

Public Protection Committee:

2022 Annual Report

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Welcome

Welcome to the third annual report of the British Association for Counselling and Psychotherapy's Public Protection Committee.

This report covers the period from 1 January 2022 to 31 December 2022. It highlights key statistics and insights and explains the steps we take to protect the members of the public and ensure our members and registrants meet our standards.

The value of our regulatory function can be gauged by the volume of complaints processed, the number of registrants meeting our standards to appear on the register and the information we provide to the public. It has been a busy year - we took forward 154 complaints. We asked 707 members to send their documents for audit to us, administered 4808 Certificate of Proficiency assessments and within this supported 79 sessions with our approved qualification providers, we also responded to 1139 enquiries from the public through the Get Help with Counselling Concerns service.

It is also important that our registrants support our mission of public protection. Our 2022 membership survey reveals that around 95.9% of members who responded agree that members rate setting standards for the professions and client protection as important work for BACP.

In the face of challenges brought by the Covid-19 pandemic, the Register had to find new ways to carry out its vital regulatory functions, to ensure that BACP members and the public were supported through unprecedented times. In 2021 it developed and evolved systems of carrying out virtual hearings and that work has been built on to fully develop the Register's online delivery of hearings. These have now been running successfully for some time. At the same time a review of Register processes was instigated, with the aim of evaluating business processes within the Professional Conduct area to accommodate growth and continuous improvement within the systems employed by the Register, so that they are more streamlined.

The Register has also continued to successfully run the Certificate of Proficiency assessments which helps to ensure that the standards of entry on to the Register are maintained. This is supported by the audit process which ensures that quality standards are met.

The *Get Help with Counselling Concerns* service (previously "Ask Kathleen") continues to provide confidential telephone and email guidance for members of the public and continues to have consistent uptake of its services from the public. We also want the public, our members, and other stakeholders to have confidence in the way we carry out our public protection function. We see the value in learning lessons from complaints made against Registrants to reduce the incidence of complaints and to further enhance public protection at an earlier stage. The Register is committed to the concept of upstream complaint prevention.

We will continue to promote our work and the message of Public Protection, and we remain supportive of the valuable work carried out by the Professional Standards Authority. I'd like to thank the committee members, the previous Chair of the PCC, Vanessa Stirum, and the Register staff for their support and hard work over the year. I would also like to invite any members of BACP or members of the public who have a keen interest in public protection, to consider putting themselves forward to be on the committee. You can contact us at Governance@bacp.co.uk

Velia Soames,
Interim Chair of the Public Protection Committee

Introduction

The Public Protection Committee (“Committee”) holds delegated responsibility for developing the public protection strategy of the Association; the development of the BACP Register, delegated to the Register Advisory Board; the development of the professional conduct function of the Association; quality assurance on professional conduct and register activities; take and commission reports on internal audits against policy and the development of register standards and their alignment in to membership standards.

The PPC reports to the Board of Governors and reviews its own performance to ensure it is operating effectively. It has a Lay Chair who is also a Board Governor and a maximum of eight appointed members, four lay members and four BACP members where possible. It meets four times a year.

Membership

Committee Members:

Velia Soames (29.09.18- 29.09.23)

Jo Burns (06.02.20- 06.02.24)

Humza Chaudhry (17.03.2021 -17.03.2024)

Mervyn Wynne Jones (22.05.2022 -22.05.2025)

Phillip Matthews (26.07.2019- 26.07.2023)

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

Anna Daroy - Interim CEO,

Emma Hayes - Registrar,

Rebecca Grace - Assistant Registrar Entry and Maintenance,

Judy White - Head of Governance.

The Public Protection Committee is committed 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](#)

Strategy

One of the key activities for the Public Protection Committee in 2020 was the development of its public protection strategy, which detailed its strategic ambitions for the next four years. This strategy dovetails with the overall [BACP strategy](#) and its commitment to ‘further develop confidence in and credibility of the profession by developing and upholding professional and ethical standards, informed by an evidence base’ and ‘champion the skills, competence and contribution of our members to the public, employers, commissioners and policy-makers’.

In 2022, the PPC reviewed its strategy and has overseen measures that support the implementation of the Public Protection strategy.

It has overseen:

- The growth of the Register together with the expansion of the Resources necessary to accommodate the increased level of complaints received.
- The initiation of a project to develop a case management system designed to streamline the effective and efficient delivery of conduct functions and gather more data about complaints.
- The initiation of an upstream complaints’ prevention project, where the intention is to collect data and learn from complaints so that this learning can be disseminated to registrants and help to meet public protection needs more effectively.
- The development of a system for auditing conduct decisions.
- The approval of moving all hearings to be held virtually as the default option with in-person hearings reserved for those instances where it would not be considered suitable.
- The development of a survey for parties to a complaint of their experience to improve processes and gain invaluable insight into individual service experiences.

In 2023, BACP will launch its new, ambitious 5-year strategy which the work of the Register will be will aligned to.

Setting and upholding standards

The Register sets standards for entry and maintenance of registration and holds members to account in relation to the [Ethical Framework for the Counselling Professions](#), in the interests of public protection.

Entry to the Register

Membership

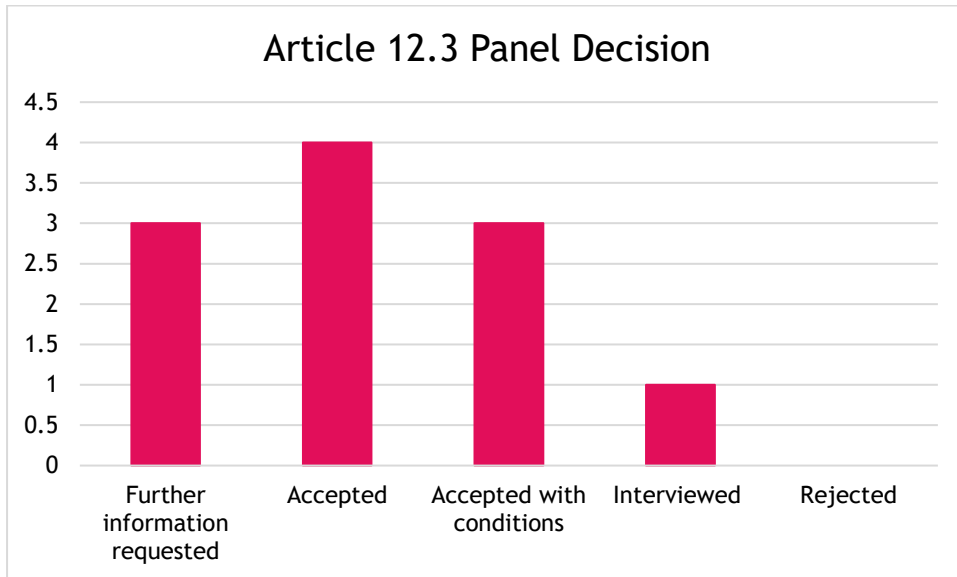
To become listed on our Register, counsellors and psychotherapists must first meet our stringent [membership requirements](#). We also assess applications to check that the applicant is willing and capable of working in accordance with the Ethical Framework and is fit for membership of the Association. This may happen if the applicant had made a disclosure to us which raises questions as to their suitability for membership. Disclosures are dealt with under a procedure known as the Article 12.3 procedure.

The protection of the public is of paramount importance to the Association, as is the reputation and standing of counselling and psychotherapy. Accordingly, the Association also seeks to ensure, as far as it is reasonably ascertainable, that potential members will be safe to work with, and accountable to, clients and the Association and protect the reputation and proper functioning of BACP.

The purpose of the Article 12.3 procedure is for the Association to be satisfied that the applicant, once granted membership, is willing and capable of working in accordance with the Ethical Framework for Good Practice in Counselling & Psychotherapy and is fit for membership of the Association.

Article 12.3 Procedure

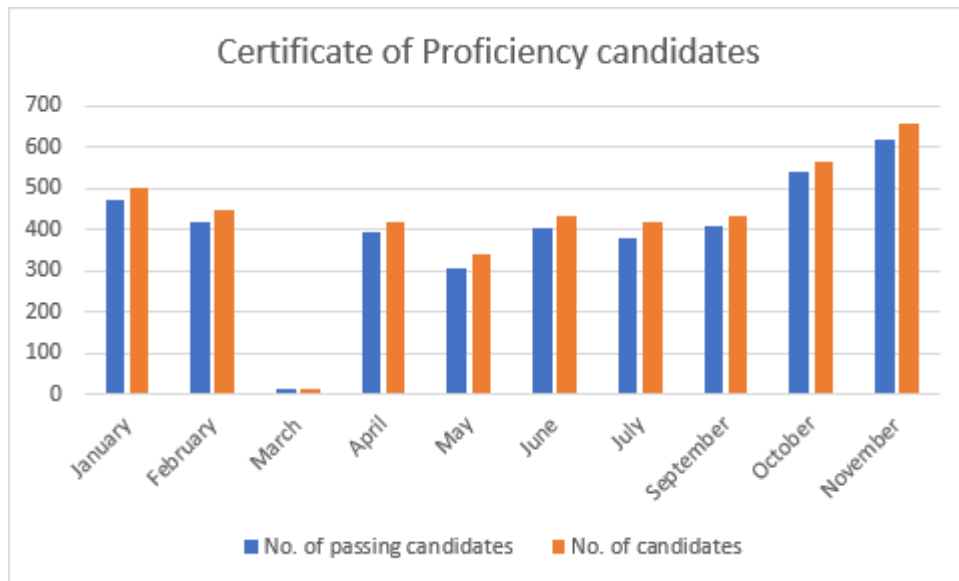
In 2022 there was a total of 87 applications for membership in which a disclosure was made by the applicants. These applications underwent initial assessment. Following assessment, a total of 12 application disclosures were of a nature that required consideration by an independently constituted Article 12.3 panel. The breakdown of the panel's decision are as follows:



One case is currently on going and is scheduled to be reviewed by the Article 12.3 Panel in February 2023.

Certificate of Proficiency

For those who have not completed a BACP accredited course, we also have an additional quality control of the Certificate of Proficiency (CoP), which members must pass to be listed on the Register. The CoP is the final part of the process of membership application and completion of a practitioner training course that involves a supervised placement. It is part of our commitment to quality assuring our membership and ensuring suitability for registration.



Most of our members take the CoP from their own homes or workplaces while being remotely invigilated. We ran invigilated CoP sessions in 9 months of 2022 (no sessions in March, August, or December). We also returned to running hosted events for those members who don't have access to a computer. A hosted CoP session took place in March 2022 and a further one in October.

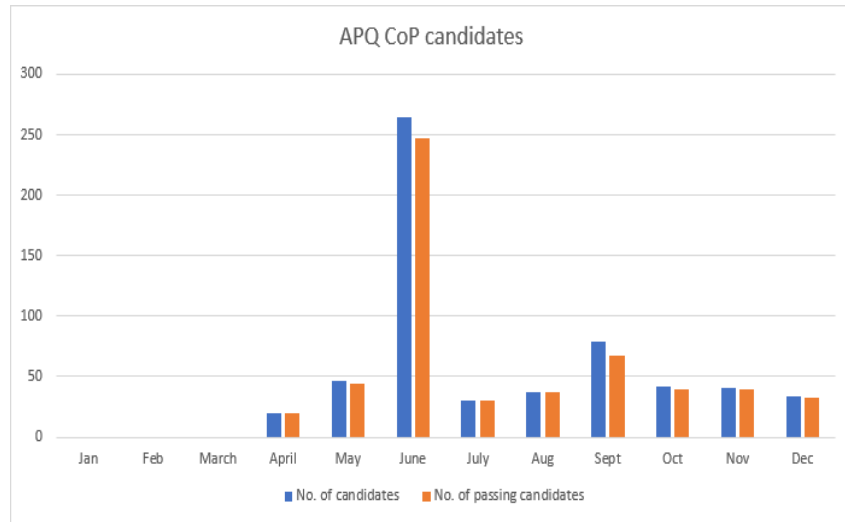
We increased our capacity at our invigilated assessment events in the autumn of 2022 to meet member demand for places.

Certificate of Proficiency - Approved Qualification

In addition to the CoP for our Individual members we also run the assessment for our student members when they are on an Approved Qualification. The students take the CoP at their place of study. They must pass the CoP before they can complete their qualification.

BACP has a partnership with CPCAB and SQA awarding organisations. These awarding organisations then have centres that they have approved for the delivery of the approved qualification. We significantly increased the number of centres we were working with from Spring 2022 onwards.

Month	Number of APQ CoP events supported	No. of candidates	No. of passing candidates
Jan	0	0	0
Feb	0	0	0
March	0	0	0
April	2	20	20
May	7	47	44
June	25	264	247
July	9	30	30
Aug	5	37	37
Sept	13	79	67
Oct	9	42	40
Nov	9	41	40
Dec	8	34	32



The advantage of the CoP being delivered as part of the qualification is that the learner, upon qualification, is immediately eligible for registration.

Audit process

We audit 1.5% of our registrants annually to check they are meeting the terms and conditions of registration. We ask them to complete a submission in relation to the following areas:

- continuing professional development (CPD)
- supervision
- indemnity insurance

In 2022, 707 members were asked to take part in the Register audit, as shown in the graph below.



In 2022 we deferred the audit for 46 members for reasons such as bereavement or a long-term health issue.

We issued 8 letters of advice in 2022, most of these were in relation to Professional Indemnity Insurance.

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. We also have a separate procedure called [Article 12.6](#) and we might use this if we receive information that makes us question whether a member should continue in membership with us, this is used where there has not been a therapeutic relationship between the referrer/complainant and the member complained about. It is used for serious referrals for example, criminal convictions or where disciplinary action has been taken by a member's employer, or other serious conduct which requires an assessment and decision as to whether a member is suitable for continued membership.

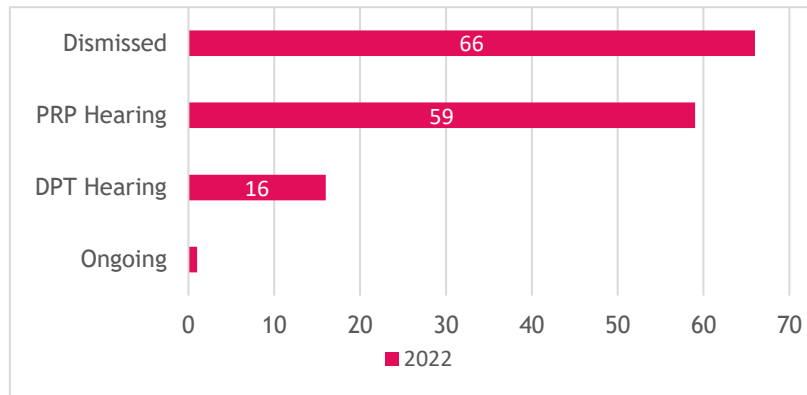
In 2022 we processed 253 complaints under the Professional Conduct Procedure. The proportion of BACP members/registrants who had concerns raised about their conduct remained low at 0.39%.

In relation to the [Professional Conduct Procedure](#), if a member accepts that 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 relation to complaints considered under our Professional Conduct Procedure, between 1st January 2022 and 31st December 2022, the IAC considered 187* cases. Between the same period last year in 2021, the IAC considered 140 cases.

For the cases considered in 2022, the following decisions were reached:

- **66** cases were dismissed, subject to any appeal.
- **59** were accepted to proceed under the Practice Review Process Track.
- **16** were accepted to proceed under the Disciplinary Proceedings Track.
- **1** case is currently ongoing with the IAC as further information has been requested.



**A case can go to the IAC more than once if further information is requested*

In 2022, 33 cases were scheduled to be heard by virtual means under the Practice Review Process Track. Four of these had to be later adjourned by the hearings panel, either just before or on the day of the hearing, for a variety of reasons including illness of parties. In 2021, 23 cases were heard under the Practice Review Process Track.

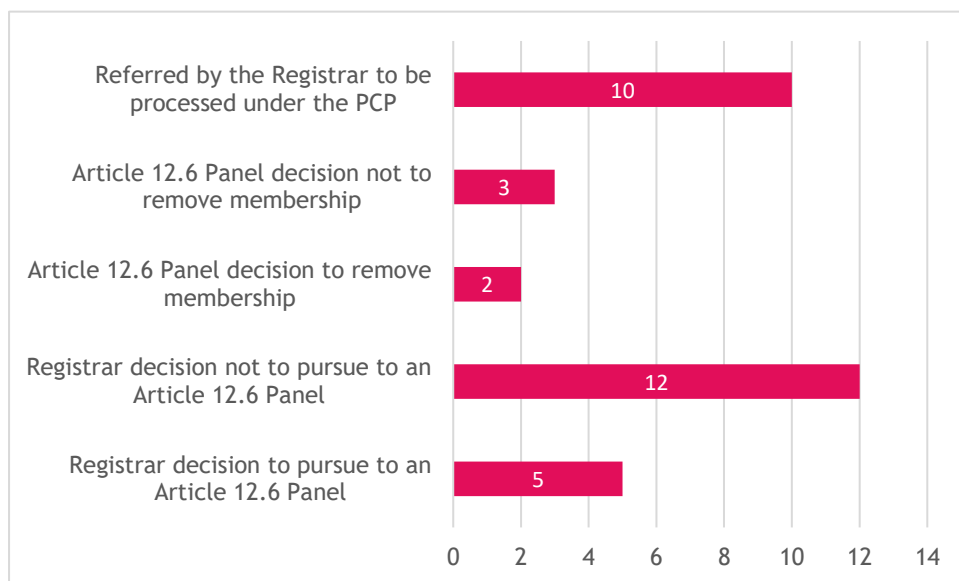
In 2022, 25 cases were scheduled to be heard by virtual means under the Disciplinary Proceedings Track. Three of these had to be later adjourned by the hearings panel, either just before or on the day of the hearing, for a variety of reasons including illness of parties. In 2021, 10 cases were heard under the Disciplinary Proceedings Track.

There were no successful appeals following hearings.

Article 12.6 Procedure

Article 12.6 is a separate procedure to that of the Professional Conduct Procedure. It is a procedure reserved for serious allegations, which indicate a serious departure from the professional standards which could cause harm to the public/clients and/or could undermine the reputation of the Association and the counselling professions. The only sanction available is withdrawal of membership if allegations are upheld.

In relation to the Article 12.6 procedure in 2022:



Cases received under Article 12.6 may not be suitable for this process, because the sanction available is limited to withdrawal. Where there is evidence of a breach of professional standards, but the likelihood of it meeting the threshold for the sanction of withdrawal is low, then consideration can be given to processing the complaint through the Professional Conduct Procedure.

However, there must be a public interest in pursuing the complaint and this is set out in the Professional Conduct Procedure at paragraph 1.5 which states 'If, in the opinion of the Registrar, the conduct of a Member is such that it would be in the public interest for the conduct of that Member to form the basis of a complaint, the Association may prepare and submit a complaint pursuant to this Procedure'.

The Registrar must sign off a formal decision for a matter to be pursued through the Professional Conduct Procedure which allows for the opportunity to consider whether a complaint meets the criteria for a Letter of advice, if not the matter can proceed to the Investigation and assessment committee who may consider a consensual disposal is the appropriate outcome or it can refer any allegations to a professional conduct hearing which then allows in the event that allegations are upheld for a range of sanctions.

Supporting the public

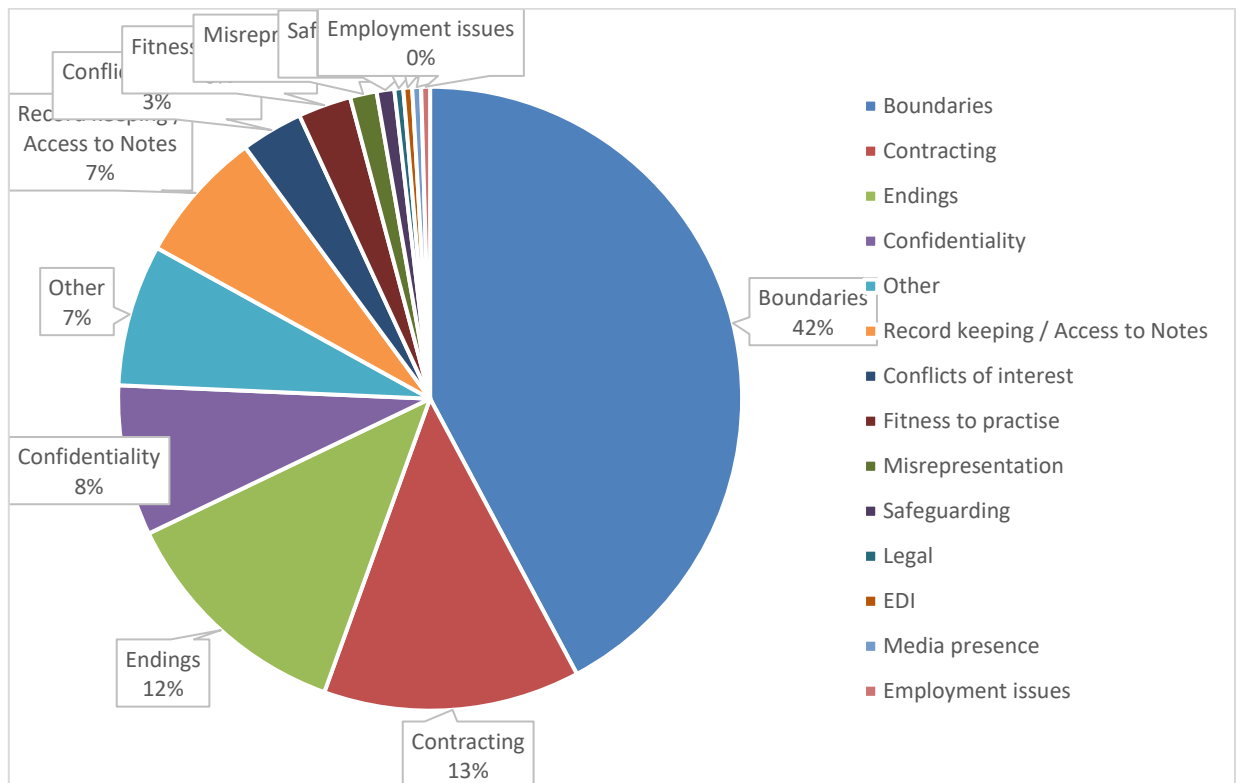
The purpose of the BACP Register is to protect the public. It provides a list of therapists who have met our high standards. Any registrant who has a sanction is indicated on the Register with a link to [complaints web pages](#) where we publish details of complaints upheld under the Professional Conduct Procedure.

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.

During 2022, the Get Help with Counselling Concerns Service answered 1140 public queries.

In June 2022 we changed the way that we report upon and categorise the enquiries received.

Chart showing main areas of concern where the member of the public was requesting guidance (*data used June 2022 onwards*)



We also now capture information about whether the enquirer is looking for guidance and / or support or whether they are looking for information. In the last six months of 2022 29% of the enquiries received were where the person was requesting information. Examples of these enquiries are checking the membership status of a therapist or a request for information on how to make a complaint.

We also offer a support system for complainants in professional conduct cases. It 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 20 times in 2022. The Get Help with Counselling Concerns service provided telephone support for complainants throughout the complaints process. This was accessed 39 times during 2022. (Some clients accessed the support service more than once).

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 our various Register functions and more widely within BACP. This will give insight into the areas where members may need more support or guidance and help us to identify areas for development.

We developed a suite of resources the *What Complaints tell us about...* series. These resources take the learning from complaint notices published in 2022. They identify the common themes from complaints and look at the reasons why they may have happened. Importantly we also consider how those complaints could have been avoided. There are 6 resources now developed on:

- Boundaries,
- Competence and fitness to practice
- Confidentiality
- Contracting
- Endings
- Therapeutic interventions

External scrutiny

In addition to the governance oversight of the Public Protection Committee, BACP's Register has also been a member of the Professional Standards Authority for Health and Social Care (the Authority) [Accredited Registers' Programme](#) since 2013. This is a voluntary scheme for non-statutory registering bodies of health and care professionals so that the public can feel confident about choosing practitioners. In 2022 we were successfully reaccredited.