

# Termination of Membership

February 2010: Ron Dean, Reference No: 561792, Northampton NN4 0JA

A sanction was imposed on Mr Dean following a Professional Conduct Hearing, which took place in June 2009.

Mr Dean failed to comply with the sanction and consequently his membership of BACP was withdrawn. Any future application for membership of BACP will be considered under Article 4.3 of the Memorandum and Articles of the Association.

December 2009: John Sivyer, Reference No: 508675, Chalfont St Giles HP8 4RD

Information was received with regard to Mr Sivyer sufficient to refer for consideration under Article 4.6 of the Memorandum & Articles of Association.

The allegations were as follows:

While working as an independent contractor providing counselling services to medical practices, Mr Sivyer pursued an inappropriate relationship with a vulnerable Client being counselled by him. Following a number of counselling sessions with the Client in 2006, Mr Sivyer allegedly declared he had feelings for her in the last session before Christmas, which caused distress to her. In January 2007, Mr Sivyer continued the counselling sessions. Mr Sivyer allegedly told the Client that he loved her and wanted a relationship with her, following which he allegedly declared his love for her in a card, and in long love letters sent on a daily basis for 2-3 weeks. Mr Sivyer allegedly met with the Client outside of counselling sessions, bought her presents, kissed her, fondled her breast, and talked to her about taking contraception. During this time Mr Sivyer allegedly was not in supervision. The Client informed Mr Sivyer that she had not developed feelings for Mr. Sivyer and ended the relationship. In a subsequent meeting, Mr Sivyer allegedly asked her to destroy all the letters Mr Sivyer had written to her and advised her not to talk about the relationship to another counsellor or friend, as this matter could be reported to the appropriate authorities. Mr Sivyer also allegedly informed her that he had had an affair with a student on a counselling training course that he had run several years prior, despite previously informing the Client that he had never previously fallen in love with a client.

In the following year, the Client felt prevented from accessing counselling as she could not return to Mr Sivyer for counselling. She also felt unable to approach another counsellor for help, as this could result in Mr Sivyer's alleged behaviour being reported to Mr Sivyer's professional body. This led to the Client feeling more emotionally unwell. When the Client finally brought the matter to the attention of her GP in March 2009, Mr Sivyer allegedly made an unsolicited and inappropriate telephone call to the Client enquiring about a letter that she had sent to the GP practice. During the course of the investigation by the GP practice, Mr Sivyer allegedly misled the investigator by telling her that this was the first time that a matter such as this had ever happened to him. This was despite Mr Sivyer having had membership of BACP previously withdrawn in 1996, as a result of a complaint involving some similar issues to those raised in the information supplied by the informants.

The information suggested that Mr Sivyer's reported behaviour was incompatible with the values and principles of counselling and psychotherapy, and was lacking in the personal moral qualities to which counsellors and psychotherapists are strongly encouraged to aspire. It further suggested that Mr Sivyer failed to exercise probity, care for the client and competence in his professional practice.

The member was invited to send in a written response, and did so.

The Panel carefully considered all the original evidence submitted under Article 4.6 together with the response from Mr Sivyer.

## DECISION

The Panel decided to implement Article 4.6 of the Memorandum and Articles of Association and withdraw BACP membership from Mr John Sivyerto take effect 28 days from notification of this decision. The Panel gave its reasons for its decision as follows:

Mr Sivyer admits to having begun a personal relationship with his Client. He also admits that he was not in supervision at the time, nor did he seek supervision to discuss his feelings for his Client. In both beginning a relationship with the Client and in failing to seek supervision, Mr Sivyer demonstrated behaviour incompatible with the values and principles of counselling and psychotherapy, and lacking in the personal moral qualities to which counsellors and psychotherapists are strongly encouraged to aspire.

- In his dealings with the Client, Mr Sivyer failed to exercise probity, care for the Client and competence in his professional practice - The Panel noted that Mr Sivyer's membership had been terminated once before, in 1996 for similar behaviour. He should, therefore, have recognised his need for appropriate consultation in this case and sought supervision. This is clear evidence of an inability, or unwillingness, to take seriously his duties to exercise care and competence in his dealings with clients.

Mr Sivyer was given the opportunity to appeal the decision, but no appeal was received. Consequently his membership was withdrawn.

Any future application for membership of this Association will be considered under Article 4.3 of the Memorandum and Articles of the Association.

November 2009: Anna Czemerys, Reference No: 606089, NICOSIA 2055 CYPRUS

Information was received with regard to Ms Czemerys sufficient to refer for consideration under Article 4.6 of the Memorandum & Articles of Association.

The allegations considered by the Article 4.6 Panel were as follows:

- That Ms Czemerys allegedly entered into a personal relationship with an ex-client whilst working for an organisation, where having a relationship with an ex-client constitutes gross misconduct
- Ms Czemerys allegedly breached boundaries and trust in allegedly having a personal relationship with an ex-client and having "been seen out and about socialising with an ex ... patient"
- Ms Czemerys' alleged lack of accountability and integrity in her dealings with her employer regarding issues of professional conduct, as suggested by her resignation following notification of their concerns and her refusal to attend a disciplinary hearing.
- Ms Czemerys' alleged lack of honesty and respect toward her colleagues as suggested by her communication with them.

The member was invited to send in a written response, and did so.

The Panel carefully considered all the original evidence submitted under Article 4.6 together with the response from Ms Czemerys to the Panel's request for further information.

## DECISION

The Panel decided to implement Article 4.6 of the Memorandum and Articles of Association and withdraw BACP membership from Anna Czemerys to take effect 28 days from notification of this decision. The Panel gave its reasons for its decision as follows:

Ms Czemyers admits to having had a personal relationship with an ex-client but has been unable or unwilling to provide documentation evidencing that she properly discussed her actions, or intended actions, in supervision or with her managers. This behaviour is incompatible with the values and principles of counselling and psychotherapy and lacking in the personal moral qualities to which counsellors and psychotherapists are strongly encouraged to aspire.

Ms Czemyers was given the opportunity to appeal the decision, but no appeal was received. Consequently her membership was withdrawn.

Any future application for membership of this Association will be considered under Article 4.3 of the Memorandum and Articles of the Association.

October 2009: David Tredrea, Reference No: 541814, London W1G 9PG

A sanction was imposed on Mr Tredrea following a Professional Conduct Hearing and Appeal.

Mr Tredrea failed to comply with the sanction and consequently his membership of BACP was withdrawn. Any future application for membership of BACP will be considered under Article 4.3 of the Memorandum and Articles of the Association.

July 2009: Sandra Black, Reference No: 500778, London SE22 0AX

A complaint against the above individual member was taken to Adjudication in line with the Professional Conduct Procedure.

The complaint was heard under the BACP Professional Conduct Procedure and the Panel considered the alleged breaches of the Code of Ethics and Practice for Counsellors 1998 together with the BACP Ethical Framework for Good Practice in Counselling and Psychotherapy.

The focus of the complaint, as summarised by the Pre-Hearing Assessment Panel, surrounded the situation whereby Ms Black had written a short story about the complainant, and the related therapy, allegedly without seeking her consent to do so. The article was published in a book that had psychotherapy as its subject area. Whilst Ms Black changed names in the article, the complainant alleged that anyone who knew her and read the article would be able to readily recognise her. The complainant considered the disclosure of sensitive information in the chapter to be a breach of confidentiality. It was a friend of the complainant who discovered the publication, and informed her of it. This resulted in the complainant ending the therapy prematurely in November 2008.

The complainant had been in therapy with Ms Black for a period of eight years and allegedly planned to complete therapy in January 2009.

The complainant also questioned the probity of Ms Black's practice and alleged that she had not reviewed her therapy during the eight years of the therapeutic relationship and therefore she questioned the motives for not doing so. Furthermore the complainant alleged that there was no agreed contract for therapy and that there had been no discussion of confidentiality. However, she alleged that she had assumed confidentiality would be guaranteed. The complainant further questioned Ms Black's motives with regard to the use of her material for publication.

The complainant alleged that there has been no apology from Ms Black. Whilst Ms Black did write to her to offer a final session, the complainant declined the offer, having lost all trust in Ms Black and in counselling in general.

The Pre-Hearing Assessment Panel, in accepting this complaint, was concerned with the allegations made which suggested a contravention of the Ethical Framework for Good Practice in Counselling and Psychotherapy, and in particular:

- The alleged failure by Ms Black to reach agreement with the complainant about the terms on which counselling was offered at the start of counselling in 2000 and in particular with regard to confidentiality, suggesting a contravention of clause B.4.3.1 of the Code of Ethics and Practice for Counsellors 1998.
- The alleged disclosure of client material for the purposes of publication, without the complainant's knowledge or consent.
- The alleged exploitation of the complainant by Ms Black for personal advantage, in taking advantage of confidential material disclosed by the complainant during therapy.
- Ms Black's alleged failure to appropriately deal with the grievance raised by the complainant.
- Ms Black's alleged behaviour, as described by the complainant, suggesting a contravention of the ethical principles of fidelity, autonomy, and non-maleficence, and paragraphs 6, 16, 18 and 23 of the Ethical Framework for Good Practice in Counselling and Psychotherapy.

## Findings

On balance, having fully considered the above, the panel made the following findings:

- There was a serious breach of confidentiality by Ms Black, which resulted in damage to her client, and which could, if the details of this case were made public, undermine the public's confidence in this profession.
- The trust between client and therapist, which is so fundamental to the therapeutic relationship, was broken by Ms Black the moment she submitted her story for publication, without consent from her client.
- Publication of the story meant that personally identifiable and sensitive information was put into the public domain without the client's knowledge or permission.
- Ms Black breached her duty of care to her client by failing to raise and/or address the issue of writing, and then having published, the details of her therapy without the client's consent, at any time during the remaining months of therapy.
- Ms Black only recognised that confidentiality had been breached when a friend of the client identified her as being the 'client' in the published work.
- Once the client was made aware of the chapter by her friend some months later, Ms Black failed to acknowledge the feelings being experienced by the client and failed to address the issue with her. By failing to address these matters, Ms Black did not accept her own responsibility to be accountable to her client, which demonstrated a lack of respect and professional competence.
- The publisher's guidelines clearly stated that the identity of the client should be "fully disguised". Ms Black failed to do this, and the panel found this to be exploitative of the client.
- While Ms Black responded promptly to the grievance raised by the client, the panel was of the opinion that this was not an adequate response, in that she only offered a final session, rather than suggesting, for example, mediation or even an immediate apology for the obvious hurt caused.
- By publishing a story about the client, Ms Black seriously breached the trust placed in her by her client, and therefore contravened the ethical principles of autonomy, fidelity and non-maleficence.
- The panel found that Ms Black failed in her duty to respect the client's privacy and dignity, and that she had not paid careful attention to client consent and confidentiality.

- By failing to protect the client's personally identifiable and sensitive material from unauthorised disclosure, Ms Black failed to honour the trust placed in her by her client.
- The panel was satisfied that Ms Black did review her work in supervision. However, she did not discuss in supervision, the possible or actual implications and consequences of her writing the story, before or after publication and specifically when it had been brought to her attention that her client had been identified.
- The client disclosed information about herself to Ms Black for the purposes of receiving confidential therapy; this information was not disclosed for the purposes of publication. The panel found this change of use, without the client's knowledge or consent, to have been exploitative of the client.
- Although the panel accepted that Ms Black gained no financial advantage, she did achieve the non-pecuniary advantage of authorship status.
- When asked whether, in hindsight, she would do anything differently, Ms Black responded that she would not. The panel found this deeply concerning, particularly in the light of the client's statement that the discovery of the published story had "retrospectively contaminated" the entire eight years of therapy she had received.

### Mitigation

Ms Black apologised to the client at the hearing, and said that she was 'devastated' by the result of her actions.

### Decision

The panel was unanimous in its decision that these findings amounted to serious professional malpractice, on the grounds that by publishing a story about her client, without seeking consent and by inadequately protecting her identity, Ms Black was negligent in her duty of care to the client. Furthermore, Ms Black was reckless in that she admitted that she had not considered, nor sought supervision on, the possible consequences of her actions. This lack of forethought, together with her failure to address the issues of breach of anonymity when it had been brought to her attention, amounted to serious incompetence.

Accordingly, the panel decided that if the public was made aware of the full facts of this case, it would bring the profession, and by implication, BACP, into disrepute and therefore, Ms Black's membership of this Association will be withdrawn with immediate effect.

Any future application for membership of BACP would be considered under Article 4.3 of the Memorandum and Articles of Association.

June 2009: Janet McDermott, Reference No: 543385, Sheffield S7 1RR

A complaint against the above individual member was taken to Adjudication in line with the Professional Conduct Procedure.

The complaint was heard under BACP Professional Conduct Procedure 2002, (revised 2007) and the Panel considered the alleged breaches of the BACP Ethical Framework for Good Practice in Counselling and Psychotherapy.

The focus of the complaint, as summarised by the Pre-Hearing Assessment Panel, is that over a five-year period the Complainant experienced the therapy that she received from Ms McDermott as damaging and unsafe. The Complainant alleged that the ending by Ms McDermott was abrupt, unilateral and detrimental. The Complainant alleged that throughout the five years: Ms McDermott failed to maintain the fidelity and beneficence of the therapeutic relationship and abused the Complainant's trust by not holding clear, consistent boundaries around her practice, specifically;

inadequate therapeutic agreements, inappropriate extension of agreed time boundaries, inappropriate contact outside sessions by telephone, email, letter and text and ending the relationship without care and respect for the Complainant's well-being. In addition, the Complainant alleged that Ms McDermott conducted inappropriate financial agreements, and further alleged Ms McDermott accepted being nominated by the Complainant as an executor and named beneficiary to her will. The Complainant alleged Ms McDermott worked beyond her competence throughout the relationship, ignoring the advice of other professionals, specifically the Complainant's psychiatrist and her own supervisor. It is also alleged that Ms McDermott failed to protect the Complainant's confidentiality from Ms McDermott's partner and showed a lack of professional judgement in criticising colleagues known to the Complainant. Ms McDermott allegedly paid insufficient attention to her own fitness to practice and failed to recognise at an early stage the depth of her unprofessional and emotional attachment to the Complainant. Ms McDermott allegedly abused the power dynamics of the therapeutic relationship by gratifying her own personal need for an emotional attachment and compounding the difficulties by making increasingly inappropriate personal disclosures and intimate expressions of love and care for the Complainant.

The Pre-Hearing Assessment Panel, in accepting this complaint, was concerned with the allegations made within the complaint suggesting a contravention of the Ethical Framework for Good Practice in Counselling and Psychotherapy, and those in particular are as follows:

- Ms McDermott's alleged unprofessional and gross abuse of the therapeutic relationship and the Complainant's trust, for her own emotional gratification, to the detriment of the Complainant.
- The alleged precipitate ending by Ms McDermott, to a long period of therapy, without meaningful discussion with the Complainant, against the explicit advice of other health professionals including the Complainant's psychiatrist, and without sufficient care for the Complainant's continuing well-being.
- The alleged gross failure by Ms McDermott, to provide a good quality of care and maintain the essential and appropriate boundaries around the management of her work, including financial arrangements and the security of records, the conduct of the therapy, and the therapeutic relationship.
- That although Ms McDermott offered an initial formal contract, this allegedly was not amended when changes were introduced in therapy and she did not offer adequate reviews that took the Complainant's needs into account.
- The alleged lack of adequate contracting with the Complainant by Ms McDermott, without due care and attention to the ending of the therapeutic relationship.
- The alleged inappropriate and damaging personal disclosures by Ms McDermott, together with intimate expressions of love and care, attributable to her, and her lack of awareness of its impact on the Complainant.
- The alleged lack of care given to client records and sensitive information, leading to the Complainant's confidentiality being breached.
- That Ms McDermott allegedly nurtured a dependence on herself by the Complainant, which she was subsequently unable to manage or resolve, to the alleged detriment of the Complainant.
- That Ms McDermott allegedly failed to monitor and maintain her fitness and competence to practise at a level that enabled her to provide an effective service to the Complainant.
- Ms McDermott's alleged behaviour, as described by the Complainant, suggesting a contravention of the Ethical Framework, and in particular clauses: 1, 2, 3, 6, 8, 9, 11, 12, 13, 18, 20 and the ethical principles of Fidelity, Autonomy, Beneficence, Non-Maleficence and Self-respect.

## Findings

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

- That Ms McDermott had fostered a relationship of attachment and dependence between herself and her client, which was to her client's detriment. Ms McDermott failed to recognise the depth of her unprofessional and emotional attachment to the client and this was evidenced by the sharing of inappropriate personal disclosures and expressions of love and care for the client. The Panel found that this was unprofessional and a gross abuse of the therapeutic relationship and the client's trust.
- That in fostering a relationship of anti-therapeutic attachment and dependence, Ms McDermott failed to provide the safe boundaries required for effective therapy.
- Ms McDermott admitted that after a long period of therapy, the ending was abrupt, badly managed and without sufficient discussion.
- That Ms McDermott showed a reckless disregard for the advice given by her supervisor and other professionals at several points during the 5 year period of therapy, including advice on the ending of therapy.
- Ms McDermott failed to provide a good quality of care or maintain appropriate boundaries around the management of her work in that she admitted to over-running sessions, agreeing to meet in the client's home, and giving presents.
- That whilst there was a lack of clarity and some confusion surrounding the financial arrangements in respect of the payment and refunding of monies for sessions, this did not amount to an abuse of trust for financial gain.
- Ms McDermott had accepted being nominated as an executor of the client's will. However, on learning that she was to be a beneficiary in the will, she sought to withdraw from the agreement. The Panel found that Ms McDermott had not exercised sufficient caution in entering into this agreement, and failed to recognise the implications for her standing and that of the profession.
- Whilst Ms McDermott kept locked records, there were lapses in relation to the security of her counselling records. Confidentiality was breached in that Ms McDermott admitted that her partner had sight of printed therapeutic material.
- Ms McDermott admitted that the conduct of therapy was often against the flow of standard practice and outside the conventional boundaries of counselling and psychotherapy.
- Whilst there were contracts for counselling in the first two years of therapy, the attempts that were made to offer re-contracting after this time were insufficient and not sustained. Ms McDermott agreed that there was a lack of clarity in the contracting, which the Panel found to be inadequate.
- Ms McDermott and the client agreed that they had attempted to review the work on a number of occasions and that two reviews had taken place with the client's psychiatrist. However, these reviews were not adequate insofar as they did not bring about effective management of the therapeutic process.
- Ms McDermott admitted that she had made inappropriate and damaging personal disclosures; had written and given the client poetry; and had sent emails and letters which made reference to her regard and love for her client. This correspondence was sustained over a long period of therapy and was evidenced in the exchange of over 2000 emails.
- Ms McDermott admitted that she had been advised in supervision to curtail this email activity in order to maintain proper boundaries, but she failed to do so.

- Ms McDermott had failed to recognise that allowing this sustained correspondence to continue would have had a significant impact on the client.
- Ms McDermott agreed that she had criticised colleagues known to the client and, in doing so, had shown a lack of professional judgement.
- Ms McDermott failed to adequately monitor and maintain her fitness and competence to practice, in that she edited what she took to supervision and came to believe that she was the only person who fully understood what was happening in the therapy with the client.
- That Ms McDermott had adequately obtained informed consent to work with the client.
- There was no evidence to suggest that Ms McDermott overrode the client's wishes or worked without her explicit consent.

### Mitigation

Ms McDermott admitted to much of her behaviour in this case and made a full apology to the client. Ms McDermott indicated that she had reflected on issues connected to this case, ceased private practice, undertaken personal therapy, taken further training, sought further supervision and made more use of supervision. However, the Panel was not satisfied that, at this time, Ms McDermott had demonstrated adequate learning.

### Decision

The Panel was unanimous in its decision that these findings amounted to serious professional malpractice in that Ms McDermott acted recklessly in her conduct and management of the therapeutic process with this client; that she worked well beyond her competence; and that she failed to provide adequate professional services that would reasonably be expected of a competent practitioner.

Accordingly, the Panel decided that Ms McDermott's membership of this Association should be withdrawn with immediate effect.

Any future application for membership of BACP would be considered under Article 4.3 of the Memorandum & Articles of Association.

January 2009: BERYL DAWKINS, Reference No: 54542, YORK YO41 5PR

Information was received with regard to Ms Dawkins sufficient to refer for consideration under Article 4.6 of the Memorandum & Articles of Association.

The allegations considered by the Article 4.6 Panel were as follows:

- Ms Dawkins had an allegedly inappropriate and intimate relationship with a very vulnerable client, who had originally sought counselling to improve his relationship with his spouse, and which led to Ms Dawkins' suspension from the organisation for which she worked. - Ms Dawkins' subsequent failure to work effectively with the particular organisation, with regard to three clients, in that she did not provide the organisation with the counselling notes when requested and did not provide the organisation with the assurance that she had ceased work with those clients.

The member was invited to send in a written response, but declined to do so.

### DECISION

The Panel decided to implement Article 4.6 of the Memorandum and Articles of Association and withdraw BACP membership from Ms Dawkins, to take effect 28 days from notification of this

decision. The Panel gave its reasons for its decision as follows:

- Ms Dawkins had failed to co-operate with BACP, despite having a contractual obligation to do so.
- Ms Dawkins seriously breached the Ethical Framework in entering into a friendship with her ex-client, immediately after the termination of therapy, despite clear advice from her supervisor not to do so.
- Ms Dawkins actions, if known, could bring the reputation of BACP into disrepute.

Ms Dawkins was given the opportunity to appeal the decision, but no appeal was received. Consequently her membership was withdrawn.

Any future application for membership of this Association will be considered under Article 4.3 of the Memorandum and Articles of the Association.

January 2009: Paul Rushworth, Reference No: 515113, Manchester M20 2DS (previous address), (current address unknown)

The complaint against the above individual member was taken to Adjudication in line with the Professional Conduct Procedure.

The complaint was heard under the BACP Professional Conduct Procedure © 2007, and considered allegations of breaches of the BACP Ethical Framework for Good Practice in Counselling and Psychotherapy © 2002/2007.

The focus of the complaint, as summarised by the Pre-Hearing Assessment Panel, was the alleged unprofessional and incompetent practice offered by Mr Rushworth to the Complainant whilst she was in therapy with him between April 2007 and February 2008.

The Complainant alleged that when she first met Mr Rushworth, she fully appraised him of her mental and physical health. She alleges that he was confident that he could help. From April until November, the Complainant attended the 1½-hour therapy sessions, which were conducted twice a week in her home. Following a bad experience with a caretaker therapist, recommended by Mr Rushworth, during his August vacation, the Complainant suggested Mr Rushworth's supervisor attend a session. Mr Rushworth refused but offered supportive contact by text between sessions. Printouts from the texts support allegations of inappropriate expressions of affection by Mr Rushworth.

From November 2007, sessions were changed to one-to-one, lasting 3 hours on Monday evenings and 6 hours on Thursday afternoons. The Complainant alleged that she dissociated during a session on 24 January 2008 and did not recover until 7 February 2008. Mr Rushworth refused to make an emergency visit, which the Complainant alleged was against the agreed contract. Mr Rushworth texted his intention to take leave in two weeks and when confronted, the Complainant alleged he behaved in an intimidating, aggressive and rude manner that 'really scared' her. A week later on 18 February, Mr Rushworth apologised for his behaviour and told the Complainant that his supervisor had told him to stop the therapy and deal with his own emotional needs. On 22 February 2008, the Complainant emailed Mr Rushworth confirming the termination of therapy and requesting a refund of £531; of the £6,000 she had paid in fees. He responded by email the next day agreeing she make a formal complaint, refusing to refund the money and requesting further communication through solicitors.

The Pre-Hearing Assessment Panel, in accepting this complaint was concerned with the allegations made within the complaint suggesting contravention of the Ethical Framework for Good Practice in Counselling and Psychotherapy, and those in particular as follows:

- The alleged exploitation of a vulnerable client by Mr Rushworth, both emotionally and financially.
- The alleged lack of appropriate boundaries exhibited by Mr Rushworth to the Complainant, demonstrated by his behaviour towards her and in the numerous text messages sent to her.
- Mr Rushworth's alleged lack of fitness to practice in relation to the client and the lack of arrangements

made for his client affected by this. - The alleged inappropriate and threatening behaviour displayed by Mr Rushworth towards the Complainant on their appointment of 11 February 2008. - The alleged lack of personal moral qualities integrity, humility, competence and respect demonstrated by Mr Rushworth in his dealings with the Complainant - The alleged lack of professional behaviour by Mr Rushworth, towards the Complainant, especially in regard to the lack of good quality of care, failure to keep the client's trust, inadequate fitness to practise, and failure to behave appropriately when things went wrong.

## Findings

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

- Mr Rushworth exploited the Complainant emotionally and financially by engaging in 3 hourly and 6 hourly sessions a week (9 hours in total per week) and failed to recognise the emotional vulnerability of the client in these circumstances. This excessive number of hours per week led to financial exploitation of the client. - The Panel found that Mr Rushworth exploited the client by continuing with the counselling sessions, at a level of 9 hours therapy per week, during the two week period of the client's disassociated state and this was evidenced in the records of continuing payment to Mr Rushworth during this time. The Complainant reported that she could not recall these sessions. - Mr Rushworth exhibited a serious lack of appropriate boundary keeping, in that he sent numerous text messages to the Complainant, between sessions, including on Christmas Day and New Year's Day and on one occasion texting at 3 am. Many messages contained inappropriate expressions of affection such as "I'm here 4 u,always,deepest luv affection.paul",and "lots of love warm fuzzy's 4 u to guide threw the darkest moments. Now 4ever.paul". Numerous texts, instigated by Mr Rushworth, indicated an unnecessary intrusiveness into the Complainant's life. Mr Rushworth continued to text the Complainant despite being aware that she was in a "childlike disassociated state" and he failed to respect the Complainant's legitimate need to distance herself from his interventions. - Mr Rushworth, in his written submission, failed to demonstrate any awareness of the limitations of his competence. Despite being fully aware of his client's medical and physical history, he increased client contact hours to a level which demonstrated a serious lack of judgement and awareness of the impact this would have on a fragile and vulnerable client. - Both parties agreed that Mr Rushworth had arranged support from a colleague for the Complainant during his holiday absence. - Mr Rushworth did not provide evidence that he had taken appropriate supervision or sought other support for his work with this client. - The Panel recognised that the Complainant experienced Mr Rushworth's behaviour, during a meeting on 11 February 2008, as threatening but did not have sufficient information to conclude that the actual behaviour was threatening. However Mr Rushworth does admit, in his written statement, that he was annoyed and irritated. Both parties agreed that Mr Rushworth's behaviour had been inappropriate. - The Panel found that the case notes, relating to this particular client, supplied by Mr Rushworth, raised doubt as to whether they were contemporaneous or written in response to this complaint. There were inconsistencies in the notes for January 2008 where Mr Rushworth stated he would write to the client's psychiatrist when, according to other evidence, submitted by him, he had already done so. - The Panel found that Mr Rushworth had betrayed the client's trust by continuing to convince her that he was competent to deal with the complexities of her issues. - The Panel found that Mr Rushworth failed to behave in a professional manner and failed to provide a good quality of care for the Complainant.

## Decision

The Panel was very concerned that Mr Rushworth failed to attend the Hearing and that he had given only 3 working days notice of his intention not to attend, having indicated previously that he would do so. Mr Rushworth's reasons for not attending indicated that his plans had been in place for some considerable time and therefore he should have either given adequate notice or asked for the Hearing to be re-arranged to a date more convenient to him. He failed to do this. Whilst Mr Rushworth provided a written response to the complaint, in the view of the Panel, he did not demonstrate full responsibility in taking part in the professional conduct procedures, as required of all members under the Ethical Framework for Good Practice in Counselling & Psychotherapy.

In the matter of the complaint against Mr Rushworth, the Panel was deeply concerned by Mr Rushworth's behaviour and actions with this particular client. The Panel considered that it amounted to bringing the profession into disrepute in that the public's trust in the profession might reasonably be undermined if they were accurately informed of all the circumstances of this case.

Accordingly, the Panel was unanimous in its decision that Mr Rushworth's membership of BACP should be withdrawn forthwith.

The Panel considered the appropriateness of imposing an educative Sanction in the circumstances; however, given Mr Rushworth's reasons for not attending the Hearing, that he has now left the country, and that he tried to resign his membership of BACP in the period prior to the Hearing, the Panel concluded that Mr Rushworth's actions indicated that he would be unlikely to comply with any Sanction.

Any future re-application for membership will be considered under Article 4.3 of the Memorandum & Articles of Association.

December 2008: Rosalind Rodway, Reference No: 508120, Oakham LE15 8JP

A sanction was imposed on Ms Rodway following a Professional Conduct Hearing, which took place in September 2008.

Ms Rodway refused to comply with the sanction and consequently her membership of BACP was withdrawn. Any future application for membership of BACP will be considered under Article 4.3 of the Memorandum and Articles of the Association.

December 2008: Samantha Haley, Reference No: 533595, Newcastle upon Tyne NE20 9LF

A sanction was imposed on Ms Haley following a Professional Conduct Hearing, the outcome of which was reported in the July 2008 edition of this journal.

Ms Haley failed to comply with the sanction and consequently her membership of BACP was withdrawn. Any future application for membership of BACP will be considered under Article 4.3 of the Memorandum and Articles of the Association.

October 2008: Joan Smith, Reference No: 530702, Great Yarmouth NR31 8NG

A sanction was imposed on Ms Smith following a Professional Conduct Hearing, the outcome of which was reported in the September 2007 edition of this journal.

Ms Smith failed to comply with the sanction and consequently her membership of BACP was withdrawn. Any future application for membership of BACP will be considered under Article 4.3 of the Memorandum and Articles of the Association.

September 2008: Michael Carter, Reference No: 524771, LLANFAIRFECHAN L33 0BT

Information was received by BACP under Article 4.6 of the Memorandum & Articles of Association, which raised concerns about the suitability of Dr Carter's continued membership of BACP.

The nature of the information received from a Trust and a client raised questions about the suitability of Dr Carter's continuing membership of this Association and suggested that he had brought, or may yet bring, not only this Association but also the reputations of counselling/psychotherapy into disrepute. The nature of the information also suggested that there may have been a serious breach, or breaches, of the Ethical Framework for Good Practice in Counselling and Psychotherapy and it raised particular concerns as follows:

- Dr Carter's dismissal from the Trust on grounds of Gross Misconduct

Dr Carter's alleged conduct leading to the findings upheld following appeal against his dismissal and the findings themselves as follows:

- inadequate record keeping during clinical assessment and ongoing assessment and therapy of client A; - failure to seek supervision in respect of client A; - misrepresentation; - conducting an inappropriate relationship with client A.

Having thoroughly considered all the above, the Article 4.6 Panel decided to implement Article 4.6 with the result that his membership of BACP should be withdrawn, pending an appeal. The Panel's reasons for implementing Article 4.6 were as follows:

- Dr Carter's record keeping with regard to client A was inadequate. - In not seeking supervision for (work with) client A, Dr Carter did not appropriately support the client, and failed to be accountable for his own practice. - Dr Carter's use of an NHS e-mail address for his private practice could have led to the assumption by a member of the public that he was employed by the Trust as a Consultant Therapist with experience in the areas listed on the website. - Dr Carter's personal and sexual relationship with client A was incautious and inappropriate; Dr Carter should have consulted with his supervisor and/or other professional colleagues before entering in this relationship. This was a clear breach of the BACP guidelines.

Following an appeal by Dr Carter, the task of the Appeal Panel was to decide whether or not the Article 4.6 Panel's decision to implement Article 4.6 had been correct, in all the circumstances.

The Appeal Panel found that Dr Carter's personal and sexual relationship with client A was incautious and inappropriate. (Dr Carter stated himself that it had been "unwise"). In the circumstances, Dr Carter should have presented ensuing and current issues to his supervisor and/or consultative support person(s) before entering into, and continuing, his personal relationship with client A. Panel members were of the view that they would have expected this of any practitioner, particularly one with Dr Carter's responsibility and status. Furthermore, the Panel was concerned that Dr Carter lacked appropriate professional insight by entering into, and continuing, his relationship with client A.

The Appeal Panel found that on the grounds stated above, the Article 4.6 Panel's decision to implement Article 4.6 was correct and, thus, Dr Carter's appeal against this decision has not been allowed.

As such, the Appeal Panel was unanimous in its decision that Dr Carter's actions have brought the reputations of BACP and counselling/psychotherapy into disrepute. Accordingly, Dr Carter's membership of BACP was withdrawn with immediate effect

Any future application for membership will be considered under Article 4.3 of the Memorandum and Articles of the Association.

June 2008: Adam Tasker - Reference No: 544734, Oxford OX3 8HF

A client made a complaint against Mr Adam Tasker which was submitted under the Professional Conduct Procedure. The complaint was accepted for adjudication by the Pre-Hearing Assessment Panel. Mr Tasker decided not to respond to, or participate in the Procedure. Consequently, the complaint, together with his failure to co-operate with the implementation of the Professional Conduct Procedure was referred for consideration under Article 4.6 of the Memorandum & Articles of Association.

The allegations considered by the Article 4.6 Panel were as follows:

- That Mr Tasker knowingly exploited a client sexually with unsolicited hugs, physical massages, kissing and suggestive propositions to meet outside of therapy. - That Mr Tasker abused the trust of the client placed in him when she was vulnerable. - That, in addition to the sexual advances, Mr Tasker allegedly failed to observe the conventional therapeutic boundaries by engaging the client in social conversation after the sessions, neglecting the time boundaries, and not offering an explicit contract for therapeutic work.

Mr Tasker did not respond to the complaint submitted by the client under the Professional Conduct Procedure. In Mr Tasker's letter of 8 November 2007 he refused to participate in the Procedure and be professionally accountable to the Association for his actions, which indicated that he may have breached paragraph 42 of the Ethical Framework for Good Practice in Counselling and Psychotherapy.

Mr Tasker, was invited to respond to the complaint and also the fact that he failed to be accountable under the Professional Conduct Procedure, but again, did not make a response.

## DECISION

The Panel decided to implement Article 4.6 of the Memorandum and Articles of Association in this case, and withdraw BACP membership from Adam Tasker, to take effect 28 days from notification of this decision. The Panel gave reasons for its decision as follows:

- In the absence of any response from Mr Tasker, the Article 4.6 Panel accepted the Complainant's evidence as coherent and credible. - Mr Tasker chose not to respond to, nor participate in the Professional Conduct Procedure, which in itself, is a serious contravention of his obligations under paragraph 42 of the Ethical Framework for Good Practice in Counselling and Psychotherapy and demonstrates a lack of professional accountability.

Mr Tasker was given the opportunity to appeal the decision, but no appeal was received. Consequently his membership was withdrawn.

Any future application for membership of this Association will be considered under the Memorandum and Articles of the Association.

JUNE 2008: BRIAN HORROCKS - Reference No: 559030, NEWPORT PO30 5QZ

A client made a complaint against Mr Brian Horrocks which was submitted under the Professional Conduct Procedure. The complaint was accepted for adjudication by the Pre-Hearing Assessment Panel. Mr Horrocks decided not to respond to, or participate in the Procedure. Consequently, the complaint, together with his failure to co-operate with the implementation of the Professional Conduct Procedure was referred for consideration under Article 4.6 of the Memorandum & Articles of Association.

The allegations considered by the Article 4.6 Panel were as follows:

- That Mr Horrocks abused his client's trust in order to gain financial advantage. - That Mr Horrocks was not honest, straight forward, and accountable in financial matters concerning his professional relationship with the client. - That there was no clear contract for the work and that Mr Horrocks did not adhere to the initial terms on which his service was being offered. - That Mr Horrocks disrespected the client's trust and autonomy by instigating a dual relationship with him, by disregarding appropriate professional boundaries and by enforcing the client's compliance through emotional manipulation. - That Mr Horrocks did not have the competence to deal with the client's serious behavioural problem. - That Mr Horrocks did not comply with the implementation of the Professional Conduct Procedure in contravention of his obligation under paragraph 42 of the Ethical Framework for Good Practice in Counselling and Psychotherapy.

Mr Horrocks, was invited to respond to the complaint and also the fact that he failed to be

accountable under the Professional Conduct Procedure, but again, did not make a response.

## DECISION

The Panel decided to implement Article 4.6 of the Memorandum and Articles of Association and withdraw BACP membership from Brian Horrocks, to take effect 28 days from notification of this decision. The Panel gave reasons for its decision as follows:

- In the absence of any response from Mr Horrocks, the Complainant had provided sufficient evidence for the Panel to be satisfied that there have been serious breaches of BACP's Ethical Framework for Good Practice in Counselling and Psychotherapy. - Mr Horrocks chose not to respond to, nor participate in the Professional Conduct Procedure, which in itself, is a serious contravention of his obligations under paragraph 42 of the Ethical Framework for Good Practice in Counselling and Psychotherapy and demonstrates a lack of professional accountability.

Mr Horrocks was given the opportunity to appeal the decision, but no appeal was received. Consequently his membership was withdrawn.

Any future application for membership of this Association will be considered under the Memorandum and Articles of the Association.

June 2008: RAYMOND COLLEDGE - Reference No: 535480, BIDEFORD EX39 3PY

Information was received by BACP, from sources including a Complainant, which raised questions about the suitability of Mr Raymond Colledge's continued membership of this Association. The matters raised were considered under Article 4.6 of the Memorandum & Articles of Association.

The allegations considered by the Article 4.6 Panel were as follows:

- Mr. Colledge allegedly committed sexual acts with a pupil in a school where he was a teacher, whilst allegedly performing a counselling role, resulting in his dismissal from the school, a police investigation, information being held on record relating to the enquiry and recently being the subject of Child Protection Strategy meetings. - While the allegations and police investigation related to a period before Mr. Colledge submitted an application for membership of BACP, he failed to disclose these matters upon application, contrary to the requirements of his signed application dated 17 June 2000. Furthermore, he had not made disclosure of these matters to BACP during his period of membership. - A County Council had sufficient concerns for strategy meetings to take place upon learning of Mr. Colledge's work as a counsellor, and that as part of that work he may be working with children. Further evidence of their concern was that they agreed to share their concerns with BACP for consideration under Article 4.6 of the Memorandum and Articles of Association.

Mr Colledge was invited to respond, and made a response in which he denied the allegations. The Panel requested further information from a number of parties which was supplied. Mr Colledge was also requested to supply further information, which was not received. The Panel carefully considered all the information submitted together with Mr Colledge's response.

## DECISION

The Panel decided to implement Article 4.6 of the Memorandum and Articles of Association in this case, and withdraw BACP membership from Ray Colledge, to take effect 28 days from notification of this decision. The Panel gave reasons for its decision as follows:

- The extract from the witness statement provided by the Constabulary was very credible and in support of the information supplied by the Complainant and the County Council, and appeared to undermine Mr. Colledge's statement. - The Panel was of the opinion that, on the information considered, there was some foundation in the allegations, and that, were these matters to come into the public domain, Mr Colledge's continued membership of BACP could bring the reputation of

BACP and/or the profession into disrepute. - Mr. Colledge failed to disclose these matters, which are of a grave nature, upon application for membership of BACP, contrary to the requirements of his signed application dated 17 June 2000. Furthermore, he had not made disclosure of these matters to BACP during his period of membership. - Mr Colledge was given the opportunity to appeal the decision, but no appeal was received. Consequently his membership was withdrawn.

Any future application for membership of this Association will be considered under the Memorandum and Articles of the Association.

June 2008: Philip Blundell - reference no: 587143, Morecambe LA4 5QD

Information was received by BACP, which raised questions about the suitability of Mr Philip Blundell's continued membership of this Association. The matters raised were considered under Article 4.6 of the Memorandum & Articles of Association. The Article 4.6 Panel decided to implement Article 4.6 of the Memorandum and Articles of Association and withdraw BACP membership from Mr Blundell. Mr Blundell appealed against the decision and the matter was considered by the Article 4.6 Appeal Panel.

Mr Blundell appealed against the Article 4.6 Panel's decision to withdraw BACP membership for the following reasons:

- Mr Blundell had pleaded guilty in court to an offence of theft which involved a breach of trust to his employer over a long period of time, and this was incompatible with the values of counselling and psychotherapy.
- The serious view taken of this by the court was reflected in the length of sentence imposed.
- If the public was accurately informed of all the circumstances of this case, its trust in the profession would be adversely affected.
- Mr Blundell failed to notify BACP, as his professional body and as required to do so by his signed declaration, of his custodial prison sentence and the acts and circumstances that led to his imprisonment.

## DECISION

It was the duty of the Appeal Panel to decide whether the Article 4.6 Panel's decision was fair and appropriate.

Mr Blundell admitted he had been foolish, dishonest and guilty of a lack of clarity with reference to the theft charges and the acts that led up to that charge. The Panel, therefore, was unanimous in its decision that his appeal against the first three bullet points of the Article 4.6 Panel's decision was not allowed

However, the Panel accepted that Mr Blundell was not in a position to notify BACP of his prison sentence at the time, but that he had kept the College [where he had attended as a student] apprised of events throughout this time. Therefore, his appeal was upheld on the fourth bullet point.

In view of the circumstances, the Panel decided that his membership of BACP should be withdrawn and that its decision would be published on the website and in Therapy Today. However, the Panel decided that Mr Blundell could re-apply for membership at any time after his sentence is spent in November 2008. Any re-application for membership will be considered under Article 4.3 of the Memorandum & Articles of Association and any successful re-application will be published on the website and in Therapy Today accordingly.

Mr Blundell is to be complimented on seeking therapy and supervision since his discharge from H M Prison; however, the Appeal Panel wish that Mr Blundell reflect carefully on his fitness to practise and his level of competence prior to re-applying for membership of BACP as this will need to be demonstrated in any re-application. Mr Blundell is advised to contact the Professional Conduct Department for further details at any time.

October 2007: Irene Steele – reference no: 514259 – Shrewsbury SY5 9DE

A sanction was imposed on Ms Steele following a Professional Conduct Hearing, the outcome of which was reported in the October 2006 edition Therapy Today.

Ms Steele failed to comply with the sanction and consequently her membership of BACP was terminated. Any future application for membership of BACP will be considered under Article 4.3 of the Memorandum and Articles of the Association.

May 2007: Geoffrey Walker – reference no: 518644 – Leeds LS16 7QG

Information from a university had been received by BACP, under Article 4.6 of the Memorandum & Articles of Association, which raised concerns about the suitability of Mr Walker's continued membership of this Association. An Article 4.6 Panel had decided that Article 4.6 should be invoked in this case. Following an Appeal Hearing, the task of the Appeal Panel was to decide whether or not the decision of the Article 4.6 Panel was correct in all the circumstances. The summary of the allegations is as follows:

A complaint had been received by a university from a student on a counselling course who was receiving supervision from Mr Walker, an approved counsellor and supervisor of the university at that time. The student complained that Mr Walker acted unethically in that his actions and comments constituted harassment under the university's Harassment Policy. The student's complaints were, as described by Mr Walker, that he:

- used informal and sometimes inappropriate language;
- focussed too frequently on matters of a sexual nature;
- used a particular process about body image inappropriately causing her embarrassment;
- used personal disclosure;
- expressed a personal opinion of the job of the student's new boyfriend in a derogatory fashion.

The complaints were upheld by the university which considered that Mr Walker's behaviour towards the student was considered to be professionally inappropriate and constituted verbal harassment of a sexual nature.

The nature of the information received suggested that Mr Walker's membership of BACP had brought, and/or could continue to bring, the Association and/or the reputations of counselling and psychotherapy into disrepute.

In response to this information, Mr Walker "owned that he was culpable in respect to some of the complaints". However, in addition to the above complaints, Mr Walker also admitted two further incidents which were of considerable concern to the Appeal Panel:

- he acknowledged that he had previously invited a participant on a course to go out with him;
- and that two other clients had discontinued working with him, expressing discomfort with his informal approach.

In considering these matters, Mr Walker identified some reasons for his behaviour and sought personal therapy on these matters for a short period. In addition, he had changed his supervisor, recognising that his relationship with his previous supervisor had become "too complacent", and had put various strategies in place in an attempt to minimise these events occurring again. Nevertheless, Mr Walker detailed a number of personal issues and, coupled with the very short period of personal therapy on these matters, the Appeal Panel was also concerned about his fitness to practice.

The Appeal Panel noted that the written responses and explanations of the Appellant were inadequate given the serious nature of the original complaint, and that they needed to test the validity of what had been written and establish the depth of learning that had taken place. In the circumstances, the Panel expressed considerable frustration and concern over the non-attendance of Mr Walker in that it was denied the opportunity to question him on these matters.

The Appeal Panel noted and considered the reasons given by Mr Walker for his non-attendance at the Hearing and decided that these were neither good nor sufficient. The Panel was further concerned at the lack of robustness on Mr Walker's part in not making himself available; by comments made about a "wall of professional rules"; and his contentedness to self-regulate himself, whilst failing to be professionally accountable to the Association.

The Appeal Panel noted the Appellant's protests in his correspondence. However, it needs to be stated that, as a member of BACP, Mr Walker should understand BACP procedures and processes were, and have been, duly followed. The paucity of his response made it all the more important that a Panel should have had an opportunity to question him to verify and clarify these matters. It is sad to note that he felt he would not "receive fair or balanced treatment" when that is the essence of these procedures.

Taking into account all communications forwarded and especially on reviewing the Appellant's letter dated 20 November 2006, the task of the Appeal Panel was to decide whether or not the decision of the Article 4.6 Panel was correct in all the circumstances.

In mitigation, the Appeal Panel noted Mr Walker's acknowledgement of his "culpability" in the acts complained about and the steps he states he has taken to reduce or minimise the risk of these acts occurring again, coupled with the fact that he has been practicing for 11 years.

Nevertheless, the Panel recognised the seriousness of the complaints made to the University and, coupled with Mr Walker's refusal to be professionally accountable, it was unanimous in its decision that the Article 4.6 Panel's decision was correct in all the circumstances. Accordingly, the Panel decided that Mr Walker's appeal should be denied. As such, his membership of BACP was terminated.

Should Mr Walker wish to re-apply for membership of BACP in the future, any application will be considered under Article 4.3 of the Memorandum & Articles of Association whereupon he will be required, in person, to respond to the matters raised in this case.

Apr 2007: ASSIST Trauma Care – reference no: 110700 – Rugby CV21 2RX

A sanction was imposed on ASSIST Trauma Care following a Professional Conduct Hearing, the outcome of which was reported in the July 2006 edition of this journal.

ASSIST Trauma Care failed to comply with the sanction and any future application for membership of BACP will be considered under Article 4.3 of the Memorandum and Articles of Association.

Apr 2007: Michael Curran – reference no: 502184 – Belfast BT12 7AS

Information was received by BACP under Article 4.6 of the Memorandum & Articles of Association, which raised concerns about the suitability of Mr Curran's continued membership of BACP. The nature of the allegations suggested that his membership of BACP had brought, or if his membership continued, could bring the reputation of the Association and/or professions of counselling and psychotherapy into disrepute and that there may have been serious breaches of the Ethical Framework for Good Practice in Counselling & Psychotherapy.

Following an Appeal Hearing, the task of the Appeal Panel was to decide whether or not the decision of the Article 4.6 Panel was correct in all the circumstances.

The Article 4.6 Panel was concerned that Mr Curran appeared to have had a sexual relationship with a person whom he had informed he was counselling. The information indicated that he referred to his relationship with the woman as more than a friendship, but as a counselling relationship. While Mr Curran appeared to contend that it was a "joke", the Panel was of the opinion that the woman took the reference to be a serious one and that he led the woman to believe that he was

acting as a counsellor. It appeared to the Panel that the woman may even have thought that what was being offered to her by way of intimacy was connected with his position as a counsellor and that Mr Curran made use of his counsellor status to seduce the woman.

The Panel was further concerned that Mr Curran's alleged behaviour and lack of boundaries distressed the woman, did her a disservice, and could damage the profession. The Panel was also of the opinion that Mr Curran's alleged behaviour did not demonstrate adherence to the ethical principles of counselling and psychotherapy, nor demonstrated the personal moral qualities of integrity and respect, as referred to in the Ethical Framework for Good practice in Counselling & Psychotherapy.

In the course of its deliberations, the Panel was cognisant that this constituted one of many examples of good and sufficient reasons for the implementation of Article 4.6: "members who are accused of, or have committed, acts that are deemed incompatible with the values of counselling and/or psychotherapy".

The Appeal Panel was unanimous in its decision that the decision of the Article 4.6 Panel was correct and that his appeal should be denied. Consequently Mr Curran's membership of BACP has been terminated forthwith.

Any future application for membership will be considered under Article 4.3 of the Memorandum and Articles of the Association.

Dec 2006: SUSAN BODGENER – reference no: 500854 – ELLESMERE SY12 0HD

Information was received by BACP under Article 4.6 of the Memorandum & Articles of Association, which raised questions about the suitability of Ms Bodgener's continued membership of this Association. The nature of the allegations suggested that her membership of BACP has brought, and/or may bring, the reputation of this Association and/or the professions of counselling and psychotherapy into disrepute and that there may have been a serious breach of the Ethical Framework for Good Practice in Counselling and Psychotherapy.

BACP was concerned by the alleged nature of the disciplinary action taken against Ms Bodgener by the NHS and her subsequent dismissal for gross misconduct. It was further concerned with the allegations that Ms Bodgener appeared to have been working outside her level of competence and that she failed to inform BACP of the action taken against her.

It was decided to implement Article 4.6 of the Memorandum and Articles of Association and Ms Bodgener was given the opportunity to appeal against this decision and be heard by an independent panel. Initially, Ms Bodgener appealed and subsequently withdrew her appeal. Ms Bodgener accepted that the withdrawal of her appeal would result in her membership of BACP being terminated forthwith. Consequently Ms Bodgener's membership of BACP has been terminated.

Any future application for membership will be considered under Article 4.3 of the Memorandum and Articles of the Association.

Sep 2006: Beauchamp Colclough – reference no: 501805 – NG32 3QB

Information was received by BACP, under Article 4.6 of the Memorandum & Articles of Association, which raised questions about the suitability of Mr Beauchamp Colclough's continued membership of this Association. The nature of the allegations suggested that his membership of BACP has brought, and/or may bring, the reputation of this Association and/or the professions of counselling and psychotherapy into disrepute, and that there may have been serious breaches of the Codes of Ethics & Practice/Ethical Framework for Good Practice in Counselling and Psychotherapy.

BACP was concerned with the seriousness of a number of allegations received regarding the unethical treatment of some of Mr Colclough's clients. The nature of the allegations were

substantiated from a number of complainants, including information published in the national press. The nature of the allegations indicated that there may have been a breach of the principle of non-maleficence: Mr Colclough having allegedly sexually and emotionally exploited a number of his female clients. Additionally, the information received also indicated that there may have been a breach of the ethical principle of fidelity since the alleged abuse of these clients involved the fostering of trust; and that clause 18 of the Ethical Framework for Good Practice in Counselling and Psychotherapy, under the section Keeping Trust, had been breached in that he may have abused his clients' trust to gain sexual advantage, had sexual relations with these clients, including sexual intercourse, and exhibited sexualised behaviour.

Mr Colclough did not challenge these allegations nor appeal against the decision to implement Article 4.6 of the Memorandum and Articles of Association and consequently his membership of BACP has been terminated forthwith.

Any future application for membership of this Association will be considered under the Memorandum and Articles of the Association.

These findings are published for the purposes of public information in the interests of protecting the public. It is recognised that there can be learning opportunities for other practitioners and, as such, should any reader wish to use the information for educational, or other associated, purposes, please ensure that you remove the name, together with any other identifying features of the practitioner concerned, as this information is not deemed to be relevant in these circumstances.

Feb 2006: Sarah Lander – reference no: 536714 – Leamington Spa CV32 6SA

A sanction was imposed on Ms Lander following a Professional Conduct Hearing, the outcome of which was reported in the March 2005 edition of this journal. Ms Lander failed to comply with the sanction and consequently her membership of BACP was terminated.

Any future application for membership of BACP will be considered under Article 4.6 of the Memorandum and Articles of the Association.

Dec 2005: Elizabeth Randell – reference no: 530216 – Surrey RH4 1LA

A sanction was imposed on Ms Randell following a Professional Conduct Hearing, the outcome of which was reported in the October 2004 edition of this journal. Ms Randell failed to comply with the sanction and consequently her membership of BACP was terminated.

Any future application for membership of BACP will be considered under Article 4.6 of the Memorandum and Articles of the Association.

Oct 2005: Paul K. Carney – reference no: 501452 – Warwick CV34 5HR

Information was received by BACP, under Article 4.6 of the Memorandum and Articles of Association, which raised questions about the suitability of Mr Carney's continued membership of this Association. The nature of the allegations suggested that his continuing membership of BACP may have brought or may yet bring this Association and/or counselling into disrepute, and that there may have been serious breaches of the Codes of Ethics & Practice/Ethical Framework for Good Practice in Counselling and Psychotherapy. The Panel was specifically concerned as follows:

Letters indicated that Mr Carney may have abused a client in a number of ways, exercising power over the client, abusing the client both psychologically and sexually. It would appear that he had breached the ethical principles of fidelity, autonomy, beneficence and non-maleficence. It would also appear that breaches of the Ethical Framework for Good Practice in Counselling and Psychotherapy had occurred under 'Quality of care' page 5, particularly in regard to dual relationships and under 'Keeping trust', with particular regard to paragraph 18, page 7.

The letters of apology appeared to continue the abusive language by, in one case, saying that he did enjoy the thought of his former client being able to 'climb up on to my [his] lap', and still declaring his affections.

Mr Carney did not appeal against the decision to implement Article 4.6 of the Memorandum and Articles of Association and consequently his membership of BACP has been terminated.

Any future application for membership will be considered under Article 4.6

of the Memorandum and Articles of the Association.