

## **UKCP in the matter of Charles Davison**

The complaint against the above individual member was taken to an Adjudication Panel in line with UKCP's Complaints and Conduct Process.

The complaint was heard under the UKCP Complaints and Conduct Process 2012 and the Panel considered the alleged breaches of the UKCP Ethical Principles and Code of Professional Conduct.

### **Preliminary Matters**

The Panel considered the following preliminary matters:

1. The agreed bundle amounted to 127 pages. The bundle will herein be referred to as Exhibit 1.
2. The Panel was also provided with two testimonials on behalf of the Registrant, herein referred to as Exhibit 2 and Exhibit 3.

### **Formal Admissions**

Mr. Oldfield, on behalf of the Registrant, confirmed that the following charges are admitted, as per Mr. Davison's position during the Interim Suspension hearing, namely:

1a, b, c, d, h, i, j, k

The following charges are not admitted:

1e, f, g

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The Registrant further admits allegation four on a specific basis as set out on pages 55-56 of Exhibit 1. Mr. Stotin accepted this basis on behalf of the UKCP.

All admissions were therefore formally entered on to the record and the UKCP elected not to proceed on any of the other remaining allegations. The Panel therefore moved to consider the question of misconduct.

### **Misconduct**

The Panel heard oral submissions from Mr. Austin Stotin on behalf of the UKCP, and from Mr. Glyn Oldfield on behalf of the Registrant. The Panel also heard oral evidence from the Registrant.

The Panel had regard to all the evidence adduced and has accepted the advice of the Legal Assessor. The panel considered the UKCP Ethical Principles and Code of Professional Conduct 2009 ("*the Code*"). The Panel noted that the question of misconduct is a matter of judgment for the Panel and not a matter of proof for the parties.

The Panel has exercised its own judgment in determining the issues before it. In considering Mr. Davison's Fitness to Practise the Panel reminded itself of its duty to protect clients and

its wider duty to protect the public interest which includes maintaining and declaring proper standards of conduct and behaviour, maintaining the reputation of the profession, and maintaining public confidence in the profession and the regulatory process.

The Panel recognised that the Registrant conceded that his behaviour amounted to misconduct; nevertheless considered that this was a matter to be determined by the Panel. The Panel did consider that Mr. Davison's behaviour fell far short of the standards expected of a psychotherapist and therefore amounted to misconduct. The Panel thereafter moved to consider the question of current impairment.

### **Impairment of Fitness to Practice**

The Panel went on to consider whether the Registrant's Fitness to Practise is currently impaired. It took account of the Registrant's oral evidence and written evidence and accepted that he had shown some insight into his failings. It noted he had admitted most of the charges and had indicated regret.

The Panel was also mindful that the Registrant had accepted the allegations at the Interim Suspension proceedings on 2 February 2015. The Panel considered the submissions of Mr. Oldfield, namely that this was a singular event and that Mr. Davison was a man of hitherto impeccable behaviour, and had recognised the effect his behaviour had upon others.

However the Panel considered Mr. Davison's practise to be currently impaired for the following principal reasons:

- a. The Panel considered that these failings are capable of remediation, however they had not been adequately remediated;
- b. The Panel considered there to be a risk of repetition; and
- c. Despite some learning from this experience, the Panel determined that there seems to be an unclear and inadequately understood sense of professionalism and especially clinical boundaries.

The Panel was satisfied on the grounds of public interest that confidence in the profession would be undermined if no impairment was found. This is because the Registrant's behaviour included a breach of trust - sexual misconduct being a fundamental tenet of the profession - and the Panel was concerned about his own lack of honesty in not disclosing his behaviour to his own supervisor.

### **Sanction**

The Panel then heard submissions from Mr. Stotin on behalf of UKCP and Mr. Oldfield on behalf of the Registrant.

The Panel recognized that the purpose of any sanction is not to punish the Registrant but to uphold proper standards. It recognized that any sanction must be proportionate and balances the public interest and that of Mr. Davison and that a combination of sanctions was available to them.

The Panel considered the sanctions in ascending order and was mindful that any sanction imposed should be the minimum that would be considered proportionate and appropriate in the circumstances.

The Panel has had regard to everything it has heard and read during the case. The Panel considered the sanctions in the following order:

### **Apology**

The Panel first considered whether an apology would be appropriate, but concluded that this would be inappropriate in view of the seriousness of the case and the potential for client harm. The Panel considered that the Registrant had, in effect, apologized for his conduct during the course of the hearing, and therefore an apology was not necessary.

### **Warning**

In considering whether the issuing of a letter of warning would be appropriate in the circumstances, the Panel considered that the case was far too serious for a warning to be proportionate to the admissions made. In addition the Panel has already determined that the Registrant lacks real insight. The Panel therefore feels that this case is too serious to warrant a letter of warning.

### **Write a report**

In his written and oral responses to the allegation the Registrant has already said what he has learned. The Panel had already determined that whilst there had been some reflection on what the Registrant had learned, he had really expressed remorse and not insight. The Panel therefore felt that the writing of a report was not an appropriate sanction.

### **Further Training**

The Panel considered that this was not an appropriate sanction for the spectrum of these admitted charges.

### **Supervision or therapy**

The Panel noted that Mr. Davison described his supervision at the time of the events as 'exceptional'; however noted that the Registrant did not discuss the details of his affair with Patient A with his supervisor. The Panel remained of the view that these were serious breaches and considered that further supervision would not adequately protect clients and the public.

### **Conditions of Practice**

The Panel next considered whether placing Conditions of Practice on Mr. Davison's registration would be a sufficient and appropriate sanction. The Panel is mindful that any conditions imposed must be proportionate, measurable and workable. In the absence of any evidence on which Conditions of Practice would be workable or appropriate, the panel did not feel that there were appropriate and practical conditions that would address Mr. Davison's wrongdoing. Furthermore the placing of Conditions on his registration would not adequately address the seriousness of this case or the real risk that the panel had already found of repetition.


### **Suspension Order**

The panel then went on to consider whether a suspension order would be an appropriate sanction.

The aggravating factors that the Panel took into account in particular are the potential risk to clients, the negative impact of Mr. Davison's actions on the profession, and the breaches of the fundamental tenets of the profession resulting from his actions. The Panel has already determined that the Registrant lacks insight into his conduct and is not satisfied that he recognizes the seriousness of the failings in his actions. The Panel considered the development of this relationship over time to amount to a course of conduct which certainly originated during the last three sessions with Patient A. The Panel considered that the Registrant failed to take appropriate action in discussing the issue with his own supervisor and did not take steps to terminate any inappropriate relationship. The Panel also noted that the relationship was further promoted by the Registrant's e-mail correspondence with Patient A. In those circumstances, the Panel determined that this was not a one-off situation, but rather a course of conduct that should have been identified well in advance. Whilst the Panel did not consider that the Registrant was a 'predator', his actions were clearly compounded by the fact that he had failed to utilize the safeguards of his own supervision.

As a result of the above, the Panel considered a suspension in addition to a combination of the above sanctions, but was not satisfied that this would adequately reflect the seriousness of the breach or protect the public and clients alike. The Panel is therefore satisfied that removal from the Register is the only appropriate sanction.

Signed



Chair of the Adjudication Panel  
27<sup>th</sup> May 2015.

Harry Bower, Lay Chair