



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

10-11 July 2023

Online

Name of Registrant: Neale Haddon

Heard by: Appeal Panel

Panel Members: Edward Lord (Lay Chair)
Charmian Beer (CSRP)
Hilary Brown (HIPC)

Legal Assessor: Rebecca Tuck KC (Old Square Chambers)

Panel Secretary: Kat Zhou

UKCP Presenting Officer: Tom Stevens, Doughty Street Chambers

Counsel for Registrant Simon Butler, Deka Chambers

Grounds found proved: 6, 7, 8, 9

Grounds found not proved: 11, 12

Documents

1. The Appeal Panel had placed before it the following documents:

- A principal bundle on behalf of UKCP, amounting to 188 pages, hereafter referred to as C1;
- A cover sheet for C1, amounting to 1 page;
- The written determination of the Adjudication hearing dated 10 February 2023, amounting to 31 pages;
- An appeal bundle on behalf of the Appellant, amounting to 204 pages;
- 2 audio recording files of the hearing that occurred on 17 & 18 November 2022;
- 1 audio recording file of the hearing that occurred on 10 February 2023;
- A transcript bundle, amounting to 98 pages;
- Appellant's Authorities bundle, amounting to 107 pages;
- Dr ██████████ report dated 31 January 2023, amounting to 3 pages;
- UKCP's skeleton argument dated 27 June 2023, amounting to 4 pages;
- The Appellant's skeleton argument dated 4 July 2023, amounting to 17 pages.

Background

2. The Registrant Neale Haddon appeared before an Adjudication Panel on 17 & 18 November 2022 as well as 10 February 2023. The Adjudication Panel heard this list of allegations:

That being a UKCP registered psychotherapist since at least 2003, you Neale Haddon (the Registrant):

1. Between January 2019 and August 2019, you offered all your other private clients the services of another therapist except for Client A.
Withdrawn at the start of the hearing
2. Whilst being in a therapeutic relationship with Client A between August 2018 and December 2019:
 - a. Gave your personal telephone number to Client A.
Withdrawn at the start of the hearing
 - b. Hugged Client A;
Admitted
 - c. Told Client A you had spoken to your supervisor who agreed that you and Client A could now form a friendship or words to that effect
Withdrawn at the start of the hearing
3. On 28 December 2019 you:

- a. Engaged in flirty text messages with Client A
 - b. Agreed to meet Client A at your home
 - c. Accepted a LinkedIn request from Client A.
All admitted
4. On 30 or 31 December 2019:
- a. Entered into a sexual relationship with Client A.
Admitted
5. On 11 January 2020 sent a text message to Client A stating:
Still put. About to go home. Wish you were in my bed when I get there. I have fallen for you, bit you already knew that. Xxx (sic).
Admitted
6. On unknown dates between December 2019 and June 2020:
- a. Engaged in flirty text messages with Client A;
 - b. Were in a sexual relationship with Client A;
 - c. Engaged in telephone sex with Client A;
 - d. Sent and received nude pictures from Client A;
 - e. Discussed having sex with Client A's friend while Client A was present.
All Admitted
7. Engaged in the actions at 2 - 6 above despite your supervisor who had previously assessed Client A warning you to be careful, that it was a grey area and not to do anything that may jeopardise your career.
Admitted following withdrawal of Allegation 2a and 2c
8. Breached Client A's confidentiality by confirming the existence of a therapeutic relationship with Client A to Complainant in the absence of Client A's verifiable consent.
Withdrawn at the start of the hearing
9. In January 2021 proposed a date of 27 January at 18:00 to meet Client A's son for his anxiety and panic attacks
Admitted
10. Offered to meet with Client A's son following the conclusion of his sessions with Insight
Admitted
11. Your actions at 1 – 10 above were:
- a. Inappropriate and/or
 - b. Unprofessional.
Equivocal plea in respect of Allegation 2b
Equivocal plea in respect of Allegations 9 and 10
Admitted in respect of Allegations 3 - 7
12. Your actions at 1 – 6 above were:
- a. Sexually motivated.
Denied in respect of Allegation 2b
Admitted in respect of Allegations 3 to 6
13. Your actions at 2c above was:

a. ~~Misleading and/or
Withdrawn at the start of the hearing~~

b. ~~Dishonest.
Withdrawn at the start of the hearing~~

The behaviours set out at 1 – 13 above are in breach of the UK Council for Psychotherapy Ethical Principles and Code of Professional Conduct (2009) and UK Code of Ethics and Professional Practice (2019). In particular:

- a. ~~Failed to take responsibility for acting in Client A's best interests when providing therapy, thereby breaching clause 1.1 of the Code (2009) (in respect of allegation 1)~~
- b. ~~Exploited your relationship with Client A for any purpose including your sexual or emotional gain thereby breaching clause 1.3 of the Code (2009) (in respect of allegation 1).~~
- c. ~~Harmed Client A thereby breaching clause 1.8 of the Code (2009) (in respect of allegation 1)~~
- d. ~~Failed to undertake, in a continuing process, to critically examine the impact the positive and negative effects of their personal conduct may have on the therapeutic relationship with Client A, placing a priority on preserving Client A's psychotherapeutic best interests, thereby breaching clause 4.1 of the Code (2009) (in respect of allegation 1).~~
- e. ~~Failed to accept responsibility of ensuring that you are competent and have sufficient supervisory arrangements and other necessary support to enable you to meet Client A's psychotherapeutic obligations. This includes the responsibility to ensure the very careful consideration of~~
- f. Failed to act in your Client A's best interests, thereby breaching clause 1 of the Code (2019) (in respect of allegations 2 – 8 and 11 – 13);
- g. Failed to treat your Client A with respect, thereby breaching clause 2 of the Code (2019) (in respect of allegations 2 – 8 and 11 – 13);
- h. Had sexual contact or a sexual relationship with Client A, thereby breaching clause 4 of the Code (2019) (in respect of allegations 2 – 6 and 11 – 12);
- i. Exploited your relationship with Client A for your emotion and sexual gain, thereby breaching clause 5 of the Code (2019) (in respect of allegations 2 – 7 and 11 – 13);
- j. Harmed Client A, thereby breaching clause 6 of the Code (2019) (in respect of allegations 2 – 6, 8 and 11 – 13);
- k. Failed to be aware of the power imbalance between practitioner and client, and avoid dual or multiple relationships which risk confusing an existing relationship and may impact adversely on a client, thereby breaching clause 8 of the Code (2019) (in respect of allegations 9 – 10);
- l. Failed to exercise all reasonable care before entering into a personal relationship with Client A, thereby breaching clause 9 of the Code (2019) (in respect of allegations 2 – 7 and 11 -13);
- m. Failed to respect, protect and preserve Client A's confidentiality, thereby breaching clause

~~18 of the Code 2019) (in respect of allegations 8 and 11);~~

- n. Failed to act in a way which upholds the profession's reputation and promotes public confidence in the profession and its members including outside of your professional life as a UKCP practitioner, thereby breaching clause 32 of the Code (2019) (in respect of allegations 2 – 13);
- o. Failed to challenge questionable practice in yourself, reporting to UKCP potential breaches of the Code and activating formal complaints procedures especially where there may be an ongoing harm to clients or you have significant grounds for believing clients to be at risk of harm, thereby breaching clause 37 of the Code (2019) (in respect of allegations 2 – 13).

The Application to Appeal

- 3. In accordance with section 8 of the UKCP's Complaints and Conduct Process ("CCP") the Registrant appealed the decision of the Adjudication Panel in the case of Neale Haddon on the following grounds:
 - a. GROUND 1 - It was not inappropriate for the Appellant to hug Client A at the end of the last session (end of the therapeutic relationship).
 - b. GROUND 2 - It was not unprofessional for the Appellant to hug Client A at the end of the last session (end of the therapeutic relationship).
 - c. GROUND 3 - The hug between Client A and the Appellant was not sexually motivated.
 - d. GROUND 4 - In respect of misconduct, the Panel was wrong to conclude that the Claimant was in part sexually motivated. The Panel reached this conclusion on the understanding that the hug had a sexual content.
 - e. GROUND 5 - The Panel were wrong to conclude that Client A remained a client after the CBT had ended.
 - f. GROUND 6 - The Panel were wrong to conclude that Client A had suffered harm.
 - g. GROUND 7 - The Panel were wrong to conclude that Client A was deprived of her therapist.
 - h. GROUND 8 - The Panel were wrong to conclude that Client A's son had been deprived of a therapist.
 - i. GROUND 9 - The Panel were wrong to conclude that the Appellant had "colluded" with Client A or had taken advantage of her feelings rather than treating her.
 - j. GROUND 10 - The Panel were wrong to conclude that the relationship with Client A was not a "one-off incident".
 - k. GROUND 11 - The sanction was unduly severe.
 - l. GROUND 12 - The Panel failed to properly evaluate Dr [REDACTED] evidence

4. These above grounds were sent to an Appeal Chair to make a decision on whether the appeal application should be granted.
5. The Appeal Chair considered the following:
 6. In relation to grounds 1 and 2 of appeal, that the hug was “inappropriate” and “unprofessional”, no procedural irregularity is identified. The Panel were entitled to reach the conclusions they did in paragraph 47 of their determination.
 7. As to grounds 3 and 4, while the Panel did not spell out the authority of *Basoon v GMC* [2018] EWHC 505, they clearly identified the correct test at paragraph 57 and reached permissible conclusions at paragraphs 54 – 58.
 8. Ground 5 disclosed no arguable error or irregularity; the Panel clearly took into account the evidence of the Registrant set out at paragraphs 27 and 31-32, and drew conclusions open to it at paragraphs 79-80.
 9. Grounds 6 – 9 all appeared to rely on paragraph 80 of the Adjudication, which in turn considered the Code of Ethics and Professional Practice. In relation to the conclusions that the client “suffered harm”, was deprived of her therapist, her son was deprived of a therapist and there had been collusion, it was determined that it was arguable that there was a procedural irregularity. These grounds of appeal were permitted to proceed to a full Appeal hearing.
 10. Ground 10 did not disclose an arguable error or irregularity, the clear findings of the Panel were that the “hug” was not a one-off incident given the relationship which followed thereafter.
 11. Grounds 11 and 12 took issue with the severity of sanction. These relied on a finding that Client A was a vulnerable patient, and the evidence of Dr [REDACTED] not being properly evaluated. Both were arguable; the basis for finding that A was “vulnerable” – if meant to go beyond the inherent imbalance of power between a therapist and patient, was unclear. Whilst it was not argued in the grounds of appeal that there was specific guidance which should have been taken into account and was not, this appears at present to amount to an arguable omission. As to Dr [REDACTED] it is noted that reports were referred to in the singular in paragraphs 105 and 107, whereas the grounds of appeal set out 4 reports.

12. For reasons set out above, the Appeal Chair found that **grounds 6, 7, 8, 9, 11 and 12 were permitted to proceed** to a full Appeal hearing.

Determination of Appeal Grounds

13. Mr. Butler provided a detailed written argument and bundle of authorities. He made oral submissions addressing nine points, namely (1) transcripts, (2) the NHS disciplinary hearing, (3) Dr ██████'s reports, (4) the Registrant's development, (5) the Registrant's statement of learning, (6) the Adjudication Panel's decision, (7) ground of appeal, (8) legal principles and (9) summary.

14. Mr Butler highlighted the sections in the transcripts (recordings of which had also been provided) in which the Registrant described that Client A had asked for a hug at the end of the 16 sessions of therapy, that the hug was not inappropriate, but the later formulation of a relationship was, that the Registrant had been candid and had reflected, and that he showed insight and acknowledgment.

15. The Appeal Panel read the outcome of the NHS disciplinary, which imposed a final written warning on the Registrant and demoted him from a supervising role, but would permit him to continue as a therapist. As to Dr ██████'s reports, Mr Butler said that only the 2023 report was referred to, and that insufficient consideration had been given to the Personal Development Plan and statement of learning produced.

16. In relation to the determination of the Adjudication Panel, Mr Butler said that the seven month hiatus in client A's therapy had been because of the Registrant's ill health, and it was not clear this was appreciated by the Panel. At paragraph 80 the Registrant did not challenge that there was a potential for harm to client A, but said there was never any evidence of harm, and no evidence that either A or her son were deprived of a therapist. As to "collusion" between the Registrant and client A, none of this, said Mr Butler, had been put to the Registrant and any suggestion that A was having therapy to collude to have a sexual relationship was without foundation. Similarly, the Panel were correct in saying they did not know why the relationship between A and her partner broke down – but then wrong to speculate that the Registrant may have contributed to that breakdown.

17. Mr Butler took issue with paragraph 92 and the finding that “it was not at all clear that even now the Registrant accepted his conduct was unprofessional and/or sexually motivated” – he took us to the transcripts in which while denying that the “hug” at the end of therapy was sexually motivated, he did accept sexual motivation and unprofessional conduct thereafter. He submitted that paragraph 95 was not true as the NHS had determined risk and concluded that the Registrant can see patients as a therapist, and that the risk of repetition finding at paragraph 96 was wrong.
18. Mr Butler spoke to the grounds of appeal set out in his skeleton argument, and took the Appeal Panel through the authorities of ***Arunachalam v GMC*** [2018] EWHC 758, ***GMC v Ahmed*** [2022] EWHC 403, ***Sayer v GOC*** [2021] EWHC 370 and ***W v Health and Care Professional Council*** [2022] CSIH 47.
19. In summary, Mr Butler said that a period of suspension rather than termination of registration would have been appropriate – and that it was necessary to take into account the period of time already suspended. In answer to the Appeal Panel Mr Butler submitted that the reports from Dr [REDACTED] were reports of an expert witness such that they should only have been departed from if there was a sound and reasoned basis for so doing. He helpfully cited the case of ***Griffith v TUI*** [2021] EWCA Civ 1442, which is pending before the Supreme Court and concerns circumstances in which experts reports which comply with CPR Practice Direction to Part 35 can be rejected by a judge if not challenged in cross examination (whilst noting that there are significant differences in this case). He said that to fail to cross examine or otherwise challenge Dr [REDACTED] conclusions then not adopt them, was a breach of natural justice.
20. Mr. Stevens also produced a skeleton argument. As to grounds 6-9 of appeal, he said that the appellant had not set out why, as a result of any failings in relation to finding harm, an ultimate decision on impairment or sanction were wrong. There was no identification of errors which were material. The finding of harm was just one of nine breaches of the ethics code which were found by the Panel, so these criticisms were, Mr Stevens said, largely an “academic exercise”.

21. The focus of Mr Stevens submissions were on sanction, and he agreed with the broad legal principles drawn to the attention of the Appeal Panel by Mr Butler. He accepted that sexual misconduct did not automatically lead to erasure, but said that the Adjudication Panel carefully, applying proportionality, considered available sanctions.
22. As to transcripts Mr Stevens took the Appeal Panel to the sections in which the Registrant said that Client A had initiated the contact, both in terms of the hug and after therapy. (Mr Butler urged caution as to where the Registrant was simply answering factual questions in this regard, honestly and correctly.) Mr Stevens submitted that the Panel were permitted to place emphasis on that testimony, and draw its conclusions that they did, that the Registrant continued to assert that “client A was flirty or made assertive advances and his phrase that he “chose to be seduced over the boundary”.” (para 92).
23. Mr Stevens submitted that Dr ██████████ was not an “expert witness” as understood under the CPR; expert evidence is required when matters require factual findings but fall outside what lay people usually understand. When presenting to a Panel with two experts, such expert evidence was not required. He said that Dr ██████████ essentially gave character evidence, and that while he said it was his opinion (ie. that of Dr ██████████ that the Registrant posed no risk to the public, he was not duty bound to cross examine on that because Dr ██████████ could honestly and legitimately hold that opinion, but it would not bind the Panel.
24. Mr Stevens concluded that the sanction was fully reasoned- that all the evidence had been taken into account, and the Registrant was noted to have been of good character. The Panel balanced that against the evidence the Registrant had given under oath, and reached a decision which was clearly well within the parameters of reasonableness.
25. The Appeal Panel accepted the advice of the Legal Assessor.

Findings of the Appeal Panel

26. The Appeal Panel made the following findings:
27. As to Ground 6, the Appeal Panel noted that the conclusion of the Adjudication Panel at paragraph 80 had been in the alternative, that there was “indeed harm or the potential for

harm". The Appeal Panel were satisfied that there was "potential for harm", but no specific evidence as to actual harm. To the extent that actual harm was indicated by the client or her son being deprived of a therapist, for the reasons set out below, the Appeal Panel did not consider there was sufficient evidence to support any such finding.

28. As to Ground 7 – the Appeal Panel note that client A had reached the end of her 16 sessions of treatment, and that the earlier gap of 7 months between the first ten sessions and final six had been caused by the Registrant's illness rather than thinking she had ceased needing therapy, but on reflection wanting to undergo further treatment. The Appeal Panel were not satisfied that there was a sufficient evidential basis to find that client A was deprived of a therapist.
29. As to Ground 8 – the Appeal Panel accepted the submission of the Registrant that the client's son was not deprived of "a therapist". The son continued to see his existing therapist.
30. As to Ground 9 – It is not clear that the Panel made a positive finding of collusion, rather than highlighting it as a possibility. The Appeal Panel did not consider there was sufficient evidence for a positive finding of collusion.
31. The Panel stated that it "could not determine whether A's relationship broke down due to these events". The Appeal Panel agree; to the extent that the Panel below could be understood as making a positive finding of harm to client A's partner, this is not a finding sustained by the facts.
32. The Appeal Panel went on to consider whether singularly or cumulatively these grounds of appeal which were largely successful, rendered the Panel's conclusion as to misconduct unsafe. The Appeal Panel noted that the Panel found that there had been nine breaches of the UKCP's Ethical Principles and Code of Professional Conduct, specifically clauses 1, 2, 4, 5, 6, 8, 9, 32 and 37. Clause 6 provides that a practitioner must "not harm or collude in the harming of your client or the clients of others". This is the only finding of misconduct impacted by these four grounds of appeal. The Appeal Panel therefore concluded that these errors (or in the case of ground 9, potential error) would have made no difference to the finding of misconduct.

33. Grounds 11 and 12 are apt to be considered together, because a significant basis for the appellant's submission that the penalty of terminating the Registrant's registration was the failure to properly evaluate the evidence of Dr [REDACTED]
34. Para 7.11 of the UKCP's Complaints and Conduct Process provides that either party has power to call an expert as a witness to advise or assist the Adjudication Panel. Para 7.14 provides that admissibility of evidence will be decided by the Adjudication Panel which can admit any evidence if it is relevant to the case and its admission is fair to the parties.
35. The Appeal Panel adopt the description of Dr [REDACTED] set out in Mr Butler's skeleton argument; he "is an [REDACTED]. He holds numerous academic degrees. [REDACTED]. He has a substantial and various private practice, national and international. He is held in high regard by his peers".
36. Dr [REDACTED] describes having been approached by the Registrant in April 2021 "to engage in mentorship work in regard to an Interim Supervision Order and Professional Suspension". He has produced the following:
- a. A two page document dated 18 July 2021 which is expressed as relating to the NHS investigation regarding his professional work which was at that time ongoing. Dr [REDACTED] describes there being, broadly, "two kinds of sexual transgression and boundary infraction in the Psychotherapy Profession: those who lapse because of inadequate addressing of their, in the broad sense, countertransference processes, and who are clearly able to learn, and those who are serious recidivist who se behaviour will not change as a result of self examination. Dr [REDACTED] says "I am entirely clear in my own mind and experience that Neale falls into the first category". He also states that Client A "is a resilient individual who invited the relationship with eyes open. This relationship definitely short-circuited the therapeutic process... but was not an encounter which constituted a danger to the public".
 - b. A two page document headed "to whom it may concern", dated 27 January 2022. This appears to have been prepared for the Interim Panel which made its determination on 4 February 2022. In this Dr [REDACTED] states "I believe and am convinced, in my own mind and experience, that having known Neale during this period of mentorship, but having previously met him as a colleague some years ago, this was a one off incident.

Whilst the “transgression” was not, he says “fully ethical”, “it is my personal impression, having been made aware of the circumstances of the relationship, that his ex-client is a resilient individual who invited the relationship with eyes open”. Dr [REDACTED] again states that the Registrant is “in no way a danger to the public”.

- c. A two page document headed “to whom it may concern” dated 25 October 2022 – in advance of the Adjudication Panel which met on 17 and 18 November 2022. Dr [REDACTED] says “some of this material covers similar points as my previous report: this is an update”. He outlines the work the Registrant had undertaken studying the philosophical bases of ethics which led him to Virtue Ethics. He says, “I am therefore certain that he is in no way a danger to the public”.
- d. A Mentorship Report marked “for the attention of the Professional Conduct Committee of the UKCP” dated 31 January 2023. This 3-page report says “I have previously prepared two reports detailing the work Neale and I did and stating my professional view of his personal and emotional growth since our first session. In these reports I expressed the professional judgment that Mr Haddon is not a danger to the public, and has learnt and continues to learn from his actions and experience”. Dr [REDACTED] describes having been approached by Mr Haddon and his solicitors, asked to read the PCC’s determination, and to comment on whether outstanding concerns could be adequately addressed through further mentorship and supervision. In answer to the questions posed, Dr [REDACTED] states “in my professional opinion additional supervision would be an effective means of addressing any remaining risks related to the conduct that brought him before the PCC.” He then outlines what the goals of supervision would be, and sets out five “major ones”, and says that this should be for a period of six to nine months with fortnightly sessions.

37. The Adjudication Panel in setting out submissions it received regarding risk and current impairment recorded, at paragraph 72, that counsel for the Registrant “referred to the reports from his supervisor, Dr [REDACTED] with whom he had reflected, and he did not consider the Registrant to be a danger to the public but said the Registrant was now unequivocally aware of the need for self-governance.” These reports, along with the Registrant’s Personal Action plan, his reflective statements, the certificates and testimonials showed, it was submitted, that the Registrant had no current impairment and there was no issue of public interest nor public protection. The Adjudication Panel made its determination on misconduct and impairment in November 2022. It resumed on 10 February 2023 to determine sanction. It recorded at paragraph 102 that it had “received and [taken into] account two documents submitted on behalf of the Registrant, namely a mentorship statement by Dr [REDACTED] dated

31 January 2023 and a Training Certificate dated 1 February 2023". At paragraph 105 the Adjudication Panel noted the recent CPD training shown by the certificate but received "no information as to the length, depth or type or training undertaken nor the outcomes and/or what the Registrant had learnt". As to Dr ██████'s report (singular), it "observed that it was for the most part theoretical. It included headlines as to what may be covered in supervision sessions but no detail as to what the supervision would entail, goals, outcomes and /or the ability of the Registrant to learn from that supervision".

38. The Adjudication Panel do not describe the reports of Dr ██████ as "expert reports". The UKCP's rules do not require any expert to comply with the Practice Direction to Part 35 of the CPR or to ensure that the report is verified with a statement of truth. However, it is of note that Dr ██████ was not asked to produce an objective, unbiased opinion on matters within his expertise, and to avoid being an advocate. Dr ██████ describes knowing the Registrant as a "colleague", and later as his mentor. Because of the nature of that relationship, Dr ██████ is not in a position to set out all the facts and instructions which are material to his opinions. The Appeal Panel in these circumstances does not accept that Dr ██████ had the status of an "expert witness" as that term is understood within CPR Part 35.

39. The Appeal Panel do however accept that Dr ██████ provided relevant evidence which was properly to be considered by the Adjudication Panel. Reading the determination holistically, the Appeal Panel is satisfied that all of Dr ██████'s evidence was considered – as too were the personal action plan and reflective statements produced by the Registrant before the November 2022 hearing, reading paragraphs 102 and 105 along with paragraph 72.

40. The Appellant contends that in this case the Adjudication Panel "consciously already determined that the only appropriate sanction in the case was termination of registration". The Appeal Panel note that the UKCP's Indicative Sanctions – cited by the Panel state that "in all cases of sexual misconduct it is extremely unlikely that a sanction less than suspension from UKCP's register will be sufficient, although it is likely that most cases will result in termination of UKCPs registration". Submissions on behalf of UKCP to the Adjudication Panel were that "this was a case of serious sexual misconduct and as such the only appropriate sanction was one of termination". To the extent that it was being suggested that *any* finding of sexual misconduct must result in termination, that is not in accordance with the authorities. Cases from ***Arunachalam v GMC*** [2018] EWHC 758 confirm that not every finding of sexual misconduct will result in erasure.

41. The Appeal Panel is satisfied that the Adjudication Panel did not predetermine that the only appropriate sanction was termination of registration. It considered its findings and areas of mitigation at paragraphs 103-108, and then considered sanctions in order of seriousness, “keeping the issues of public protection and proportionality at the forefront of its conclusions”.
42. The Appeal Panel gave careful consideration as to whether the findings as to grounds of appeal 6-9 impacted on sanction, given the need for a holistic reading of the determination, and the Adjudication Panel’s express confirmation that it reminded itself of its findings and reasons. The Appeal Panel determined that neither any question of harm to client A, nor questions of depriving her or her son of a therapist or collusion were considered to be factors rendering the case a serious one. Rather, the Appeal Panel noted that the Registrant had “opened the door to the potential for a sexual relationship during treatment sessions”, that the relationship had started only two weeks after treatment had concluded and continued for some months, and their finding that “when the Registrant gave evidence, it was not clear to the Panel that he understood or considered Client A’s needs nor that her presentation was an indicator of her vulnerability”.
43. Having determined that there was no error of principle in carrying out the evaluative decision as to sanction the Appeal Panel determined that it should only interfere if the decision of the Adjudication Panel fell outside the bounds of what an adjudicative body could properly and reasonably decide. (*Sayer v GOC*, applying *Bawa Garba v GMC*). This evaluative decision is, as described in *GMC v Ahmed* (relying in turn on *Bawa-Garba v GMC*), a decision about which reasonable people may reasonably disagree. The Appeal Panel determined that the decision reached by the Adjudication Panel as to sanction was not outside the bounds of what it could properly and reasonably decide.
44. The Appeal Panel determined that the appeal should therefore be dismissed.

Signed Appeal Chair

A handwritten signature in black ink, appearing to read 'Edward Lord', with a small horizontal line underneath.

Edward Lord

11 July 2023