



Handling complaints about therapists

Report of the UKCP Professional Conduct Committee

1 January – 31 December 2023

Complaints in 2023



102

complaints were received, of which **91** were about UKCP registrants



0.95%

of UKCP registrants were the subject of a complaint



11

complaints were serious enough to be referred to an adjudication panel. These related to **7 registrants**

(1 registrant had 2 complaints referred, and 1 registrant had 4 complaints referred)

The complaints and conduct team handled



297

general enquiries

368

complaints enquiries

UKCP convened:



4

interim suspension order panels, concerning **3 cases**



2

interim suspension order review panels, concerning **1 case**



1

preliminary hearing



14

adjudication panels concerning **10 cases**



1

appeal panel hearing



3

registrants had their UKCP registration terminated

Top causes of complaints:

1

unprofessional communication and/or breakdown in communication

2

failure to maintain professional boundaries

3

decision of another body

Foreword

Complaints are a positive way for all involved to reflect and see if psychotherapy services could have perhaps been delivered more appropriately. I hope you, whether a professional member or member of the public, find this UKCP Professional Conduct Committee (PCC) report useful and informative.

As always, its purpose is to give members of the public and registrants an insight into the complaints UKCP has received about registrants over the past year. More importantly, it also allows us all to learn the triggers of complaints so we can hopefully avoid similar issues going forward.

I must say a big thank you to all the PCC members, professional and lay, who give their time freely to oversee complaints, helping UKCP to promote confidence in the psychotherapy profession and in our Complaints and Conduct Process.

My thanks also go to Sunita Thakore, UKCP's complaints and conduct manager, and Charlotte Ferson and Alice Love, the professional standards managers, who complete all the background work on complaints before they reach the PCC. Welcome also to Kat Zhou, UKCP's new case administrator and panel secretary, who has had a very busy year. My best wishes go to Nirosha Thilagarajan, the previous professional standards manager who left the team in August.

Once again, our annual PCC Learning from Complaints online event proved extremely popular and we're looking to run another in 2024. Attendees' feedback was very positive, especially on the interactive case study exercises.

Brian Linfield

Brian Linfield MBE
Chair, UKCP Professional Conduct Committee



Complaints are a positive way for all involved to reflect and see if psychotherapy services could have perhaps been delivered more appropriately.



About UKCP

The UK Council for Psychotherapy is the leading professional body for psychotherapists and psychotherapeutic counsellors in the UK. Alongside offering professional support for our members, we regulate the profession, protect the public and promote access to psychotherapy for all.

Our membership includes over 11,000 individual members and more than 70 training and accrediting organisations.

Our register of over 8,000 full clinical registrants is accredited by the government's Professional Standards Authority for Health and Social Care. It includes the following healthcare professionals:

- psychotherapists
- psychotherapeutic counsellors
- psychotherapists and psychotherapeutic counsellors who work with children and young people, and with families.



The Professional Conduct Committee

The Professional Conduct Committee (PCC) is responsible for overseeing the successful functioning of UKCP's Complaints and Conduct Process. It plays a key part in enabling UKCP to meet its charitable and public protection objectives and maintain professional standards of excellence.

The PCC has oversight of each individual case that progresses through the complaints process. It provides advice and guidance to UKCP's complaints and conduct team, who manage complaints day-to-day.

Occasionally, the PCC may also be asked to make the decision about whether to take a case forward if the professional standards manager feels unable to do so.

Another key function of the PCC is to enable learning from complaints. The complaints and conduct team undertake a root cause analysis at the conclusion of each case to determine the issues that are driving complaints and identify key areas of concern. They use this information to shape training events and help identify if further policies and guidance are needed.

PCC members

During 2023, the PCC members were:

Lay chair

Brian Linfield MBE – Brian sits as a specialist member of the Mental Health Tribunal in the Health, Education and Social Care Chamber and as a disability-qualified panel member in the Social Entitlement Chamber of Tribunals. He is a retired magistrate and also a retired civil servant and has a 17-year background in statutory regulation within the water industry, for which he was honoured with an MBE. He was also a regional lay chair for complaints within the NHS.



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Lay members

Emi Gutwenger – Emi is a senior associate solicitor with Clifford Chance LLP and focuses on financial regulation. He has degrees in Austrian law and economics from Leopold-Franzens University in Innsbruck. He also has a graduate diploma in law from BPP Law School in London. Having previously worked as a judicial assistant in Austria and as a volunteer with various legal advice centres in London, he has considerable experience of judicial and quasi-judicial processes and complaints procedures.

Emma Moir – Emma works as a senior civil servant and focuses on transformational change and delivery. She is a qualified solicitor (non-practising) and has had a successful career in the public sector, including the NHS, for over 30 years, holding a number of senior roles. Emma has considerable experience of judicial and quasi-judicial roles and sits on a tribunal, as well as professional conduct and advisory committees.

Graham Briscoe – Graham is a chartered engineer, chartered IT professional, certified management consultant and a fellow of the Institute of Workplace and Facilities Management. Now retired, he has built up a portfolio of community investment 'governance support' roles. These include university and further education college governance, supporting multi-academy trust boards and visiting fellowships at several universities.

Graham is also a board non-executive director with CXK (a young people's careers guidance company) in Kent, and is an independent trustee of two university students' unions. He provides pro-bono change and facilities management support to not-for-profit organisations in the south west too. Graham recently completed a nine-year term as a member of the Governors' Council of the University Hospitals Bristol and Weston NHS Foundation Trust.

Professional members

Christina Sensale – before qualifying as a psychotherapist in 2008 at The Minster Centre, London, Christina worked as a human resources manager, consultant, workshop facilitator and coach within the retail, professional services and higher education sectors. She also completed an MSc in organisational behaviour at Birkbeck College. She has taught on courses at several psychotherapy training organisations and now works as an integrative psychotherapist with adults in private practice and through several employee assistance programmes.

Karen Rowe – Karen has worked as a psychotherapist for over 30 years in different contexts including the NHS, voluntary sector, HM Prison Service and private practice. She also undertakes supervision and consultancy for various organisations such as the NHS, forensic services and the media. She previously worked as an academic and senior manager in psychotherapy training organisations and continues to participate as a conference presenter and through publication. She was also chair of a national mental health charity. Karen is currently undertaking research at the Tavistock and Portman NHS Foundation Trust into wrongdoing in organisations.

Rachel Cook – Rachel is a psychotherapist, teaching and supervising transactional analyst, clinical supervisor and trainer. She has worked in psychotherapy and education for 30 years and is currently a senior lecturer and primary tutor for the MSc in transactional analysis psychotherapy at Metanoia Institute, London. Rachel is a published author and is on the editorial board of the Transactional Analysis Journal.

During 2023, professional member Cassandra Dighton left the PCC after two years of valuable service.



The complaints and conduct team



Staff have extensive experience in handling complaints and regulation in various fields.

The PCC works closely with UKCP's complaints and conduct team. The team manages complaints in accordance with the Complaints and Conduct Process from the receipt of the complaint through to its resolution.



The team is made up of four staff: the complaints and conduct manager, two professional standards managers and a case administrator. These staff have extensive experience in handling complaints and regulation in various fields.



The Complaints and Conduct Process

UKCP's Complaints and Conduct Process (CCP) aims to:

- provide an objective, streamlined and transparent way of dealing with concerns or complaints about UKCP registrants
- meet the Professional Standards Authority's accreditation requirements for voluntary registers.

When UKCP receives a complaint or allegation, it goes through the following process:

- A professional standards manager will consider the complaint and collate the necessary information from the complainant and the registrant.
- The professional standards manager will put the information before the PCC along with their recommendation on how to proceed with the complaint. The PCC offers advice to the professional standards manager, who then makes the final decision.
- After consulting with the PCC, if the professional standards manager decides to take a case forward, they will refer it to an adjudication panel hearing. The decision to refer a case is based on the realistic prospect test: is there a realistic prospect that UKCP will be able to establish before an adjudication panel that the registrant may not be suitable to be on UKCP's register without any restrictions or conditions of practice?
- Neither the professional standards manager nor the PCC make findings on the facts of the complaint. The adjudication panel makes findings of fact, and it alone decides if an allegation is found proven and if so, whether to impose any sanction.



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If a case does not meet the realistic prospect test, but professional development and reflection may be beneficial, the PCC may give the registrant constructive feedback or recommendations.

For example, a registrant may not have clearly explained their therapeutic methods or their contract to their client, resulting in confusion. The PCC would advise the registrant to review their contracts and terms, so clients fully understand the obligations and expectations of both parties from the outset.

Enquiries

As well as working with the PCC to implement the CCP, the complaints and conduct team respond to enquiries, which fall into two categories:

General enquiries – these are enquiries from UKCP registrants, UKCP organisational members, members of the public and representatives from other professional organisations. For example, a registrant might contact the team for advice about disclosing client notes upon request or a member of the public might query whether a therapist is on our register.

Complaint enquiries – these are enquiries from people who are considering making a complaint but would like further information on the CCP before doing so. Before making a formal complaint, most people get in touch with the team to seek advice or discuss their concerns. The team also receive enquiries from registrants who are concerned about receiving a complaint.

By responding to these enquiries, the team help to offer realistic expectations of the process, informing people what the CCP can and cannot look at and exploring what channels the enquirer has taken so far. For example, has the registrant spoken to their supervisor and/or indemnity provider? Has the client discussed their concerns with their therapist?

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Of the 102 complaints UKCP received in 2023:



40 were in scope

– because they indicated a potential breach of the Code of Ethics and required further investigation.



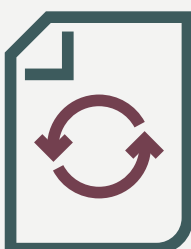
11 were about therapists

who were not UKCP registrants.



36 were outside the scope of the CCP

– because they did not indicate a breach of the Code of Ethics or meet the criteria of the CCP, or the complainant did not provide enough information to assess the complaint.



15 are on hold

– because the complaints and conduct team are waiting for more information from the complainant, the police, a court or another regulator or employer before determining whether the complaint is in scope.

Complaints in 2023

We take complaints seriously and we are committed to safeguarding the public. However, it is important to remember that the vast majority of UKCP registrants practise every day and never receive a complaint. In 2023, 0.95% of UKCP registrants had a formal complaint made against them.

Overview of complaints in 2023

	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Total
General enquiries received	81	66	75	75	297
Complaint enquiries received	61	74	71	162	368
Complaints received	31	25	19	27	102
Complaints referred to an adjudication panel	4	6	1	0	11
Adjudication panel hearings held	4	1	3	6	14
Preliminary hearings held	1	0	0	0	1
Applications to appeal received	1	0	0	1	2
Appeal panel hearings held	0	0	1	0	1
Interim suspension order panel hearings held	3	0	1	0	4
Interim suspension order review panel hearings held	0	0	0	2	2

Terms explained

General enquiries – see page 8.

Complaints enquiries – see page 8.

Complaints received – written and signed complaint forms received by the complaints and conduct team.

Complaints referred to an adjudication panel – complaints that a professional standards manager has screened and found to be within scope of the CCP (that is, the complaint indicates a potential breach of the Code of Ethics), and where, having given the registrant an opportunity to respond to the complaint, a decision has been made to refer the matter to an adjudication panel. This decision is based on the realistic prospect test (see page 7).

Adjudication panel hearings – an adjudication panel comprises of two registrant members (one is usually of the same modality as the registrant who is subject to the complaint) and a lay chair. An independent legal assessor and a panel secretary assist the panel. For an outline of the process, see page 12.

Preliminary hearings – where an adjudication panel meets before the full hearing to hear and determine preliminary applications the parties have made.

Applications to appeal – a formal request for permission to appeal (by the registrant or UKCP) against the decision of the adjudication panel. A lay chair considers applications to appeal, usually assisted by an independent legal assessor.

Appeal panel hearings – hearings convened if permission to appeal an adjudication panel's decision is granted. An appeal panel will consider whether the determination the adjudication panel made was correct.

Interim suspension order panel hearings – hearings convened if the content of a complaint suggests that an interim suspension order (to temporarily stop the registrant from practising) is necessary for public protection; in the interests of the registrant; and/or in the public interest. This can happen at any time during the complaints process.

Interim suspension order review panel hearings – hearings convened when either UKCP or the registrant makes an application to review an existing interim suspension order due to a significant change of circumstances, or shortly before the existing interim suspension order is due to expire. The original interim suspension order panel may also make a direction for a review hearing to be convened.



A lay chair considers applications to appeal, usually assisted by an independent legal assessor.



Adjudication panel process

An adjudication panel follows a four-step process to determine:

- 1 whether the allegations are found proven
- 2 whether the allegations constitute misconduct
- 3 whether the registrant's current ability to practise is impaired
- 4 what sanction, if any, needs to be applied to remedy the registrant's practice, identify any training needs and protect the public.

An adjudication panel hearing has several possible outcomes:

Allegations not found proven – where the adjudication panel finds that the complained-of behaviour did not occur and therefore there has been no breach of UKCP's Code of Ethics.

Allegations found proven, but no misconduct found – where the adjudication panel finds that the alleged behaviour did occur, but that the behaviour does not constitute misconduct.

Allegations found proven, and misconduct found, but no impairment found – where the adjudication panel finds that the alleged behaviour occurred and constitutes misconduct, but that the registrant's ability to practise unrestricted is not currently impaired.

Allegations found proven, misconduct and impairment found – where the adjudication panel finds that the alleged behaviour occurred, that it constitutes misconduct, and that the registrant's ability to practise unrestricted is impaired. The panel can only consider imposing a sanction if they find the registrant's fitness to practise is currently impaired.

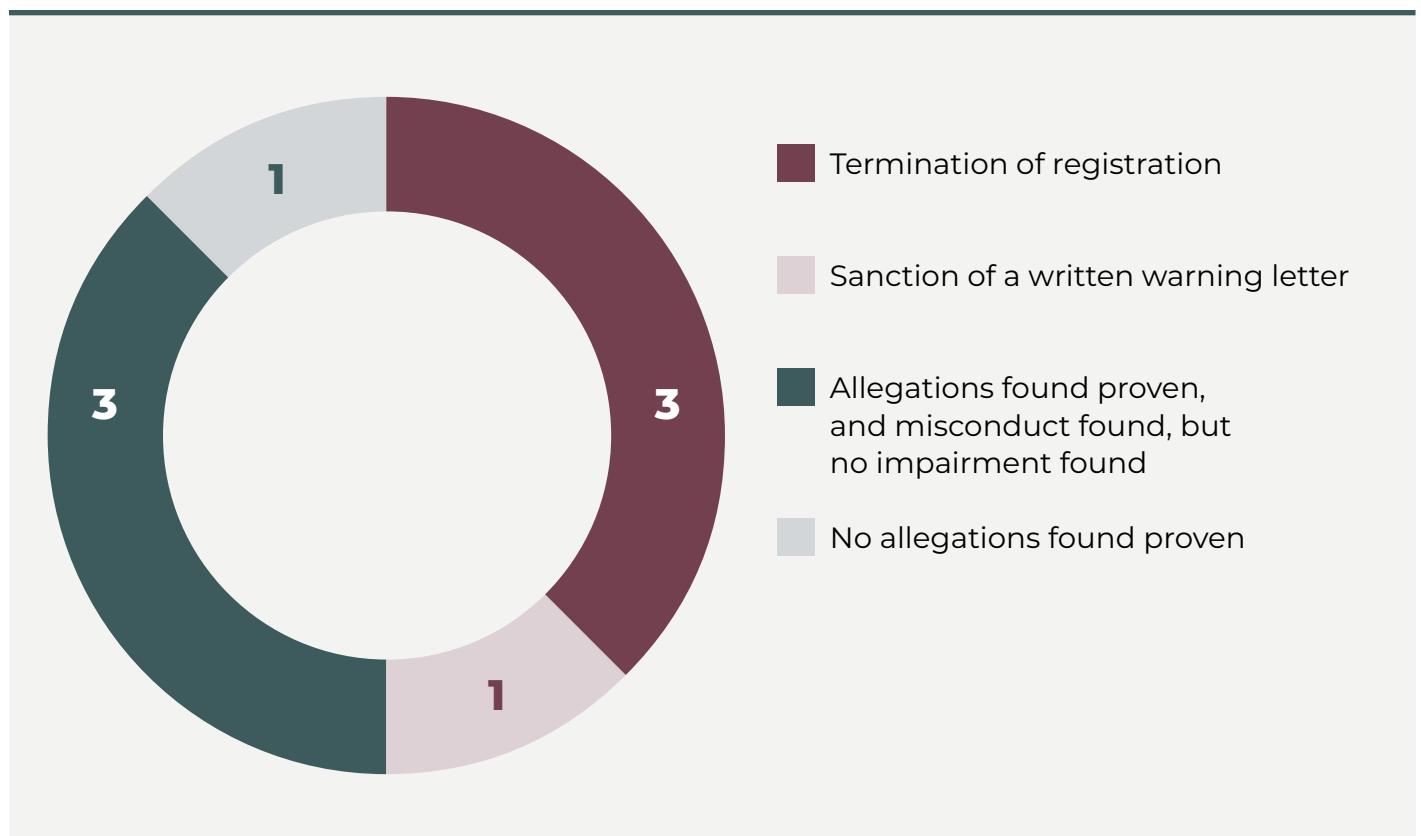
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Adjudication panel hearings in 2023

There were 14 adjudication panel hearings in 2023 concerning 10 different cases. An adjudication panel met 14 times because it convened and considered some cases at more than one sitting. Twelve of the 14 hearings were conducted remotely.

Two cases are still ongoing at the time of publication of this report and will continue into 2024. Of the eight cases that have concluded, here are the outcomes:

Outcome of adjudication panel hearings



Appeal hearing

On one occasion this year, an appeal panel met to consider an appeal by a registrant. The appeal panel dismissed the appeal and agreed with the adjudication panel's decision to remove the registrant from the register.

Adjudication panel recruitment in 2023

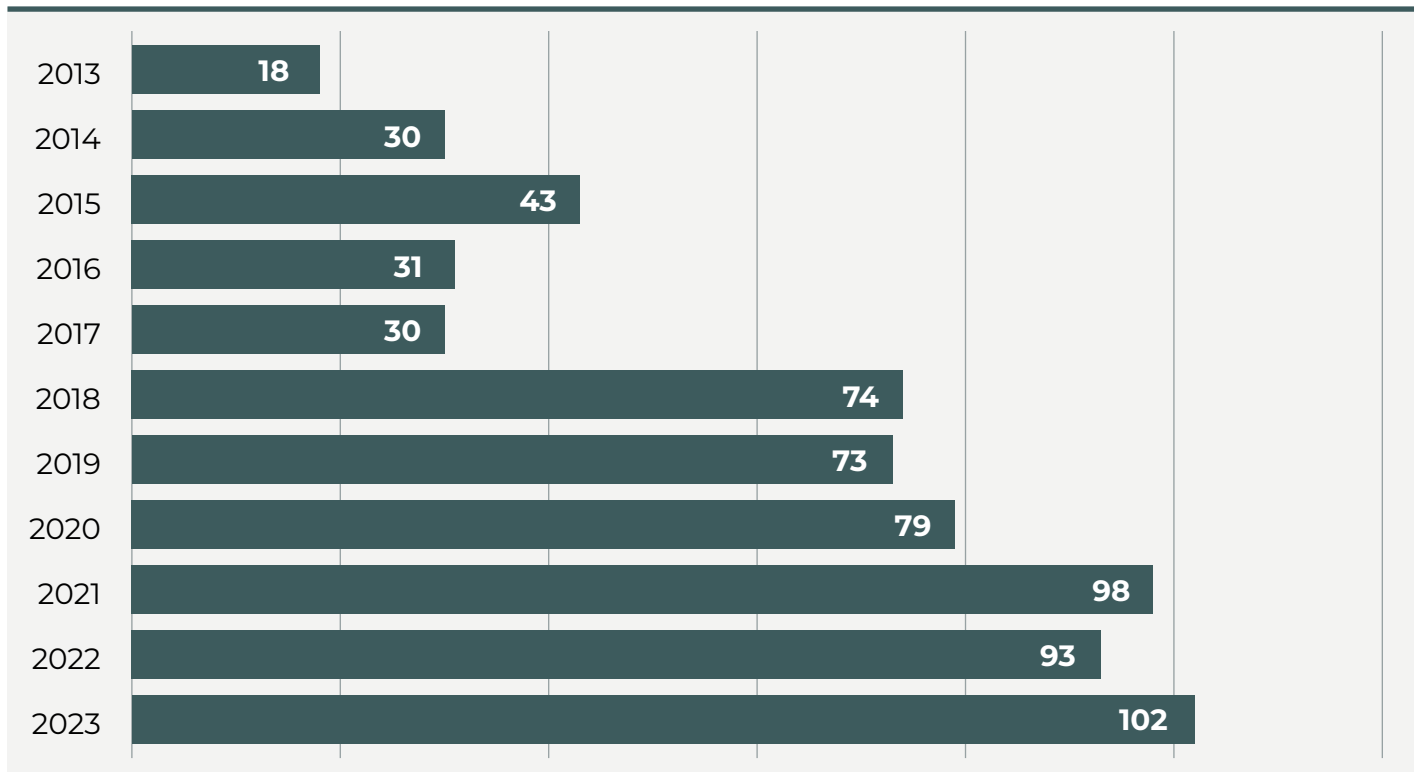
In December 2023 the panel secretary completed a successful recruitment drive for adjudication panel members.

This includes both professional members and lay chair members. We are pleased to welcome 16 new adjudication panel members in 2024.

Year-on-year analysis

UKCP has been collecting complaints data since 2013.

Total number of complaints received by year 2013–2023



As you can see, we received the highest number of complaints this year. We believe complaints have increased since 2017 because the public profile of UKCP has strengthened. We welcome this increase as it shows the public are aware that they should contact UKCP if they have a concern about a registrant.

Who made formal complaints about UKCP registrants?

UKCP received 91 formal complaints about UKCP registrants. The sources of complaints were:



Since 2022, UKCP has been implementing an online system for membership renewals. All registrants who apply to renew their UKCP membership must confirm whether they have been the subject of any complaints, or police or disciplinary action.

This process is a further step in UKCP's commitment to assure the public and the Professional Standards Authority of the UKCP national register's integrity. It also serves as a helpful annual reminder to registrants of their obligations under the Code of Ethics.

In 2023, 93 registrants declared that they had been subject to a complaint, police action or disciplinary action. These were all reviewed, and further action under the CCP was taken in 15 instances because there was a potential breach of the Code of Ethics.



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Understanding the root causes of complaints



This classification provides a broad oversight of the issues driving complaints and throws up a red flag when certain issues recur.

After the PCC considers each case, the complaints and conduct team undertake a detailed root cause analysis to identify the behaviours or situations that triggered the complaint.

The methodology is simple. For each complaint, the team review the information and categorise the complaint into one or more broadly defined groups.

This classification provides a broad oversight of the issues driving complaints and throws up a red flag when certain issues recur. With this information, the team can begin to analyse and understand the circumstances causing the complaints within each category. The team shares this information through the Learning from Complaints section of the UKCP website.



The team conducted a root cause analysis of 51 cases in 2023. The causes of the complaints were:

1. unprofessional communication and/or breakdown in communication	24
2. failure to maintain professional boundaries	10
3. decision of another body	8
4. failure to act within limits of competency	7
5. poor management of ending of therapy	7
6. breach of client confidentiality	7
7. dishonesty	4
8. sexual misconduct	3
9. failure to safeguard	2

As you can see, a few of the cases were categorised into more than one root cause. This is common where the cause of a case is the decision of another body. Under the CCP, UKCP may consider any adverse findings made by other bodies, such as the NHS or other regulators. These adverse decisions can relate to a range of situations, for example, failing to maintain professional boundaries or breaching client confidentiality.

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Learning from complaints

UKCP receives complaints that range from serious professional misconduct to expressions of dissatisfaction with a service.

Whatever the cause or severity, each complaint is an opportunity for learning. The PCC and the complaints and conduct team held their annual Learning from Complaints event on 24 June 2023. The event gives registrants the opportunity to gain insight into the work of the PCC and receive guidance on case law and topical issues. By highlighting these issues and the causes of complaints, registrants may find ways to avoid circumstances that could trigger complaints.

In March 2023, UKCP won an Accredited Registers Good Practice Award for Confidence in relation to the Learning from Complaints event held in June 2022. The Professional Standards Authority commended the event and the team for good practice in being open about complaints and sharing learning.

At the 2023 Learning from Complaints event, Brian Linfield MBE gave an introduction and an overview of the 2022 Annual Report. Sunita Thakore, Nirosha Thilagarajan and Alice Love delved into the three most recurring causes of complaints in 2022, each leading interactive case study exercises. Sunita spoke about decisions of another body, Nirosha discussed unprofessional communication, and Alice explored maintaining professional boundaries.

Finally, Kat Zhou gave an overview of the composition of the adjudication panel and the process of adjudication panel hearings.

The annual Learning from Complaints event... gives registrants the opportunity to gain insight into the work of the PCC and receive guidance on case law and topical issues.



Feedback from the event was extremely positive. Here is what some of our attendees liked most:

'The interactive part – it made me think and was really interesting to read all the other comments'

'Quality of the information, discussion and responses from presenters'

'The text chat – I have been at many events where certain persons seem to dominate the chat. The text chat gives a great opportunity for everyone to get involved'

'Hearing from the key people in the process'

'Case studies'

A recording of the event is available to UKCP registrants.

Sharing good practice

We are keen to promote good practice and the work of our registrants.

If you have an example of good practice relating to the way you carry out your work as a practitioner, and would like to share it with others, we would be pleased to hear from you.

To get in touch, email the complaints and conduct team at complaints@ukcp.org.uk – we welcome your input and your help in sharing effective ways of working.



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accredited register