

**BACP PPC Committee Meeting  
Thursday 22<sup>nd</sup> February 2024  
MS Teams at 09:30hrs**

**Report Information**

<b>Meeting Date</b>	22 February 2024
<b>Venue</b>	BACP House, Lutterworth
<b>Confidential/Non-Confidential</b>	Confidential
<b>Author/Presenter</b>	Judy White, Head of Governance

**Purpose of the Report**  
(Please tick all that apply)

To obtain approval	<input checked="" type="checkbox"/>	To canvas opinion	
For information/ to note	<input checked="" type="checkbox"/>	Regulatory requirement	
To provide advice	<input type="checkbox"/>	To highlight any emerging risks	

**Summary of Report**

(Include key points and additional information as necessary regarding the purpose of the report.)

Minutes from the BACP PPC Committee Meeting held on 22 February 2024.

**Recommendations**

The PPC Committee are invited to:

**Consider** and **approve** the minutes of the Meeting of the BACP PPC Committee Meeting on 22 February 2024 and **confirm** actions allocated at that meeting have been completed.

<b>BACP PPC Committee Meeting Thursday 22<sup>nd</sup> February 2024 MS Teams at 09:30 hrs</b>			
<b>Committee Members Present</b>	Marc Leppard	ML	Chair of PPC and Trustee
	Humza Chaudhry	HC	Committee Member
	Ciaran Doyle	CD	Committee Member
	Philip Matthews	PH	Committee Member
	Leon White	LW	Committee Member
	Dr Paul Taylor	PT	Committee Member
<b>BACP Staff Present</b>	Emma Hayes	EH	Registrar
	Beckie Grace	BG	Assistant Registrar
	Dr Phil James	PJ	CEO
	Judy White	JW	Head of Governance

**Public Protection Committee (PPC) Meeting Minutes**

Thursday 22 January 2024

9:30 - 12:00 hrs via Microsoft Teams

Chair: Marc Leppard

In attendance: PPC Committee Members and BACP Staff

Item No	General business
1.0	<b>Preliminary matters</b>
1.1	<p>Welcome, introductions, apologies and quoracy</p> <p>The Chair welcomed all in attendance. The Chair reported that he had been notified that Humza Chaudhry's term on the Committee was coming to an end in March 2024 and that Humza had indicated that he would not be seeking a second term meaning that this would be his last meeting. The Chair thanked Humza Chaudhry for his contribution and commitment to the PPC Committee.</p> <p>There were no apologies to record and the meeting was noted as quorate.</p>
1.2	<p>Declarations of interest</p> <p>No declarations of interest were made.</p>
1.3	<p>Minutes of last meeting held on 8 December 2023</p> <p>There were some minor edits to the minutes that would not change the substance of the minutes and these would need to be included to ensure that the details</p>
1.4	<p>Matters arising and review of action tracker</p> <p>It was noted that the action tracker did not include the actions from the previous meeting. In addition, the safeguarding item had been marked as complete but the action had not been completed as the review is yet to be finalised.</p>
2.0	<b>Briefing and Reports</b>
2.1	<p>Register Development Report</p> <p><u>Enhanced DBS - PSA Safeguarding Project Update</u></p> <p>The Registrar provided an update following a recent meeting with the BACP Associate Solicitor and the PSA Head of Accreditation regarding the PSA Safeguarding consultation and project which is to enable accredited registers to review DBS checks (which we would either get for them with an appropriate fee charged or require that they are provided). Despite having an agreement in principle that being able to undertake DBS checks would allow all accredited registers to move forward in the public protection arena, it was noted that this is not supported by current legislation raising a number of challenges as set out in the Appendix. An update on the project is due later this year but there is unlikely to be a significant progress given the scale and scope of work that is required.</p> <p>The Committee raised some questions about this in order to identify the potential risks to BACP:</p>

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- a. BACP does not have the legal authority to request or review enhanced DBS checks (as BACP can only review unspent convictions). Having access and holding the information held on an enhanced DBS would create some data protection concerns.
- b. BACP is not a statutory regulator and cannot access information from the barred list - this is consistent across all the accredited registers.
- c. What consideration has been given to allow new members/registrants to declare convictions. The Registrar reported that there is a requirement for new members to declare convictions and these are followed up via the 12.3 process. Where a member has failed to be transparent, BACP usually gets this information by other means e.g. some members report to BACP if they are aware of criminality by a member. the police and parole officers also inform us. The relationships with public / statutory bodies enables us to gain additional information.
- d. Where members hold dual membership with other accredited registers or statutory regulators, information is requested as part of the registration process. PSA are considering how other statutory regulators and accredited registers may share information with BACP and there are opportunities to strengthen this and put more formal processes in place. For example, if a member is going through a professional conduct procedure, some additional research is undertaken to gather further intelligence.
- e. As BACP is not a statutory regulator, there is no legal right to access information from the barred lists as set out in the Appendix.
- f. When non-disclosure is identified, this is dealt with via the 12.6 process and decisions are taken by a panel on a case by case basis based on the seriousness of the issue. Noted that it is possible to make an administration error given recent changes in time served on different convictions but any such issues are considered by the independent panel.
- g. Consideration was given as to whether the fact that BACP cannot undertake DBS checks should be flagged to the general public given the perceptions that the general public might draw given that they are dealing with accredited counsellors. The Registrar highlighted that there is scope to clarify what it means to be a registered member means in terms of checks and balances are completed and continue to be undertaken as part of ongoing registration. This might be addressed as part of the website review due in October 2024. JT suggested referencing the charity UNLOCK which has a helpful toolkit to support website information about criminality.
- h. Clarification was sought as to whether BACP had a formal process for referring information to DBS. The Registrar confirmed that there was no formal process in place and that nearly all the information shared with BACP is received from a statutory body e.g. police, probation service etc. and she had yet to come across a scenario where criminality is only known by the accredited register.

**Action 1: Registrar to develop a formal process for referring information about criminal activity to relevant authorities e.g. police or DBS.**

It was **AGREED** that the fact that BACP is unable to undertake DBS checks should be reported to the Board as part of the Chair's report as there is a gap in information that needs to be flagged. Also **AGREED** that this should be flagged on BACP's risk register given the public protection role of the Committee.

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Response to PSA re NHSE letter on Managing risk in mental health

The NICE guidelines have been updated to reflect how all healthcare practitioners, counsellors and psychotherapists are managing the risk of suicide practice. This is a substantive change that is unusual in that it states what must not be done. The BACP Good Practice In Action (GPIA) guidelines have been updated to reflect these changes. A meeting with the author of the NICE guidelines resulting in an opportunity for the BACP resources to be shared with the Oxford University Centre for Suicide Risk Prevention which provides an opportunity to foster a relationship with the Professional Standards Team.

A more focussed campaign in liaison with the Marketing & Engagement Team and Professional Standards to raise the profile of this work.

Register Terms and Conditions Update

All members are required to sign the T&C every year but these have not been reviewed for a while. A law firm has completed this review and identified some areas for improvement and some changes suggested. A paper with the recommendations will be shared to the next PPC for Board approval. In making these changes, it was asked that any amendments are highlighted.

PSA Annual Check

A draft report has been received from the PSA and the indication is that BACP has passed with some recommendations. The final report will be shared formally with the Committee.

Ethical Framework review Update

The ethical framework is the document which holds BACP members accountable for conduct. The current version of the framework is hard to implement as part of the professional conduct procedure. Discussions with colleagues involved in the project have been productive to address some of these challenges. The approach of the review is based on the framework used by the Nursing & Midwifery Council which uses clear and easy to understand language that is helpful for members and the public to understand.

The meeting noted concerns that the new ethical framework would need to be easy to operationalise, implement and regulate against with clarity. It was suggested that the PPC should have some sight of the progress on the ethical framework review. It was **AGREED** that Ethical Framework Review project should report into PPC for review and challenge

**Action 2: Head of Governance to report what the current governance and reporting arrangements are for the Ethical Framework Review project.**

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2.2

**Register Operational Report**

The presented the highlights:

Get help service: this is the public facing element of the Register including member and non-member enquiries. It was a record month in January with 176 enquiries received. Expecting to just over 100 in February which is more comparable to last year.

Certificate of proficiency: This is way in which entry to the Register assessment is managed and has been place for over 10 years. The figures are in line with expectation but RAG rated as amber due to number of members who completed the assessment vs the number of places available. All events are always fully booked but full capacity is not achieved due to the attrition rates from members despite a number of places. Pass rates continued at the expected rate. The associated admin costs for managing this service and not maximising attendance were noted recognising the financial impact on members.

Disclosures on Membership Applications: It was reported that performance against the KPI could potentially be RAG rated as amber as there has been a staffing gap in the team responsible for this work. However, following recent recruitment performance is likely to improve.

Maintenance Audit: This work is all on track. There is an active follow up process to build member engagement with the audit process. It was noted that referral to professional conduct would typically happen within 2 - 3 months of the end of the renewal month.

Complaints: The amber RAG rating was noted and the Committee sought clarification about whether the performance was being impacted by resourcing. Additional roles have been requested in the 2024/25 budget and is pending approval. Stability in the team is an ongoing issue as well as the increased demand/volumes from complaints. Since COVID complaints have increased from 30 a year to an average of 45 per month since 2020.

There has been an increase in staffing of the team but a further review is underway to rebalance the team to meet the demand. There is work ongoing with a Business Analyst to review opportunities to streamline the process whilst ensuring we maintain a thorough and considered approach. There are 149 complaints pending assessment for 3.5 FTE.

The Committee **AGREED** that there needed to be an appropriate resourcing model for the next year or two to ensure that the Committee delivers the public protection agenda. The Registrar explained that she had considered a more long term view in her resourcing request with further information reflected in the business can submitted to SLT

**Action 3: A resourcing model paper was requested that ensure that there is adequate, long term resilience in terms of structure and headcount.**

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	<p>The Registrar advised that there were 13 cases that had exceeded the published timelines and progress on these was noted. There are a minority of complaints that cannot be progressed as there is a requirement to keep these on hold pending resolution of formal legal action. There is the option to suspend in this circumstance if relevant.</p> <p>Suspensions are normally in place for 12 - 18 months and typically reviewed after 12 months. The suspension can be extended for a further 6 months after the 12 month review. If new information comes to light during a suspension an independent panel is convened to review the information.</p> <p><b>Action 4: It was agreed that any suspensions are reported to PPC.</b></p>
<b>3.0</b>	<b>Updates</b>
3.1	<p>Number of Panels and Panel Committee Structure</p> <p>The Registrar reported on the different types of panel members many of which act in a similar capacity for other regulators e.g. NMC, SRA etc. so that BACP benefits from this broad expertise.</p> <p>Independent reviewers are contracted by BACP and are solicitors by expertise focussing on professional conduct appeals related to procedural or sanction errors.</p> <p>BACP staff provide high level administration support e.g. quality of folios presented to the panels and are not decision makers or sit on panels. The Clerks ensure that panel members follow procedures.</p> <p>Panel members are selected randomly and some additional recruitment is planned.</p> <p><b>Action 5: The Committee requested to have sight of the proposed timelines for recruitment.</b></p> <p>The Registrar reported that very little EDI data is collected on panel members and recognised that more work is needed in this area as clarity is required about what we are collecting the data for and how we intend to use it.</p> <p>The Committee noted the following:</p> <ol style="list-style-type: none"> <li>a. Examples from the police was noted which takes into account the role of lay members and levels of engagement. It was suggested that some sort of structure around selection and maintaining process familiarity might be needed. The Registrar reiterated the need to balance the risk of perceived bias if a selection process is introduced.</li> <li>b. Whether there was any support for the Chair in making any cultural considerations when they have no EDI expertise and are working against their own cultural biases. The Registrar explained that panel members can recuse themselves and there is some counselling and supervision support. She noted that there was no current/suitable mechanism in place to support the cultural concern issues and this will need to be considered. She further advised that the typical view taken is that the issue should focus on the ethical considerations which</li> </ol>

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	<p>might be somewhat reductive. It was suggested that consideration is given to provide the option to bring on board an independent expert/organisation at a cost to BACP to support the process. There is the additional option to tap into the expertise of the EDI Lead at BACP when appointed to support the process or provide targeted EDI and cultural bias training provided to panel members. It was noted that there is feedback mechanism codified in the procedure to raise concerns on any issues including those related to the cultural issues.</p> <p>c. It was noted that the PSA is interested in EDI data and that there is an ethical consideration about the people from ethnic minorities who tend to be disproportionately impacted by outcomes from professional conduct outcomes. Undertaking an EDI impact assessments to build the evidence base for why EDI data should be collected should be considered.</p> <p><b>Action 6:</b> a. It was agreed that the team should start collating EDI data so that consideration is given about whether a change in approach may be required. b. An EDI impact assessment should be undertaken to build the evidence base to support potential changes to how panels are constituted and organised. c. EDI training for panel members more generally should be delivered. d. A meeting with the Registrar, Chair of PPC and the EDI Lead on the Board to discuss how EDI good practice might be embedded.</p> <p>d. Case presenters roles: Currently requires practicing barristers or senior solicitors and it was suggested that consideration is given to different models to attract higher quality of case presenters that does not necessarily require them to be a barrister as there are lot of skilled people who might excel in the advocacy role but seeking to train and develop in this area. The Registrar noted that this approach might be work considering as part of future modelling.</p>
3.2	<p><b>Serious Case Report</b></p> <p>A brief update on two(2) serious cases was provided:</p> <p>a. An interim suspension order approved by the IAC as there is an ongoing investigated by UKCP (to avoid double jeopardy). It was advised that the panel would consider all aggravating and mitigating factors as presented by the member and apply a proportionate sanction based on the six available sanctions.</p> <p>The Committee raised concerns about the impact of limiting earnings whilst a member is under suspension for a period of time. The discussion agreed that the right balance was being achieved given the focus on public protection.</p> <p>b. Another case relates to concerns about fitness to practice with support and advice being provided by the Safeguarding Lead at BACP.</p>
4.0	<p><b>AOB</b></p>



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4.1	<b>Any Other Business</b>  The Chair invited reflections from the Committee members on issues that should be addressed by the Committee. He noted that there were a few issues that needed to be confirmed: <ol style="list-style-type: none"> <li>a. Resourcing of the Registrar’s team</li> <li>b. Safeguarding - particularly once the findings of the safeguarding deep dive is known</li> <li>c. the Committee would be able to review the PSA outcomes and recommendations</li> <li>d. there was planned action to respond to the member dissatisfaction on SCoPEd and social media comments regarding the Board and that there would be a detailed comms plan to manage some of these issues</li> <li>e. there was ongoing work being undertaken by the CEO to engage with stakeholders and a broader discussion is planned by the Board. He agreed to report back when more information is known.</li> </ol>
5.0	<b>Presentation of record on BACP website</b>
5.1	To consider any items requiring redaction.
6.0	<b>2024 meetings</b>
6.1	The dates of the next meeting were noted as:  25th April 2024 04th July 2024 04th October 2024 (may need to change to a different week in October) 13th February 2025
<b>Meeting closed: 12:00 hrs</b>	

Summary of actions		
Action No.	Agenda Item	Actions
1	2.1	Registrar to develop a formal process for referring information about criminal activity to relevant authorities e.g. police or DBS.
2	2.1	Head of Governance to report what the current governance and reporting arrangements are for the Ethical Framework Review project.
3	2.2	A resourcing model paper was requested that ensure that there is adequate, long term resilience in terms of structure and headcount.

4	2.2	It was agreed that any suspensions are reported to PPC.
5	3.1	The Committee requested to have sight of the proposed timelines for recruitment.
6a	3.1	The Team should start collating EDI data so that consideration is given about whether a change in approach may be required.
6b	3.1	An EDI impact assessment should be undertaken to build the evidence base to support potential changes to how panels are constituted and organised.
6c	3.1	EDI training for panel members more generally should be delivered.
6d	3.1	A meeting with the Registrar, Chair of PPC and the EDI Lead on the Board to discuss how EDI good practice might be embedded.

Decisions		
Number	Agenda item	
1	2.1	It was <b>AGREED</b> that the fact that BACP is unable to undertake DBS checks should be reported to the Board as part of the Chair's report as there is a gap in information that needs to be flagged.
2	2.1	Also <b>AGREED</b> that this should be flagged on BACP's risk register given the public protection role of the Committee.
3	2.1	It was <b>AGREED</b> that Ethical Framework Review project should report into PPC for review and challenge
5	3.1	The Committee <b>AGREED</b> that there needed to be an appropriate resourcing model for the next year or two to ensure that the Committee delivers the public protection agenda.

**Distribution list:  
Committee:**

Marc Leppard, Public Protection Committee Chair and Trustee  
Humza Chaudhry, Public Protection Committee Member  
Ciaran Doyle, Public Protection Committee Member  
Dr Paul Taylor, Public Protection Committee Member  
Leon White, Public Protection Committee Member  
Mervyn Wynne-Jones, Public Protection Committee Member

**BACP Staff:**

Dr Phil James, CEO  
Emma Hayes, Registrar  
Rebecca Grace, Assistant Registrar

Judy White, Head of Governance  
Ruzina Miah, Governance Manager