



UKCP's Complaints and Conduct Process

November 2017

UKCP's Complaints and Conduct Process

GENERAL INTRODUCTORY NOTE

This document sets out UKCP's process for dealing with complaints against those psychotherapists and psychotherapeutic counsellors who are on, or have recently been on, UKCP's register. (For the sake of convenience, this procedure refers to members of both professions as Registrants and the term applies in cases proceeding under Rule 3.4.)

It identifies the decision-makers within UKCP, namely the Case Manager, Professional Conduct Committee and Adjudication Panels, and sets out the process that begins when someone wants to complain about a psychotherapist or psychotherapeutic counsellor.

The document itself is set out in a fairly formal style (simply because it is practically impossible to present a set of rules in any other way) but every effort has been made to make the language user-friendly and there are guidance documents available to help explain the process in more detail, including timescales.

In addition to our formal Complaints and Conduct Process, UKCP also offers an informal process. The informal process is alternative dispute resolution (ADR).

Alternative dispute resolution

ADR offers the opportunity to resolve disputes in a fair and transparent way while avoiding the stress and emotional toll of a formal complaints process, where the Complaints and Conduct Process is not appropriate.

Please see our document on 'Alternative Dispute Resolution' for further information.

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1. INTERPRETATION

- 1.1. Within these procedures words and phrases indicating the singular include the plural and vice versa.
- 1.2. Words indicating one gender are not limited to that gender.
- 1.3. 'Adjudication Panel' means the panel convened to consider and determine a complaint against a Registrant.
- 1.4. 'Case Manager' means the UKCP officer who manages and processes the complaint in accordance with this procedure and includes any person designated by the Chief Executive.
- 1.5. 'Complaint' means a formal, signed and written declaration of dissatisfaction or concern with an express or implied request for action to be taken under this procedure.
- 1.6. 'Complainant' means the person raising the complaint.
- 1.7. 'Conditions of Practice Order' ('CPO') means a requirement for a Registrant to undertake to practise under specific conditions defined by an Adjudication Panel.
- 1.8. 'Presenting Officer' is the person who presents a case at an Adjudication Panel.
- 1.9. The 'Professional Conduct Committee' ('PCC') monitors and has oversight over all complaints received. The Professional Conduct Committee includes any other proper person or people to whom the Chair of the Professional Conduct Committee delegates tasks normally fulfilled by the Professional Conduct Committee. The Committee's terms of reference document is available on request.
- 1.10. 'Registrant' means an individual member of UKCP (whether a psychotherapist or a psychotherapeutic counsellor) who is on, or has recently been on, UKCP's register.

- 1.11. 'Suspension Order' means suspension from UKCP membership during which the Registrant is prohibited from providing psychotherapy.
- 1.12. 'Interim Suspension Order' means suspension from UKCP membership, during which the Registrant is prohibited from providing psychotherapy, pending the outcome of a complaint investigation. An Interim Suspension Order may be sought where the allegations made against the Registrant are of such a serious nature that UKCP must act in order to protect the public whilst investigations are on-going. An Interim Suspension Order does not indicate that the Registrant is guilty, but rather is a safeguarding measure that is put in place until a full investigation is able to be conducted.
- 1.13. 'UKCP' means the United Kingdom Council for Psychotherapy.

2. SCOPE OF THE COMPLAINTS AND CONDUCT PROCESS

- 2.1. UKCP may consider any complaint, relating to any of the following, to be evidence that a Registrant's suitability to be on the UKCP register is called into question:
 - 2.1.1. misconduct;
 - 2.1.2. professional incompetence;
 - 2.1.3. conviction or caution in the UK for a criminal offence (including court martial) or conviction elsewhere for an offence which if committed in the UK would constitute a criminal offence, and which is relevant to a Registrant's professional practice;
 - 2.1.4. physical or mental ill-health relevant to a Registrant's professional practice; or
 - 2.1.5. a decision by: a body in the UK responsible for the regulation of a health, social care or other relevant profession; or an employer, to the effect that a Registrant's suitability to be on the UKCP register is called into question.
- 2.2. In considering a complaint the Case Manager must apply UKCP's Ethical Principles and Code of Professional Conduct or equivalent documents issued by UKCP and/or the organisational member to which the Registrant was subject at the time the alleged complained of conduct occurred, and identify which parts of the Code or equivalent documents are relevant to the complaint.
- 2.3. Where the complained of behaviour does not come within the scope of UKCP's Ethical Principles and Code of Professional Conduct, the Case Manager will notify any Complainant of this and the complaint will not progress under this procedure.
- 2.4. If the allegations are within the scope of UKCP's Ethical Principles and Code of Professional Conduct, the Case Manager will provide the Registrant with a copy of the complaint and the complaint will progress in accordance with this procedure.

3. WHO CAN RAISE A COMPLAINT AGAINST WHOM?

- 3.1. Anyone can make a complaint against a Registrant if:
- 3.1.1. the Registrant is still a Registrant at the time of the complaint being lodged with UKCP; and
 - 3.1.2. the Registrant was a Registrant at the time of the conduct that is the basis of the complaint or, if the Registrant was not a Registrant at the time of the conduct, the Case Manager determines that it would be reasonable and in the public interest to consider the complaint; and
 - 3.1.3. the therapy or practice which is the basis of the complaint was located in the UK or, if not, the Registrant's current insurance provision is from the UK.
- 3.2. Subject to paragraph 3.3 a Registrant is not protected from having a complaint heard under the Complaints and Conduct Process simply because the alleged conduct occurred before this Complaints and Conduct Process and any earlier versions came into force if the Case Manager is satisfied that it would be reasonable and in the public interest that the complaint should be considered.
- 3.3. Complaints should normally be made within three years of the conduct that forms the subject matter of the complaint (or three years from the date on which any Complainant became aware of the conduct, whichever is later). If this time limit is not observed, the Case Manager must decide whether, in all the circumstances of the case, it would be reasonable and in the public interest to allow the complaint to proceed.
- 3.4. If the Registrant resigns from the UKCP register, or fails to renew UKCP membership, after a complaint has been received by UKCP, the complaint will still proceed pursuant to this procedure unless, in exceptional circumstances, the Case Manager determines it would not be reasonable or in the public interest for it to do so.

4. BEING SUBJECT TO OTHER PROCEEDINGS

- 4.1. The Interim Suspension Order and medical assessment processes are available at any point following receipt of an allegation.
- 4.2. Where a Registrant is subject to complaints/disciplinary proceedings related to their practice by another organisation/regulator/employer or subject to legal action, consideration of a complaint under this Complaints and Conduct Process may be suspended by the Case Manager until those other proceedings have been completed by the relevant organisation, regulator, employer, or the courts.
- 4.3. In the instance that the same complaint is lodged with UKCP and another organisation/regulator/employer, the Case Manager will liaise with the relevant organisation/regulator/employer when considering suspending the Complaints and Conduct Process until those other proceedings have been completed by the relevant organisation, regulator or employer.
- 4.4. When deciding whether to suspend consideration of the complaint, the Case Manager must weigh the interests of any Complainant, the Registrant and the wider public before deciding whether it is appropriate to do so. The Case Manager can review this decision at any time and give reasonable notice to the Registrant that consideration of the complaint is resuming.
- 4.5. Where a complaint has been considered and not upheld by another person or organisation (including UKCP's organisational members), the Case Manager may decide not to consider a complaint based substantially on the same conduct.
- 4.6. When deciding whether to progress complaints that are being or have been heard elsewhere and concluded with no adverse findings, the Case Manager must weigh the interests of any Complainant, the Registrant and the public interest before deciding whether it is appropriate to do so. The Case Manager must give reasons for his decision.
- 4.7. Where a Registrant is the subject of other procedures by virtue of his status either as an employee or a registrant of another organisation or as being subject to another regulator, the Case Manager will consider whether to advise any Complainant to consult the relevant employer, organisation or regulator.

5. RAISING A COMPLAINT

- 5.1. To submit a complaint and to begin the Complaints and Conduct Process, a complaint must be submitted to the complaints and conduct team at UKCP's office (email: complaints@ukcp.org.uk) in writing, signed by the Complainant, identifying the Registrant and normally using the complaints form available from the UKCP office and on its website. Email correspondence is acceptable only if it is used to send signed written correspondence as an attachment.
- 5.2. Where UKCP receives an anonymous complaint or information about the Registrant (which may include a declaration or information from the Registrant directly about their suitability to be on the register), a Case Manager will determine whether the allegation is independently verifiable or admitted by the Registrant. If the Case Manager determines that there is sufficient information to enable him to proceed and he thinks it is reasonable and in the public interest that he should do so, the complaint may proceed without a Complainant.
- 5.3. UKCP will not normally process a complaint where any Complainant makes the complaint on the basis that their anonymity will be preserved, unless the Complainant confirms in writing his acceptance that he may be identified, or become identifiable, during any action which UKCP may decide to take.

6. SCREENING

- 6.1. The screening process is concerned with deciding, in a transparent and professional manner, whether there is a realistic prospect that UKCP will be able to establish that the Registrant may not be suitable to be on the UKCP register without any restrictions or conditions of practice.
- 6.2. If the Case Manager, having applied the procedures set out in sections 2 - 5 above determines that UKCP has received a complaint against a Registrant or the case is proceeding under 5.2, it shall be screened under these provisions.
- 6.3. The Case Manager will invite the Registrant to respond to the complaint usually within 21 days of the complaint being sent to the Registrant. A copy of any response received from the Registrant will usually be provided to any Complainant except in cases where there is more than one Complainant and confidential client-specific information is contained within the response, in which case an appropriately redacted response may be provided.
- 6.4. The Case Manager may at any time ask the Complainant to produce any documents/evidence relevant to their complaint and the Complainant must do their best to produce the requested documents/evidence.
- 6.5. The Registrant will be encouraged to provide any documents or information requested by the Case Manager, but is not compelled to do so.
- 6.6. The Case Manager may conduct such investigations as he considers reasonable and necessary to make decisions under the Complaints and Conduct Process.
- 6.7. When all required documentation has been received the Case Manager will decide whether the realistic prospect test, as set out in 6.1, is met. If the Case Manager feels unable to make this decision, he must refer the matter to the Professional Conduct Committee which must make the decision.
- 6.8. The Professional Conduct Committee maintain oversight of all decisions made during the screening process. Before the Case Manager takes a final decision, they must seek the advice of the PCC. However, the final decision rests with the Case Manager.

- 6.9. If the realistic prospect test is met the case will usually be referred to an Adjudication Panel. However, if the complained of behaviour is such that the Registrant has fully acknowledged, addressed it and undertakes not to repeat it, the Case Manager may, in consultation with the Professional Conduct Committee, discontinue the Complaints and Conduct Process. If the behaviour is repeated in the future, the Case Manager may re- start the Complaints and Conduct Process.
- 6.10. The Registrant and any Complainant will be notified in writing of the decisions made under 6.7 and 6.8.
- 6.11. If the realistic prospect test has not been satisfied any Complainant must be informed that they may re-submit the complaint one more time with any additional evidence that may satisfy the realistic prospect test.
- 6.12. Where the realistic prospect test has been satisfied and the case has been referred to an Adjudication Panel, the Registrant will be notified and provided with notification of the alleged breaches of UKCP's Ethical Principles and Code of Professional Conduct or equivalent documents.
- 6.13. The Registrant's organisational member (if he has one) or college (if the Registrant is a direct member) will be notified if the complaint has been referred to an Adjudication Panel.
- 6.14. There is no appeal against a decision relating to the outcome of the screening process.

7. ADJUDICATION PANEL

- 7.1. The parties in proceedings before an Adjudication Panel are UKCP and the Registrant. Normally the case against the Registrant will be presented by a Presenting Officer who may be a Case Manager or instructed by the Case Manager. The Complainant, if present, may be called as a witness.
- 7.2. An Adjudication Panel normally consists of three persons and will normally be assisted by a Secretary and an independent Legal Assessor.
- 7.3. The Adjudication Panel will be selected from a list held by UKCP and the Chair must be a lay person. One person from the Adjudication Panel must normally be from the same modality as the Registrant and one person must normally be from a different modality. The Secretary will provide the Registrant and any Complainant with the proposed composition of the Adjudication Panel prior to the hearing. Registrants may object about a person on the Adjudication Panel if they can satisfy the Secretary (who will seek the view of the Case Manager) that a fair-minded and informed observer would consider there to be a real possibility of bias; in such cases the Secretary will seek an alternative person. If the Secretary is not satisfied the matter will be raised at the Adjudication Panel hearing. An Adjudication Panel person must have had no prior involvement with the complaint.
- 7.4. The Secretary will fix a date on which the Adjudication Panel is to hear the case, providing at least 42 days' notice to the parties of the day, time and venue for the Adjudication Panel hearing.
- 7.5. No later than 28 days before the hearing, the parties are required to provide the Secretary with a list of the names of the persons they propose to call to give evidence and a list and copy of any documents/statement of evidence they propose to present.
- 7.6. The parties are encouraged to agree the documents they will present at the hearing (known as 'the bundle') no later than two weeks before the hearing and only agreed documents will go to an Adjudication Panel. Any disagreements about the inclusion/exclusion of documents in the bundle will be dealt with by way of an application to the Adjudication Panel at the hearing or at a Case Management

Conference.

- 7.7. The Secretary must provide the Adjudication Panel, the Legal Assessor, the Registrant or his representative, and the Presenting Officer with copies of the bundle.
- 7.8. The hearing must normally be in public but the Adjudication Panel may decide to hold all or part of it in private in exceptional circumstances where the public interest in openness and transparency is outweighed by the interest in having the hearing or part of it in private. This will be decided on a case-by-case basis by the panel.
- 7.9. At the Adjudication Panel any Complainant and Registrant may be accompanied by another person for support.
- 7.10. The Registrant is entitled to be legally represented at his own expense. In the event the Registrant is not legally represented he can represent himself.
- 7.11. Either party has power to call an expert as a witness to advise or assist the Adjudication Panel.
- 7.12. Cases will normally be decided after oral hearings at which the parties have the opportunity to make submissions, to give evidence and to call witnesses; but, if the Adjudication Panel and the parties agree, cases may also be decided:
- 7.12.1. after hearings at which the evidence is presented in the form of written statements, the parties' oral contributions are limited to making submissions and answering questions from the panel on those submissions; or
 - 7.12.2. without an oral hearing, with all submissions, as well as the evidence, being presented in the form of written statements. This may be particularly appropriate where the Registrant admits the allegations and wants to make representations/submissions only in relation to the admitted breach(es), his suitability to be on the UKCP register and any sanction.
- 7.13. The civil standard of proof (on the balance of probabilities) will apply. The burden will be on the Presenting Officer to establish any underlying facts to this standard to the Adjudication Panel.
- 7.14. The admissibility of evidence will be decided by the Adjudication Panel, which can admit any evidence if it is relevant to the case and its admission is fair to the parties.
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- 7.15. Any Complainant, the Registrant and witnesses for UKCP are entitled to claim reasonable reimbursement from UKCP (in accordance with its relevant policy) of expenses they incur in attending a hearing but are not entitled to claim legal or other professional costs or the costs of preparing for a hearing.
- 7.16. The Chair of the Adjudication Panel must explain to the parties the order of proceedings which it proposes to adopt and unless the Adjudication Panel decides otherwise, the order will be:
- 7.16.1. the Presenting Officer to read out the allegations and for the Registrant to indicate whether any of the facts alleged and/or suitability to be on the UKCP register without restriction are admitted;
 - 7.16.2. the Presenting Officer to present the case, including any witnesses and expert evidence against the Registrant and to present the evidence in support of that case, focusing on the contested allegations and the background to any admitted matters. Any witnesses shall be examined by the Presenting Officer, may be cross-examined by the Registrant or his representative, may be re-examined by the Presenting Officer and may be questioned by the Adjudication Panel and the Legal Assessor;
 - 7.16.3. on the application of the Registrant, the Adjudication Panel may deliberate in private to consider whether sufficient evidence has been produced for there to continue to be a case to answer by the Registrant. If the Adjudication Panel considers that insufficient evidence has been produced and there is no possibility of the Registrant being found to be unsuitable to be registered it must dismiss the allegation(s) without hearing evidence from the Registrant;
 - 7.16.4. the Registrant may respond to the allegations. Any witnesses shall be examined by the Registrant or his representative, may be cross-examined by the Presenting Officer, may be re-examined by the Registrant or his legal representative and may be questioned by the Adjudication Panel and the Legal Assessor. Where the Registrant admits all the material facts of the allegation, the Adjudication Panel must invite any submissions from the Registrant as to the circumstances surrounding the case.

- 7.17. The Adjudication Panel may exclude from the proceedings any person whose conduct, in its opinion, is likely to disrupt the orderly conduct of the proceedings. Its reasons must be given at the hearing.
- 7.18. The Adjudication Panel will normally exclude witnesses (other than the parties) from the proceedings until it is their turn to give evidence.
- 7.19. The Adjudication Panel may deliberate in private at any time during the hearing.
- 7.20. In proceedings before the Adjudication Panel the following people may, where the quality of their evidence is likely to be adversely affected, be treated as vulnerable witnesses:
- 7.20.1. any witness under the age of 17 at the time of the hearing;
 - 7.20.2. any witness with a mental disorder within the meaning of the Mental Health Act 1983;
 - 7.20.3. any witness who is significantly impaired in relation to intelligence and social functioning;
 - 7.20.4. any witness with physical disabilities who requires assistance to give evidence;
 - 7.20.5. any witness where the allegation against the practitioner is of a sexual nature and the witness was the alleged victim; and
 - 7.20.6. any witness who complains of intimidation.
- 7.21. Subject to any representations from the parties or the advice of a Legal Assessor, the Adjudication Panel may adopt such measures as it considers desirable to enable it to receive evidence from a vulnerable witness. Measures adopted may include, but are not limited to:
- 7.21.1. use of video links;
 - 7.21.2. use of pre-recorded evidence of a witness, provided that the witness is available at the hearing for examination;
 - 7.21.3. use of interpreters, signers, translators or intermediaries;
 - 7.21.4. screens or similar provisions.
- 7.22. Where the allegation against the Registrant involves matters that are sexual in nature, the witness is an alleged victim and the Registrant is acting in person or is not legally represented, the Registrant will not be permitted to cross-examine the witness directly.

The Registrant will be permitted to appoint a representative to cross-examine the witness, subject to approval by the Adjudication Panel.

7.23. The Adjudication Panel will rule the following matters:

- a) if the allegations have been proven or admitted;
- b) whether the proven or admitted allegations amount to a breach of UKCP's Ethical Principles and Code of Professional Conduct;
- c) whether any such breaches are such that it is not suitable for the Registrant to remain on the UKCP register without any restrictions or conditions;
- d) if appropriate, what sanction(s) are to be applied.

7.24. Before the Adjudication Panel rules on each of the steps in 7.23, it must invite submissions from both the Presenting Officer and the Registrant; such submissions may address one or more of the matters to be decided, as the Adjudication Panel directs. The Adjudication Panel must announce its decision and the reasons for them at each stage.

7.25. Where the Adjudication Panel is satisfied that the Registrant is not suitable to remain on the UKCP register without any restrictions or conditions it must decide on which sanctions to impose based on the allegations that are upheld. The Adjudication Panel can impose one or a combination of sanctions listed below. They are:

- 7.25.1. A requirement for a verbal or written apology to the Complainant where the Registrant has acknowledged mistake(s); and/or
- 7.25.2. Issuing a letter of warning to the Registrant in relation to specific conduct or misjudgement, copied to the Registrant's college and the organisational member, if applicable; and/or
- 7.25.3. A requirement on the Registrant to write a report and/or give an oral statement to the Adjudication Panel to show what they have learned from the experience, by a given date. If a written report is directed it must be submitted to the Case Manager who must circulate it to the Adjudication Panel. The Adjudication Panel will then decide whether learning has been achieved, and either decide on further sanctions or close the case; and/or

- 7.25.4. A requirement for the Registrant to undergo further training in a specified area of practice, which is monitored by the relevant college or organisational member. A deadline for completion is set and a report required from the college or organisational member to confirm the training has been satisfactorily completed. The report is to be sent to the Case Manager who must circulate it to the Adjudication Panel, which must decide whether learning has been achieved, and either decide on further sanctions or close the case; and/or
- 7.25.5. A requirement on the Registrant for further (a) supervision or (b) therapy or both for a minimum length of time, to be specified by the Adjudication Panel, which must identify the goals to be achieved. The supervisor or therapist is to be selected by the relevant college or organisational member unless otherwise stipulated by the Adjudication Panel and the supervision or therapy must be monitored every six months by the college or the organisational member. At the end of the time period a report is required from the college or organisational member to confirm the supervision or therapy has been satisfactorily completed. The report is to be sent to the Case Manager who must circulate it to Adjudication Panel, which must decide whether learning has been achieved, and either decide to impose further sanctions or close the case; and/or
- 7.25.6. The making of a Conditions of Practice Order (CPO). A CPO is a means by which UKCP ensures that the quality of its Registrants is sustained. A CPO is limited for a maximum of 12 months. A CPO may include but is not limited to one or more of the following:
- i. to cease practising in a certain manner; and/or
 - ii. to practise under a specified supervision regime; and/or
 - iii. to be subject to audit or inspection; and/or
 - iv. to be subject to additional training or assessment; and/or
 - v. to undergo assessment and/or treatment by an appropriate registered health practitioner; and/or
 - vi. to provide independent reports on physical or mental health to the Case Manager and the Adjudication Panel.

- 7.25.7. Make a Suspension Order for a maximum of one year.
- 7.25.8. A direction that the Registrant's membership of UKCP shall be terminated and a direction to any organisational member to terminate the Registrant's membership.
- 7.26. Failure by the Registrant to comply with the imposed sanctions in 7.25 will result in the Case Manager making representations requesting the Adjudication Panel to consider further sanctions or make an order for termination of the Registrant's UKCP membership.
- 7.27. When the Adjudication Panel has made its initial decision under 7.25 both parties and any Complainant must be notified of the decision and the reasons for reaching it and where applicable any right of appeal.
- 7.28. The Adjudication Panel must state, in writing, the reasons for its decisions and its statements of reasons must be published according to the relevant UKCP policy.
- 7.29. In deciding the sanctions, the Adjudication Panel must ensure that any sanction imposed on the Registrant is proportionate having balanced the interests of the Registrant and the public interest.
- 7.30. Where an Interim Suspension Order is already in place at the time of the Adjudication Panel hearing, the Adjudication Panel will review and direct whether it should remain in place until the period allowed for lodging an appeal has passed. If an appeal is lodged, any Interim Suspension Order may remain in place until the appeal has been heard. If no appeal is lodged within 28 days of the decision, any sanctions imposed by the panel will come into effect automatically the following day.
- 7.31. If a sanction is such that the Registrant is required to cease practising, the Presenting Officer may request that an Interim Suspension Order be imposed at the end of the Adjudication Panel hearing, in accordance with clause 10 of this Process, to cover the appeal period. This is subject to the requirement that the possibility of such an Order being sought has been notified to the Registrant in advance of the hearing.
- 7.32. The Secretary must monitor the sanctions imposed and upon completion of the

sanctions notify the Case Manager, Adjudication Panel, the UKCP Registrar and the organisational member and/or college that the Registrant belongs to.

7.33. Where the parties are agreed that:

7.33.1. there has been compliance with the sanctions;

7.33.2. sanctions should be extended or varied and the terms are agreed;

the Adjudication Panel can review the case without the need for a meeting and can communicate its decision via the Secretary.

7.34. Where the Case Manager is of the opinion that the sanctions are not complied with and the Registrant has failed to submit a reasonable written statement of their failure to comply with sanctions to the Adjudication Panel, and this is not agreed by the Registrant, the Adjudication Panel may need to meet for a review to consider the matter, and should invite the parties to provide their submissions either in writing or orally (in attendance).

7.35. At a review, having considered the submissions of both parties, an Adjudication Panel may make any order under 7.25 as it considers appropriate and will give reasons for its decision.

7.36. Details of the decisions of Adjudication Panel cases will be published in accordance with the UKCP's Publication of Decisions Policy.

8. APPEAL

- 8.1. Either party (UKCP via its Registrar or the Registrant) has the right to appeal against a decision of the Adjudication Panel under 7.23 or 7.25. Appeals must be lodged within 28 days of the final decision being sent to UKCP and the Registrant.
- 8.2. The Complainant does not have a right to appeal against the decision of the Adjudication Panel. The Complainant can petition UKCP's Registrar to appeal against the decision of the Adjudication Panel, however, it is the UKCP's Registrar's decision whether UKCP should invoke the right to appeal. The UKCP Registrar may seek advice from the Case Manager, the Presenting Officer and/or the Professional Conduct Committee in relation to whether UKCP should lodge an appeal.
- 8.3. Documentation to support a request for an appeal must be accompanied by a brief statement/notice of appeal setting out the grounds and reasons for appeal as set out below.
- 8.4. The following shall be grounds of appeal:
- a) an alleged procedural irregularity or error which renders the decision unsafe;
or
 - b) the decision on sanction was unduly lenient; or
 - c) a piece of evidence that was not reasonably available at the time of the Adjudication Panel hearing and which may have had a material effect on the finding of the complaint was not considered.

The Registrant has grounds to appeal a decision on a sanction that they found or they believe was unduly severe.

- 8.5. For the purposes of para 8.4 (a), a procedural error or irregularity may have occurred if:
- 8.5.1. the Adjudication Panel has had regard to irrelevant considerations or has failed to have regard to relevant ones; or
 - 8.5.2. one or more persons of the Adjudication Panel were biased or apparently biased; or
 - 8.5.3. the Adjudication Panel has not provided an adequate statement of the reasons for their decisions.

- 8.6. An application for an appeal must be decided by an Appeal Panel Chair (who will be a lay person) appointed by the Secretary and selected from a list held by UKCP. The Appeal Panel Chair must have had no prior involvement with the complaint.
- 8.7. The Appeal Panel Chair will determine, within 14 days of receipt of the Appeal, whether permission to appeal should be granted and communicate his decision to the Secretary. The test for granting permission is whether one or more of the grounds are considered to be arguable. The Appeal Panel Chair may be assisted by a Legal Assessor if he wishes.
- 8.8. Where permission to appeal is not granted by the Appeal Panel Chair, the Secretary will notify the Registrant, UKCP Registrar, Case Manager and any Complainant and the matter will be deemed to be concluded.
- 8.9. Where permission to appeal has been granted, the Secretary will notify the Registrant, UKCP Registrar, Case Manager and any Complainant.
- 8.10. An Appeal Panel normally consists of three persons and will normally be assisted by a Secretary and an independent Legal Assessor.
- 8.11. The Secretary will convene an Appeal Panel from a list held by UKCP and the lay Chair can be the same Chair who granted the application to appeal. One person of the Appeal Panel must normally be from the same modality as the Registrant and one person must normally be from a different modality. The Secretary will provide the Registrant and any Complainant with the proposed composition of the Appeal Panel prior to the hearing. Registrants may object to a person on the Appeal Panel if they can satisfy the UKCP Secretary (who will seek the views of the Case Manager) that a fair-minded and informed observer would consider there to be a real possibility of bias; in such cases the Secretary will seek an alternative person. If the Secretary is not satisfied, the matter will have to be raised at the Appeal Panel hearing. An Appeal Panel person must have had no prior involvement with the complaint.
- 8.12. The party making the appeal must submit and circulate the appeal documentation to be considered by the Appeal Panel no later than 28 days before the hearing. The Respondent to the appeal may add their response to the appeal and any documents in response no later than 14 days before the hearing.

8.13. The burden shall be on the party making the appeal to satisfy the Appeal Panel that one or more of the grounds of appeal should be upheld and that decision being appealed was wrong.

8.14. Except where the Appeal Panel decides otherwise, the appeal hearing will proceed as follows:

8.14.1. the party making the appeal or his representative shall address the Appeal Panel on their grounds of appeal and direct the Appeal Panel to any relevant evidence;

8.14.2. the party defending the appeal or his representative shall respond to the appeal and direct the Appeal Panel to any relevant evidence;

8.14.3. the Appeal Panel may allow either party present an opportunity to make a closing submission with the person making the appeal being allowed to have the final word;

8.14.4. the Appeal Panel may then in private make its decision in relation to the appeal and may seek legal advice from its Legal Assessor; and

8.14.5. the Chair of the Appeal Panel shall announce the Appeal Panel's decision and reasons.

8.15. The Appeal Panel which decides an appeal can make the following decision:

- a) dismiss the appeal; or
- b) grant the appeal and (subject to rehearing any aspects of the case to the extent necessary) make any decision which the Adjudication Panel could make under clause 7 of this Process.

8.16. Any decision of an Appeal Panel shall take effect from the date specified by the Appeal Panel.

8.17. Details of the outcomes of Appeal Panel hearings will be published in accordance with the UKCP's Publication of Decisions Policy.

9. MEDICAL ASSESSMENT PROCESS FOR CONCERNS RELATING TO A REGISTRANT'S PHYSICAL OR MENTAL HEALTH

- 9.1. This process is available at any stage of the Complaints and Conduct Process.
- 9.2. Where an allegation appears to raise an issue regarding a Registrant's physical or mental health which could affect their practice, the Case Manager will invite the Registrant to attend an assessment with a medical practitioner appointed by UKCP at its own expense.
- 9.3. If the Registrant refuses to attend a medical assessment, the Adjudication Panel will be notified of the refusal and will take it into consideration when considering the Registrant's suitability to be on the register.
- 9.4. The medical practitioner will examine the Registrant and report on (a) his physical health or (b) his mental health or both, and its relevance to the Registrant's professional practice.
- 9.5. The Registrant is entitled to nominate other medical practitioners, at his own expense, to submit a report to the Case Manager or the Adjudication Panel (as appropriate) on his physical or mental health, which will be considered in addition to UKCP's medical assessor's report.

10. INTERIM SUSPENSION ORDER

- 10.1. The Interim Suspension Order process is available to be run at any stage of the Complaints and Conduct Process after a written complaint has been received by UKCP.
- 10.2. If a complaint suggests to the Case Manager, Professional Conduct Committee, or the Adjudication Panel that an Interim Suspension Order may be necessary for public protection, be otherwise in the public interest and/or be in the interests of the Registrant, the Case Manager or the Presenting Officer will request and make an application for an Interim Suspension Order.
- 10.3. An application for an Interim Suspension Order will be heard by an Interim Order Panel. An Interim Order Panel normally consists of three persons and will normally be assisted by a Secretary and may have the assistance of an independent Legal Assessor.
- 10.4. An Interim Order Panel will normally comprise two professional persons who are either psychotherapists or psychotherapeutic counsellors and a lay Chair and will be appointed by the Secretary selected from a list held by UKCP. The Secretary will notify the Registrant and the person making the application on behalf of UKCP of the time, date and venue for the Interim Order Panel hearing.
- 10.5. The application for an Interim Suspension Order shall be served on the Registrant in such time in advance of the Interim Order Panel hearing as may be reasonable in all the circumstances of the case.
- 10.6. The application for an Interim Suspension Order shall include a copy of the complaint or any information and state the reasons why an Interim Suspension Order may be necessary for the protection of members of the public, or is otherwise in the public interest, or is in the interest of the Registrant.
- 10.7. The Secretary will serve the application on the Registrant and the Interim Order Panel.
- 10.8. The Registrant must be given an opportunity to appear before an Interim Order Panel and submit representations before the Interim Suspension Order is issued.

10.9. The Interim Order Panel may make an Interim Suspension Order notwithstanding the absence of the Registrant, if the Interim Order Panel is satisfied that all reasonable efforts have been made to serve the Registrant with the application.

10.10. The request for an Interim Suspension Order will be determined by an Interim Order Panel or by the Adjudication Panel upon hearing representations from the Presenting Officer or the Case Manager and the Registrant.

10.11. The Interim Order Panel will deliberate in private and make and notify the parties of the following decision:

10.11.1. whether to grant an Interim Suspension Order;

10.11.2. the length of an Interim Suspension Order (maximum of 18 months);

10.11.3. the terms of the Interim Suspension Order; and

10.11.4. the arrangements for review of the Interim Suspension Order.

10.12. Orders should be reviewed by an Interim Order Panel:

10.12.1. as directed by the initial Interim Order Panel; and/or

10.12.2. shortly before the expiry of an existing Interim Suspension Order; and/or

10.12.3. in the event of a significant change of circumstances.

10.13. The Registrant's organisational member (if he has one) or the college (if the Registrant is a direct member) will be notified of any application for Interim Suspension Orders.

10.14. Details of Interim Suspension Orders will be published in accordance with UKCP's Publication of Decisions Policy.

11. RESTORATION OF REGISTRATION PROCESS

11.1. This process applies if a person whose UKCP membership has been terminated by a decision under the Complaints and Conduct Process wishes to re-register. It will apply when:

- 11.1.1. not less than three years has elapsed since the termination; and
- 11.1.2. the former Registrant submits a report to show what they have learned from the experience; and
- 11.1.3. the former Registrant submits a report from a UKCP-registered supervisor in favour of the re-registration.

11.2. The reports must be submitted to the Case Manager at the UKCP office.

11.3. The Professional Conduct Committee must decide on whether the former Registrant is re-registered and state its reasons in writing. The Professional Conduct Committee may accept and consider any written observations received from the Case Manager and shared with the Registrant.

11.4. A person seeking restoration can only make one application for restoration for registration in any 12-month period.

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