

## **UK Council for Psychotherapy**

### **Publication of decisions policy**

#### **Policy Statement**

1. This document sets out UKCP's policy on the publication of fitness to practise decisions made by the Professional Conduct Committee. This policy was considered and approved by the Ethics Committee on 29 November 2012.

#### **Legal Framework**

2. UKCP is a membership organisation which holds the national register of psychotherapists and psychotherapeutic counsellors. UKCP is not a statutory body and membership of the organisation is voluntary.
3. UKCP exists to promote and maintain the profession of psychotherapy and psychotherapeutic counselling for the public benefit. This includes promoting high standards of education, training and practice. Members are asked to confirm upon application, that registration with UKCP means agreeing that UKCP can challenge members' practice and conduct through UKCP's complaints framework.
4. UKCP aims to ensure that members are fit to practise, the public is protected and that confidence in the profession of psychotherapy is maintained. In order to achieve this, UKCP investigates complaints and concerns raised against members which indicate that their fitness to practise may be impaired.

#### **Key Principles**

5. UKCP is committed to transparency and openness in relation to its policies, processes and procedures, and to providing a fair and balanced complaints process. At the same time, it recognises its responsibility to protect the confidentiality of its members during an investigation or if it is found that a complaint is not well founded.
6. UKCP seeks to act consistently in the publication of information about fitness to practise decisions, and will ensure that any disclosure of information is lawful, proportionate, fair and accurate.

#### **Publication of Fitness to Practise information**

##### *Preliminary consideration of allegations and investigation*

7. Subject to paragraphs 8 and 9 below, during its preliminary consideration of allegations and investigation, UKCP will not routinely publish information on its website about an investigation, including that a complaint has been made against a member or that the UKCP is investigating complaints made against a member.
8. If issues concerning an ongoing investigation are already in the public domain, UKCP may confirm publicly that an investigation is being carried out. UKCP will not publish the name of

the complainant or any prospective witness in the case at any stage, even where those details may already be in the public domain.

9. UKCP shall publish on its website as soon as reasonably practicable, particulars of any Interim Orders made by the Professional Conduct Committee, Preliminary Enquiry Committee, or an Adjudication Panel. The particulars to be published are the name of the member, the nature and length of the Interim Order, the date by which the Interim Order should be reviewed and a summary of the complaint. If a Conditions of Practice Order is imposed UKCP will not publish the nature of the conditions so far as they relate to undertakings to undergo assessment and/or treatment by an appropriate registered health practitioner, or to provide independent reports on physical or mental health.

UKCP will publish a summary of the nature of allegations against the member but will not publish the alleged facts upon which the Preliminary Enquiry Committee (PEC) relied in making the Interim Order. In publishing the fact that the Interim Order has been imposed, UKCP will also state that the member has the right to appeal the Interim Order within 28 days, or where relevant, state that the decision is currently under appeal. If the Interim Order is terminated or varied, UKCP will publish the new terms of the Interim Order in the case of variation or remove all reference to the Interim Order in the case of termination of the order, as soon as practicably possible.

10. Where the PEC or Professional Conduct Officer determines that there is no case to answer in respect of a complaint made against a member, UKCP will not publish information in respect of the complaint or its determination. In cases in which paragraph 8 or 9 applies, UKCP may confirm publicly that the investigation has concluded and no further action is being taken by UKCP, provided either that the member has asked UKCP to do so, or written consent has been obtained by UKCP to do so.

#### *Publication of hearing dates and venues*

11. Where a case has been referred to an Adjudication Panel, UKCP will publish on its website in a suitable place the name of the member, the town in which the member practises and the date and venue of the hearing. These details will be published as soon as is reasonably practicable after all parties have been served with the notice to attend the hearing. UKCP will not publish details of the nature of the allegations, the name of the complainant or any witness or prospective witness.

#### *Alternative Dispute Resolution (ADR)*

12. UKCP will not publish any information in relation to cases where the parties have been referred for ADR. In cases in which paragraph 8 or 9 applies, UKCP may confirm publicly that the case has been referred for ADR, provided either that the member has asked UKCP to do so, or UKCP has obtained written consent to do so. UKCP will not publish details of any Conclusion Agreement reached between the parties but it may, where both parties wish, publish a statement following the ADR.

#### *Determinations of the Adjudication Panel (AP)*

13. Where the AP has determined that a case was not well founded, UKCP will not publish any information about the case unless the member has asked UKCP to do so, or written consent has been obtained by UKCP to do so.
14. Subject to paragraphs 15 and 16 below, UKCP will publish the written determinations of the AP or PEC in any case where the allegation (or at least one allegation if there are more than one) has been considered to be well founded. Where there are separate determinations in relation to findings of fact, details of decisions and sanctions will be published for each finding. This applies to all cases, even where a finding of impaired fitness to practise is not made, or where no sanction was imposed.
15. The determinations to be published shall be the determinations of the chair of the AP read out at the public hearing. Where UKCP considers that the determination as read out in the public hearing contains sensitive information which should not be published on its website, the Professional Conduct Officer shall redact the determination to remove that sensitive information only.

In all cases where a determination is redacted by the Professional Conduct Officer, the chair of the AP should review and agree the proposed redactions, before publication. The Professional Conduct Officer has no authority to amend or re-draft the determination other than to redact information which may be considered sensitive. Information may be considered sensitive if it refers to material which might lead to the identification of a complainant or vulnerable witness, mental or physical health issues regarding the member, or other private information regarding the member which UKCP deems is inappropriate to publish.

16. Where the case heard by the AP alleges impaired fitness to practise by reason of a member's physical or mental health, UKCP will not publish the written determination of the AP.
17. UKCP will advise members that publication of the types specified in paragraphs 8, 9, 11 and 14 will be published on UKCP's website with immediate effect after the decision is made. This will be communicated to members together with the notice served on the member to attend a hearing before the Preliminary Enquiry Committee in the case of an Interim Order, or the Adjudication Panel in the case of a fitness to practise hearing.
18. All complaint decisions will remain on the registrant's on line register record until all sanctions are considered to be completed by UKCP.
19. Decisions in which a registrant has been removed from UKCP's Register will remain on UKCP's website for a period of five years from the date the decision takes place.
20. Thereafter, disclosure of such determinations shall only be available to the public following a written request to UKCP. UKCP may publish its determination as soon as it is made, even if it falls within the 28 day appeal period. Where the determination is published within 28 days of

being made, the entry will specify that the determination may be subject to appeal. Where an appeal has been lodged, the entry will specify that the determination is under appeal. UKCP will publish Interim Order determinations on the website for the period in which an interim order is in force.

21. Publication referred to in paragraphs 7-21 above, refers to publication on UKCP's website. Where an allegation was well founded, UKCP will also publish in its magazine, *The Psychotherapist*, details of fitness to practise hearings conducted in the period since the previous edition. Those details will be limited to the name of the member, the town in which he or she practises and the outcome of the determination. UKCP may direct the reader to the relevant part of its website to obtain full details of the case. Interim Order decisions will not be published in the magazine but the reader may be directed to the website to obtain details of current Interim Orders in place.

#### *Appeals against decisions made by the AP*

22. Subject to paragraph 24 below, UKCP will publish all written determinations of the Appeal Tribunal.
23. Where the appeal heard by the Appeal Tribunal involves allegations of impaired fitness to practise by reason of a member's physical or mental health, UKCP will not publish the written determination of the Appeal Tribunal.

#### **Decisions of Member Organisations**

24. UKCP will not publish the determination of an organisational member, where complaints had originated from the organisational member complaints process.

#### **Central Final Appeals Process (CFAP)**

25. UKCP will publish determinations made through the CFAP.
26. The policy at paragraphs 15-22 above in relation to fitness to practise hearings, also applies to the CFAP.

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