

Public Protection Committee:

Contents

Welcome.....	3
Introduction.....	5
Membership.....	5
Strategy.....	6
Setting and upholding standards.....	6
<i>Entry to the Register</i>	6
<i>Membership</i>	6
<i>Article 12.3 Procedure</i>	7
<i>Certificate of Proficiency</i>	7
Audit Process.....	8
Professional Conduct Procedure.....	10
<i>Article 12.6 Procedure</i>	11
Supporting the public.....	14
Supporting members.....	15
External scrutiny.....	15
Looking forward to 2022.....	16

Welcome

I wish you a very warm welcome to the second annual report of the British Association for Counselling and Psychotherapy's Public Protection Committee. This report covers the period from 1 January 2021 to 31 December 2021. 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. It has been a busy year - we took forward 228 complaints, carried out 778 audits, administered 4848 Certificate of Proficiency assessments across 60 different sessions, responded to 1,364 concerns from the public through our 'Get Help with Counselling Concerns' service.



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 is also important that our registrants support our mission of public protection. Our 2021 membership survey reveals that over 95.9% of our 57,077 members rate setting standards for the professions and client protection as important work for BACP.

It has been another particularly challenging year for us all with the continued impact from the global outbreak of Covid-19. In the last year the Register has remodelled its way of working to accommodate the increasing number of complaints. We have developed and evolved systems of carrying out virtual hearings. We also found new ways to carry out our functions, ensuring that BACP members and the public are supported through these unprecedented times.

We have built upon the work of the previous year to fully develop the Register's online delivery of hearings which have been run successfully. At the same time we have instigated a review of Register processes and appointed a Business Analyst to evaluate business processes within the Professional Conduct area in order to accommodate growth and continuous improvement within the systems employed by the Register, so that they are more streamlined.

The Register has also continued, in the last year, to successfully run the Certificate of Proficiency assessments which helps to ensure that the standards of entry onto the Register are maintained. This is very much supported by the audit process which ensures that quality standards are met.

In March 2021, the *Ask Kathleen* service was relaunched as the *Get Help with Counselling Concerns* service. This service is a public facing service designed 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 are committed to the goal of BACP being the organisation of choice for the public when choosing a practitioner in terms of both accountability and high professional standards. We also want both 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 in order to reduce the incidence of complaints and to further enhance public protection at an earlier stage. Over the coming year, we will be driving forward a project on 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 outgoing chair Moira Sibbald 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.

Vanessa Stirum
Chair of the Public Protection Committee

Introduction

The Public Protection Committee (PPC) holds delegated responsibility for developing, informing and monitoring the public protection strategy of the British Association for Counselling and Psychotherapy (BACP) and the associated functions of the Register. The Register is a public record of counselling professionals who meet BACP standards in relation to training, practice standards, supervision and continuing professional development. All BACP members have signed up to the BACP Ethical Framework for the Counselling Professions (the Ethical Framework).

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. All meetings in 2021 were virtual due to Covid-19.

Membership

Lay Chair and member of the Board of Governors:

Vanessa Stirum (from October 2021)

Moira Sibbald - (prior to October 2021)

Committee members:

Tamara Abood, BACP Committee Member

Jo Burns, BACP Committee Member

Stacey Goldman, BACP Committee Member

Ewan Malcolm, Lay Committee Member

Philip Matthews, Lay Committee Member

Velia Soames, Lay Committee Member

Vanessa Stirum, Lay Committee Member and Board representative

Mervyn Wynne-Jones, BACP Committee Member

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

Fiona Ballantine Dykes, Deputy CEO and Chief Professional Standards Officer

Christina Docchar, Registrar (to May 2021) John O'Dowd, Acting Registrar

Rebecca Grace, Assistant Registrar Entry and Maintenance

Gemma Fay - Hearings Manager

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.

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 2021, the PPC has promoted measures to support the implementation of the Public Protection strategy. This has been instrumental in the development of the Register functions to accommodate meeting the challenges posed by the demands of Public Protection.

The key points of the public protection strategy are:

- effective regulation and commitment to quality assurance
- effective and efficient delivery to meet public protection needs and make optimum use of available resources
- public and membership communications to enhance confidence and understanding
- the use of data and intelligence and making it accessible to members and the public in the interests of public protection

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. The results of the 2021 membership survey show that BACP's activities in relation to setting standards for the profession and protecting the public are seen to be highly valued by members.

Entry to the Register

Membership

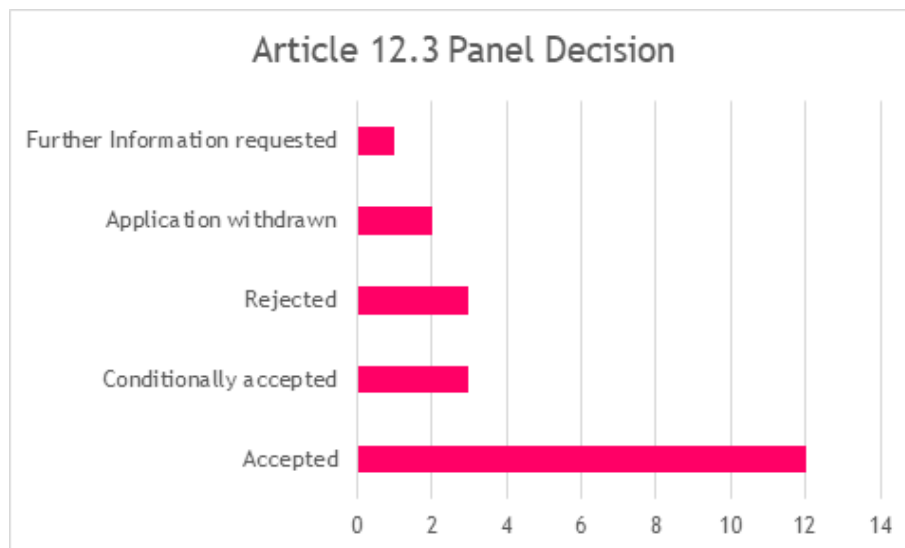
To become listed on our Register, counsellors and psychotherapists must first meet our stringent [membership requirements](#). We also assess applications to check that the applicant is willing and capable of working in accordance with the Ethical Framework and is fit for membership of the Association. This would happen if the applicant had made a disclosure to us. 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

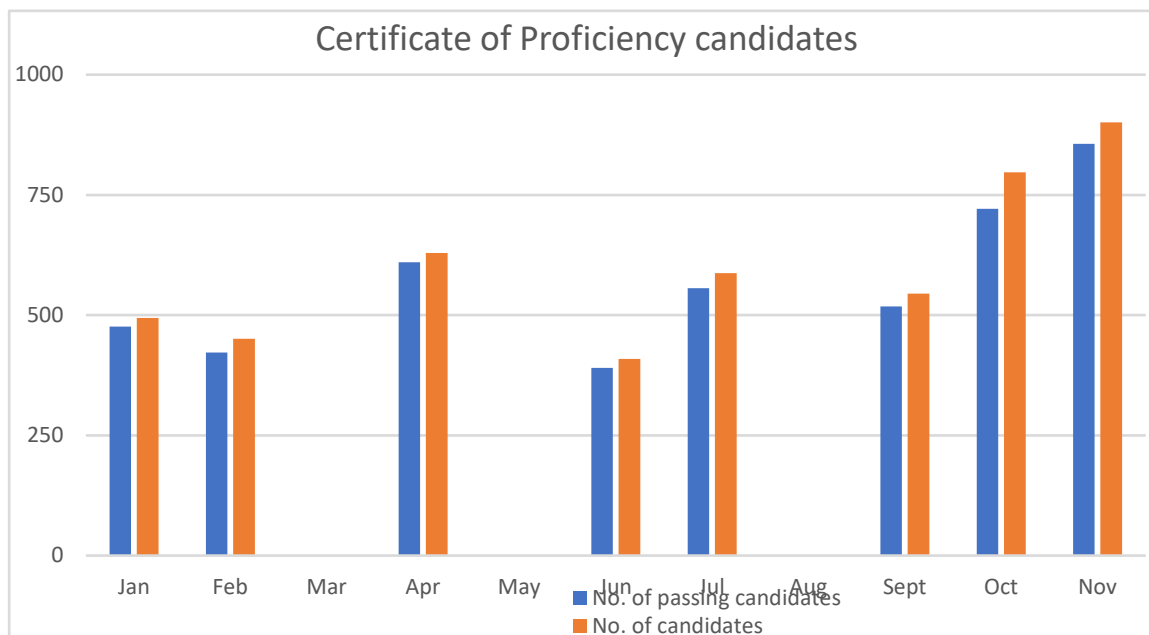
In 2021 there was a total of 112 applications for membership in which a disclosure was made by the applicants. These applications underwent initial assessment. Following assessment, a total of 21 application disclosures were of a nature that required consideration by an independently constituted Article 12.3 panel. The breakdown of the panel's decision are as follows:



Two appeals were made against the decisions of the 12.3 panels which were referred to Article 12.3 appeal panels. One was accepted into membership subsequent to the Article 12.3 appeal decision, the other is pending an Article 12.3 appeal panel.

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.



We ran the assessment in 8 months during 2021. Most of our members take the CoP from their own homes or workplaces while being remotely invigilated. We also usually run hosted events for those who don't have access to a computer. Owing to Covid-19, these events did not take place in 2021 but we will be resuming them in 2022.

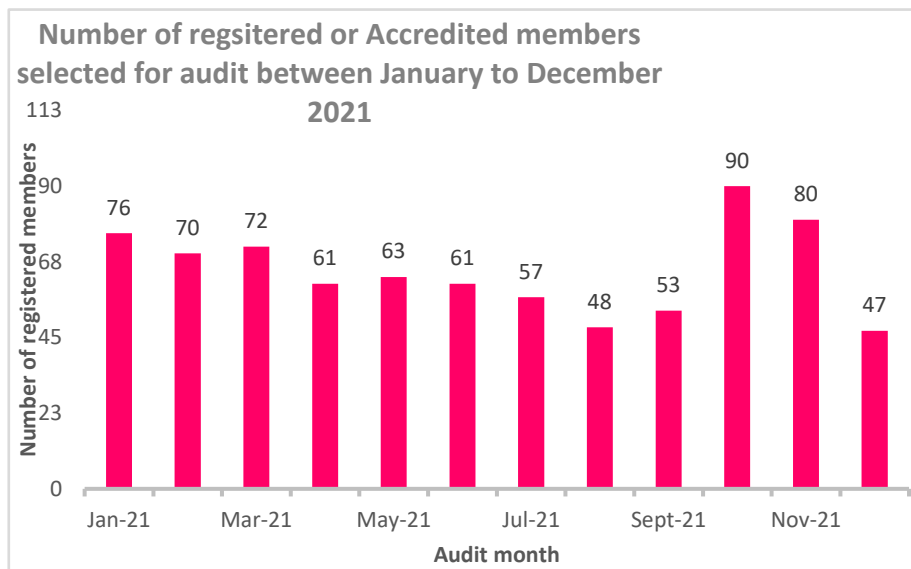
We increased our capacity at our assessment events in the autumn of 2021 to meet member demand for places.

Audit process

We audit 2% 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 2021, 778 members were asked to take part in the Register audit, as shown in the graph below. From the submissions received, 99.6% passed on their first attempt.



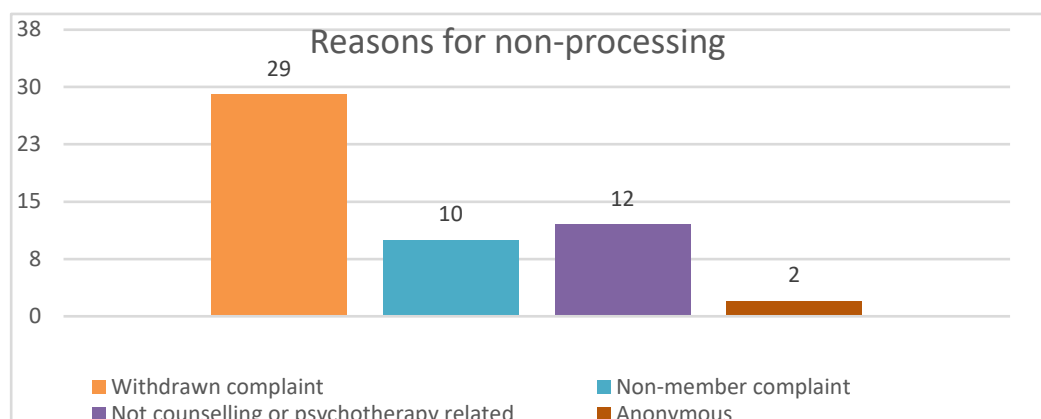
In 2021 we introduced some flexibility in deadlines as some members had difficulty obtaining information needed due to Covid-19. We granted 100 extensions and deferred the audit for 38 members.

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. It can be used for issues such as criminal convictions or where disciplinary action has been taken by a member's employer.

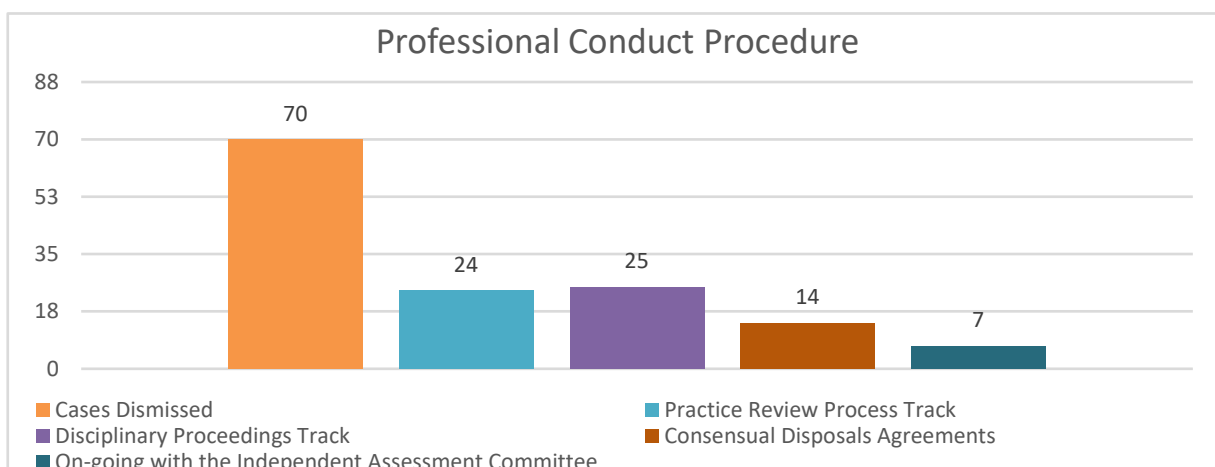
The Covid-19 situation presented many challenges for the professional conduct function in 2021. We moved to work in more innovative ways so that our complaints process continued to run as normal, as far as possible. We piloted running initial stages by virtual means and this was then successfully rolled out;

In 2021 we received 228 complaints under the Professional Conduct Procedure. The proportion of BACP members/registrants who had concerns raised about their conduct remained low at 0.38%. 53 complaints were received and were not taken forward.



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. In 2021 we issued three letters of advice.

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, 140 cases were considered in by an IAC in 2021.



In 2021, 29 cases were scheduled to be heard by virtual means under the Practice Review Process Track. Six of these were unfortunately 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, bereavements and inability to access WIFI after adverse weather conditions.

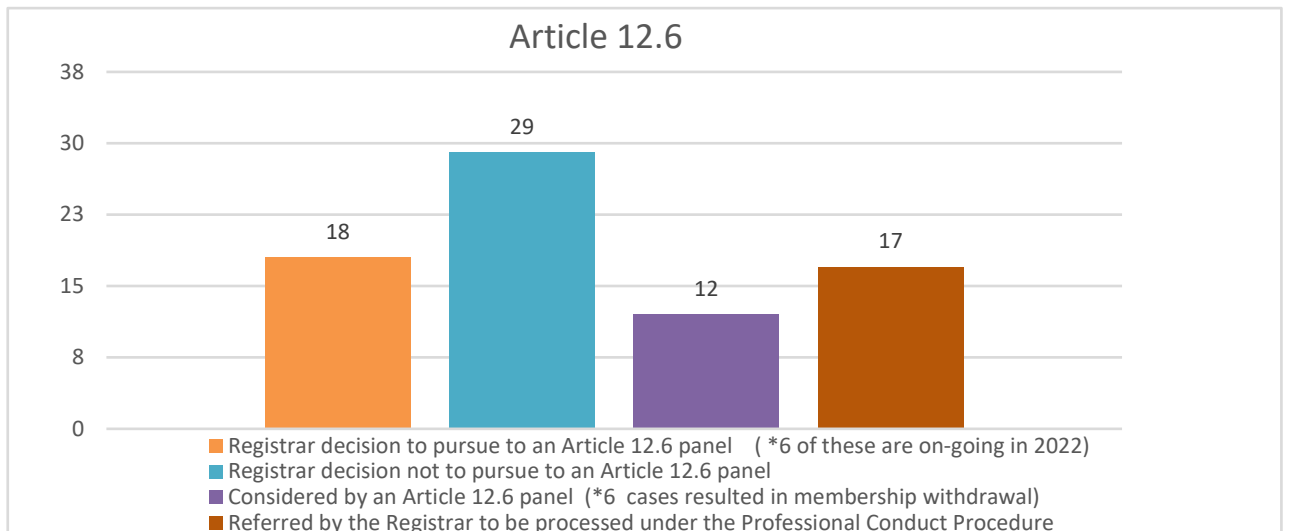
In 2021, 12 cases were heard under the Disciplinary Proceedings Track by virtual means. Two of these were later adjourned by the hearings panel, either just before or on the day of the hearing due to illness of party and a bereavement. A third scheduled hearing was cancelled, and the case closed due to the Member sadly passing away and therefore it was determined it was not in the public interest to continue.

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 discretionary procedure reserved for serious allegations, which indicate a departure from the professional standards which could cause harm to the public and/or 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 2021:



Cases received under Article 12.6 may not be suitable for this particular process, because the sanction available is limited to withdrawal. Where it is clear that 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

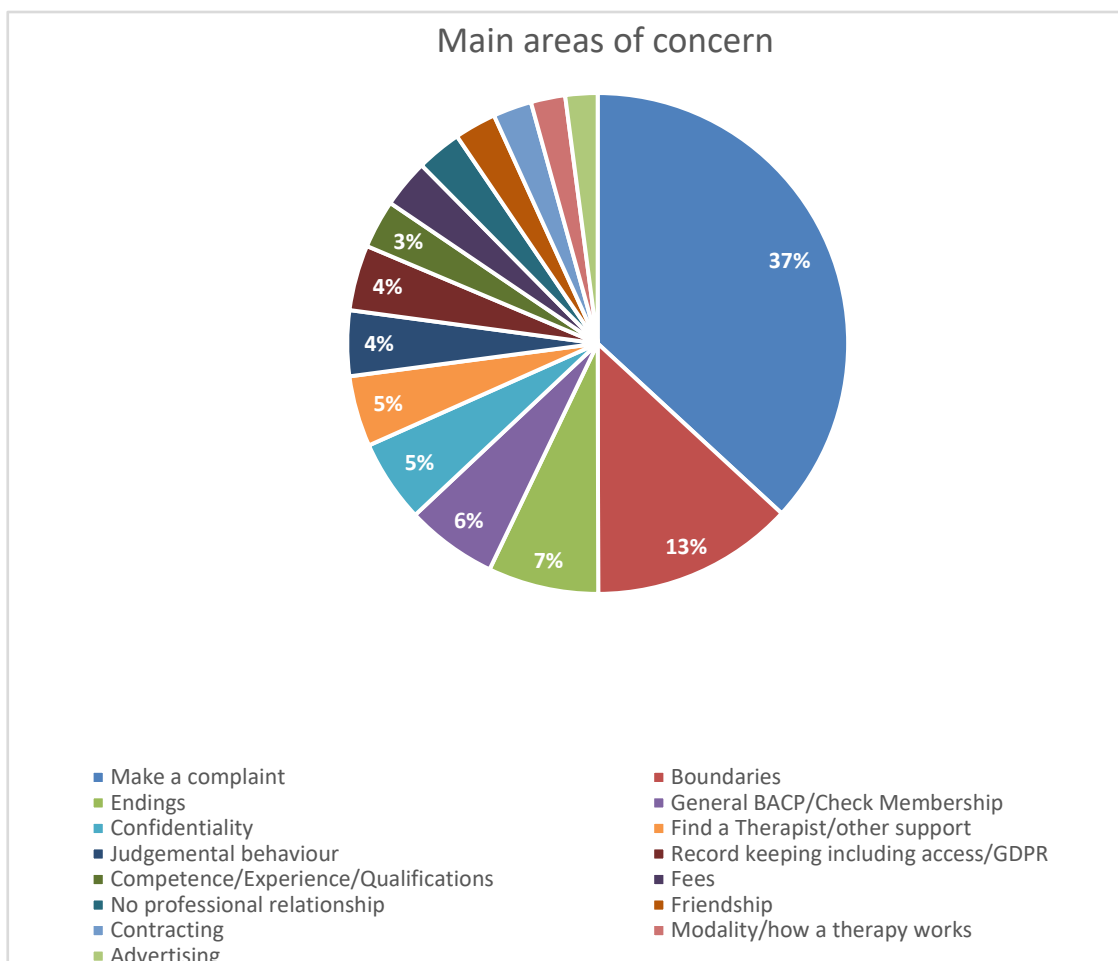
The purpose of the BACP Register is to protect the public. It provides a list of therapists who have met our high standards. Any registrant who has a sanction is indicated on the Register with a link to [complaints web pages](#) where we publish details of complaints upheld under the Professional Conduct 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 2020 we reviewed the service and, following consultation with both internal and external stakeholders, we relaunched the service under its new name in March 2021. To-date, we have promoted the service under its new name with articles in Therapy Today, divisional journals and in 2022 we plan to write a series of blogs relating to client-focused concerns and issues.

During 2021, the Get Help with Counselling Concerns Service answered 1,364 public queries.

Chart showing main areas of concern



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 12 times in the last year. The Get Help with Counselling Concerns service provided telephone support for complainants throughout the complaints process. This was accessed 63 times during 2021. (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 have started to shift the focus of 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 2021 we began the process of aligning all of our data sources so that we can make meaningful conclusions about areas for development and where members may benefit from more support or guidance.

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 2021 we were successfully reaccredited.

Looking forward to 2022

The areas on which the Committee and the Registrar will be focusing in 2022 are:

- further development of the Public Protection Committee strategy
- further streamlining of delivery of register functions
- upstream prevention of complaints
- further development of support for parties undergoing the conduct procedures
- further promotion of *The Get Help with Counselling Concerns* service