panel found this not proved.

151. Allegation 1(h) (park) having been found proved in the terms set out above, the Panel determined that the Registrant had not considered the negative impact such events may have upon Client A, rather he seems to have blundered on without proper preparation and thought. For these reasons the Panel found this allegation proved.

Allegation 3(g) (reporting)

152. The Registrant admitted this allegation in respect of Allegations 1(a), (b), (c), (e) and (i).

153. The Panel found that Allegation 1(d) (lassie) was proved but that this was insufficiently serious to found a breach of the Code and did not require reporting.

154. Having found that the hugging did take place as alleged in Allegation 1(f) there was no evidence that the Registrant reported this potential breach of the Code to the UKCP.

155. Allegation 1(g) (football) – the Panel found this not proved.

156. Having found that the Registrant failed to hold a proper therapy session (allegation 1(h) there was no evidence that the Registrant reported this potential breach of the Code to the UKCP.

157. In total the Panel found 45 breaches of UKCP's Ethical Principles and Code of Professional Conduct proved.

Determination of Misconduct and Impairment

158. This determination should be read in accordance with the Panel's previous determinations.

159. In accordance with rule 7.23 of UKCP's Complaints and Conduct Process, the Panel went on to consider the question of misconduct. In addressing this question the Panel took into account of the relevant information before it.

160. The Panel heard further submissions from Ms Walmsley on behalf of UKCP and Mr Goldring on behalf of the Registrant.
161. Ms Walmsley invited the Panel to conclude that the facts found proved constituted misconduct. She referred to the comment by Lord Clyde in the case of *Roylance v General Medical Council (2000) 1 AC 311* that “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.” She further referred to the comment by Collins J in the case of *Nandi v General Medical Council (2004) EWHC 2317 (Admin)* that: “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.”
162. Ms Walmsley submitted that the Registrant’s conduct could ‘comfortably’ be described as a serious falling short in standards because it had caused confusion and distress to a vulnerable client in several ways. Ms Walmsley also referred to the series of questions set out in *CHRE v Grant (2011) EWHC 927 (Admin)* (the ‘Grant questions’ – see below) and the overarching objective of protecting patients and upholding/declaring standards. She acknowledged that the Registrant had shown some insight into his failings but observed that he also criticised Client A. She observed that it could not be said that there was no risk, or a low risk of repetition when there had been repeated breaches of boundaries over a prolonged period of time.
163. As to the evidence concerning training and supervision Ms Walmsley submitted that this was limited and very recent. There was no feedback as to what learning had actually occurred and there was insufficient evidence to demonstrate remediation. In terms of the ‘Grant questions’ Ms Walmsley submitted that the Registrant had placed a client at risk, had brought the profession into disrepute and had breached a fundamental tenet of the profession by not protecting Client A’s therapeutic best interests. She submitted that these risks remained and that the Registrant’s fitness to practise was currently impaired. She added that the Registrant had caused significant psychological harm to Client A evidenced by her distress and the subsequent therapy undertaken by her.
164. Mr Goldring on behalf of the Registrant submitted that there was no evidence of serious psychological harm at all and that the latter submission should be disregarded. He agreed that the process involved consideration of misconduct and then of current impairment and, he posed the question ‘would other practitioners regard the conduct as deplorable relying upon the case of *Nandi v GMC* (above). In addition he reminded the Panel of the case of *Spencer v GOsC (2012) EWHC 3147*

and *R (Calhaem) v GMC (2007) EWHC 2606* and the principle that mere negligence could not amount to misconduct unless it was particularly serious and, a single act/omission was less likely to amount to misconduct. He conceded that the Panel was not dealing with a single event but submitted that the events found proved were limited in nature and spread out over a lengthy period. In addition, he observed that whilst the Panel had used the epithet 'serious' in relation to the cat-sitting allegation, much of the commentary was along the lines of the conduct being misguided, due to inappropriate entwining of personal matters and the blurring of professional boundaries. He conceded that whilst such matters could still be regarded as serious, there were no finding of ill-will, malice, exploitation and the like, rather the events found proved had occurred due to the blurring of boundaries, a lack of judgement, preparation, and lack of caution. He said the Registrant's intentions were good or came from a good place but were misguided. He submitted that the context was important and it was questionable whether fellow practitioners would find such conduct deplorable. In addition, he reminded the Panel that many of the events complained of occurred up to 12 years ago and had been admitted.

165. Mr Goldring acknowledged the 'Grant questions' but said that even if there had been breaches in the past, the basic principle was to look forward. He reiterated that the Registrant had been subject to regulation under the UKCP and before that as a teacher for a total now of fifty years. In addition there had been no complaint in the years since these events. He submitted that such matters clearly indicated the Registrant was not a risk. He said that many of the factual matters were admitted, those that resulted from adverse findings by the Panel were based on spontaneous misguided conduct rather than something more sinister. Pulling these strands together Mr Goldring submitted there was no evidence of a continuing risk of repetition and there was evidence of learning and remediation in the bundle. Mr Goldring said the Registrant would be retiring in the next three to six months and should be permitted so to do.

166. Mr Goldring said that he had not called the Registrant to give evidence at this stage but he would do so to answer questions if the Panel so desired. The Panel considered that it would be helpful to hear from the Registrant.

Evidence of the Registrant

167. In response to questions from the Panel the Registrant said that he had received the complaint some 2½ years ago and he had been in supervision continuously since then. When the whole case arrived with bundles, lawyers and the like he felt it necessary to address matters in a different way. He looked at CPD courses relevant to the question of boundaries which was to him fundamental to the case. He had been recommended courses and looked at others and he chose the course(s) in the bundle. He also spoke to his individual supervisor who specialised in boundary issues.

168. Concerning his reflective supervision, the Registrant said that he had started this at the beginning of September 2024 and had undertaken three sessions to date. He said that he had also been dealing with the stress of moving [REDACTED]. In terms of his reflection the Registrant said that he knew his intentions were good but said perhaps he had reached out too far to Client A and had crossed boundaries. He thought kindness was a factor and he needed to pull back from that.

169. Regarding his understanding of a dual relationship he said the boundaries had become blurred and there was some duality. He did not consider this to be significant but it was present in some aspect. He said the effect was to lose the professional basis of the relationship. He said that even after years of experience he needed to pull back. He said that professional boundaries were in place to protect both the therapist and the client, to provide clarity of purpose and intent and to prevent personal matters from becoming mixed up in the relationship. When asked why he thought matters had gone wrong the Registrant said that Client A was not an easy client and this was a seven year relationship. He had tried to get through to her so she could understand her own processes and why things were going wrong for her. He said he still believed the walk and talk incident was a good thing to try but it did not work for Client A. He said the cat-sitting was a 'terrible mistake'. He said that overall at the twilight of his career he had 'lost a bit of clarity'. He said Client A was difficult and he overreached to try to get to her. Finally, the Registrant said he had always come 'from the heart' regarding psychotherapy and he needed to put more 'head' into what he was doing to get more clarity and undertake more supervision.

170. When asked questions in cross-examination by Ms Walmsley the Registrant said that aspects of the therapeutic process were too blunt for Client A and there were transference issues particularly with relation to her father. He said this had not happened with any other client. He said he had talked to his supervisor to prevent this recurring, and he said he needed to ensure clarity of where he was coming from and identify issues early. He said he would prevent this recurring by sharing quickly with his supervisor(s) and, having lived with this for the last 2½ years, he would quickly bring this case to mind.

171. In answering final questions to Mr Goldring, he explained that he had used the term 'perhaps' as to how he would act differently if confronted with a difficult client because each situation would need to be considered in its context. He could not say he would definitely act in one way or another. When asked if he had any regrets he said he did, particularly regarding the cat-sitting and the lack of preparation prior to the 'walk and talk' therapy.

172. The Panel accepted the advice of the Legal Assessor as to the approach it should adopt in considering the question of misconduct and thereafter current impairment. The Panel recognised that the question of misconduct is a matter of independent judgement and is not a matter of proof

for the parties. Furthermore, that impairment should be considered in the present and looking forward.

Determination of Misconduct

173. In addressing whether the facts proved amounted to misconduct, the Panel had regard to all the evidence, its findings of fact and the submissions of Counsel. The Panel also had regard to the multiple breaches of the Code as potential indicators of misconduct.

174. The Panel determined that the Registrant was guilty of misconduct.

175. In coming to the above conclusion, the Panel reminded itself that there had been multiple instances in which professional boundaries had been blurred and breached. These occurred in several ways and over several years albeit there were gaps in between incidents. Although the Panel concluded that the Registrant's actions were not driven by malice or to exploit Client A, it was not a sufficient excuse or explanation to suggest the incidents arose from kindness or were due to a 'difficult client.' Rather, the Panel was of the view that they indicated a lax attitude to professional boundaries. Whilst it may be some incidents such as the matter of cat-sitting, hugging a client or undertaking a course of conduct that did not amount to therapy were more serious than others, all the events proved were to be considered in the context of there being 45 breaches of the Code. Some breaches had been admitted; however others were not and were found proved. There were failings in multiple areas concerning the lack of boundaries. Whilst individual incidents may be isolated from others in time, collectively they indicated a serious failure to apply and maintain professional boundaries over a long period. The Panel concluded that colleagues and the public would consider such conduct to be deplorable and that it did amount to misconduct.

Determination of Impairment

176. Having concluded that the Registrant's conduct did indeed amount to misconduct, the Panel then went on to consider the question of current impairment. The Panel was mindful that the question of impairment is a matter for its professional judgement. It should assess the current position and look forward not back, however in order to form a view of the Registrant's fitness to practise today, the Panel would take account of the way in which the Registrant had 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 is not currently impaired.

177. The Panel applied the approach to determine the question of impairment by considering all aspects of the case and in particular the questions posed 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)*: (the ‘Grant questions’)

“Do our findings of fact in respect of the [Registrant’s] misconduct . show that his fitness to practise is impaired in the sense that he:

- a. Has in the past acted and/or is liable in the future to act so as to put a [client or clients] at unwarranted risk of harm; and/or*
- b. Has in the past brought and/or is liable in the future to bring the [. . .] 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 [. . .] profession; and/or*
- d. N/A in this case.*

178. The Panel first considered whether the above three questions a – c could be answered yes or no in respect of the Registrant’s past misconduct. It then considered whether the Registrant was liable to act in such a way in the future. The Panel had regard to any 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 was easily remedied; had already been remedied; and whether it was likely to be repeated.

179. The Panel was also mindful that when considering impairment, it was 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.”

180. In considering the three questions a – c above, the Panel concluded that, in respect of the proven misconduct, each should be answered in the affirmative. Through his lack of setting and maintaining professional boundaries, the Registrant had conducted himself in such a way that caused distress and anxiety to Client A. Whilst the Panel did not accept the submission that the Registrant had caused significant psychological harm to Client A, he had undoubtedly caused some harm and it was unwarranted. The Panel determined that having misconducted himself in the way

set out above, with adverse consequence upon Client A, the Registrant had brought the profession into disrepute and breached a fundamental tenet thereof.

181. The Panel next considered the issue of what inferences, if any, could be drawn from the above findings and what should be the answers to the same questions looking forward – was there a risk of repetition and thus a risk to the public that indicated current impairment? The Panel took account of the Registrant's good character, the lapse of time since these events, the evidence concerning current training and the Registrant's insight and concluded that there remained a risk of repetition and thus the questions would again be answered in the affirmative.

182. The Panel acknowledged that there were no complaints against the Registrant prior to or since the events found proved and there were a number of positive testimonials regarding the Registrant which the Panel carefully considered. Whilst such matters are to his credit, good character is not a substitute for tangible, measurable remedial steps and insight, of which there was, in the Panel's view, insufficient evidence.

183. The Registrant repeatedly referred to Client A as being 'difficult' and he now regarded his actions as being 'a bit over-reaching' and/or due to his 'kindness.' In this regard, the Panel considered there was an element of the Registrant placing some of the blame upon Client A and minimising his own errors. Whilst he had undertaken some recent CPD and had started to undertake individual reflective supervision focused on the allegations, the information concerning the CPD was limited. The Panel also noted that this reflective supervision was with someone who was the Registrant's supervisor at the time of these events. The Panel considered that, at the time of the events, either the Registrant did not bring his practice shortfalls to peer or individual supervision with sufficient clarity for his supervisors to challenge him. Alternatively, he did not reflect or gain sufficient insight to take the necessary corrective action.

184. The Registrant said that he had undertaken three periods of reflective supervision as regards the allegations but, there was neither a reflective statement from him nor a statement from his supervisor. Whilst the Registrant said that he had learned, and he now regarded the cat-sitting as a terrible mistake, there was little detail as to his reflection upon and understanding of the practice shortfalls; why they were serious; and why he alone was responsible, particularly given his repeated suggestion that a 'difficult client' contributed to this. In addition, despite the adverse finding in respect of the 'walk and talk,' the Panel noted that the Registrant still considered this to have been a 'good thing to try' albeit he regretted his lack of preparation. The Registrant also appeared somewhat ambivalent as to what approach he would take if he were in a similar situation in the future.

185. Whilst the Panel found that the recent CPD and commencing reflective supervision indicated an intent to remediate, it was of the view that such remediation and/or insight as there may be to

date were insufficient to allay their concern regarding the risk of repetition. The Panel was therefore of the view that in terms of looking forward and the risk of repetition the three Grant questions a – c should again be answered in the affirmative.

186. The Panel understood from Mr Goldring that the Registrant intends to retire in the coming months. However, the Registrant appeared uncertain as to when that may be and appeared to accept the possibility of taking on new clients beyond such long-term clients as he currently sees. In the circumstances, the Panel did not consider that the Registrant's intended length of continued practice was a matter that mitigated the risks as set out above.

187. In light of the above, the Panel was of the view that the Registrant's fitness to practise is currently impaired.

Determination on Sanction

Proceeding in Absence

188. The hearing reconvened after an initial delay due to miscommunication. Mr Goldring informed the Panel that the Registrant would not be attending and that he, Mr Goldring, was instructed to continue in the absence of the Registrant. Mr Goldring informed the Panel that the Registrant reiterated his intent to conclude his practice and observed that he no longer wished to be registered with the UKCP. Mr Goldring further advised that the Registrant had made it clear he would not cooperate with any form of sanction such as training, supervision or conditions, nor would he cooperate with any review hearing after a period of suspension. Mr Goldring observed that he was in effect inviting the Panel to remove the Registrant from the register for the reasons set out in Paragraph 3.9.2 of the Indicative Sanctions Guidance that the Registrant had demonstrated his unwillingness to cooperate in any sanctions process.

189. The Panel considered it appropriate to enquire whether the Registrant's position was settled and considered, or whether it may be a reaction to the adverse findings to date. In addition, whether the Registrant had considered the impact of any order upon his current clients. Mr Goldring confirmed that the Registrant and he had had a full and frank discussion, the decision was considered one.

190. Ms Walmsley invited the Panel to continue in the absence of the Registrant on the basis that although he had cooperated to date, he had now withdrawn from the proceedings and that adjourning would simply cause a delay. Mr Goldring reaffirmed the Registrant's position that he would not attend and would not cooperate further.

191. The Panel accepted the advice of the Legal Assessor

192. The Panel determined that it should continue in the absence of the Registrant. The Panel was satisfied that he had made a settled and considered decision not to participate further and that adjourning would serve no purpose other than to delay matters. The Panel was satisfied that the Registrant's interests were still being protected by the attendance of Mr Goldring and, that the public interest and the Registrant's interest required resolution of this case.

Sanction

193. In accordance with rule 7.25 of UKCP's Complaints and Conduct Process, the Panel then went on to consider the question of sanction.

194. The Panel heard further submissions from Ms Walmsley on behalf of UKCP and Mr Goldring on behalf of the Registrant.

195. Ms Walmsley reminded the Panel that it had a discretion not to impose a sanction but, if it considered a sanction was justified it should keep proportionality at the forefront of its consideration. Ms Walmsley invited the Panel to conclude that a sanction was necessary owing to the findings of risk to the public and the Registrant's lack of insight. She reminded the Panel to balance the Registrant's interests against the public interest and consider any aggravating or mitigating features and any mitigation personal to the Registrant. She submitted that due to the Registrant's now firmly stated position of non-compliance any sanction less than removal from the register was insufficient to meet the public interest.

196. Mr Goldring said that the Registrant was disappointed at the findings of misconduct and impairment but had made his position clear regarding non-compliance with any remedial steps such as training. He observed that suspension would serve no purpose and simply be a punishment, since, again, the Registrant would not cooperate with any subsequent review. He, the Registrant, considered there was no option but to be removed from the register.

197. In reaching its decision, the Panel had regard to the UKCP's Indicative Sanctions Guidance 2019 ("the ISG") but exercised its own independent judgement.

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

199. 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.

200. Notwithstanding the Registrant's position, the Panel considered the sanctions available to it under rule 7.25 of the Complaints and Conduct Process in ascending order. It did so in order to publicly consider the seriousness of this case and the appropriate sanction regardless of the Registrant's recently stated position. In addition, the Panel was mindful that any sanction imposed should be the minimum that was proportionate and appropriate in all the circumstances. This now included whether any sanction that it might otherwise have imposed was workable.

201. The Panel considered that the principal aggravating feature in this case was the number, breadth and longevity of the breaches outlined above. It was to the Registrant's credit that several allegations were admitted. The Panel also took account of his previous good character and the testimonials in the bundle.

202. Having reviewed the competing factors set out above, the Panel went on to consider the appropriate sanction(s) in order of seriousness regardless of the Registrant's stated intention not to cooperate. It kept the issues of public protection and proportionality at the forefront of its consideration.

a. *Apology:*

Whilst the Registrant had expressed some regret at what had occurred, he repeatedly referred to Client A as 'difficult'. It was not clear to the Panel that an apology would be meaningful and, the Registrant had made it clear that he would not cooperate.

b. *Warning:*

Although the Registrant admitted some matters, he had expressed disappointment at the adverse findings of fact and impairment. He had withdrawn from the proceedings and made his position regarding regulation by UKCP clear. The Panel was of the view that the Registrant would treat a warning in the same way as he had now treated these proceedings.

c. *Written report or oral statement:*

The Registrant had stated his position in his evidence and by his actions. The Panel has already observed that the Registrant has limited insight into his failings, and it did not consider that this sanction would protect the public. The Registrant had also made it plain he would not comply with such an order.

d. *Further training:*

The Panel was of the view that the Registrant appeared to have started the process of remediation by way of CPD and additional reflective supervision. It has commented above that this appeared to indicate a willingness to remediate. Had this willingness been pursued, the Panel may have considered training and other similar sanctions such as supervision and conditions of practice to have been sufficient and proportionate in this case. However, the

Registrant had now demonstrated a complete unwillingness to remediate or cooperate. The Panel thus concluded that this sanction would not meet the risk it has identified or protect the public or public interest. The Registrant refusal to cooperate with such a sanction made it unworkable.

e. *Further supervision or therapy:*

The Panel was of the view that this sanction would not protect the public or meet the public interest for the same reasons as in 'd' above.

f. *Conditions of Practise order*

The Panel next considered whether the impairment could be addressed by placing conditions on the Registrant's practise. The Panel was again of the view that this sanction would not protect the public or meet the public interest for the same reasons as in 'd' above.

g. *Suspension Order*

Had the Registrant indicated a continued willingness to remediate and cooperate with sanctions by way of training, supervision and conditions, the Panel might well have been persuaded that a suspension from practise would not have been necessary in this case. However, following a period of suspension, a registrant's case is reviewed by a fitness to practise panel. The Registrant had made it plain he would not cooperate with such a review. The Panel was of the view that a suspension order was made unworkable by reason of the Registrant's stated position.

h. *Removal from UKCP Register*

Finally, the Panel considered whether removal from the register was necessary in this case. In so doing it considered paragraph 3.9.2 of the ISG which provides that:

"... Termination of registration should be used when the panel considers there no other way to sufficiently protect the public or there is an unwillingness by the Registrant to show insight or resolve their failings. . ."

The Panel has already determined that the Registrant poses a risk to the public and, whilst the risk was potentially remediable, the Registrant had declared an unwillingness to cooperate. In those circumstances, the Panel had no option but to remove the Registrant from the register.

Application for an interim suspension order

203. Ms Walmsley submitted that an Interim Suspension Order (ISO) was necessary to cover the appeal period in this case. Mr Goldring did not argue otherwise.

204. The Panel accepted the advice of the Legal Assessor.

205. The Panel considered that an ISO was necessary to protect the public and was otherwise in the public interest. In coming to this conclusion the Panel considered its findings as outlined above and in particular the Registrant's lack of sufficient insight and remediation. It considered the public

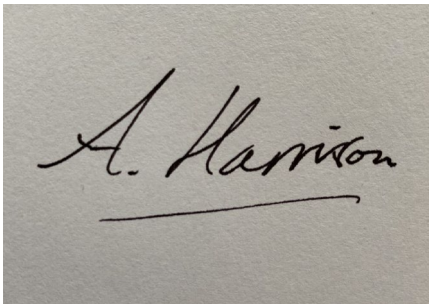
interest and the interests of the Registrant including the potential impact such an order may have and concluded that an order was necessary.

Right of Appeal

206. Both the Registrant and UKCP have 28 days from when the written decision is served in which to exercise their right of appeal.

207. The sanction outlined above will not take effect until after the 28 day period has lapsed. If no appeal is received the decision will take effect after the 28th day.

Signed,

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and reads "A. Harrison". A horizontal line is drawn underneath the signature.

Anthony Harrison, Lay Chair
22 October 2024