



# Public Protection Committee

Annual report 2023

**Public Protection Committee: Annual report 2023****Copyright information:**

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# Welcome from the Chair of the Public Protection Committee

Welcome to the fourth annual report of the *British Association for Counselling and Psychotherapy's Public Protection Committee* (PPC).

I was privileged to take over as Chair of PPC in November 2023. I'd like to start this foreword by thanking my predecessor Velia Soames for her support of the regulatory functions of BACP. I'd also like to pay tribute to the Registrar, Emma Hayes, and her staff for their continued hard work. I would also like to thank our other members who served on the Public Protection Committee, Mervyn Wynne-Hughes, Humza Chaudry, and Jo Burns.

BACP takes its public protection responsibilities very seriously and I'm pleased to be able to report to our members, the public and other stakeholders on our progress. Transparency and accountability are critical in any membership organisation which provides services to the public and I hope that this report demonstrates BACP's commitment to both. The report covers the calendar year of 2023 and provides insights, key themes and trends around the steps we've taken to continue to protect the public and ensure our members maintain the highest professional standards of conduct.

Towards the end of 2023, the *Professional Standards Authority* (PSA) carried out a targeted review of BACP's work. The PSA looks at how we uphold professional standards, including how we carry out our complaints procedure and also our financial status and governance processes.

The PSA released its report [www.professionalstandards.org.uk/what-we-do/accredited-registers/find-a-register/detail/british-association-for-counselling-psychotherapy](http://www.professionalstandards.org.uk/what-we-do/accredited-registers/find-a-register/detail/british-association-for-counselling-psychotherapy) in March 2024, re-accrediting the register with three conditions and one recommendation. The conditions included an authoritative review of our *Good Practice in action* (GPiA) resource on working with suicidal clients in the counselling professions (GPiA 042) to ensure it fully aligns with the *National Institute for Health and Care Excellence's* (NICE's) guideline on self-harm, sharing the updated resource with our members and informing our education and training providers of the need to include the underpinning evidence base in teaching on suicide risk assessment and that self-assessment risk assessment tools are unable to accurately predict suicide.

I'm very pleased to confirm that the PSA are now satisfied we've met these conditions for re-accreditation. Members can read more about this by visiting our website [www.professionalstandards.org.uk/what-we-do/accredited-registers/find-a-register/detail/british-association-for-counselling-psychotherapy](http://www.professionalstandards.org.uk/what-we-do/accredited-registers/find-a-register/detail/british-association-for-counselling-psychotherapy)

The PSA also recommended we make clear that the remit of the Accredited Registers quality mark only applies to members working within the UK and how adjunctive therapies are presented. We've committed to address all of these within the timescales requested.

**Key trends and themes from 2023 show that members of the public and our membership continue to value the important services that BACP provides.**

- The number of registered members increased by 3,562 during 2023
- In 2023, the *Get help with counselling concerns* service (a helpline for the public with concerns about their therapy) answered 1,390 public queries, Boundary issues, confidentiality, contracting and endings were the main themes, along with the use of AI and smart devices in counselling as emerging issues, which we will continue to monitor.
- 4,123 members passed the *Certificate of Proficiency (CoP)* with 4,404 assessments being submitted.
- BACP successfully audited 582 members. Letters of advice were issued to 12 members in relation to minor breaches of register conditions and 2 members were referred for professional conduct proceedings.
- BACP received 511 complaints (253 complaints in 2022) with 315 relating to client/therapeutic relationships and 196 from a third party. As context, this is 0.74% of our membership. 11 cases were heard under the formal disciplinary process with nine upheld and one appeal underway. Another 23 were heard under the practice review process with 19 upheld. Again, major themes concerned boundary conditions, endings, fitness to practice and confidentiality. In the interest of transparency and public protection, BACP publishes details of all upheld allegation on our website [www.bacp.co.uk/about-us/protecting-the-public/professional-conduct/notices](http://www.bacp.co.uk/about-us/protecting-the-public/professional-conduct/notices)
- Our annual membership survey in 2023 showed that 65% agree that we work well to deliver a robust regulatory framework and hold and maintain a PSA accredited register which promotes confidence in BACP members [www.bacp.co.uk/about-us/about-bacp/9-november-2023-bacp-membership-survey](http://www.bacp.co.uk/about-us/about-bacp/9-november-2023-bacp-membership-survey) - a slight reduction from 72% in 2022. Supporting our members in professional and ethical practice and upholding the highest standards within practice remain the focus of much of what we do as a professional body.
- This survey also found that 70% of members believe we set standards for the profession well, and 77% say we provide them with resources that support professional and ethical practice well.

As we look ahead, during 2024 we've begun reviewing the PPC terms of reference, particularly in light of planned updates to the *Ethical Framework* and the implementation of SCoPED to ensure that relevant public protection matters are properly addressed.

Our priority remains to continue to uphold the highest public protection standards and to ensure that we fulfil any conditions set by our regulator, the PSA, in relation to our public protection strategy. It is critical that the public have confidence in our upholding professional standards and that the PPC best represents our membership. I would encourage any members of BACP or the public with an interest in public protection and professional standards to put themselves forward to join the Committee. Please contact at [Governance@bacp.co.uk](mailto:Governance@bacp.co.uk) if you are interested.

Lastly, but most importantly, I would like to thank members of the committee and the staff of BACP for their support and dedication to the work of the PPC during the year.



**Marc Leppard**  
Chair of PPC

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## Introduction

The Public Protection Committee (PPC) holds delegated authority from the BACP Board of Governors to provide strategic direction and oversight to ensure that BACP effectively safeguards the public by upholding professional standards, ethics, and accountability within the counselling and psychotherapy professions. The PPC is accountable to the BACP Board of Governors and is required to undertake a review of its effectiveness to ensure that it is delivering on its remit. The PPC has a maximum of 8 members – the Chair of the Committee (a lay member who is also a BACP Board Governor) plus 7 other committee members with at least 3 that are members of BACP. The PPC meets at least four times a year.

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### Membership Committee Members:

<b>Marc Leppard</b>	(2.11.2023 – 2.11.2027)
<b>Phillip Matthews</b>	(06.12.2018 – 06.12.2024)
<b>Leon White</b>	(22.09.2023 – 22.09.2026)
<b>Dr Paul Taylor</b>	(22.09.2023 – 22.09.2026)
<b>Ciaran Doyle</b>	(22.09.2023 – 22.09.2026)

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### The committee is supported by a team of specialist BACP staff:

**Dr Philip James** – CEO

**Dr Lisa Morrison-Coulthard** – Director of Professional Standards,  
Policy & Research

**Emma Hayes** – Registrar

**Rebecca Grace** – Assistant Registrar

**Judy White** – Head of Governance

The Committee is dedicated to transparency and publishes both its minutes and public protection strategy on the BACP website: Governance of the BACP Register.

**You can find out more about how BACP protects the public on our website:**  
[Protecting the Public](#)

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## Public Protection

Our Register is a public record of counsellors and psychotherapists who meet or exceed our recommended quality standards.

The Register serves several critical functions that benefit the public. It ensures that all registered counsellors and psychotherapists possess the necessary qualifications and training to practise safely, setting and maintaining rigorous standards for education, training, and conduct to ensure high-quality care. It also fosters public confidence, assuring that the counsellors and psychotherapists consulted are competent and trustworthy.

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## Professional Standards Authority

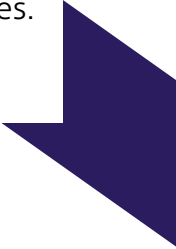
The Accredited Registers' programme, delivered by the Professional Standards Authority (PSA), provides oversight for health and care roles that are not required to be registered by law. The legislation underpinning their powers to accredit registers is set out within the National Health Service Reform and Health Care Professions Act 2002.

The mission of the Accredited Registers' programme is to help keep people safe when they are receiving therapy from unregulated health and care practitioners. The PSA Quality Mark is only awarded to registers that meet their rigorous standards, enabling a member of the public to choose a practitioner with confidence.

The Professional Standards Authority Standards for Accredited Registers are [available here](#).

BACP was the first psychological therapists' register to be accredited under the Professional Standards Authority's [Accredited Registers' programme](#). Being accredited demonstrates our commitment to high standards and public protection.

The PSA Accredited Registers' programme only applies within the UK and has no jurisdiction in either British Crown Dependencies or British Overseas Territories.





## Entry to the Register

The Registered member category is our main category for practising members. To become registered the practitioner needs to have demonstrated high standards of proficiency, professionalism and ethical practice.

To be eligible for registration the member must have either graduated from a BACP-accredited course or have graduated from a course, which meets our membership entry requirements, and also passed our Certificate of Proficiency assessment.

BACP-accredited courses have met our stringent training, practice, delivery and quality assurance requirements. The students who graduate from these courses are eligible for registration.

The Certificate of Proficiency (CoP) is a standardised assessment of the knowledge, skills and abilities needed to be a safe and effective therapist. The assessment is case study based, and our assessment content is developed by experienced counsellors and psychotherapists. The CoP route is available to those who have completed a training which meets our membership entry requirements (the course must have involved at least one-year full-time or two years' part-time classroom-based tuition and a supervised placement of at least 100 client contact hours which was an integral part of the course).

Whichever route to registration is taken, the members will have evidenced their high standards of proficiency and professionalism before registration is awarded.

Additionally, before registration can be confirmed members are required to agree to the Register terms and conditions, which demonstrate their continued commitment to working professionally and ethically.

**The number of registered members increased by 3,562 during 2023.**

	2020	2021	2022	2023
<b>Registrants</b>	33,111	36,920	40,432	43,098
<b>Members</b>	55,260	60,707	64,839	68,752

## Supporting the public

We also support the public directly with our *Get help with counselling concerns* service (previously called the *Ask Kathleen* service). We offer help and reassurance where enquirers have concerns or questions about their experience of therapy, about how therapy works, and what good practice looks like. We offer the service to all members of the public, whether their concerns are about a BACP member or not.

**In 2023, the *Get help with counselling concerns* service answered 1,390 public queries, a 22% increase from the previous year.**

	2020	2021	2022	2023
<b>Get Help enquiries</b>	1361	1364	1140	1390

### The main areas of concern where the member of the public was requesting guidance:

Boundaries	31%
Confidentiality	9%
Conflicts of interest	5%
Contracting	10%
EDI	0.50%
Employment issues	3%
Endings	9%
Fitness to practice	9%
Legal	1%
Media presence	0.50%
Misrepresentation	3%
Other	9%
Record keeping/access to notes	5%
Safeguarding	4%
Supervision	0.50%

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## Enquiries supporting the public

We also capture information about whether the enquirer is looking for guidance and/or support or if they are looking for information. In 2023, 43% of the enquiries received involved the person requesting information. Examples of these enquiries are: checking the membership status of a therapist, finding a therapist or a request for information on how to make a complaint. Forty-one per cent of enquirers were looking for specific guidance reflected in the chart above.

We also offer a support system for complainants in professional conduct cases. This aims to assist complainants during the conduct process including providing someone to accompany complainants to hearings if required. This service is valued by the complainants and was used 14 times in 2023.

The *Get help with counselling concerns* service provided telephone support for complainants throughout the complaints process. This was accessed 24 times during 2023. (Some clients accessed the support service more than once).

Enquiries around boundaries, confidentiality, contracting and endings remain the four highest areas of concerns. However, although the main areas remained unchanged, the service received a small number of enquiries regarding smart devices, the use of AI in therapy, as well as an increasing number of concerns around counselling offered via online platforms.



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## Member disclosures

Under Article 12.3 of BACP's Articles of Association, BACP can decline "*any application for membership, registration or admittance to grades of membership*".

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**If you apply to become a BACP member, you'll be asked if you have any disclosures to make. Section 4 of the application form asks the following questions:**

- Do you have a conviction which is not spent under the Rehabilitation of Offenders Act 1974 (as amended)?
- Have you ever been struck off, erased, removed, or suspended from membership of any professional body or register on the grounds of professional misconduct?
- Have you ever been refused membership or registration by a professional body or register on the grounds of professional misconduct?
- Have you ever been the subject of any civil claim brought against you, other disciplinary action, investigation, proceeding or enquiry?
- Are you currently or likely to be the subject of any disciplinary action, investigation, proceeding or enquiry?
- Is your fitness to practise impaired for any reason including health or personal circumstances?
- Are there any other factors which could call into question your suitability for membership?

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**An application for membership may be refused in line with Article 12.3 where the information provided is such that:**

- a. If a member of the public was accurately informed of the disclosure and the applicant was admitted to membership it is likely to:
  - bring the reputation of the counselling professions into disrepute, or
  - undermine the public's trust in and/or the reputation of the Association, or
  - undermine public confidence in the Association's regulatory function
- b. There is good reason to believe that the applicant's conduct could have constituted a serious breach of professional standards, having regard to BACP's *Ethical Framework* for the Counselling Professions and/or the Professional Conduct Procedure, had the applicant been a member of BACP at the time it occurred.
- c. There is good reason to believe that, if admitted to membership, the applicant is unlikely to work within professional standards, having regard to BACP's *Ethical Framework* for the Counselling Professions and/or the Professional Conduct Procedure.
- d. There is good reason to believe that, if admitted to membership, the applicant would be a risk to the public.

In 2023, we received 125 membership applications where applicants made a disclosure. These applications underwent initial assessment. Following assessment, a total of 20 application disclosures were of a nature that required consideration by an independently constituted Article 12.3 panel.

**Of these 20 applications:**

- 16 were accepted into membership,
- 2 were not accepted into membership,
- 2 cases are ongoing and while an initial decision has been not to accept into membership, these decisions are eligible for review by the Article 12.3 Panel in July 2024.

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## Certificate of Proficiency

The Certificate of Proficiency (CoP) is an assessment that is completed by our Individual members who haven't completed a BACP-accredited course.

**In 2023, we arranged 67 assessment sessions for our Individual members with 4,404 assessments being submitted.**


**During 2023, 4,123 members passed the CoP, which gave them eligibility for registration.**

Members have three attempts to pass the CoP. There are 173 members who failed the CoP during 2023 and are yet to pass the assessment. If a member fails for a 3<sup>rd</sup> time, their membership is put on hold until they can pass the assessment. Eleven members failed the assessment for a 3<sup>rd</sup> time during 2023.

Additionally, we embed the CoP in the Approved Qualifications as a BACP quality check on the course. We arranged 85 assessment sessions at centres who are delivering the approved practitioner qualification. In 2023, 714 learners studying on an approved qualification were able to take the CoP at their place of study. Of these, 688 candidates passed the CoP. This meant that upon completion of their qualification they were immediately eligible for BACP registration.

In total over 5,000 assessments were submitted in 2023, thus giving the opportunity to become a BACP registered member. A small minority of those eligible (131 members) haven't upgraded their membership to registered yet.

The assessment is case study based, and each year we look to develop new content. We developed two new case studies in 2023, and these align with the requirements of a column A practitioner in the SCoPEd framework document. Additionally, we successfully trialled two other case studies during 2023.



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# CPD audit

## Audit process

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### Summary

Continuing Professional Development (CPD), appropriate supervision, and indemnity insurance cover are values of the BACP *Ethical Framework* and are considered important ways to maintain professional standards. The BACP Register requires registered members to plan and evaluate their CPD, have appropriate levels of supervision, and have adequate, current and ongoing professional indemnity insurance cover.

We monitor compliance through the random audit of registered member records. However, as one of the fundamental aims of the audit is to encourage a genuine engagement with the learning cycle as soon as members go onto the Register, the approach has an emphasis on support and facilitation.

	2020	2021	2022	2023
<b>No. of audits</b>	740	778	706	739

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### Purpose of audit

Records are audited to encourage and monitor compliance and to gather statistical data and trends.

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### Nature of audit

Members selected for audit are asked to provide a CPD record, supervision record, and copies of professional indemnity insurance documents covering the audit period.

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### CPD record

A template is provided by the Register team to encourage registered members to reflect, plan, action and evaluate their CPD in a systematic way. The Register looks to see that the record shows a wide range of topics and activities and has met our CPD standards.

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## Supervision record

**A template is provided by the Register Team that requests the following information:**

- Date and duration of session
- Session format i.e. group/one-to-one
- Nature of delivery i.e. face-to-face/telephone/online
- Context of sessions i.e. private practice/agency work
- Three examples of how supervision has impacted their practice.

A random selection of 10% of members selected for audit will go through further assessment. In this process supervisor(s) are contacted via email and asked to complete a supervisor form while reviewing the member's supervision record.

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## Professional Indemnity Insurance

Evidence of appropriate, current and ongoing indemnity insurance cover is required for audit purposes and members are asked to provide copies of their indemnity insurance certificates. If indemnity insurance is provided by their employer, they are asked to provide a copy of their employer's indemnity insurance certificate and a letter from the employer confirming their employment dates.



## Overview of 2023

Members who have been on the Register for over a year are eligible to be audited for continuing professional development (CPD), supervision, and professional indemnity insurance, to check they are meeting the terms and conditions of registration. In each month, we select 1.5% of members who are due for renewal. In 2023, 739 members were asked to take part in the Register audit.

### Audit process from January to December 2023:

Audit Month	Passed audit	Cancelled	Expired	Retired	Deferred	Letter of advice sent	Referred to conduct
<b>Jan-23</b>	59	4	1	1	4	1	0
<b>Feb-23</b>	53	3	3	1	3	1	0
<b>Mar-23</b>	58	1	3	1	4	2	0
<b>Apr-23</b>	45	0	2	1	6	2	0
<b>May-23</b>	44	6	4	1	4	0	0
<b>Jun-23</b>	44	1	4	2	5	0	0
<b>Jul-23</b>	41	1	5	0	6	1	0
<b>Aug-23</b>	32	1	1	0	8	0	0
<b>Sep-23</b>	36	3	4	0	4	1	2
<b>Oct-23</b>	61	5	6	5	7	1	0
<b>Nov-23</b>	65	2	5	1	8	2	0
<b>Dec-23</b>	44	0	3	1	2	1	0
	<b>582</b>	<b>27</b>	<b>41</b>	<b>14</b>	<b>61</b>	<b>12</b>	<b>2</b>

Members who moved to the retired category or whose membership had been cancelled or had expired were not required to complete the audit process. However, if these members returned to membership within the following six months, then they were re-called for audit.

Some members who were selected for audit could not complete at that time due to personal circumstances, for instance bereavement, long-term illness or maternity leave. In these cases, their audit was deferred for 12 months and they will automatically be selected again in 2024.

Of those who were selected for audit in 2023, 12 members were issued with a letter of advice. This process is in place when there is evidence that there may have been a low-impact breach to the register terms and conditions that was minor or technical. Advice is given to avoid the likelihood of repetition and members are recalled for audit within the following three years. In 2023, the letters of advice issued were particularly related to professional indemnity insurance.

Generally, there are high levels of engagement with the audit process and a high standard of submissions received. However, members who did not engage with the audit process following multiple communications by email, telephone and letter, were referred to the Professional Conduct team

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## Professional Conduct Procedure

The Register holds members accountable to the [Ethical Framework](#) through the [Professional Conduct Procedure \(PCP\)](#). We rely on clients, the public and members to bring poor and unethical practice to our attention so we can take appropriate action, and ultimately protect the public and the reputation of the profession.

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### Assessment

In 2023, we received 511 complaints, 315 related to a client/therapeutic relationship and 196 from a third party. The proportion of BACP members/registrants who had concerns raised about their conduct remained low at 0.74%, (members totalled 69,174 as of 24 May 2024).

In relation to the Professional Conduct Procedure, if a member accepts there has been a minor or technical breach of professional standards, we may send them a letter with advice on how they can improve their practice. This is known as 'a letter of advice' and is not a formal disciplinary action, but it will be kept on the member's record for three years. If the complaint is accepted but is not suitable for a letter of advice, it will be sent to the Investigation and Assessment Committee (IAC) for assessment. In 2023, one complaint was resolved by a letter of advice.

	2020	2021	2022	2023
<b>No. of PCP complaints</b>	191	228	253	315
<b>Third Party Complaints</b>	76	24	153	196

## Investigation and Assessment Committee (IAC) and Hearings

Complaints about more serious issues are sent to the Investigation and Assessment Committee (IAC). This is a panel of three independent people. It can make the following decisions:

- deal with the complaint by means of consensual disposal
- suspend membership through an interim suspension order
- refer the complaint to a disciplinary hearing
- refer the complaint to a practice review hearing
- dismiss the complaint.

In relation to complaints considered under our Professional Conduct Procedure, between 1 January 2023 and 31 December 2023, the IAC considered 107 cases, (this does not include duplicates of a case going to an IAC more than once for further information, consensual disposal requests etc).

Consensual disposal is where the member and BACP come to an agreement to resolve a complaint without going to a Professional Conduct Hearing. This allows complaints to be resolved in a quicker timeframe and avoids the anxiety and inconvenience of attending a hearing. Although there is no formal hearing of the complaint, a consensual disposal agreement is deemed to be a disciplinary decision and will be published in line with BACP's publication policy. If the member breaches the terms of the consensual disposal agreement, this may result in the termination of their membership, which will also be published.

	2020	2021	2022	2023
<b>No. of members sanction PCP</b>	7*	12*	73	70
<b>No. of members withdrawn PCP</b>	4	4	7	5
<b>No. of members withdrawn – 12.6</b>	1	3	1	1
<b>12.6 Panel</b>	3	6	5	1

\*Impacted by Covid

### For the cases considered in 2023, the following decisions were reached:

- 62 cases were dismissed, subject to any request for a review
- Of the 62 cases dismissed, 11 cases requested a review and of these 2 were accepted to be considered afresh by the Investigation and Assessment Committee
- 29 were accepted to proceed under the Practice Review Process Track
- 14 were accepted to proceed under the Disciplinary Proceedings Track
- 16 were resolved by way of consensual disposal
- 2 cases are ongoing.

The IAC can refer allegations of serious breaches of professional standards to a disciplinary hearing, heard by a Professional Conduct Panel. If the complaint is upheld, the panel can impose sanctions on the member, including suspending or withdrawing BACP membership. In 2023, 11 cases were heard under the Disciplinary Proceedings Track. Of the 11 cases, nine had upheld allegations and one was dismissed. There was one appeal which is currently ongoing and awaiting to be considered at an Appeal Hearing.

The IAC can refer complaints about the professional service provided by a member to a practice review hearing, heard by a Professional Conduct Panel. These are less formal hearings, which aim to find a resolution acceptable to both the complainant and the member. If poor service is proved, and the parties can't agree, the panel can impose sanctions on the member. However, it can't withdraw or suspend BACP membership. In 2023, 23 cases were heard under the Practice Review Process Track. Of the 23 cases, 19 had upheld allegations and four were dismissed.

When allegations are found to be upheld following a hearing or by a consensual disposal, a [notice](#) relating to this matter will be published in our website.

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### Types of concerns/complaints - themes

Abrupt ending	10%
Boundary issues	14%
Breach of confidentiality	8%
Breach of contract	6%
Conflict of interest	2%
Equality, diversity & inclusion	1%
Fitness to practise	14%
Legal issue	1%
Misrepresentation	2%
Other	14%
Record keeping	1%
Refund request	1%
Safeguarding	4%
Sexual allegation	2%
Student/tutor	3%
No information	16%

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# Developments for 2024

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## Audit criteria

As part of our commitment to ensuring its professional conduct processes and subsequent decisions are fair and proportionate, we have implemented a series of audits to be undertaken in 2024 against the criteria set out below.

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### 1. Complaints closed at assessment stage

Complaints closed at assessment stage will be audited to ensure the decision was appropriately made. The audit will include complaints made by clients and those made by third parties. The audit is likely to be carried out independently, by our instructing solicitors who are familiar with the Professional Conduct Procedure.

To achieve meaningful data, each month 20% of cases closed will be audited.

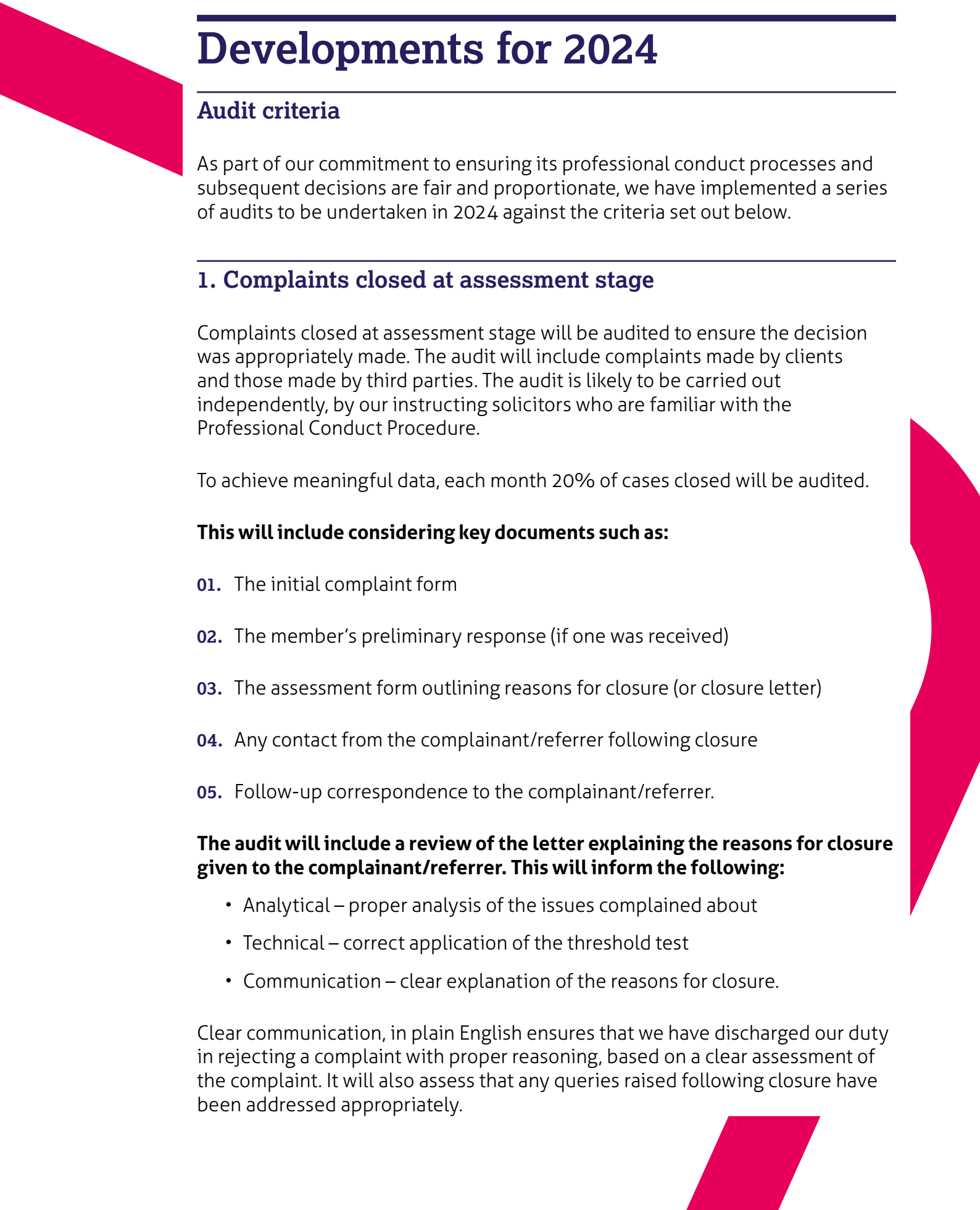
#### **This will include considering key documents such as:**

01. The initial complaint form
02. The member's preliminary response (if one was received)
03. The assessment form outlining reasons for closure (or closure letter)
04. Any contact from the complainant/referrer following closure
05. Follow-up correspondence to the complainant/referrer.

#### **The audit will include a review of the letter explaining the reasons for closure given to the complainant/referrer. This will inform the following:**

- Analytical – proper analysis of the issues complained about
- Technical – correct application of the threshold test
- Communication – clear explanation of the reasons for closure.

Clear communication, in plain English ensures that we have discharged our duty in rejecting a complaint with proper reasoning, based on a clear assessment of the complaint. It will also assess that any queries raised following closure have been addressed appropriately.



Matters of concerns will be addressed immediately with the Regulatory Manager and the Registrar. Themes, opportunities for improvement, general comments will be captured in a twice-yearly report, which will be shared with our Public Protection Committee.

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## 2. Independent Assessment Committee (IAC) audit

An audit exercise was carried out by the Lead Adjudicator and Associate Solicitor. The audit was primarily to consider whether IACs were correctly allocating cases to Disciplinary Track (DPT) or Practice Review Hearings (PRH). The significance of this is important as cases inappropriately allocated to a PRH may, amongst other things, result in a weaker sanction than is proper if breaches are proved, as the PRH has limited sanction powers. Equally, an inappropriate allocation to a DPT is, amongst other things, wasteful of BACP resources, since the case must be presented by a legal advocate acting on our behalf.

The outputs from the audit were captured in a Feedback Report which was circulated to panel members and legal assessors. Training needs were also identified, and a resultant Allegation Drafting Training was rolled out to all panel members and legal assessors in the first and second quarter of 2023.

The decision on allocation is inevitably a matter of judgment, and the review found no significant evidence of cases being allocated inappropriately.

### **The next planned audit will also focus on IAC cases where allegations have been referred to a DPT, and measures will include:**

- Correct allocation through to the disciplinary track
- Identify trends and/or learning needs
- Validate and/or challenge the proportionality and parity of decisions made by IACs
- Whether outputs from the previous audit review have been embedded.

The audit will consist of reviewing 12 IAC cases referred to a Disciplinary Hearing. The audit will be carried out by the Lead Adjudicator and supported by the Register's Associate Solicitor. This will be reported on in a twice-yearly report, which will be shared with the Public Protection Committee.

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### 3. Hearing and sanction setting

**Ward Hadaway LLP (“the firm”) have been appointed to undertake an audit of substantive professional conduct hearings outcomes. This audit will effectively review and analyse a sample of the professional conduct decisions made by final hearing panels that support BACP’s Professional Conduct procedure. The audit will focus on the following themes:**

- Proportionality of sanction set where allegations were upheld
- Evidence of bias in decisions
- Clarity of the written decision.

The firm will provide a twice-yearly report summarising key findings, trends, validation of decision making and/or identification of any emerging issues relating to the decisions made and sanctions set. It will identify potential implications of the observed trends on our organisation and recommend proactive measures to address these. As part of the audit, the firm will work in collaboration with BACP Register staff at regular intervals to ensure the audit is on track and themes emerging can be captured in a timely way. The reports will be submitted to BACP’s Public Protection Committee.

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### 4. CMS

In 2024, we will launch a new online complaints management system. Delivered by case-iq, it will support our commitment to ensure all complaints received about members are managed in a timely manner; helping to enhance our internal processes and ensure efficient and effective delivery of service.

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## Supporting members

We believe that good regulation should be focused on learning and not waiting for things to go wrong. We want to shift the focus of our activity towards prevention – ‘upstream’. This relies on using the data and intelligence held by BACP to identify potential problems and to address them quickly and effectively.

In 2022, we developed a framework for the capture of data across BACP, which aims to provide insight into the areas where members may need more support or guidance and help us to identify areas for development.

In 2023, the data collection framework was implemented and now supports the work of the Ethics team and Get Help with counselling concerns team. Additionally, the framework for data collection is embedded within the newly launched professional conduct case management system, and this will also begin to provide a further data source and comparison information in due course.

**There are main categories that team members can choose from when deciding on the primary reason for the enquiry – these are:**

- Boundaries
- Confidentiality
- Conflicts of interest
- Contracting
- Employment issues/organisational issues
- Endings
- Equality, diversity and inclusion
- Fitness to practise
- Legal
- Misrepresentation/lack of transparency
- Record keeping and access
- Safeguarding
- Supervision
- Technology and therapy
- Other.



**For the Ethics team the main categories of enquiry were:**

Other – **40%**

Supervision – **15.1%**

Legal – **11.8%**

**For the Get Help team the main categories of enquiry were:**

Boundaries – **31%**

Contracting – **10%**

Confidentiality, endings, fitness to practise and other – all **9%**

The professional conduct data set is not yet completely aligned to the categorization utilized across the Ethics and Get Help teams, but this will be addressed as part of the work undertaken in 2024.

**The current categorisation statistics for professional conduct are as follows:**

Other – **19.75%**

Fitness to practise – **14.68%**

Boundary issues – **12.04%**

**These percentages are calculated across all complaints received by the Complaints Assessment team [511 complaints in 2023].**