



Universities Psychotherapy
& Counselling Association

Fitness to Practise Procedures

Introduction

Universities Psychotherapy and Counselling Association (UPCA) is a professional body for graduates of university and university-linked psychotherapy and counselling courses that lead to clinical qualification. UPCA is a Member Organisation of the United Kingdom Council for Psychotherapy (UKCP), and graduates from university psychotherapy courses, accredited by both UPCA and UKCP, are eligible to be UKCP registered psychotherapists. In this way UPCA aims to protect the public through setting and maintaining standards of education, training, fitness to practise, conduct and performance.

The 'Fitness to Practise' Procedures of the Universities Psychotherapy and Counselling Association (UPCA) are designed to respond to, and manage, concern about a member's fitness to practise in a clinical setting, and their rights to maintain membership and professional registration.

Fitness to Practise Procedures are divided into five main sections:

- Complaints Management
- Initial Assessment and Appraisal
- Investigation and Investigating Panels
- Adjudication and Fitness to Practise Panels
- Appeals

As a Member Organisation of the United Kingdom Council for Psychotherapy (UKCP) the Universities Psychotherapy and Counselling Association (UPCA) is bound by the Guidelines for Professional Standards and Rules of that Organisation.

Complaints Management

'Fitness to Practise' in the context of UPCA membership and procedures refers to a person's suitability to practise as a qualified and registered psychotherapist, maintaining their membership and registration with recognised professional bodies.

A member's fitness to practise will be brought into question, and may be considered to be impaired, for any one of the following reasons:

- Misconduct
- Poor performance, a failure in competence, or malpractice
- A criminal conviction or caution in the British Isles (or elsewhere for an offence which would be a criminal offence if committed in England or Wales) · bringing UPCA, the UKCP, or the profession of psychotherapy into disrepute · physical or mental ill-health
- A determination or decision, through proper procedures and appeals, by a registering or regulatory body either in the British Isles or overseas.

Further information about the UPCA Ethics and UPCA Code of Practice can be found in separate documents obtainable from UPCA.

A complaint about the fitness to practise of a UPCA member may be brought by any of the following:

- A member of the public receiving the services of a qualified, clinical member of the UPCA
- A professional colleague
- An employer or manager

In many cases a UPCA member against whom a complaint is considered will be employed or practising within the organisational arrangements of a private or public body such as a charity or the National Health Service (NHS). The organisational arrangements of such a private or public body provide the best means for investigation and remedy, at a local level, of most grounds for complaint. It is usual for a complaint to be received and acted on by UPCA once local organisational and employment processes have been concluded. Similarly some grounds for complaint will be considered for legal action. It is usual for a complaint to be received and acted on by UPCA once legal proceedings have been concluded.

Complaints will be made in writing to the Chair of UPCA Council. If the Chair has a vested interest, or is party to the complaint, then the complaint should go to the Honorary Secretary. Only complaints received in writing will be investigated. The Chair will pass the complaint on to the Chair of the Ethics Committee for action.

The person making the complaint, the complainant, will be made aware that their identity, and details and papers in relation to the complaint, will be disclosed to the member against whom the complaint has been made. A copy of UPCA Fitness to Practise Procedures, Ethics, and Code of Practice will be sent to the person making the complaint.

Once a complaint has been received by UPCA it will be pursued to its conclusion even if the member resigns from the organisation. There is an injunction for a member against whom a complaint has been made not to resign membership whilst a complaint is active. Members cannot seek membership with, and registration through, a member organisation of

UKCP whilst a complaint is ongoing.

Initial Assessment and Appraisal

When a complaint has been received by UPCA the Chair of the Ethics Committee will review written material submitted by the complainant. The role of the Chair of the Ethics Committee at this stage is to ensure that:

- There is a clear account of issues and matters being raised by the complainant
- Issues and matters raised by the complainant meet requirements of UPCA to bring into question the fitness to practise of a member
 - misconduct
 - poor performance, a failure in competence, or malpractice
 - a criminal conviction or caution in the British Isles (or elsewhere for an offence which would be a criminal offence if committed in England or Wales)
 - bringing UPCA, the UKCP, or the profession of psychotherapy into disrepute
 - physical or mental ill-health
 - a determination or decision by a registering or regulatory body either in the British Isles or overseas.
- Local procedures and legal procedures have been exhausted.

Once the Chair of the Ethics Committee is content that the complaint is in order, and ready to progress, copies of the complaint, and other relevant papers, will be sent to the member against whom the complaint has been made. The member will be asked to respond in writing. The Chair of the Ethics Committee will review the member's response to ensure that issues and matters raised by the complainant have been properly addressed. As soon as papers and formalities in relation to the complaint, and the response from the member, are in order the complaint will be progressed for investigation.

Investigation and Investigating Panels

When the Chair of the Ethics Committee decides to progress a complaint to investigation, and the papers and formalities are in order, an Investigating Panel will be convened. The membership of the Investigating Panel will consist of:

- Chair of the Ethics Committee as Chair of the Panel
- A nominated member of the Council
- An external member from another university department/external organisation
- Professional, medical, and legal advisors will be co-opted if necessary.

The members of this Panel will not have a close personal or professional association with either party to the complaint. A close relationship will be defined as:

- Working for the same institution
- Being on the same UPCA committee
- Having a previous lecturer-student or supervisor-trainee relationship · declaring a close personal, or intimate relationship.

The Investigating Panel will be accountable, through its Chair, to the Chair of the UPCA Council. The role of the Investigating Panel is to consider the complaint, and other information and evidence they gather, so as to make recommendations to the Chair of Council about how to proceed. Their responsibility will be limited to the investigation of the details of the complaint only.

In the first instance the Panel will ensure that the written complaint clearly conveys a case to be answered, and in which specific form the fitness to practise of the organisation's member is brought into question:

- Misconduct
- Poor performance, a failure in competence, or malpractice
- A criminal conviction or caution in the British Isles (or elsewhere for an offence which would be a criminal offence if committed in England or Wales) · bringing UPCA, the UKCP, or the profession of psychotherapy into disrepute · physical or mental ill-health
- A determination or decision by a registering or regulatory body either in the British Isles or overseas.

The Panel will then consider the member's response ensuring that it clearly addresses the complaint or complaints. Having considered the complaint and the member's response, the Panel will identify and seek any further evidence, or written information, they may require from the complainant, member, or third party. It is not usual for an Investigating Panel to meet with a complainant or member to gain further information or evidence, but they may do so as they see fit. A complainant, or member, who is interviewed by a Panel has the right to be accompanied and represented by a friend, a union or professional representative, or a solicitor.

The Investigating Panel, having given due consideration to the complaint, member's response, other information and evidence, will arrive at a decision on how to proceed. The Panel will recommend to Chair of Council one of the following:

- That the member has no case to answer, and that no further action is necessary
- That a written warning be issued to the member
- That the complaint is forwarded for adjudication to a Fitness to Practise Panel

At the end of the investigation, the Panel will give their decision in writing

to the Chair of the UPCA Council. Copies of the decision will also be given to the complainant, and the member. Respective costs in relation to the investigation will be borne by the complainant and the member.

Adjudication and Fitness to Practise Panels

When an Investigating Panel makes a recommendation for adjudication, the Chair of the UPCA Council will convene a Fitness to Practise Panel. Membership of a Fitness to Practise Panel will consist of:

- Vice Chair of UPCA Council as Chair of the Panel
- A Clinical Member of the UPCA/UKCP from the same College as the member against whom the complaint has been made
- An external member from another university department or external organisation
- Professional, medical, and legal advisors will be co-opted if necessary.

The members of this Panel will not have a close personal or professional association with either party to the complaint. A close relationship will be defined as:

- Working for the same institution
- Being on the same UPCA committee
- Having a previous lecturer-student or supervisor-trainee relationship declaring a close personal, or intimate relationship.

The Fitness to Practise Panel will be accountable, through its Chair, to the Chair UPCA Council. The Panel will consider documents, submissions, evidence, and reports collected and written by the Investigating Panel for the case. The Fitness to Practise Panel may call a complainant, member, or third party to give evidence in person. However this is not a requirement, and will not be necessary in every case. A complainant or member who is interviewed by a Panel has the right to be accompanied and represented by a friend, a union or professional representative, or a solicitor.

The aims of a Fitness to Practise Panel are to make a judgement about the fitness to practise of a member, and to make recommendations to the Chair of UPCA Council about actions necessary with regard to the member's fitness to practise.

A member's fitness to practise will be brought into question, and may be considered to be impaired, for any one of the following reasons:

- Misconduct
- Poor performance, a failure in competence, or malpractice
- A criminal conviction or caution in the British Isles (or elsewhere for an offence which would be a criminal offence if committed in England or Wales) bringing UPCA, the UKCP, or the profession of psychotherapy into disrepute
- A physical or mental ill-health
- A determination or decision by a registering or regulatory body either in the British Isles or overseas.

At the conclusion of its deliberations, a Fitness to Practise Panel can

recommend one of a number of different actions. Where the panel considers fitness to practise of a member is impaired it will recommend one of the following:

- Conditions on the member's continuing membership and registration. This will require an undertaking in the form of an enforceable agreement between UPCA and the member. An undertaking will include the need for retraining, supervision, or medical treatment over an agreed time period. At the end of the time period, a Fitness to Practise Panel will review the case with recourse to the same range of sanctions available to the first Panel.
- Suspension of membership and registration. This will require an undertaking in the form of an enforceable agreement between UPCA and the member. An undertaking will include the need for retraining or medical treatment over an agreed time period. At the end of the time period, a Fitness to Practise Panel will review the case with recourse to the same range of sanctions available to the first Panel.
- Termination of membership and registration.

Alternatively the Panel may:

- Dismiss the case with no further action. This follows a conclusion that the fitness to practise of the member is not impaired.
- Issue a written warning to the member. This follows a conclusion that the member's practice has not been impaired but that there has been a significant departure from the usual standards of practice within the member's discipline.

Once a Fitness to Practise Panel has arrived at a decision about a member's fitness to practise, this decision will be given in writing to the Chair of UPCA Council. Decisions in relation to registration will be reported to UKCP. Copies of the decision will also be given to the complainant, and the member. Each party, member, complainant, and UPCA, will bear their own costs in relation to pursuance of the complaint through investigation and adjudication.

Appeals

If either party to the complaint, complainant or member, is dissatisfied with the outcome of a complaint at this stage then they can refer this, within 28 days of notice of the original decision, to the Chair of UPCA Council by way of appeal. Grounds for appeal are:

- Relevant new evidence has come to the attention of any party. · The procedures of the UPCA were not followed correctly.
- The decision or sanction imposed is considered unreasonable or unjust.

Chair of Council will review the outcome in appeal and may constitute a further panel to assist if required. The decision of Chair of Council is final in UPCA Fitness to Practice Procedures.

Either party to the complaint, complainant or member, has the right of

appeal to the UKCP if one of the following grounds is met:

- Relevant new evidence has come to the attention of any party.
- The procedures of the UPCA were not followed correctly.
- The decision or sanction imposed is considered unreasonable or unjust.

An appeal to the UKCP must be made within 28 days of the completion of the UPCA's procedures.

Complaints Against Members in a Non-Clinical Setting

The 'Fitness to Practise' Procedures of the Universities Psychotherapy and Counselling Association (UPCA) are designed to respond to, and manage, complaints about a member's clinical practice, and where a member's practice may be considered to be impaired.

Complaints against members in non-clinical settings, particularly with regard to their roles as educators and trainers within their host University settings, do not routinely fall within the scope of UPCA Fitness to Practise Procedures.

When a complaint is raised against a member in the context of their role as an educator or trainer, the complainant is advised to pursue this complaint through local University procedures. Local procedures will provide for effective and efficient investigation and adjudication. In most circumstances these procedures will lead to a satisfactory remedy and resolution of matters.

When local University procedures are found against a member, and there may be implications for continuing fitness to practise, UPCA may review the decision of the University. If it is considered that University procedures have been appropriately concluded and exhausted, and there may be implications for continuing fitness to practise, the usual UPCA Fitness to Practise procedures can be initiated.