



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

**27 and 28 February 2023**

**7 and 8 December 2023**

**Online**

**Name of Registrant:** Philippa Donald

**Heard by:** Adjudication Panel

**Panel Members:** Catherine Hinton (Lay Chair)  
Hilary Brown (HIPC)  
Serena Jenks (CPJA)

**Legal Assessor:** Jon Whitfield KC, Doughty Street Chambers

**Panel Secretary:** Samara Watt (27 – 28 February 2023)  
Kat Zhou (7 – 8 December 2023)

**UKCP Presenting Officer:** Zahra Ahmed, 33 Bedford Row

**Registrant:** Present and represented by Nick Bonehill, 2 Bedford Row

**Allegations found proved:** 1a, 1b, 2, 3b, 5c, 6a, 6b, 6c, 6d, 6e, 6f, 6j, 6k, 6l

**Allegations found not proved:** 3a, 4, 6g, 6h, 6i

**Misconduct and impairment:** Found proved

**Sanction:** Written warning

**Allegations:**

That being a UKCP registered psychotherapist since 2003 you, Philippa Donald, (the Registrant):

1. At the request of Client C wrote a letter dated 1 May 2020 in which you:
  - a. Identified Client A and Client B by name;  
**Admitted and found proved**
  - b. Made recommendations regarding custody arrangements;  
**Admitted and found proved**
2. You knew or ought to have known that Client C intended to use the letter at 1 above in legal proceedings.  
**Admitted and found proved**
3. In respect of the letter at 1 above you failed:
  - a. to obtain legal or ethical advice prior to writing the letter;  
**Denied. Found not proved**
  - b. to obtain verifiable consent from Client A and/or Client B.  
**Admitted and found proved**
4. You failed to inform Client A that you had undertaken individual sessions with Client C.  
**Denied. Found not proved**
5. Your conduct at 1 – 4 above was:
  - a. Inappropriate and/or;  
**Denied. Found proved in respect of 1, 2 and 3b. Found not proved in respect of 3a and 4**
  - b. Unprofessional and/or  
**Denied. Found proved in respect of 1, 2 and 3b. Found not proved in respect of 3a and 4**
  - c. Breached client confidentiality.  
**Admitted and found proved**
6. The behaviours set out at 1 – 5 above are in breach of the UK Council Code of Ethics and Professional Practice 2019. In particular:
  - a. You failed to take responsibility for and respect Client A and/or B’s best interests when providing therapy, thereby breaching clause 1 of the Code;  
**Denied. Found proved**
  - b. You failed to treat Client A and/or Client B with respect thereby breaching clause 2 of the Code;  
**Denied. Found proved**
  - c. You failed to respect your Client A and/or Client B’s autonomy thereby breaching clause 3 of the Code;  
**Denied. Found proved**
  - d. You harmed Client A and/or Client B thereby breaching clause 6 of the Code;  
**Denied. Found proved**

- e. You failed to carefully consider possible implications of entering into dual relationship with Client A's ex-husband therefore breaching clause 8 of the Code;  
**Denied. Found proved**
- f. You failed to respect, protect and preserve Client A and/or Client B's confidentiality, thereby breaching clause 18 of the Code;  
**Denied. Found proved**
- g. You failed to safeguard the welfare and anonymity of Client A and/or Client B when any form of publication of clinical material is being considered and failed to obtain verifiable consent thereby breaching clause 19 of the Code;  
**Denied. Found not proved**
- h. Failed to notify Client A and/or Client B that there are legal and ethical limits to confidentiality, and the circumstances under which confidential information might be disclosed to a third part thereby breaching clause 21 of the Code;  
**Denied. Found not proved**
- i. Failed to obtain legal and ethical advice in relation to providing information for judicial or administrative proceedings, and as to the potential impact this could have on the commitment of confidentiality to the client, even when client consent is given, thereby breaching clause 22 of the Code;  
**Denied. Found not proved**
- j. You failed to recognise the boundaries and limits of your expertise and techniques thereby breaching clause 24 of the Code.  
**Denied. Found proved**
- k. You failed to report potential breaches of the Code of Ethics and Professional Practice by yourself to the relevant member organisation or UKCP, thereby breaching clause 37 of the Code.  
**Denied. Found proved**
- l. Your failed to act in a way which upholds the profession's reputation and promote public confidence in the profession and its members, thereby breaching clause 32 of the Code.  
**Denied. Found proved**

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

**Documents:**

The Panel had placed before it the following documents:

1. A principal bundle on behalf of UKCP amounting to 132 pages, hereafter referred to as C1;
2. A second bundle on behalf of UKCP amounting to 1 page, hereafter referred to as C2;
3. A skeleton argument on behalf of UKCP amounting to 12 pages, hereafter referred to as C3;
4. A principal bundle on behalf of the Registrant amounting to 7 pages, hereafter referred to as R1;
5. A second bundle on behalf of the Registrant amounting to 7 pages, hereafter referred to as R2;
6. Supplementary documents on behalf of the Registrant amounting to 12 pages, hereafter referred to as R3.

### **Preliminary Matters:**

7. The complaint was heard under the UKCP Complaints and Conduct Process 2017 (updated November 2020), and the Panel considered the alleged breaches of the UKCP Code of Ethics and Professional Practice 2019 (the Code).

### **Application for the hearing to be heard in private:**

8. On behalf of UKCP, Ms Ahmed applied for the hearing to be heard in private. Ms Ahmed submitted that the allegations referred to private matters including Client A's family life and proceedings in the family court and the health and welfare of Client A and her children.
9. On behalf of the Registrant, Mr Bonehill agreed with the submission.
10. The Panel accepted the advice of the Legal Assessor who outlined the balance to be drawn between the public interest in regulatory matters being heard in public and the private interest of parties and witnesses.
11. The Panel determined that the hearing should be in private.
12. The Panel recognised the public interest of transparency in the determination of serious regulatory complaints in a public forum however it considered that in this case there are private issues closely linked to the health and the welfare of Client A's family and individual family members. The Panel was of the view that the public interest was outweighed by these private interests and determined the case should be heard in private.

### **Opening**

13. Ms Ahmed opened by saying that Client A's complaint was first made in September 2021. Client A was concerned that the Registrant had breached confidentiality in respect of herself and **Client B**. During family-court proceedings Client A became aware that the Registrant had written a letter dated 1 May 2020 "To Whom it may Concern" and had made recommendations regarding custody arrangements. These had been used by Client C (Client A's husband) in the proceedings. Client A was also concerned that the Registrant was employed as a neutral family therapist, but she also acted for Client C as his therapist. The Registrant held 12 joint sessions but also 16 sessions with Client C alone. The Registrant

accepts she wrote the above letter and provided her opinion but does not accept she strayed beyond her professional remit.

14. Ms Ahmed then went through each allegation in turn. In respect of Allegation 1 she said that the letter dated 1 May 2020 breached confidentiality by naming both Client A and her daughter Client B who suffered anxiety as a result. The letter disclosed further confidential information concerning Client B's health. Ms Ahmed said that the Registrant accepted writing the letter. Regarding Allegation 2, Client A says that the letter clearly contemplated custody arrangements and the Registrant accepts she understood the letter would be used in legal proceedings. Ms Ahmed said that Allegations 1 and 2 should be found proved.
15. Turning to Allegation 3, Ms Ahmed said that Client A had no prior knowledge of the above letter until it was produced by Client C in family proceedings and thus Client A did not consent to it either expressly or by implication. Neither Client A nor B consented to being named in the letter. Ms Ahmed said that the Registrant accepts that she did not gain consent but thought that the need for this was overridden by her safeguarding concerns. Ms Ahmed submitted that the Registrant should have satisfied herself that the letter was appropriate given its significance, but she failed to consider legal or ethical advice before making recommendations regarding child custody arrangements.
16. Ms Ahmed then submitted that Client A had no idea the Registrant acted as Client C's personal therapist whilst at the same time acting as the family therapist. Client A says there were six sessions with her, 12 sessions with both her and Client C and sixteen sessions with Client C. The family sessions were ended following a dispute regarding care and contact arrangements following which Client C continued to see the Registrant. Ms Ahmed said Registrant accepted that she held individual sessions with Client C but denied there was a failure to inform Client A of this since she held individual sessions with both of them and this was normal practise and both parties were aware of this. Ms Ahmed suggested it was not clear how the Registrant engaged with Client C and Client A's contemporaneous correspondence with the Registrant evidences her frustration and confusion.
17. Having outlined the above alleged facts, Ms Ahmed submitted that the conduct was inappropriate, unprofessional, and breached client confidentiality. She repeated how the letter came to light and said this was haphazard and unprofessional and the content was

biased in favour of Client C. She said the Registrant had clearly formed an opinion in favour of Client C and had usurped the function of the Independent Social worker in the family proceedings. Ms Ahmed outlined the consequences of the letter upon the family proceedings and the efforts to redact the letter. Ms Ahmed said it would have been apparent to the Registrant that Client C would use the letter in the proceedings. She outlined the consequences of the letter on the health and welfare of the children and outlined the concerns regarding Client C's mental health and personality/demeanour. Ms Ahmed took the Panel to correspondence between Client A's solicitor and the Registrant regarding the letter. Ms Ahmed said that the Registrant denied acting outside her remit and asserted that she was qualified to speak on the welfare of the children however, she conceded that on reflection some elements of the letter should not have been included and she apologised. She said she was concerned for the welfare of the children and did not give due care and consideration to how the information in the letter may be viewed as a breach of confidentiality.

18. Finally, Ms Ahmed took the Panel to the paragraphs of the UKCP Code of Ethics and Professional Practice 2019 (the code) as set out in Allegation 6 a – i, submitting that these were breached by the Registrant's conduct.

## **Evidence**

### **Client A**

19. Ms Ahmed called Client A who adopted her statement and confirmed it to be true and accurate. Ms Ahmed then asked several supplementary questions. Client A explained that she and Client C needed a neutral person to find a way forward in their disputed family proceedings. They did not want to rely on friends or employ existing professional contacts. They wanted a neutral person who did not know them. Client A described a brief session at the start of events in which the Registrant said she would hold joint sessions as well as individual sessions with Client A and Client C. Client A said she expected some balance in how much the Registrant would talk to each individual. She only became aware of the number of individual sessions conducted with Client C when, as part of family proceedings in June or July, he submitted a letter provided by the Registrant. She said she was not informed prior to this and expected a balance in the times spent with each of them with records kept of this. Client A said she realised something was not right in February or March 2020 but did not know there had been that many sessions with Client C. There had been

twelve sessions together but sixteen with Client C alone without informing her – which was a surprise. Client A said she could not see how the Registrant could be regarded as neutral having conducted that many sessions with Client C. She said the balance of meetings was not discussed save in the first session when she and Client C had expressed the desire to employ a neutral person to make decisions for them or to help them make decisions. She said they made it clear what they wanted. She said Client C already had help from three other professionals (psychiatrist, psychologist, therapist) and did not need extra help from the Registrant. Up until June or July when she first saw the letter of 1 May she had no knowledge of what had occurred. Regarding her own individual sessions, she said they had been about her daughter, her son and about Client C.

20. In cross-examination Client A agreed that she had never said she was unaware of individual sessions. Rather she said she had not understood there would be group sessions and then some occasional individual sessions. She said she had had six individual sessions; she was not aware of how many Client C had had. Client A said the suggestion of an equal number of individual meetings was not discussed because the Registrant had been hired as a neutral therapist. She said that, at the time, she had not felt that she needed the Registrant to explain things that were not even on her (Client A's) radar because of the Registrant's status as a hired neutral person. She said they never discussed the number of individual sessions. She said she did not need a psychologist, but Client C had a personal therapist and two other healthcare professionals supporting him on issues of ADHD, depression, and anxiety. She and he had discussed using his psychologist because they would know his issues but then decided this might lead to them being one-sided, so they opted for a neutral person.
21. Mr Bonehill suggested that following her withdrawal from family therapy in March 2020 the Registrant contacted Client A to get her to return to the therapy. Client A denied that the Registrant called her. She agreed that the Registrant had emailed her describing it as the Registrant saying something like she was sorry that Client A was angry or upset and did she want to talk about it. Client A told the Registrant it had been dealt with through her lawyers. She said it was not her place to tell the Registrant whether she should see Client C or not. That was not her business, and she did not do so.
22. There were no questions from the Panel.

**Submission of no case to answer**

23. On behalf of the Registrant, Mr Bonehill submitted that there was no case to answer in respect of Allegation 4. He submitted that the charge was clear, namely that the Registrant “failed to inform Client A that [she] had undertaken individual sessions with Client C”. He submitted that there was no duty to impart this information and the UKCP should not seek to import other duties pleaded elsewhere. He submitted that whether Client A should have been aware that there were additional sessions afforded to Client C was not the charge and that the goalposts should not be moved. He reminded the Panel of Client A’s evidence that she was informed and therefore knew that there would be some individual sessions, she was not told how many individual sessions each client would have, and she had no expectations in that regard. When Client A left the family sessions, she did not consider it her place to ask to stop sessions for Client C or make inquiries about this.
24. On behalf of the UKCP, Ms Ahmed submitted that the duty was contained in Paragraphs 8, 14, 15 and 24 of the Code which covered the Registrant’s duty to communicate clearly, be aware of power imbalances, and to act within the remit of her competence. She submitted that it was incumbent upon the Registrant to make clear to Client A what the family therapy involved. Client A had a clear expectation and the Registrant had not been transparent with Client A in undertaking more sessions with Client C.
25. The Panel accepted the advice of the legal assessor which included that for there to be a failure there must first be a duty. The Panel should identify whether there was a duty to disclose and then consider whether there was any evidence that the Registrant had failed in that duty. He referred to Paragraph 7.16.3 of the UKCP Complaints and Conduct Process (November 2020) which provides that 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 and the familiar cases of R v Galbraith [1981] 1 WLR 1039, R v Shippey [1988] CLR 767 and R (Tutin) v GMC [2009] EWHC 553.

**Decision on no case to answer:**

26. The Panel determined that there was a case to answer in respect of Allegation 4.



27. The Panel first considered whether a properly directed panel could find there was a duty upon the Registrant to inform Client A of the sessions the Registrant had held with Client C. It concluded that such a panel may find that there was a duty by analysing Paragraphs 8, 14, 15 and 24 of the code and taking account of Client A's evidence. These sections of the Code provide as follows:

*Paragraph 8 of the Code requires a registrant to "Be aware of the power imbalance between the practitioner and client and avoid dual or multiple relationships which risk confusing an existing relationship and may impact adversely on a client. If a dual or multiple relationship is unavoidable, for example in a small community, take responsibility for clarifying and managing boundaries and protecting confidentiality."*

28. Paragraph 14 states that a registrant must *"Explain to a client, or prospective client, your terms, fees and conditions and, have information readily available to clarify other related questions such as likely length of therapy, methods of practice to be used, the extent of your own involvement, complaints processes and how to make a complaint, as well as arrangements for referral and termination of therapy."*

29. Paragraph 15 requires a registrant to *"Confirm each client's consent to the specifics of the service you will offer, through a clear contract at the outset of therapy. We do not specify a written contract but in the case of any conflict a clear written contract supports both the client and yourself. Help clients to understand the nature of any proposed therapy and its implications, what to expect, the risks involved, what is and is not being offered, and relevant alternative options."*

30. Paragraph 24 requires a registrant to *"Understand the limits of your competence and stay within them in all your professional activity, referring clients to another professional when appropriate. This includes recognising that particular client groups, such as children and families, have needs which not all practitioners are equipped to address."*

31. From these sections of the Code it is open to a panel to conclude that there is a specific and continuing duty upon the Registrant to clearly inform and manage the contract and the expectations between herself and both clients ('the contractual framework' between them). Paragraph 8 places the duty upon the Registrant to be aware of the power imbalance which can affect communications. This is especially the case if there is the prospect of a dual relationship where clarifying and managing boundaries and confidentiality is important. In

this case the potential for duality existed in the tension between what constitutes family therapy and what constitutes individual therapy. A panel would expect that to be made clear at the outset in accordance with Paragraph 14 which requires the terms and conditions of any contract to be explained by the Registrant including arrangements toward the end of therapy.

32. Paragraph 15 is more explicit, placing a duty upon the Registrant to obtain the consent of Client A and Client C to the specifics of the contract, which must be clear to be informed consent. Client A was clear in her evidence that her expectation was the Registrant was employed as a neutral party to assist the parties with a particular focus on the children. She understood there would be joint and individual contact with the Registrant, but she emphasised the neutrality of contact. In her evidence she implied that that is what she says she consented to.
33. Taking Paragraphs 8, 14 and 15 together it is open to a panel to conclude that there was an ongoing duty of transparency and clarity upon the Registrant in communicating the contractual framework between the Registrant and Clients A and C. That duty was an evolving one taking account of how the contractual framework and relationships continued. Until there was a clear termination of the family therapy contract, the Registrant had a duty to all parties to keep them informed as to the agreed framework of the sessions. This framework should have outlined the ongoing arrangements regarding confidentiality and neutrality and if/how they remained agreed.
34. It is open to a panel to consider that neutrality and the appearance of neutrality was to be maintained at least in part by equality of contact in the number of individual sessions. If there was an imbalance in contact such that neutrality or the appearance of neutrality could no longer be maintained, transparency required that this be explained to Client A and Client C from the outset. If a significant discrepancy in the number of individual sessions occurred such that neutrality or the appearance of neutrality was not maintained, transparency would have required that this be communicated at the time or reasonably soon after the event so that each Client was clear as to what they had consented to, what matters were private to their individual sessions and what was in the family domain.

35. In March 2020, Client A withdrew from the family therapy. However, it was not clear that the contract was terminated, nor was there any clarification as to the way forward, if any, with Client A. The Panel was of the view that a panel may, in the absence of clarification, find Client A remained the Registrant's client. Thereafter, it is not clear if the Registrant saw Client C as part of continuing family therapy or as an individual client. It is open to a panel to conclude that at this point the Registrant should have explained to Client A that she was seeing or had seen Client C so that Client A may give her informed consent to the continuation of the family therapy if she so wished. Alternatively, the Registrant should have informed Client A that Client C was now a sole client, in which case, the family therapy contract would have been concluded.

36. Likewise at the point the letter was written on 1 May 2020 it is open to a panel to conclude that Client A remained a client and should have been informed of the contact with Client C in family therapy or, that he was now the Registrant's sole client and had had contact as such. It is open to a panel to conclude that to meet the Registrant's duty to explain the workings of the contract and maintain informed consent to its execution, she should have explained how neutrality and the appearance of neutrality was to be maintained and to advise where this was no longer the case.

## **Evidence**

### **The Registrant**

#### **Evidence in chief**

37. The Registrant adopted her witness statement dated 31 January 2023 and confirmed it was true to the best of her knowledge and belief. She said that she qualified in 1996 and further qualified in 2007. At first, she was in an academic position in a small practice, but she then worked with triaging young persons in psychiatric wards following section under the Mental Health Act. After this she moved into private practice. She said she worked on the UKCP 2017 and 2018 protocol and guidelines on safeguarding, she was chair of the committee that produced these. Prior to this there was no safeguarding guidance for children or psychotherapists. She said the guidelines had not been changed since then.

38. The Registrant said she started as a family therapist in 2019 and Client A's family came to her asking for guidance around managing a difficult breakup, in particular how to manage

the child custody arrangements. The focus was on the children and keeping them in mind. She said she explained that as a systemic family therapist she would work with the adults and the children over a mix of sessions, some together, some individual with each adult and the children. She could not say how many sessions she advised they would have but nothing was said regarding the equality of numbers of sessions for adults (“no absolutely not”) since the emphasis was on the children. She said equality of numbers would not be normal anyway since one dealt with issues as they arose. It was common to do couple sessions then some solo sessions then back to joint sessions. She said there would frequently be more sessions for one party, child or parent, depending on what was going on.

39. The Registrant described Client A disengaging as the sessions were difficult and neither Client A nor Client C were happy, they were confrontational. She said she tried to keep the email chain between them going as therapeutic feedback. This was mentioned in the email chain. The first moment she knew of Client A’s wish to withdraw was in an email. She tried to engage her, but Client A declined. She said after this there were sessions with Client C. She never thought of him as an individual or sole client. That was a different type of work, and he had his own psychiatrist and psychologist. She said she had been asked to help with the breakup and Client C wanted to continue so she continued in her work as systemic family therapist looking at his role as a father and protecting his relationship with the children. She said she continued the process she was engaged to undertake. She held Client A in mind, but it wasn’t about her or him but about the children and how to help them through the process.
40. After Client A withdrew the Registrant said she thought Client A knew she saw Client C. It was in the email chain which she remained party to and continued to discuss the children. The Registrant said she did not feel obliged to tell Client A she was seeing Client C because she thought she knew and there were conversations about her rejoining. The project had not ended. She said there was no change in the relationship with Client C, all settings were family based and around the needs of the children.
41. Regarding the letter dated 1 May 2020, she said that she did write and send it. She had growing concerns about the children, particularly around Christmas, and the very difficult exchanges between Clients A and C. Client A stepped back and stopped contact with Client C over Christmas. She wanted to take the children out of the UK, and they wanted a relationship with their father. She said she tried to engage Client A and had serious concerns

over the children's relationship with their father. She said she could not now recall clearly but she wondered how to raise her concerns with the court when Client C spoke of it. She said she had sought supervision and her concerns had been continuing for some weeks. She felt the children were being 'weaponised' and spoke to her supervisor. She said she did not seek legal advice. She had experienced such a situation before; indeed it was common. She said that in hindsight she should have sought advice but at the time she thought it was clear. She described taking the situation to supervision saying it was explosive and confrontational and her concerns regarding the children. She sought advice on how to work with the family. She said nothing was factually incorrect in the letter but that the solicitors [REDACTED] [REDACTED] were unhappy with it. The judge in the family proceedings accepted the letter with some redactions.

42. Regarding Allegation 5c the Registrant agreed she had breached client confidentiality. Regarding Allegations 5 a and b (inappropriate/unprofessional) she said she considered the guidelines and had grave concerns for the wellbeing of the children. She felt strongly it was not in their interests to be removed from the UK and for contact with their father to be denied. She said there were three avenues: go to the local authority which was the most brutal and unkind way of dealing with this, go to the court, or go to the social worker. She knew of the court process and the fact there would be an independent social worker who would be the right person to notify. She said she tried to use the court/social worker avenue.

### **Cross examination**

43. The Registrant said that she saw her supervisor as documented in the bundle. She agreed in hindsight that it would have been helpful to attend courses when she started private practice. She said that when she wrote the letter of 1/5/2020, safeguarding the welfare of the children was uppermost in her mind and considered it a reason to over-ride confidentiality. She agreed it would have been helpful to have legal advice at the time and she could have drafted the letter in a 'less problematic way'. At the time she said she had undergone 16 sessions with Client C over 18 months. She struggled to see why Client A was surprised, indeed she was quite taken aback because Client A knew the sessions continued. She, the Registrant, was doing what she had been asked to do, including addressing some issues which Client A had specifically asked her (the Registrant) to cover with Client C. She said a lot of the 16 sessions were at Client A's behest and it was all disclosed in the email chain. She said she kept the email chain going because of the difficulty in the case. She said

simply looking at 6 or 16 sessions might look odd but there was a lot more going on and more records of this including dozens of emails around the sessions going back and forth. The Registrant conceded that Client A says she feels unsupported or frustrated but she knew the Registrant was seeing Client C and she invited her to return to therapy. The Registrant said in any event there were clear terms and conditions so she knew from the beginning who the Registrant would see, and the email chains showed what was happening. The Registrant said it was not normal to have an explicit agreement for every meeting but with hindsight maybe she should have done but since there were dozens of emails and other written confirmation, this did not seem necessary.

44. Concerning the letter, the Registrant said she knew its purpose and she raised the issue, it was not requested by Client C. She did not agree it favoured Client C, it recommended a 50/50 split of contact with the children. She said she described Client C as a parent with a right to access/contact on the same basis as Client A. She said it was supportive of Client C in that Client A was saying he should have no contact due to his mental health and that was not right. Client C's mental health was not the issue, it was Client A's attitude towards this. Client C had worked hard to try and deal with his mental health and how it impacts on the children, which is what Client A asked her to do.
45. The Registrant confirmed that she had conceded she broke confidentiality in sending the letter, and that in hindsight it would have been better to get more advice. She agreed it would have been better not to disclose personal information. She said she had seen a lot of contentious things in the sessions that were not disclosed. She said she did not consider reporting her difficulties to the UKCP at the time because she regarded them as safeguarding concerns. She did not accept that the letter 'closed down' the family proceedings; she said Client C had a right to access his children and she was not sure he would have that. She felt the social worker would have investigated, which is why she contacted the court for this to occur. She could not contact the social worker directly.
46. The Registrant was taken to p102 of the bundle (C1) and confirmed that she had spoken to the children several times, so she was informed as to what they wanted. Client A had wanted her to speak to the children with a view to them choosing between the parents, but the Registrant refused to facilitate this on ethical grounds. The Registrant said her letter represented the feelings of the children. She was aware that Client B was above the age of

consent and could decide what contact she wanted. She said Client C was 'devastated' at not seeing his eldest daughter and much of the work had been in supporting him through this and helping the daughter with her own problems. The Registrant said that what was not clear from the UKCP bundle was the pressure that Client A exerted on the children to say what she (Client A) wanted them to say.

47. The Registrant said that she had been employed as an experienced family therapist to help guide the family through a breakup. Her advice and guidance was that the children needed support and contact with both adults. In contacting the social worker (see p103 of C1) she said she was concerned about Client A's state of mind but went no further to protect her confidentiality. She said she did 'step back and seek advice in supervision' and she kept trying to engage with Client A. She said in hindsight she wished she had taken legal advice. She said she was made aware the letter was redacted in the family proceedings but not what the redactions were. She said at the time the family and the children were at the centre of her thinking and of the letter. She said the family was her client and she did not think of them as individuals, but Client A did not want to be part of the therapeutic conversations.
  
48. Ms Ahmed took the Registrant to section 8 of the Code (re: power imbalance), her letter and the response by [REDACTED] solicitors and whether she had reflected on this. She said that she realised Client A was not happy with the content of the letter, but Client A had never been interested in a 50/50 split or shared parenting. She said there was no dual relationship, Client A was included throughout the process. The parents had asked her about child-arrangements and Client A was not happy with what she had said because she wanted sole custody. She said she had reflected on the solicitor's letter and said she had not put in the letter anything that Client A had said during treatment sessions, so she had not breached therapy confidentiality. She had sent it to a 'closed' court and although it was clear who it was about, she thought she was justified in sending the letter to safeguard the children. The letter set out her concerns that the children had a right to a relationship with their father and they were being weaponised and repelled from their father who was being demonised. She said all the children wanted increased contact and she had sent matters out in a non-contentious way based on what she had seen, which was that during all the sessions there was no evidence that he was harmful and should not see the children.

49. The Registrant said she was putting forward an expert opinion supportive of him seeing the children. She said it was information that was relevant to the court case and custody, and she had written with knowledge of the family. She said if the judge had refused to admit the letter that would be fine but at the time, she had naively thought she was being helpful. She now realised she was not. Regarding Client C's mental health and ADHD, Client A had asked her to look at her concerns over this, how it affected him and his relationship with the children, and what he understood of it. She said having undertaken the work her professional opinion as a highly trained family therapist was that his mental health did not prevent him from having contact with the children.
50. Ms Ahmed next took the Registrant to paragraph 14 of the Code (clarity in communication). The Registrant said it would be impossible to break down what each therapy session would involve, instead there were detailed terms and conditions and explanations. She said therapy did not work by setting things out in advance. She said Client A had spoken to the Panel about the first conversation they had had, and she clearly understood how the therapy would go. There were clear channels of communication and extensive emails surrounding every session.
51. Turning to paragraph 24 of the Code, the Registrant said she did not write the letter as an expert witness, but she did consider it was appropriate and professional to write it. She said she understood the upset the letter had caused and she was sorry. She also said that safeguarding was very difficult and keeping children at the centre of therapy was also difficult. She said this is a very good example. She said she had thought many times since that she would not do this again, but she was worried for the children and considered that she would have lacked integrity if she had ignored her concerns. She said the dilemma was choosing between two principles but sometimes one had to do the more difficult thing and it was hard to stick one's head above the parapet. She said if a professional had concerns over children they should not be swept under the rug. She said that she 'completely agreed' that she could have done things better and with more finesse.

#### **Panel Question**

52. Regarding the client Terms and Conditions, the Registrant said it was a two-page contract sent to all clients and they have to read and sign that they have read it. It sets out fees, how it works, cancellations and so on. There is an introduction and assessments, so everyone had



a clear understanding. She said there was also an email chain between Client A, Client C and herself. Clients A and C could both make comments or provide thoughts. It was facilitated and led by the Registrant, but they put the content including after the solo-sessions and they both used the email chain extensively.

53. When asked about the supervision, the Registrant said that she undertook peer-supervision when working with the family and when dealing with the complaint. She also spoke to PM [REDACTED] her individual supervisor.

54. In looking at the issues of confidentiality and safeguarding, she said there was a legal obligation to inform the appropriate agency if there was a crime. Her concern was that Client A wanted to take the children out of the UK and that was sufficiently serious to break confidentiality. She said there was no safeguarding lead in her organisation at the time. The appropriate agency would have been the local authority and if the court proceedings had not been ongoing, she would have spoken to the family about going to the local authority about this and other concerns such as Client A withholding treatment from her daughter. She felt that contacting the court was the most appropriate and supportive way of raising her concerns since the family would have a whole team around them. Contacting the local authority would be wholly disruptive and they knew nothing. She said she understood if this was not regarded as right but at the time, she thought it would be the least disruptive action. She did not consider talking to the police but would have done so if her concerns had increased. In one session, Client A had threatened to take the children out of the UK to [REDACTED] and [REDACTED] and there was a court order that neither parent could remove the children from the jurisdiction. Had she thought that Client A would breach the court order she would have contacted the police. As it was, she was sufficiently concerned to contact the court. In 30 years of practice, she had never done this before. She said she wrote to the court for the court to consider. She agreed the letter did not read 'neutrally' but her intention was to support the children seeing their father. She said she understood it was upsetting for Client A, but she was trying to be fair and had suggested joint custody having every reason to believe that Client C was a good parent. She said that listening to the proceedings she understood why others considered it outside her remit but at the time she had well evidenced concerns based on clinical expertise and at the time she thought it would be helpful for the court to hear of this. She said that 'now, my view is I was naïve, and it is more

complicated. If I was in the same position again, I would take advice on what to do and how to do it.'

55. The Registrant said that prior to working in private practice she had worked on a psychiatric ward and perhaps she had become 'evangelical' about the disadvantages and lack of rights for people with mental health issues. She said, 'maybe I was too much in that perspective' and had not stepped away from that context as she had now. She said it would have been helpful to have more resources about how and when to break confidence or offer an opinion. She said she did what was required of her, but it had consequences.
56. Regarding the letter, the Registrant said she did not mention it in the email chain since it was some time after Client A had withdrawn and she was thinking of the children. She said her concerns crystallised in December 2019 and the letter was May 2020. In the period between, there was a lot of email traffic and she raised concerns with both Client A and Client C but Client A decided not to be part of the process in March. She tried to address this with the whole family and also took her concerns to supervision. She reflected on that supervision from March to May. She said she had considered raising safeguarding with the school social worker, but Client C had already done this. She said she went to supervision, discussed matters with the head of her agency, she knew the school knew and was aware of the court case. She said that 'going in with an atom bomb' was the least helpful thing to do although she would go to the police if needed. She said, 'in the moment it is very difficult to get it right' and know what to do for the children. She said her thinking was not that the children's lives were in danger, but they were at risk of significant psychological harm and her chosen route was the least disruptive and most supportive. She thought informing the court was the best and least disruptive way to act. She did not know what the better course would have been with this particular family. She said she knew the court social worker was tasked with considering custody and felt she was the person to whom she should address her concerns.
57. When describing Client A's knowledge of the Registrant seeing Client C in solo-sessions, she said that it was her understanding Client A was aware of these and they were in the email chains and the two were still living together. She said they lived together and there were therapeutic letters/emails that contained the therapeutic conversation with Client C, so she assumed Client A knew.

## Submissions

### UKCP

58. Ms Ahmed adopted her written submissions. She added that the context of the letter was the Registrant had been engaged as a neutral person to help establish a way forward. She said it was clear that Client A had not been told Client C was having private sessions. The issue was not that they were not therapeutic, but that the Registrant could have explained the apparent imbalance in numbers. She said the letter came about as Client A sought to take the children to [REDACTED]. It was not neutral, nor did it strike a balance, rather it was positive toward Client C as highlighted by the solicitors. Ms Ahmed said the letter was also troubling because it was not addressed to a specific person but 'to whom it may concern'. It read as an open letter despite the being confidential and appeared to be written as an expert. She said there was a duty on the Registrant to seek legal advice. There was a dispute between the parents about the children going to [REDACTED] and there was an independent court process. She said the letter had no place in this. It caused distress to Client A, Client B, and the other children. Client A's distress was evidenced by withdrawing from the family therapy. She said the letter was in an inappropriate form. It breached the Code and neither Client A nor Client B's voice was apparent in the letter. The letter did not set out what was said to be an overriding safeguarding concern. Ms Ahmed said that seeking legal advice may have protected the Registrant but instead she breached multiple parts of the Code.

### The Registrant

59. Mr Bonehill started his submission by saying that it was not easy to make judgement calls in dynamic situations. He submitted that to her credit the Registrant had accepted she was not 100% correct in what she did, but the Panel should look at the matter as it was then. The Registrant sent the letter, the only time she had done so in 30 years and she now regretted this. He said the case was not an issue of terms and conditions in a contract but concerned all the circumstances.

60. Regarding Allegation 4, Mr Bonehill submitted the family therapy included sessions with some or all of the family. There was nothing said or in writing to suggest there would be an equal number of sessions and Client C had more sessions because Client A had asked for specific issues regarding Client C to be covered. Therapy concerned the children and it continued to do so even after Client A had withdrawn. There was no duty upon the

Registrant to tell Client A of the single sessions but in any event she knew. Mr Bonehill submitted it would be ludicrous to suggest that if one party decides not to play ball then the whole system fell apart. It would not be right that if Client A decided not to see the Registrant, no one else could. He said that efforts were made to re-engage Client A.

61. Regarding Allegation 3a, Mr Bonehill submitted it was wrongly worded. There was no duty to obtain advice and thus no failure in the terms alleged. The duty was to 'consider' and the Registrant did seek ethical advice and engaged supervision. He submitted the Registrant was an expert in the area and was part of the committee that produced the guidelines now used against her. He said the guidelines were not a step-by-step and each case was different. There was, he said, a four-stage process of being aware, an initial response, thinking then acting and that is exactly what the Registrant did. Initially she had dealt with issues in the sessions, and she thought long and hard about it as the Code suggests. She then made a judgment call. She could have 'gone nuclear' by calling the police or local authority safeguarding team but she took the measured, non-sensationalist approach to the information at the time. Mr Bonehill said that the Registrant conceded she had broken confidences but that the Family court did not decline or refuse to use the letter, rather it remained before the court. It did so because it was potentially probative, and the court could give it weight. The majority of the letter was in court. He said that neutrality was not the issue and in any event the Registrant said she was not commenting on Client A's ability as a parent. Rather the Registrant had provided information in an unsensational way that the Registrant felt should be before the court when considering the welfare of the children. It was, he said, trying to correct views that may have been incorrect. Mr Bonehill said the guidelines highlighted ten different actions, and there had to be scope within them to deal with each individual case.

62. Mr Bonehill submitted that the Registrant had not acted inappropriately or unprofessionally. He said that when considering Allegation 6 the Panel would observe that there was a lot of cross-over, but he said there was no ethical dimension to this case and the Registrant was 'nowhere near' the alleged breaches.

#### **Determination of Facts:**

63. The Panel considered all the documentary evidence before it and heard oral submissions from Ms Ahmed on behalf of UKCP and Mr Bonehill on behalf of the Registrant. It accepted the advice of the Legal Assessor.

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

**Allegation 1:**

At the request of Client C wrote a letter dated 1 May 2020 in which you:

- a. Identified Client A and Client B by name;
- b. Made recommendations regarding custody arrangements.

**Both the above were found proved based upon the Registrant's admissions**

**Allegation 2:**

You knew or ought to have known that Client C intended to use the letter at 1 above in legal proceedings.

**Found proved based upon the Registrant's admissions**

**Allegation 3:**

In respect of the letter at 1 above you failed:

- a. to obtain legal or ethical advice prior to writing the letter;

**Not proved**

65. The Panel proceeded upon the basis that since the Allegation stated the Registrant had failed to obtain legal or ethical advice there must first be a duty on her to do so. The UKCP relied upon Paragraph 25 of the Code, however, this only requires a registrant to consider advice it does not impose a duty to do so.

66. The Panel found that the Registrant did seek guidance and support by way of supervision regarding her professional relationship with the family albeit it was questionable whether that supervision was adequate for the circumstances in which she found herself. However, she did not take the letter itself to supervision nor did she, for example, discuss an anonymised draft with someone independent who could challenge her desire to speak up for Client C.

67. Whilst it was the view of the Panel that the Registrant could have done more to get advice before acting as she did there was no duty upon her to do so and thus no failure in the way suggested by UKCP. As such the allegation was not proved.

- b. to obtain verifiable consent from Client A and/or Client B.

**Found proved based upon the Registrant's admissions**

**Allegation 4:**

You failed to inform Client A that you had undertaken individual sessions with Client C.

**Not Proved**

68. The Panel was of the view that Client A did understand what was occurring. Whilst the Registrant could have clarified matters further, the Registrant's terms and condition state at

paragraph 12.2 that there will be joint and individual sessions. There was no necessity for this to be reiterated and the Panel concluded it would not have been helpful for the Registrant to contact Client A to specifically say she was having sessions with Client C.

69. Whilst to some extent the Registrant may have assumed Client A knew that she was seeing Client C, there was an email chain to which both Client A and Client C contributed. It was clear that despite Client A withdrawing the family therapy continued with other members of the family

**Allegation 5:**

Your conduct at 1 – 4 above was:

- a. Inappropriate and/or;  
**Found proved in respect of Allegations 1a, 1b, 2 and 3b**
- b. Unprofessional and/or  
**Found proved in respect of Allegations 1a, 1b, 2 and 3b**
- c. Breached client confidentiality.  
**Found proved by way of Admission**

70. The Panel noted that there were some contradictions in the case presented by the Registrant. She said she was experienced but also that she acted naively. She said she was sufficiently concerned about matters to write the letter and breach client confidentiality which is a serious step to take. However, she was not sufficiently concerned to inform the appropriate statutory authority in the recognised formal way. She said in her evidence that she would not act in this way again but still considered what she did was right. The Panel noted the observation made by Ms Ahmed that the Registrant may have been ‘drawn into’ acting in the way that she did. The Panel considered this to be likely in what was by any measure a difficult situation. The Registrant was also unlikely to be assisted by the nebulous nature of the guidelines. They necessarily have a wide ambit and allow for professional judgement but this is where it would have been helpful for the Registrant to obtain further guidance, advice and challenge from others.

71. When considering the accounts of Client A and the Registrant it became clear to the Panel that the situation was not black and white but developed over time. The Panel found Client A generally attempted to answer questions. Her outrage about the letter and her confusion about the status of the solo sessions with Client C appeared genuine. However, the Panel rejected her assertion that she did not know of the sessions with Client C. These were mentioned as likely in the original terms and conditions and were clearly continuing from

the emails. What was more likely was that she did not know of the letter, she felt manipulated, and this catapulted her into quite extreme feelings over all the events.

72. As regards the Registrant, as the case became more contentious the duty upon her to maintain neutrality became central to her professional position and she should not have interfered in the court proceedings as she did, however well-meaning her intentions. She remained as the family therapist when Client A withdrew, and she could perhaps have communicated better so that Client A could fully understand the position regarding Client C. The Panel noted that she accepted she had made mistakes albeit she maintained her reason for acting as she did, namely the children's interests. In this respect the Panel considered there was some lack of insight into her own actions and a somewhat 'evangelical' view of doing the right thing for someone with mental health issues. The Panel was of the view that she did get 'sucked into' helping Client C rather than providing a more balanced view. He already had professional support in relation to several aspects of his mental health. In so doing she dismissed advice from others, the guidance, and the statutory agencies. She seemed to have a low opinion of the statutory agencies and the way they were functioning at that time. There was an arrogance to her dismissal of them as they are the only appropriate route through which she could have made her concerns known. The Panel was of the view that the Registrant's evangelism may have attached to both Client C and the children, and her objectivity was lacking at the point where she decided to send the letter through an unauthorised route.
73. The Panel was of the view that the letter was inappropriate and unprofessional. In so concluding, the panel considered the tone and content of the letter, the way it had come about at Client C's request, the way it had been addressed in a non-specific fashion as opposed to a named individual, and the way that it had been provided without limitation as to its use and without notice given to both parties and their legal representatives. The contents of the letter breached confidentiality and revealed a bias in favour of Client C asserted in the form of a professional opinion. It was obvious that Client C intended to use it in the court proceedings. The Registrant was aware that Client A would react adversely to the letter. It was sent without discussion in supervision or without consultation with any other individual advisor. The Registrant bypassed the statutory process for raising safeguarding concerns. The panel noted that the Registrant made contact with the Independent Social Worker (ISW) disregarding the authorised route and when told she could not speak to the ISW, rather than reconsidering and withdrawing her letter, she carried on.

74. The Panel was of the view that breaching Client A and Client B's confidentiality was a serious error. Confidentiality is a central tenet of the profession covering both the fact of therapy and what is said in that therapy. The Registrant's breach of Client A and Client B's trust was significant and, by providing an opinion on custody-related proceedings, she acted outside her remit. Sending the letter addressed 'To Whom it may Concern' reinforced the inappropriateness of the letter. It has no boundaries to it, yet it contained private and confidential information. The panel was of the view that the content and potential significance of the letter had not been properly thought through by the Registrant. The Registrant was engaged to facilitate a space for family discussion but, in writing as she did, she undermined her own neutrality and that safe family space. She may have done this with the aim of protecting the children through the court proceedings but that was not her role. There is a statutory process for this, which includes the provision of independent advocacy for the children.
75. In considering the impact and seriousness of the Registrant's actions the Panel was of the view that a registrant with 30 years' experience, faced with a difficult case, may be expected to recognise that difficulty, make appropriate decisions, and seek appropriate and expert advice. Had the Registrant taken that advice, it would doubtless have included whether her letter was helpful, if so, what its contents should have been, and whether her proposed breach of confidentiality was justified or not. Rather than doing so and/or engaging with the agencies in place she did little and took it upon herself to act as she did. As a profession, we are committed to using the formal channels set in place to safeguard children and vulnerable adults, and not to operate outside of those frameworks.
76. Having reviewed the case as set out above, the Panel was of the view that Allegation 5a and b were each proved in respect of Allegations 1a, 1b, 2 and 3b.
77. The Panel then went on to consider each of the elements in Allegation 6 and the sections of the Code mentioned therein

**Allegation 6:**

The behaviours set out at 1 – 5 above are in breach of the UK Council Code of Ethics and Professional Practice 2019. In particular:

- a. You failed to take responsibility for and respect Client A and/or B's best interests when providing therapy, thereby breaching clause 1 of the Code;



**Found Proved.**

Looking after/taking responsibility for/respecting Client A and/or Client B's best interests required the Registrant not to write the letter in the way she did with the content it contained. The letter did not deal with Client B's best interests and it marginalised Client A by placing her as a footnote. Not taking advice or adequate supervision also meant that the best interest of both clients was not respected.

- b. You failed to treat Client A and/or Client B with respect thereby breaching clause 2 of the Code;

**Found Proved.**

The Panel adopted the reasoning in 6a above

- c. You failed to respect your Client A and/or Client B's autonomy thereby breaching clause 3 of the Code;

**Found Proved.**

The Panel concluded that the Registrant did not respect Client B's autonomy when she said that she did not want increased contact with Client C. She did not respect Client A's autonomy by informing her of her opinion so that Client A could respond. In addition, the Registrant made certain assumptions regarding Client A's engagement after she had stopped attending the joint sessions. The Registrant's failure to clarify the situation for Client A adversely impacted Client A's autonomy.

- d. You harmed Client A and/or Client B thereby breaching clause 6 of the Code;

**Found Proved.**

The panel found that the Registrant's actions harmed Client A in that it caused her distress when she learned of the letter during court proceedings. In addition, it added to Client A and Client B's anxieties and had the potential to add to legal costs. It interfered with the court process and Independent Social Worker's position. The emails also refer to confidentiality when the letter was plainly not treated confidentially. The letter had the potential to affect the children's future and family relationships in consequential ways.

- e. You failed to carefully consider possible implications of entering into dual relationship with Client A's ex-husband therefore breaching clause 8 of the Code;

**Found Proved.**

The Panel found that by writing the letter supporting Client C the Registrant was no longer acting only on behalf of the family, that is all of them. The letter was to his advantage and disadvantaged Client A. In addition, by not clarifying or restating the framework of reference after Client A disengaged the Registrant did not manage the boundaries of her practice or protect client confidentiality as regards Client A.

- f. You failed to respect, protect and preserve Client A and/or Client B's confidentiality, thereby breaching clause 18 of the Code;

**Found Proved.**

The panel regarded this failure as implicit in the admission made by the Registrant.

- g. You failed to safeguard the welfare and anonymity of Client A and/or Client B when any form of publication of clinical material is being considered and failed to obtain verifiable consent thereby breaching clause 19 of the Code;

**Found Not Proved.**

The Panel did not consider the letter to be a publication within the ordinary meaning of that word it therefore dismissed this allegation

- h. Failed to notify Client A and/or Client B that there are legal and ethical limits to confidentiality, and the circumstances under which confidential information might be disclosed to a third part thereby breaching clause 21 of the Code;

**Found Not Proved.**

The Panel noted that the Registrant's terms and conditions do advise that there are legal and ethical limits to confidentiality. They are similarly referred to in the emails. The problem in this case is not that the Registrant failed to communicate the limits, it is that she did not abide by them.

- i. Failed to obtain legal and ethical advice in relation to providing information for judicial or administrative proceedings, and as to the potential impact this could have on the commitment of confidentiality to the client, even when client consent is given, thereby breaching clause 22 of the Code;

**Found Not Proved.**

The Panel dismissed this allegation since Clause 22 does not impose a duty to obtain advice and there was thus not a failure in the terms alleged by the UKCP.

- j. You failed to recognise the boundaries and limits of your expertise and techniques thereby breaching clause 24 of the Code.

**Found Proved.**

The Panel found that the Registrant made recommendations as regards the custody arrangements in family proceedings. As such she acted beyond her remit. She failed to recognise that she should have consulted with the statutory agencies, and with her own supervisor, about drafting the letter and before sending it. She did not follow the proper channels for safeguarding children. She was no longer impartial and failed to recognise the boundaries of her role in family therapy.

- k. You failed to report potential breaches of the Code of Ethics and Professional Practice by yourself to the relevant member organisation or UKCP, thereby breaching clause 37 of the Code.

**Found Proved.**

The Panel regarded the letter from **the solicitors** as putting the Registrant on notice that she may have breached the Code. That being the case she could have withdrawn the letter and contacted her regulator to self-disclose a potential breach, but she did neither.

- l. You failed to act in a way which upholds the profession's reputation and promote public confidence in the profession and its members, thereby breaching clause 32 of the Code.

**Found Proved.**

The panel adopts the reasonings set out above and reiterates that confidentiality is a core tenet of practice. Clients and the public should feel confidence in the process, particularly in contentious family matters. This was exacerbated by the Registrant providing reassurance and more so in the 25 June 2020 email which is misleading and compounds the lack of professionalism. She told the clients that she would inform them if she breached confidence, but she did not.

78. In making the above findings the panel took account of all the facts found proved, the submissions made by Ms Ahmed, Mr Bonehill and the advice of the Legal Assessor. The Panel noted that it was not bound only to consider those breaches of the Code as alleged by the UKCP but should consider the entirety of the Code.

79. In total, the Panel found **9 breaches** of UKCP's Ethical Principles and Code of Professional Conduct proved as set out above. The Panel noted that there is a degree of overlap between several of the codes and breaches.

#### Determination on misconduct

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

81. In accordance with rule 7.23 of UKCP's Complaints and Conduct Process, the Panel then went on to consider the question of misconduct. In addressing this question, the Panel considered all the relevant information before it.

82. Ms Ahmed on behalf of UKCP and Mr Bonehill on behalf of the Registrant adopted their written submissions.

83. Ms Ahmed invited the Panel to conclude that the facts found proved did constitute misconduct. The Panel had found nine breaches of the Code of Ethics, including a breach of Client A and Client B's confidentiality. As such, the Registrant's conduct fell significantly short of the standard expected of a registered practitioner.

84. Ms Ahmed drew the Panel's attention to the familiar authorities of *Roylance v GMC (no.2)* [2000] 1 A.C. 311, *Nandi v GMC* [2004] EWHC (Admin) and *Calhaem v GMC* [2007] EWHC 2606 (Admin) all of which deal with the issue of misconduct being a serious failing. In addition she reminded the Panel of paragraph 5.1.1 of the Indicative Sanctions Guidance which sets out that a finding of misconduct will "nearly always" follow from a breach of confidentiality. It does so in the following terms:

*Confidentiality is one of the most important ethical obligations that a Registrant has to their clients and the wider public. A proved breach of confidentiality, whether by admission of the Registrant or the determination of a panel will nearly always constitute professional misconduct.*

85. Mr Bonehill on behalf of the Registrant submitted that the Registrant did not seek to argue against a finding of misconduct based on the above factual finding. He said this remained a matter for the Panel's own judgement.

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

parties.

87. In addressing whether the facts proved amounted to misconduct, the Panel had regard to the above cases and 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.”*

88. The Panel also had regard to the judgement of Collins J in the case of *Nandi v General Medical Council* (2004) EWHC 2317 (Admin) in which he said: *“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.”*

89. Having reminded itself of its factual findings and taking account of the submission by both Counsel the Panel determined that the conduct found proved did amount to misconduct.

90. The Panel considered that breaches of confidentiality were serious since confidentiality was a central tenet of the profession. The Registrant had breached a number of principles within the Code. She failed to follow the UKCP safeguarding protocol and acted unilaterally without taking note, or sufficient note, of appropriate consultation and ignored the cues of the court-appointed independent social worker. Moreover, she failed to report this matter through the mandated statutory processes. This resulted in a loss of perspective on the Registrant’s part and thereafter harm to Clients A and B.

### **Determination on impairment**

91. The Panel then went on to consider the question of impairment.

92. The Registrant gave oral evidence and confirmed that she had received and read the factual adjudication made by the Panel. Regarding her CV the Registrant said that she had been registered with UKCP since 1996 [note: on checking her CV, the Panel noted that the Registrant has been practising since 1996 and registered with UKCP since 2004] and, but for these proceedings, she had not been before this regulator or any other. She said she had acted by taking advice and undertaking training and research. She adopted her previous evidence regarding this.

93. After the previous hearing, but before receiving the Panel’s judgement, the Registrant confirmed that she sought advice on matters raised in the case. She said that she searched for training providers with expertise on confidentiality. She said she understood that she had done something wrong and after research online she said she found much information on confidentiality in general but little or nothing regarding the interface of legal duties for therapists, particularly those around safeguarding guidelines. She said she wanted to know

more about the legal issues of safeguarding and confidentiality. She sought assistance from two other training providers before obtaining advice from a barrister named L [REDACTED]. He held a 90-minute session to discuss and advise on consideration of the judgement and he provided formal written advice on confidentiality, the issues in this case and strategies to adopt in the future to avoid repetition. L [REDACTED] also provided a written summary of the matters covered.

94. The Registrant said that she found the advice and document really helpful and quite sobering. It made her think that it was not enough to say 'I didn't know'. She conceded it was clear that she should have known and/or should have taken steps to make sure she knew what occurred in the family courts and what she should have done. She said it was difficult to deal with this but it provided her with a lot of sobering insight into the fact she should not have parachuted herself into the proceedings but should have worked much more collaboratively.
95. Regarding how she acted and may act in the future the Registrant confirmed she would now act very differently. This was not just from the fact that she would take legal advice but also, this happened in 2020, she did not share drafts with colleagues whilst isolated in the lockdown. Now and in the future, there were safeguards that she would use, liaising with colleagues whether in her own field or proper legal advice. She said she was much better informed as to what was needed.
96. The Registrant said that she had considered open-source material and information from the UKCP and a range of regulators dealing with confidentiality in this field, she had also continued with CPD and ongoing training. She had joined a personal group that reinforced her connection and reflection and she thought this had improved. Regarding supervision the Registrant said she had two colleagues that supported her with supervision, which she had every two weeks. She had also undertaken two weekend supervision sessions. She made efforts to ensure she talked and shared a lot more regarding her practice to prevent her from ever reaching the point she had in this case.
97. When asked about the circumstances of lockdown at the time she said it had had an impact on what she recognised was her wrongful decision making. She said she had come away from the hearing and had a lot of thinking to do. At the time she was working in complete isolation, having moved to Cornwall because she was in the clinically vulnerable group as regards to Covid. As lockdown continued the isolation was mitigated but she, like others, was frightened and did not have the opportunities to make the same contacts with colleagues that she had previously enjoyed when working in London. She said this was not an excuse, but she realised it does not do to work in isolation hence she was now engaging with more supervision.
98. When cross-examined by Ms Ahmed, the Registrant said that she realised she had to carefully balance the rights of anyone with whom she worked even if she had safeguarding concerns. She said she had allowed herself to become overzealous in her safeguarding concerns and allowed this to override her clients' right to confidentiality. She said that she needed to be more careful and thoughtful about how her concerns impacted others. She

said she understood confidentiality was a fundamental tenet of her role and that clients be able to trust registrants with sensitive information. She said she completely accepted the public must be able to trust registrants. She said this was the only time she had broken confidentiality; it was done in the context of safeguarding, and she agreed she did not get it right. She accepted her actions in this case could bring the profession into disrepute.

99. Ms Ahmed said that the Registrant had a long and established career during which she must have provided therapy to many clients including families and children and asked why she acted as she did? The Registrant replied that this was the only case where she had concerns regarding safeguarding at a time when she was working in isolation. She dealt with safeguarding many times particularly in the public/NHS sector and there were huge resources to deal with safeguarding. This was the only time she had dealt with it when working alone in the unique circumstances of the pandemic. She said she did not have access to a team to work with and talk to and she made the mistake of thinking that it was more important to raise her concerns than protect confidentiality. She said, 'I absolutely admit that was a mistake.' At the time she had spoken to her then supervisor and tried to speak to the court-appointed social worker but was unable to do so. To prevent this recurring, she now had more supervision and would be much more proactive about talking to parents and the local safeguarding team.
100. When asked about the references in the defence bundle she said that DD was her peer supervisor. She had been DD's supervisor when DD was training. She confirmed her second supervisor LS had no prior knowledge of her. She had approached several other people to act as supervisor for her, but they were unwilling to supervise someone with her length of service. The Registrant was asked about the letter provided by L [REDACTED] and confirmed she realised she was not an expert in family proceedings. She asked him to take her through what she had done and why she should not have written the letter. One thing he said was that it didn't matter whether she was called an expert witness or not, she would be treated as one and so the rules around experts applied to her. She should thus know about the rules and procedures if she was ever going to insert herself into such proceedings again.
101. When asked how she would act differently in similar circumstances she said would not get involved. She said she was not an expert, nor was she trained as an expert, and she would refer the case to a colleague who had that expertise and who could help.
102. The Panel then asked questions. The Registrant confirmed that she had supervision with two therapists each month. One supervisor was DD who she had known since 2001. They had a 1½ hour online session each month spending 45 minutes on each of their practices. She had first known DD since she had started acting as DD's training supervisor in 2001. Her second supervisor was LS who she also saw for 1½ hours each month with time split as 45 minutes between them. These sessions were alternately face to face and online. The Registrant herself had recognised that she needed more supervision relating to family work and LS's work had more emphasis on couples; this was why she had chosen her. They had just started to work in the summer of 2023.
103. It was suggested that the final paragraph of the reference provided by DD dated 8/12/2022 might be interpreted as 'victim blaming' to which the Registrant responded 'gosh'. She then described the information she had supplied to DD and said that she understood how the comment may be interpreted as victim blaming, implying that that was a wrong interpretation.
104. The Registrant said that Client A had been very angry. She was not trying to impose

some sort of interpretation or framing. Client A was so angry and the Registrant wanted to try to get her back into the therapy and work it through. She was angry with the Registrant, she was angry with her husband. Part of what the Registrant had spoken to DD about was how to try and get Client A back into therapy. Client A had every right to be angry. The Registrant said that she thought DD was referring to Client A's anger in the therapy sessions as they had previously discussed.

105. The Registrant was asked whether she had a confidentiality contract within her supervision. She confirmed that she had.
106. When asked about safeguarding and how she would prevent a repetition of the events complained of, the Registrant said she would refer to the UKCP guidelines and discuss matters with the clients early on to set up the therapeutic contract. She would set out confidentiality precisely including what may occur if she needed to raise any safeguarding issues. She said she would be especially careful where children were involved and would discuss matters with them and their caregivers. She would provide examples of what would happen and that she may discuss matters with for example school or local authority safeguarding officers and other professionals. She would take matters to supervision and would already be asking who she needed to take the matter on to. The Registrant said she had found and read through a lot of material regarding safeguarding but there was little on the legal interface in this case. She had also discussed matters with both her supervisors from the perspective of confidentiality as well as safeguarding. She acknowledged the safeguarding policy and said the barrister's advice had reinforced the fact that she cannot say safeguarding trumps everything which, in the round, is what she did. She said she should have taken expert advice before committing anything to paper. The advice reiterated that she was not qualified to act as she did.
107. The Registrant confirmed she recognised the potential for a power imbalance when someone more senior was being supervised by a less experienced practitioner. One of the difficulties for experienced practitioners was finding a suitable experienced supervisor. A way to tackle that issue was to have supervision with a practitioner from another field to bring new perspective and challenge thought processes. She said DD was one such supervisor.
108. When asked what lessons she had learned, the Registrant said that it was always possible to be more thoughtful and it doesn't matter how senior you are, you don't know everything. Regarding the impact on Client A, she said she imagined she felt hurt, upset, betrayed, misunderstood and more – the opposite of what she might expect to feel from appropriate services.
109. When asked why she had taken sides with Client C and what the power-dynamic had been, the Registrant said she did not agree she had taken sides. She accepted that that was how Client A felt but she (the Registrant) said that she had been worried about the children. After three years she still viewed it as Client C trying to put support and protection in place for the children and Client A preventing that. She said that the dynamic was all about the children. She then said that she had reflected on what had been the trigger for her and she realised it was when she perceived children as being vulnerable, she said "this presses a button, I get angry and upset seeing children suffering. I let it run away with me rather than tackling it in a slower way with more advice."
110. Mr Bonehill then stated that he had provided the Panel with the list of resources studied by the Registrant.

111. The Panel again heard submissions from Ms Ahmed on behalf of UKCP and Mr Bonehill on behalf of the Registrant.
112. Ms Ahmed submitted that there was current impairment based principally on public interest grounds and on the Registrant having breached a fundamental tenet of the profession thereby bringing the profession into disrepute. She submitted that to make no finding of impairment regarding breaches at the heart of the profession was likely to diminish public trust. The ISG was clear that a finding of impairment was clearly to be expected. She confirmed that the Panel should adopt a forward-looking approach and cited the case of *Cohen v GMC (2008) EWHC 581* and consider if the Registrant's failures were remediable and whether they had been remediated. She submitted that the UKCP did not contend that there was a high risk of repetition rather it was low, but the broader public interest necessitated a finding of impairment. She repeated that two limbs of the test from *CHRE v Grant (2011) EWHC 927 (Admin)* were engaged namely breaching a fundamental tenet of practice and bringing the profession into disrepute. She said that harm had been caused by the Registrant. Ms Ahmed conceded that the Registrant was developing insight but reiterated that given the number of breaches of clauses in the Code the public would be appalled that the events found proved occurred and they needed reassurance that safe and acceptable standards were being upheld.
113. Mr Bonehill summarised the law and procedure in his written submission and also referred to the test in *Grant* (above) and the guidance from *Cohen* (above). He firmly submitted that taking account of the Registrant's reparation her conduct and attitude, she was not currently impaired. He submitted that the events found proved occurred during a specific set of circumstances and were a one-off in a 27-year career without other mistakes. He submitted the Registrant had demonstrated significant understanding and insight. These she had proved by her actions in taking time and devoting resources to ensure she had understood matters and would not repeat her errors. She had researched and undertaken training and gone to the extent of seeking expert advice from Counsel both in person and in writing. She had also significantly increased her supervision with a new supervisor. He said that the reference in 2022 did not assist on current impairment and the words used by the referee should not be held against the Registrant since she had nothing to do with writing it. The paragraph about which inquiry had been made was a generic comment rather than victim blaming.
114. Mr Bonehill submitted that the Panel had heard direct evidence from the Registrant that proved she had learned from what she had undertaken, and she had demonstrated she was not currently impaired. He said the UKCP accepted that she had understood and remediated future risks. Turning to the public interest, Mr Bonehill observed that every case had a degree of public interest but that did not mean that current impairment should be found in every case. He submitted the public interest had been met, by the investigation and findings and by the Registrant having accepted and remediated her wrongdoing. He said she would not repeat it. He said it would be wrong to find there were no risks and then make a finding of current impairment. The Registrant had accepted she had made an error in 27 years of practice, and it would not be repeated. He reiterated that looking forward taking account of all the events and the steps taken by the Registrant the panel could and should find there was no current impairment.
115. In reaching its decision, the Panel was mindful that the question of impairment is a matter for its professional judgement. The Panel was required to determine whether the Registrant's fitness to practise is currently impaired. The Panel had to assess the current position looking forward taking account of the way in which the Registrant had acted in the



past. The Panel acknowledged that a finding of misconduct does not necessarily mean that there is impairment of fitness to practise.

116. The Panel applied the approach to determine the question of impairment 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)*:
- “Do our findings of fact in respect of the doctor’s misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:*
- a. Has [the registrant] in the past acted and/or is [he] liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
  - b. Has [the registrant] in the past brought and/or is [he] liable in the future to bring the medical profession into disrepute; and/or*
  - c. Has [the registrant] in the past breached and/or is [he] liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
  - d. Has [the registrant] in the past acted dishonestly and/or is [he] liable to act dishonestly in the future.*
117. The Panel considered that it should look at any insight shown by the Registrant paying due regard to the decision in the case of *Cohen (above)* and whether the Registrant’s misconduct could be remedied; had been remedied; and whether it was likely to be repeated.
118. The Panel was also mindful that when considering impairment, it should 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.”*
119. The Panel determined that the Registrant’s fitness to practise is currently impaired. In coming to that conclusion, it took account of all its previous findings, the further oral evidence from the Registrant together with the written documentation and the submissions from both Counsel. The Panel first considered the issue of public protection and then considered the issue of the wider public interest.
120. The Panel asked itself the four questions from *Grant* as set out above. It considered that the fourth question was not relevant to this case. In respect of the first, second and third questions the Panel considered that each was to be answered in the affirmative at least in respect of the conduct found proved. Thus, in the past the Registrant had breached a fundamental tenet of the profession namely confidentiality and in so doing she had harmed Client A. The Panel considered that such actions brought the profession into disrepute. The Panel considered it to be of credit to the Registrant that, having reflected on these matters, she appeared to concede that each question was so met. The Panel next considered the second part of each question which focusses on the risk of repetition and thus a risk of breaching a fundamental tenet, of harming clients, or of bringing the profession into disrepute.

121. The Panel noted the concession made by the UKCP that the Registrant's insight was developing and that the risk of repetition of a similar event was low. It considered that to be a concession properly made and it was a conclusion that the Panel also came to. This was a single course of conduct that had occurred in the circumstances of the pandemic when the Registrant was isolated and was by her own judgement frightened and she allowed her overzealousness to direct her actions. However, the Panel took the view that the Registrant appeared to regard her actions as a technical error rather than as an error of judgment caused by her own internal processes and thoughts regarding what she perceived she should do regarding the children.
122. Despite the above recognition that the Registrant's insight is developing, this lack of self-awareness is the area upon which the Panel has found she had struggled to reflect. The Panel has already commented in its factual findings that there was an arrogance to the Registrant's conduct at the time, specifically with regard to the roles of other agencies and her duty to refer to them and rely upon them in a timely way. It noted the Registrant's comment that she was 'triggered' by the thought of children suffering or being at risk of harm. However, the Panel is firmly of the view that the Registrant should have remained within her own role and competence as a therapist and referred matters in the way mandated by local and national protocols. Given that the Registrant continues to work with families, the Panel identified the remaining risk (albeit low) as being that the Registrant might not recognise that she is again being pulled outside her role to the detriment of any of her clients. This is what had occurred in this case and the Panel consider that this was at the heart of her erroneous actions.
123. The Panel took account of the Registrant's good character when assessing her veracity in saying she has learned and on the question of propensity. It also observed that whilst she may have 27 years of experience as a therapist, she was relatively new to family work in private practice at the time of these events. The Panel noted that the Registrant had increased her levels of peer supervision, but it also noted with some concern that one supervisor may be regarded as not sufficiently independent and thus, in a peer relationship, may provide insufficient challenge to her work practices or find it difficult to hold a colleague to account.
124. The Panel next considered the issue of the wider public interests which includes three elements – public protection, maintaining confidence in the profession and declaring and upholding standards. The Panel has already determined that the risk of a similar incident is low, but it is also the case that the consequences of such misconduct were serious and if repeated would again be serious. This had been an egregious transgression by the Registrant with serious consequences. The Panel was of the view that the Registrant did not act maliciously but out of the misjudgment categorized previously in this determination. Rather than take stock of her actions she, to use her term, 'parachuted' herself into family court proceedings. In so doing she caused considerable distress to Client A and Client B and risked upsetting those court proceedings. Clients A and B only discovered what the Registrant had done during these court proceedings. The Panel considered the interference with the family court proceedings and the way in which Clients A and B discovered what had happened to be a serious aggravating feature. It agreed with Ms Ahmed's assertion that the public must be able to trust registrants and that they would be horrified to understand what had occurred.
125. Having carefully assessed the seriousness of the case, the public perception of such events and taking account of the low risk of repetition, the Panel was satisfied that the Registrant was currently impaired on the grounds of wider public interest. The Panel was of

the view that breaking the fundamental tenet of client confidentiality thereby causing harm to a client, was so serious that it should be marked by a finding of current impairment. This was principally merited on the grounds of declaring and upholding standards and maintaining confidence in the profession. It was merited even though the risk of repetition was low because of the severity of the consequences of such conduct. It considered that the public interest necessitated such a finding.

### **Determination on Sanction**

126. In accordance with rule 7.25 of UKCP's Complaints and Conduct Process, the Panel then went on to consider the question of sanction. This determination should be read in accordance with the Panel's previous determinations on the facts, misconduct, and impairment.
127. The Panel heard further submissions from Ms Ahmed on behalf of UKCP and Mr Bonehill on behalf of the Registrant.
128. Ms Ahmed drew the Panel's attention to the Indicative Sanctions Guidance (ISG) provided by the UKCP. She stated that although it was a matter for the Panel's own judgement, the UKCP was of the view that the case was not sufficiently serious to warrant a condition of practice order, or suspension or removal of the Registrant from the register. She reminded the Panel that the ISG suggests that the minimum sanction appropriate for a breach of confidentiality is a warning, particularly if the Registrant has shown insight into the misconduct found proved. She said that sanctions may be imposed either individually or in combination and suggested that the Panel may wish to consider an apology by the Registrant to Client A together with a warning. This, she said, would require the Registrant to further reflect on the harm she had caused. In addition, the Panel may wish to consider requiring the Registrant to provide a written report after a period of six months setting out her learning and any changes in her practice. Finally, she suggested the Panel may consider a period of six months supervision comprising six sessions dealing with the issues raised in the hearing. That supervision should be with a UKCP approved supervisor who had had no prior clinical contact with the Registrant. This too would provide an opportunity for the Registrant to further reflect upon and consolidate her learning.
129. Mr Bonehill reminded the Panel that it should first consider whether a sanction was necessary at all. He highlighted that the finding of current impairment was principally on the grounds of public interest. He reminded the Panel of the Registrant's many years of service and said this was the only adverse incident. He conceded that breaches of confidence are serious but said the breach was limited to disclosure during closed court proceedings which was unlike the public dissemination of information. He continued that if the Panel was satisfied that a sanction was necessary then it should be proportionate in the context of the whole case. This included mitigating factors of the Registrant's admissions, apology, attempts to meet her shortcomings and her adherence to good practice as demonstrated by her record, lengthy history of good service and the testimonials. Mr Bonehill observed that in relation to supervision the Registrant had explained that finding a more senior practitioner to act as supervisor was extremely difficult and that was why she had engaged a second supervisor.
130. Regarding personal mitigation Mr Bonehill reminded the Panel that at the time of the events complained of the Registrant was working in isolation. Since then, she had continued to work with, and support clients and she had done so without complaint. He said she now

had the support at work which had been missing during these events and she had outlined the steps she would take were she ever to find herself involved in a similar difficult set of circumstances.

131. In closing, Mr Bonehill submitted that a sanction was not necessary. In the alternative a sanction at the lower end such as those suggested by UKCP was appropriate. He said that if permitted to do so the Registrant would continue to work, as she had to date, with support and supervision. He said that she had been very upset by the position that she had placed herself in and by the Panel's view that she had acted with a sense of arrogance. He said that she wished to continue to work and move on in a positive way.
132. In reaching its decision, the Panel had regard to the UKCP's Indicative Sanctions Guidance 2019 ("the ISG") and the submissions of counsel but it exercised its own independent judgement.
133. 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 a decision. The Panel recognised that any sanction must be proportionate and weigh the public interest with that of the Registrant. 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.
134. The Panel considered the sanctions available to it under rule 7.25 of the Complaints and Conduct Process in ascending order and was mindful that any sanction imposed should be the minimum that would be considered proportionate and appropriate in the circumstances.
135. The Panel has outlined above one aggravating factor in the case namely that the breach of confidence occurred in the context of family court proceedings. This went particularly to the issue of public and/or client confidence in the profession. Against that, the Panel accepted that there are several mitigating factors. These included the circumstances of lockdown and the Registrant's then isolation, her previous good record, her good record since these events, her level of insight which was noted to be improving and her understanding of where she went wrong. In addition, she has apologised in these public proceedings and has taken responsibility for her errors. These issues go particularly to the issue of risk repetition and why it is regarded as low.
136. Having reviewed all the above, the Panel went on to consider the appropriate sanction(s) in order of seriousness. It kept the issues of public protection and proportionality at the forefront of its consideration.
  - a. Apology  
The Panel considered that the Registrant had made a public apology for her mistakes. Taking specific account of the effluxion of time since the events and the guidance in the ISG the Panel did not consider that an apology was appropriate.
  - b. Warning

The Panel next considered a written warning. The Panel was satisfied that a warning was appropriate and that it met the overarching objective in regulatory proceedings. It would demonstrate to the public that protection was at the heart of this process, and that alleged breaches are investigated and tested. Where breaches are proved the appropriate standards would be declared and upheld. The Panel was of the view that these proceedings had challenged the Registrant. She has taken steps to address her errors and she has learned and continues to learn from this experience. That process, together with a warning, which is a public statement as to the seriousness with which a breach of confidentiality is regarded was, in this Panel's judgement, the correct sanction.

The Panel considered whether any further or additional sanction was necessitated and concluded that it was not. It was of the view that a further or additional sanction would be punitive and would not meet the overarching objective.

The form and content of a warning is a matter for the UKCP. However, the Panel observes that this warning, whilst intended primarily to mark the seriousness of the allegation found proved, is intended to be a form of support for the Registrant. In this respect the Panel invites the UKCP to consider whether the warning should contain words of advice to the Registrant that she should undertake individual supervision rather than rely on peer supervision to challenge her thinking and actions if/when she is dealing with difficult issues or clients in her future practice.

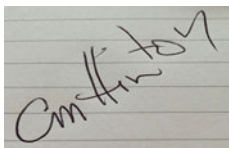
137. The Panel determined that the appropriate sanction is a written warning.

#### **Right of appeal**

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

139. 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 28<sup>th</sup> day.

Signed,

A handwritten signature in black ink on a light-colored background. The signature appears to be 'Catherine Hinton' written in a cursive style.

Catherine Hinton, Lay Chair  
8 December 2023