
MINUTES OF THE PUBLIC PROTECTION COMMITTEE

Held on Wednesday 20 May 2020, Teams Meeting at 10am

- Present:** Moira Sibbald (MS) - Lay Chair
Tamara Abood (TA), BACP Committee Member
Jo Burns (JB), BACP Committee Member
Stacey Goldman (SG), BACP Committee Member
Ewan Malcolm (EM), Lay Committee Member
Philip Matthews (PM), Lay Committee Member
Velia Soames (VS), Lay Committee Member
- In attendance:** Ian Ascroft (IA), Temporary Governance Manager
Fiona Ballantine Dykes (FBD), Deputy Chief Executive
Una Cavanagh (UC), Governor, Chair, Membership & Professional Standards Committee
Christina Docchar (CD), Registrar
Dan Gibson (DG), Data Protection Lead - Item 23/20
John O'Dowd (JOD), Assistant Registrar - Professional Conduct
Adam Pollard (AP), Product Manager - Item 19/20
Wendy Davis, Clerk

12/20 Welcome, Apologies and Declaration of Conflicts of Interest

The Chair welcomed all to the meeting, with a special welcome to Una Cavanagh, Chair of the Membership and Professional Standards Committee (MaPS). Apologies were received from Mervyn Wynne Jones. The Chair wished to pass thanks to the BACP Team for their work supporting members during these difficult times.

There were no new declarations of conflicts of interest.

A note was made to upload all documents in PDF format in future to allow easier access for members.

Action: IA

13/20 Minutes of the last meeting 12 February 2020

- **Accuracy** - The minutes of the meeting were agreed as an accurate record.
- **Matters Arising** - Paper A noted with additional comments as follows:

03/20 Conduct Report - Paper B & Assistant Registrar PC update: The paper was discussed, and it was suggested that graphs and tables would be a welcome visual aid to the report, along with numbering of paragraphs. JOD asked the Committee to consider what timelines would be beneficial for the reports to be worked to. MS/CD/JOD to discuss this before the next meeting.

- **Action: August meeting update**

05/20 Questback survey & Conduct team KPIs: It was agreed that in future the Committee would have input into the KPIs. MS/CD/PC to discuss this before the next meeting.

- **Action: August meeting update**

The Committee asked that feedback be given to the data and surveys team on using the words 'fair' and 'average' and consideration be given to changing those words for a more accurate result.

- **Action: August meeting update**

06/20 Four nations work & Regulation in Republic of Ireland (ROI):

A summary paper on the four nations work was circulated to the Committee. There are two Welsh government satellite offices in Llandudno and one in Camarthen. Contact would be made with relevant representatives with a view to meeting after lockdown.

07/20 Registrar's report - including regulation discussions update: It was noted that consideration was being given to a Chief Adjudicator role. FBD noted this was a suggestion not a commitment. The Chair asked for it to be kept on the agenda.

- **Action: August meeting update**

09/20 Committee conversations report: Does the survey of members ask the correct questions to get a good understanding of Public Protection? CD/FBD/MS to hold virtual meeting and bring to a later meeting.

Action: CD/FBD/MS

09/20 It was agreed to remove the action of including a summary on a paper or an attachment of previous papers as background would be provided as a matter of course.

10/20 AOB: What do we do if we have concern for a colleague in terms of general practice? JOD noted BACP have two options; owning the fact by taking the complaint forward under Article 12.6 or taking the complaint under the Professional Conduct procedure.

14/20 New Ways of Working

CD/JOD spoke to the circulated Paper B.

- Departmental staff have now moved to remote working.
- The Case Manager role has changed significantly from an administrative role to a more technical one. This has led to the department being restructured.
- JOD now manages case managers and the complaints assistant. JOD is looking at where best to use external competences and what efficiencies and time improvements can be made. One case manager has left and the conduct case team manager has been made redundant. External contractors are being employed to carry out case preparation rather than recruiting replacement case managers and resources are being looked at to take complaints in a timely manner.
- CD noted the team was looking at making the roles more fluid and multi-skilling more members of the team, which had so far been received positively.
- With the new ways of working the backlog of cases has been significantly reduced.

15/20 Practitioner Risk Register

CD spoke to the circulated Papers C and Ci.

CD noted there were also risk registers for serious cases and risks to the register itself. The risk register relating to risks posed by practitioners is submitted as part of the annual reaccreditation. It is brought to the Committee at the May meeting.

Four new risks due to Covid-19 had been identified for this register:

- Telephone and e-counselling; BACP has a competence framework for telephone and e-counselling alongside a training curriculum and is convening an Expert Reference Group involving other professional bodies to update the framework for the next academic year.
- Unexpected ending or break therapy; BACP has developed resources to help practitioners work through alternative means and guidance introduced.
- Limitations of access to supervision; FAQs developed.
- Technical competence working online; developed CPD course with OU in moving work to online. Over 10,000 people have accessed this module and over 5,000 completed the full training. Development of a second module on how to work with new clients has begun.

Following points from the Committee members the following points were raised.

Risk 1A - Risk of lone practitioners working in isolation:

VS suggested the existing control of mandatory supervision should be raised.

Reporting of poor practice: VS noted an important issue of fellow professionals reporting their concerns about other professions is not included and asked if this was a conscious decision. JB felt it was a responsibility just to raise a concern, not to have to investigate. CD agreed to make that amendment.

Action: CD

TA felt isolation would continue to be a risk and many therapists will not return to face-to-face work and issues around boundaries may arise. This may need consideration for longer term implications of people working remotely.

FBD noted FAQs were available around supervision and the Ethics hub also runs a service for supervisors; queries are monitored.

EM asked if it was possible to link all three registers in a way to avoid missing any risks. CD emphasised that the registers were very specific and in different formats but would consider combining into one spreadsheet with separate tabs.

Action: CD

MS questioned whether some of the controls listed in the register were actually controls such as the provision of guidance. She noted that some guidance could be a mitigation. MS asked CD to consider the general presentation and focus on what are real controls and what are mitigations, as this may lead to the residual risk factor being different. She asked that this be done for the next time the risk register comes to the Committee.

Action: CD

16/20 Report from the Deputy Chief Executive

FBD spoke to the circulated Paper D with additional comments:

- The Research Conference was held online in response to the Covid-19 and had proved a huge success with over 2,500 members attending and very positive feedback.
- The Finance and Policy Committee Meeting had moved from overall annual budget to an emergency three-month budget with a halt on all immediate non-essential spends not directly member-focused.
- Membership continues to rise - retention rates are higher.
- Measures have been put in place for members to contact BACP if they are having difficulty paying for fees.
- BACP's financial situation is secure and direct debit situation stable to the end of April - this is being monitored.

The Committee found the Report very helpful and asked that this be part of the usual reporting for future meetings.

17/20 BACP Strategy & Register Work Plan Update

FBD & CD spoke to the circulated Papers E & Ei.

FBD shared a paper giving details of BACP's strategy, purpose and KPIs, which is circulated with the minutes. The strategy was put on hold in terms of non-essential spend and tactical plans were updated when the Covid-19 pandemic started. The KPIs are focused on the Net Promoter Score (NPS) which is currently at -4 with an aim to get to 10.

CD noted the register work plan focuses on enhancing standards of practice. This is a living document which is updated regularly. Items that had been affected by the pandemic were highlighted in yellow.

Goal 6 - it was suggested some additions could be added to ensure remote hearings could be held in the future.

Action: CD/JOD

Goal 4 - Covid-19 will alter some of the evidence that comes in around competencies and complaints by members of the public and trends that emerge will need to be monitored. FBD noted an ongoing piece of work in reviewing the ethical framework, which will have to take account of the pandemic. Account will also be taken of feedback from cases brought to conduct as well as the ethics helpline, member survey and work with Nudge Unit (Behavioural Insights Team).

JB said colleagues had been advised to send an email when trying to get ethics support, which may not always be appropriate. FBD noted the Ethics Team are currently working from home and not in a safe environment and will be one of the first teams to move back into the office to take calls in safety.

18/20 Chair of Membership & Professional Standards Committee report

MS noted the PPC conversations have sometimes overlapped the remit of the MaPS Committee and as such, thought the attendance of the Chair of MaPS would be useful. UC spoke to the circulated Paper F which contained the Committee's Terms of Reference.

UC agreed there were areas of overlap between the two Committees. The MaPS Committee focused on where members are best supported around accreditation, Certificate of Proficiency (CoP) etc. Free membership to online divisional journals is a recent new benefit for members.

JB had received comments from members raising the issue that therapists should be reducing fees or working for free during Covid-19 and questioned the value this gave to the role of therapists/counsellors. UC shared this concern and a recent communication from BACP to members about the importance of paid work had been issued and this is being addressed at several levels.

EM asked if there was potential for any collaboration between the two Committees and any active working. UC felt there was overlap on the CoP and competency levels for courses amongst other areas. MS noted there were clear ToRs for each Committee and each Chair prepared a quarterly report to the Board and was guided by the BACP Chair, although it was important to recognise that some important matters do involve more than one Committee.

19/20 DBS Checks

AP spoke to Paper G, which was discussed.

All guidance suggests checks are performed for a specific employment decision and not purely because we have been asked by our members. An alternative is to use an 'umbrella body' which gives a non-registered organisation access to DBS checks. Unfortunately, the criteria is similar to that of a registered DBS organisation. This will continue to be monitored for any changes in the future.

JB felt BACP were failing in public protection in not becoming allied to an umbrella body as this prevents members earning money in certain areas and should be part of the public protection strategy.

MS agreed the Committee can have a view but felt the decision may need to be taken elsewhere. CD and AP agreed to discuss this further. It was noted that BACP has also raised this issue of legislative hindrance in the past with the Professional Standards Authority without success.

Action: AP/CD

20/20 Registrar's report

The circulated Papers H and Hi were noted

CD noted the Register's re-accreditation with the PSA had been due on 5 March 2020 but had been delayed due to Covid-19 as the PSA wanted to carry out an on-site professional conduct audit. A suggestion was made that this could be taken forward remotely and CD agreed to ask the PSA if that was possible. In relation to reaccreditation, they had signalled no red flags and therefore there was currently no risk of not being accredited.

Action: CD

TA questioned why there was a proposed relaunch of Ask Kathleen. CD noted the brand will be refreshed and promoted and the name will be revised. This is on the agenda for the August meeting.

21/20 Assistant Registrar, Entry and Maintenance

The circulated Paper I was noted.

22/20 Conduct Report - Assistant Registrar PC Update

The circulated Paper J was noted.

JOD had met with case presenters to discuss recent disciplinary track hearings and how they worked. It was noted that allegations could be formulated better at Investigation and Assessment Committee level, which has been fed back. A document has been drafted giving guidance on remote hearings.

Backlog on hearings: an internal meeting had discussed remote/virtual hearings and balancing what is technically feasible with what is lawful and fair. Looking at this further as a priority and talking to case presenters who are looking at case law. Progress will be brought back to the Committee with some concern being expressed around the personal impact of delayed hearings.

Action: JO'D

23/20 Data Protection Update

The circulated Paper K was noted and discussed.

VS asked about the process around a data breach and if committee members are aware of this. DG said the entire process is in place on the intranet and was not aware this information was not known. There were plans to review the way volunteers engage with BACP to ensure this information was made known. MS agreed to discuss this with FBD and CD.

Action: MS/FBD/CD

24/20 AOB

There was no other business.

It was noted that there had been some issues around the access to papers and IA agreed to contact each member of the Committee individually to ensure that they could access papers.

25/20 Date of Next Meeting

5 August 2020, 10.00am to 1.00pm.
(Apologies were given from Ewan Malcolm)

It was also noted that the dates of the 2021 committee meetings needed to be set.

Action: Clerk

SIGNED: DATED:

Circulation List:
PPC Committee

Board of Governors
SMT