

PPC Minutes
08 December 2023
MS Teams

Report Information

Meeting Date	08 December 2023, 14:00-16:30 hrs
Venue	MS Teams
Confidential/Non-Confidential	Confidential
Author/Presenter	Eileen Gambrell, Governance Officer

Purpose of the Report.

(Please tick all that apply)

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

Summary of Report

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

This report summarises the key points discussed during the meeting in line with the meeting agenda that was circulated to committee members and BACP staff.

Public Protection Committee (PPC)			
Minutes of Meeting: Friday 08 December 2023 via MS Teams			
Committee Members Present	Marc Leppard	ML	Committee Chair
	Humza Chaudhry	HC	Committee Member
	Ciaran Doyle	CD	Committee Member
	Philip Matthews	PH	Committee Member
	Leon White	LW	Committee Member
BACP Staff Members	Emma Hayes	EH	Registrar
	Beckie Grace	BG	Assistant Registrar
	Judy White	JW	Head of Governance
	Ruzina Miah	RM	Governance Manager
	Eileen Gambrell	EG	Governance Officer
Apologies Received	Dr Paul Taylor	PT	Committee Member
Ref			
Item			
General Matters			
1.1	<p>Welcome, apologies and quoracy</p> <p>The Chair welcomed everyone to the meeting and explained the schedule of the meeting in line with the agenda and action tracker. Introductions were made as several new members had joined the Committee since the last meeting.</p> <p>The meeting was quorate as over 80% of members were in attendance.</p> <p>Apologies had been received from:</p> <ul style="list-style-type: none"> • Dr Paul Taylor 		
1.2	<p>Declarations of interest</p> <p>ML flagged that he was previously a director of Marches Counselling service.</p> <p>There were no further declarations of interest.</p>		
1.3	<p>Minutes of last meetings</p> <p>The Committee reviewed and approved the minutes of the previous meeting that had taken place on 29 August as a true and accurate record. The outgoing chair had previously checked the minutes for redactions prior to her departure.</p>		

Public Protection Committee (PPC)
Minutes of Meeting: Friday 08 December 2023 via MS Teams

<p>1.4</p>	<p>Matters arising and review of action tracker</p> <p>The Committee reviewed the action points listed on the action tracker and agreed the following:</p> <ul style="list-style-type: none"> • Induction and refresher training for Convene would be picked up in 2024. • It was noted that the EDI Lead was not yet in post so this action would be revisited. If EDI issues or concerns were to arise for the PPC, they should be flagged to the Governance Team who would raise with the Senior Leadership Team. • It was felt that a briefing on safeguarding and how it applies to the PPC Committee would add more value than training. • The action around inviting the Transformation and Digital Director to attend a future meeting to update about how BACP is approaching threats and opportunities to the Register from emerging technologies was deferred until later in 2024. <p>Action 1: Governance Team to liaise with Safeguarding Lead and Chair to discuss briefing.</p> <p>There were no further matters outside of the agenda discussed within the meeting.</p>
<p>2</p>	<p>Briefing and Reports</p>
<p>2.1</p>	<p>Briefing on role of PPC and its terms of reference</p> <p>A verbal briefing was provided for the benefit of the new members who had joined the Committee since the last meeting at the end of August.</p> <p>JW advised that the PPC is a delegated Committee of the Board of Governors, with authority to undertake a robust review of the work that's being undertaken by the Register. There is an expectation that in doing so, it will make certain recommendations to the Board on matters related to BACP's public protection agenda to ensure that the public is protected when dealing with BACP members.</p> <p>In terms of the more detailed activity of the PPC this would be set out in terms of the work that EH and her team would present to this Committee for consideration. JW also drew attention to the specific pages on the BACP website and to the minutes of this Committee that were publicly published for the purposes of transparency. There was an acknowledgement that some of the web content may need updating, ensuring that it meets PSA requirements whilst also providing clarity to the members.</p> <p>EH advised that the papers produced for this meeting represented standing items that had been brought to previous iterations of PPC. Both she and BG would be happy to receive feedback and for the format of papers to evolve over time to meet the Committee's requirements. She also advised that there may be future agenda items where she would need to bring other colleagues into these meetings to ensure correct answers to questions that may arise. The meeting papers would flag themes and trends around complaints received, queries coming through to the ethics team, etc.</p> <p>She explained that the work of the Register was broader than solely dealing with complaints and was made up of 4 workstreams, supported by an overall team of c.25 member of staff:</p>

Public Protection Committee (PPC)
Minutes of Meeting: Friday 08 December 2023 via MS Teams

1. [Get help with counselling concerns](#) - confidential information phone and email service aimed at members of the public and service providers, including schools, LADOs, police, social services, who wish to ask questions about counselling and psychotherapy.
2. [Certificate of Proficiency Service](#) which is an alternative competency-based assessment route to registration for members who haven't completed a BACP accredited qualification.
3. [CPD audit](#) - undertaken by a team which contacts a random sample of registrants on a monthly basis to review their CPD, supervision records and insurance documentation.
4. [Professional conduct](#) which is the complaints service. Complaints can be third party or can stem from therapeutic relationships. There are different routes for considering complaints dependent on who's bringing them and the severity of the complaint.

EH clarified that BACP does not currently have a public protection strategy as ratified by the Board and this may be something for the Committee to consider. In terms of developing a new public protection strategy, EH advised that she and BG would be able to outline what the priorities for inclusion would be, and to map these against BACP's organisational strategy. She also noted that the incoming CEO may also take a view too.

In terms of staffing resources to undertake this work, plans were reviewed annually as part of budgeting requirements and EH was currently speaking to the CFO re 2024/25. Dashboards and data reporting looked at the breakdown of volume of work for each team member. Any subsequent arising resourcing issues would be highlighted to EH's direct line manager (incoming CEO). If EH felt there were genuine challenges in terms of being able to meet those resource demands, she would flag this in her reports to the PPC and the PPC Chair would have the opportunity to escalate further to the Board if required.

HC highlighted a previous example of when a backlog of cases had accrued during the pandemic. The PPC had been involved in robust conversations to understand the reasoning and had successfully challenged to ensure that the team received resource to clear the backlog.

Recent social media activity was discussed as some negative views had been expressed by a vocal minority of members. JW advised that this activity had drawn the attention of the senior leadership team and the Board, and work was being undertaken internally to address some of those concerns with an action plan and targeted comms plan. There had been a period a few months ago where matters had escalated, and an organisational member had raised concerns with the PSA. It was acknowledged there could be circumstances that might compromise BACP's relationship with the PSA and the work of the Register. Whilst it was felt matters in hand at this point, the PPC agreed to keep a watching brief and to revisit as required.

The Committee thanked JW and EH and noted the update.

2.2 Overview of Professional Standards Authority (PSA), its jurisdiction and standards

EH explained that BACP was a voluntary member of the [PSA accredited registers programme](#). The PSA was an independent body, part funded by the Department of Health and Social Care, with oversight of 10 statutory regulators (including the GMC, General Optical Care Council) and a further 29 voluntary registers. This was how BACP demonstrated its public facing commitment to public protection.

Public Protection Committee (PPC)
Minutes of Meeting: Friday 08 December 2023 via MS Teams

The PSA's remit was to look beyond the work of BACP's Professional Conduct team to the wider work of the organisation. Annual checks were undertaken with a full reaccreditation every third year (next due in summer 2024). The programme had been in place for ten years and held each of its accredited registers to the following nine standards:

- Standard 1 Eligibility and public interest
- Standard 2 Management of the register
- Standard 3 Standards for registrants
- Standard 4 Education and training
- Standard 5 Complaints and concerns about registrants
- Standard 6 Governance
- Standard 7 Management of risks arising from the activities of registrants
- Standard 8 Communications and engagement
- Standard 9 Equality, Diversity, and Inclusion (from June 2023)

In terms of BACP delivering its organisational strategy, the PSA element was about measuring and aligning the work undertaken and demonstrating how this also met those nine standards.

It was flagged that this was the only programme available in the United Kingdom and its jurisdiction was limited to UK registrants. By virtue of BACP being an approved member, BACP members were able to use the PSA logo. This added value to the membership as the NHS, for example, requires all its counsellors to be on a PSA accredited register.

The BACP was currently mid-cycle in terms of the review process; all decisions made would be publicly available on the PSA website.

The Committee thanked EH and noted the update.

2.3 Update on PSA's Targeted Review of BACP

BACP submitted its annual review in April 2023 and the outcome was that BACP was placed under Targeted Review. It was noted that a Targeted Review was not unusual and presented the PSA with a means to take a closer look at how an organisation was meeting its standards.

BACP had been a founding member of the accredited registers programme, which over the years had evolved into a much more robust system. The PSA had been open with BACP that the Targeted Review was now timely, also prompted by the recent social media activity and contact from BACP members and members of the public expressing dissatisfaction in how the BACP had handled certain issues.

As part of the Targeted Review, BACP provided further content in October 2023 to evidence the information provided in its submission. A review had taken place and 14 further questions had subsequently been received on 6 December. The answers would be collated internally. The approval process was to share with the Senior Leadership Team, with the PPC via correspondence, with the Board via correspondence for sign-off, and then to submit to the PSA. The deadline set by the PSA was 4:00 PM on 5 January 2024.

The additional information would be sent to a PSA accreditation decision-making panel who would hopefully meet by the end of January, with a decision arriving circa four weeks later.

Public Protection Committee (PPC)
Minutes of Meeting: Friday 08 December 2023 via MS Teams

BACP would receive ten days to review and sign off the report which would then be made public.

In terms of themes or queries raised by the PSA that concerned the remit of the PPC, EH advised that that a safeguarding question had arisen in the second round of questioning around how BACP managed claims of harassment and stalking from members when considering whether to take complaint forward. She explained that this was not a common occurrence and BACP took external legal advice on such matters on a case-by-case basis, working with Ward Hadaway and Russell Cooke solicitors as the two preferred suppliers for regulatory advice.

The other theme that had come through in both the first and second round was around BACP guidance to members around suicide risk and BACP's risk stratification tools. This was being managed by the Professional Standards team. BACP has Good Practice in Action guides for its members around risk stratification which refer to the NICE guidelines. A meeting would also be taking place in January 2024 between the new Director of Policy, Research and Professional Standards and the NHSE and PSA to discuss this topic more broadly as there was some overlapping work being undertaken in this area by NHSE.

It was noted that the PSA panel could select from a range of options: to pass an organisation with no further action, to provide recommendations to be implemented (usually within 12 months), or to provide conditions which are actions to be taken within a set deadline of the PSA's choosing. Further unlikely worst-case scenarios would be suspension of or withdrawal of accreditation. EH anticipated that BACP may receive a series of recommendations, or possibly recommendations and conditions which she would bring back to the Committee for review and to discuss next steps. Maintaining confidentiality around these matters would be key.

Action 2: EH to share the follow-up PSA submission with the PPC in January via correspondence for feedback and comments.

2.4. Register Development Report

This report was produced to provide an update in relation to non-BAU work and developments within the Register. EH highlighted key items that were not picked up under agenda items:

The [Scope of Practice and Education \(SCoPEd\)](#) framework was a significant piece of work for BACP, about aligning standards with other associations within counselling and psychotherapy.

BACP had also submitted a notification of change to the PSA with respect to the membership transition mechanisms that would be introduced in February 2024, as part of the SCoPED implementation. This notification of change outlined the temporary mechanisms and accompanying eligibility criteria that would be in place during 2024 to 2026 to enable members to move between membership categories. It was noted that all members of SCoPED were suspending their accreditation schemes at the same time and had all submitted similar notifications of change.

Action 3: EH to keep abreast of SCoPEd developments and timings and to feed back to the PPC at those times where it might impact upon the work of the Committee.

In terms of Register reinstatement, she noted a small number of former members looked to reinstate after more than three years had passed. A working group had looked at the

Public Protection Committee (PPC)
Minutes of Meeting: Friday 08 December 2023 via MS Teams

reinstatement process to address inequities as those who completed a BACP accredited course were not required to do anything further whereas those who passed the Certificate of Proficiency had to retake the assessment.

The team had recently launched a listening support service to support members who have a complaint made against them. It was currently being run with appointed contractors (all BACP registered members) rather than staff, providing the service as a one-year pilot with a view to becoming part of BAU. Essentially support had always been in place for other parties involved in a complaint, but not for the member, so this was intended to resolve that inequality.

In 2022 a framework had been set up to support the alignment of data across functions both within the Register and BACP more widely. Therefore, as an example, when an enquiry came into the Get Help with Counselling Concerns service, it should be categorised in the same way as an enquiry via the Ethics Helpdesk (for BACP members). This provided visibility of developing trends to enable the organisation to then provide appropriate guidance or training or events for members to mitigate the risk of them receiving a complaint.

Following a [public consultation](#), the PSA had introduced Standard Nine - Equality, Diversity and Inclusion to its [Standards for Accredited Registers](#). The PSA would be assessing current Accredited Registers against this Standard between October and January 2023. BACP submitted its self-assessment in October 2023 and the report was due back from the PSA imminently. Any actions needed would be aligned to the BACP EDI strategy and led by the incoming EDI lead.

She concluded by updating around the review of the Register Terms and Conditions which was underway with Ward Hadaway (Regulatory law firm). This document has been updated annually but not been subject to a full review for several years. The review outcome was expected by 20 December 2023 and a paper with recommendations would be shared at the next meeting.

Action 5: EH to prepare a paper around the review of the Register Terms and Conditions

2.5 Register Operational Report

This report provided an update in relation to operational activity within the Register. It was felt that the format of this paper could evolve over time.

The report provided some key data about the number of registrants. Pass rates were stable for members joining via the Certificate of Proficiency. This indicated that registrants were joining the Register with the right skills and competencies. BG was undertaking work with the approved centres and approved awarding bodies to ensure there was no gap in skills essentially between individuals joining via the CoP and those with an approved qualification.

In terms of the Register audit update, engagement with the process was very high. For the last month in November, only one individual chose not to engage in the process.

The Get Help with Counselling Concerns was an area of the register that the team wished to develop and EH and BG would be looking more closely at this in the new year. It was currently staffed by 1.5 FTE. Call volume was stable and feedback mechanisms demonstrated that it was highly valued. BACP relied on this service to demonstrate how it met the public engagement aspect of the PSA standards, as many of its other services were member focused whereas this was the only public facing engagement service.

Public Protection Committee (PPC)
Minutes of Meeting: Friday 08 December 2023 via MS Teams

Moving on to incoming complaints, EH flagged that historically there had been a separation between therapeutic relationship complaints and third-party complaints. The number of complaints in this report related to therapeutic relationships. When looking at the total number of complaints, it was higher due to the volume of third-party complaints received. In August, 55 complaints were received in total. The department was looking to restructure some of its teams to handle this. EH confirmed that future reports would set out the total volume of complaints, and a system was being put in place as part of the assessment process to decide which route these complaints would be taken through. Standard Five of the PSA related entirely to the complaints handling process and provided an additional external oversight here.

In terms of key themes in complaints, issues around boundaries arose frequently and this was fed back to the ethics service and professional standards to inform their guidance materials.

In terms of very serious complaints, these were infrequent but when received, EH advised that there was a team with the requisite skills and knowledge to manage these. Significant investment in training for the for staff and for panel members and clerks had been made which had been a positive step.

A need to recruit more clerks and chairs for the panels in the new year was therefore also flagged as a priority. In terms of panel recruitment, the Chair raised that it would be useful to have a paper which sets out the number of panels and breakdown of panel members on each. In terms of due diligence, the Committee would like to observe what work is being undertaken in this area and to be able to therefore give assurance to the Board that the team is undertaking all the correct measures to ensure it is appointing the right types of people in terms of competence and EDI perspectives, who are of the highest standing, given that they're assessing the behaviours and conduct of others. The paper would also enable the PPC to consider the appointments process and to be satisfied that it accounted for unconscious bias and aligned with BACP's EDI strategy, etc.

Action 6: EH to prepare a paper which sets out the number of panels and breakdown of panel members on each.

The Committee discussed whether there was a way in which the demographics of those making the complaints and those receiving the complaints were being tracked and compared. A working group was reviewing the process with a view to recommending improvements to the current process which sent a voluntary questionnaire to both parties as a complaint was being closed. Whilst EDI and special characteristics data was being captured, a qualitative experience-based section wasn't currently providing meaningful data and work was underway to look at this. The Committee questioned whether this data could be collated at the point the complaint is captured rather than at the end of the process and EH noted the feedback.

Action 7: EH to provide an update around the demographics of those making complaints for the next meeting to help to identify whether there any trends or patterns to be aware of, e.g. whether there is a particular marginalised group that are receiving complaints against them, which might talk to a particular conscious or unconscious bias amongst members and may flag a requirement for some sort of follow-up qualitative work to be undertaken.

The Committee questioned whether EH was receiving adequate support from the Senior Leadership Team in terms of resourcing the operational aspects of the Register. She reported

Public Protection Committee (PPC)
Minutes of Meeting: Friday 08 December 2023 via MS Teams

	<p>that she was being well supported by the CFO in terms of reshaping the existing budget without increasing cost. She would be able to flag serious issues and concerns with the incoming CEO as her direct line manager. The Chair also advised that she had a dotted line straight to him and he would be happy to raise any issues with the Board as required.</p> <p>The Chair thanked EH for a very useful and comprehensive report. In terms of shaping the format, he advised that it would be useful to highlight some of the overarching themes and trends that had been raised and to include a log of where actions have been allocated to different teams and on what date. This would enable the PPC to keep an eye on the key themes and trends and to advise/recommend where processes could be improved, but additionally to request an update from a particular individual to inform the Committee and to be reported to the Board as required. It would be helpful to include the KPIs within the executive summary or as an appendix with a green/amber/red rag rating. Standing items around panel recruitment and team resource would also be useful.</p>
<p>2.6</p>	<p>Article 12.3 Fitness to Practice Disclosures</p> <p>The review of the 12.3 paperwork had been undertaken to ensure that all the right paperwork was up to date and in place to underpin the day-to-day activity. This related to paragraph 12.3 in the articles of association which give the delegation of authority to the Registrar to undertake its work.</p> <p>Decision 1: The Committee was happy for the papers to go to the Board to be documented at Board level.</p>
<p>2.7</p>	<p>Report on serious incidents which impact on public protection</p> <p>This report gave an anonymised summary of the three cases within the last quarter that warranted either referral to BACP’s Safeguarding Lead and/or required the imposition of an Interim Suspension Order.</p> <p>EH advised that in terms of managing serious incidents, this work was led by two individuals in the business who managed it in an exemplary fashion, but she raised a level of concern that if they were not available for any reason, how well equipped would another member of staff be to step in if required. She highlighted that there was also a wider safeguarding team of six staff who had received relevant training, and one safeguarding lead.</p> <p>JW advised that she was the senior manager within BACP with responsibility for safeguarding. All safeguarding issues were reported directly to the Board, and she had commenced a review of safeguarding at BACP to ensure adequate resourcing was in place and to check that training was at the appropriate level. She hoped the review would be completed in early in January so that a report with recommendations could be submitted to the Board and then forwarded to the senior leadership team to operationalise. This was an area that the Board was taking seriously, hence the urgent review.</p> <p>Action 8: JW to take account of where there is additional external support available to include in her safeguarding report to the Board. JW to bring an update on the Board paper to the next PPC meeting.</p>

Public Protection Committee (PPC)
Minutes of Meeting: Friday 08 December 2023 via MS Teams

	<p>EH advised that staff dealing with serious incidents and safeguarding issues had access to counselling through EAP, but also received monthly supervision with an accredited counsellor. Additional 1:1 counselling is also available if required.</p> <p>The Chair encouraged EH to continue to provide this report and additionally to consider whether any future cases might pose a severe damage to the reputation of BACP. The definition of what that might look like could be honed down as case details were shared.</p>
3	Updates
3.1.	<p>Amendments to the BACP Ethical Framework</p> <p>A progress report on the Ethical Framework review that was underway had been provided by the Ethics Lead, Dr Susan Dale. The project had completed the scoping phase and was currently reviewing historical data before moving into the consultation and evaluation phase.</p> <p>EH flagged that a meeting was taking place on 13 December to discuss the scope of the existing project. She raised concerns that any plans to extend the scope implementation of the Ethical Framework would need to consider how that might translate with respect to the professional conduct setting but was reassured that other stakeholders were also aware of these concerns. She would report back to the PPC on progress made in this area at a future meeting.</p> <p>Action 9: EH to update the PPC around any changes to the Ethical Framework review that might come under its remit.</p>
4.	Any Other Business
4.1	There was no other business discussed outside of the agenda.
5.	Presentation of record on BACP website
5.1	<p>To consider any items requiring redaction</p> <p>The Committee agreed to defer this item to once the minutes of the meeting were drafted and to allow for review.</p> <p>Action: The Registrar to review the draft minutes of the meeting (29 August 2023) in advance of the next meeting to flag any potential items for redaction prior to publication.</p>
6.	2024 meetings
6.1	Dates for the upcoming 2024 meeting to be circulated shortly.

Summary of actions

Action No.	Agenda Item	Action
-------------------	--------------------	---------------

Action 1: Review of Action Tracker	1.4	Governance Team to liaise with Safeguarding Lead and Chair to discuss briefing.
Action 2: Update on PSA's Targeted Review	2.3	EH to share follow-up PSA submission with PPC in January via correspondence for feedback and comments.
Action 3 Register Dev Report	2.4	EH to keep abreast of SCoPEd developments and timings and to feed back at those times where it might impact upon the work of PPC.
Action 4: Register Dev Report	2.4	EH to prepare a paper around international registrants which also highlights how other associations approach international membership
Action 5: Register Dev Report	2.4	EH to prepare an update paper around the review of the Register Terms and Conditions
Action 6: Register Operation Report	2.5	Action 6: EH to prepare a paper which sets out the number of panels and breakdown of panel members on each
Action 7: Register Operation Report	2.5	EH to provide an update around the demographics of those making complaints for the next meeting to help to identify trends or patterns
Action 8: Report on serious incidents	2.7	JW to bring an update on the safeguarding Board paper to the next PPC meeting.
Action 9: BACP Ethical Framework	3.1	EH to update the PPC around any changes to the Ethical Framework review that might come under its remit.
Summary of Decisions		
Decision 1: Article 12.3 Fitness to Practice	2.6	The Committee to formally recommend that the 12.3 papers be submitted to the Board to be documented at Board level.