

Accredited Registers Programme

Accreditation Panel's Decision

Application for renewal from: British Psychoanalytic Council (BPC)
Panel meeting: 15 December 2017 (**accreditation renewed**)
Accreditation valid from: 20 November 2017 – 20 November 2018

The [Professional Standards Authority](#) accredits registers of people working in a variety of health and social care occupations not regulated by law. To be accredited, organisations holding such registers must prove that they meet our demanding [Standards for Accredited Registers](#) (the Standards). Accreditation is reviewed every twelve months.

The Accreditation Panel reviewed the accreditation of the register held by BPC. Panel members reviewed the annual review application form, an updated risk matrix, BPC's query sheet responses and a summary report from the Accreditation team. The Panel had to review BPC's compliance with the Standards and decide whether to **renew accreditation, renew accreditation with conditions, suspend accreditation** or **remove accreditation**. The Panel could make recommendations in the form of:

- **Conditions** – changes that must be made to maintain accreditation. If Conditions are not met within the timeframe specified, accreditation may be removed.
- **Instructions** – actions that would improve practice but do not affect compliance with the Standards and that the Panel requires to be implemented and be satisfied of appropriate implementation within a given timeframe
- **Learning Points** – actions that would benefit the operation of the register, the implementation of which would be verified during the annual review of accreditation.

The Panel considered the range of options available to it when making its decision.

The Panel noted the assessment carried out by the Accreditation team for the annual review included:

- Documentary review (annual review form and risk matrix)
- Due Diligence checks and Patient/Service User journey
- Review of share your experience responses and concerns received during the year of accreditation
- Complaints handling review.

There were no declarations of interest from members of the Panel. A summary of matters considered by the Panel is set out in the Annex. The summary is not intended to reflect all of the matters discussed by the Panel, but to record those that were most important in forming its decision.

Outcome

The Panel was satisfied that BPC continued to meet the Standards for Accredited Registers. The Panel decided to **renew accreditation**. The renewed accreditation is valid from **20 November 2017** to **20 November 2018**.

Conditions, Instructions and Learning Points

The Panel provided the following **Instructions** to be implemented by annual review of accreditation:

1. BPC is to continue with its work to clarify and review its governance structure, including the separation of the roles of the Council and the Board of Trustees / Executive. BPC should ensure that appropriate lay representation is achieved
2. BPC is to provide an update on its consideration of changes to its appeals process to enable BPC to appeal all hearing panel decisions to protect the public. BPC should also produce guidance for its Panels to ensure that the decisions made are fair and consistent
3. BPC should document its procedures with regards to complaints against itself and ensure these are readily available to the public.

The Panel confirmed that no Conditions or Learning Points would be issued as a result of the annual review of accreditation.

Annex – Accreditation Panel’s Decision – application for renewal of accreditation

Organisation:	British Psychoanalytic Council (BPC)	
Panel meeting date:	15 December 2017	Accreditation Renewed
Update on Conditions issued in the previous year		
<p>The Panel provided the following Conditions:</p> <ol style="list-style-type: none"> BPC must complete the review and decide how it will recognise decisions made by other Accredited Registers when deciding whether a person should be admitted, kept on or removed from its register in line with Standard 10e. BPC should provide a report to the Accreditation team by 31 March 2017. <p>BPC provided a report to the Accreditation team on 31 March 2017, the team asked for further clarifications which BPC added to its report and resubmitted on 25 April 2017.</p> <p>BPC’s complaints procedure requires it to notify other relevant regulatory or professional bodies and employers of the outcome of a complaint where a complaint has been upheld. BPC will also consider decisions made by other bodies. BPC has signed the Accredited Registers Collaborative’s Information Sharing Protocol, which provides guidance about sharing information between Accredited Registers.</p> <p>BPC reported on the ongoing work with the British Association for Counselling and Psychotherapy (BACP) and the UK Council for Psychotherapy (UKCP) to provide ‘<i>a framework for the lawful flow of information between the bodies as required and appropriate.</i>’</p> <ol style="list-style-type: none"> BPC must publish the guidance document for its complaints procedure on its website. This should be completed by 8 January 2017. <p>BPC published the document on its website by the required date.</p>		<p>The Panel noted that the Conditions had been met within the required timeframe.</p>

Update on Instructions issued in the previous year	
<p>The Panel provided the following Instructions:</p> <ol style="list-style-type: none"> 1. BPC is to better explain the category of Deferred Registration to the public and provide the rationale for having this category by 31 January 2017. <p>BPC published an explanation of deferred registration on its website by the required deadline. BPC also provide an explanation of deferred registration on the 'Categories of Registration' page.</p> <ol style="list-style-type: none"> 2. BPC is to make its education and training document easier to find on its website by 31 January 2017. <p>BPC published this document on its website within the timeframe.</p> <ol style="list-style-type: none"> 3. BPC is to provide updates to the Accreditation team about the progress of the three outstanding cases as progress is made and at annual review of accreditation. <p>At last year's annual review, the team noted that BPC had three old complaints against registrants that appeared to be taking a long time to complete. At the time, BPC noted that all the cases involved allegations of sexual misconduct, that one was in progress but two were on hold due to the registrants' ill health. BPC reported that interim suspension orders had been considered in the two cases that are on hold and that one of these registrants has been the subject of an interim suspension order and so was not on the register. The registrant in the other case was still on the register. The team noted the long period of time that the cases had been on hold for due to the registrant's ill health (one case was received in March 2014 and the other in August 2013). BPC reported that both cases were due to be sent to hearing in January 2017.</p> <p>BPC reported that only one of the cases remained open and that it hopes this case will be heard late 2017 or early 2018. The team reviewed the two closed cases as part of the complaints handling site visit (see Standard 11).</p> <ol style="list-style-type: none"> 4. BPC is to: 	<p>The Panel noted that Instructions 1-2 had been met within the required timeframe.</p> <p>The Panel considered the actions taken by BPC in response to Instructions 3 and 4 and found that this had been met.</p>

- a) ensure that all its Member Institutions (MIs) have signed the Memorandum of Understanding to implement formal lines of reporting to BPC by the end of 2016. BPC should provide an update to the Accreditation team by 31 December 2016
- b) ensure that it has a system in place whereby its MIs can inform BPC of complaints against its registrants where they are employed by the MI. BPC should report to the Accreditation team by 30 April 2017.

BPC provided regular updates on its progress towards implementing this Instruction and was granted extended timeframes because of this. In June 2017, the Panel considered the information provided by BPC and noted that although neither part of the Instruction had been fully implemented, BPC was working towards it. The Panel extended the deadline to annual review.

In its annual review form, BPC reported that all its MIs have now signed the Memorandum of Understanding in line with part a) of this Instruction.

In response to part b), BPC reported that its Memorandum of Understanding with its MIs states that *‘if the concern relates to events taking place in the context of a registrant’s employment within an MI’s clinical service, NHS or other relevant setting, the employer should act in accordance with the obligations of the employment contract. The employer and/or registrant must inform BPC of the outcome of any investigation of disciplinary process if a complaint is upheld.*

Member Institutes also agree to fulfil the obligations on itself as a Member Institution in respect of the fitness to practice standards, for example, the requirement to pass on to the BPC all grievances raised about a registrant and to ensure that anyone raising a concern is informed of their right to make a complaint to BPC under the Complaints Procedure.’

If BPC were to receive a complaint from an MI about an employee who was also a registrant, BPC would investigate using its [complaints procedure](#).

Update on Learning Points issued in the previous year

There were no Learning Points issued at the previous annual review.

Standard 1: holds a voluntary register for people in health and/or social care occupations	
<p>There have been no significant changes reported or noted since last year. BPC reported an increase in registrant numbers over the last year.</p>	<p>The Panel found that this Standard was met.</p>
Standard 2: committed to protecting the public and promoting public confidence	
<p>There have been no significant changes reported or noted since last year. BPC provided its report from its oversight committee, the Independent Scrutiny and Advisory Committee (ISAAC), demonstrating BPC's commitment to protecting the public.</p>	<p>The Panel found that this Standard was met.</p>
Standard 3: risks	
<p>There have been no significant changes reported or noted since last year.</p> <p>No risks have been added to or removed from the updated risk matrix. The team compared the risk matrix to that provided last year and noted that BPC has updated the inherent and residual risk factors. The team noted that the descriptions of the risks remain largely unchanged. BPC confirmed that it had re-assessed the risk factors and made changes to reflect the current position of the profession.</p> <p>Following the changes in risk factors, the team noted that out of the 16 risks, 10 are static and two are increasing despite the controls put in place. The team noted that many of the controls were the same as those in place last year.</p> <p>The team asked BPC if it was looking at putting any other mitigations into place for the increasing risks. BPC noted that it will be focussing on two areas of risk where the risks have been identified as increasing.</p> <p>1) The unexpected death of therapists - BPC reported that the <i>'risk of unexpected death has been considered by a working party set up in 2016 and reported this year. The working party report, that has</i></p>	<p>The Panel found that this Standard was met.</p>

<p><i>gone out to our member institutions, considered issues of retirement, ageing, illness and death. It will be returning to a Council meeting for further consideration and action.'</i></p> <p>2) The failure to protect confidentiality - BPC reported that the risk of '<i>failure to protect confidentiality was primarily identified as increasing risk due to social, media and the internet. The introduction of new data protection legislation, the General Data Protection Regulations, is being considered and we plan to brief Registrants about its implications as the first part of our risk mitigation.</i>'</p> <p>The team will check progress and the impact of any new mitigations to the risk at the next annual review.</p> <p>BPC noted its plans to include a section in its monthly newsletter to registrants highlighting recurrent issues raised through complaints handling to ensure registrants are kept up to date about the potential risks involved in their practice.</p>	
<p>Standard 4: Financial sustainability</p>	
<p>There have been no significant changes reported or noted since last year. As part of its due diligence the Accreditation team reviewed records from Companies House for year end March 2016, as well as those provided by BPC for year end March 2017. BPC appears to continue to be financially sustainable.</p>	<p>The Panel found that this Standard was met.</p>
<p>Standard 5: capacity to inspire confidence</p>	
<p>There have been no significant changes reported or noted since last year. The team noted the positive comments made by ISAAC, as well as the comments made about the need for change, including governance as discussed under Standard 7.</p>	<p>The Panel found that this Standard was met.</p>

<p>Standard 6: knowledge base</p>	
<p>There have been no significant changes reported or noted since last year.</p>	<p>The Panel found that this Standard was met.</p>
<p>Standard 7: governance</p>	
<p>At the last annual review, BPC noted that it planned to carry out a review of its governance and organisational structures to <i>'see if they can be more effective and increase transparency and openness; increase the understanding of the relationship between our member institutions and our committees; and review committee roles and terms of references.'</i> BPC provided an update as part of this year's annual review assessment.</p> <p>Currently BPC's strategic direction and policy is set by the Council which is made up of representatives from the MIs. The Executive is responsible for the implementation of the organisation's strategic objectives and managing the register. The Executive is elected at the Council's AGM and members of the Executive sit on the Council. BPC has three sub-committees; the Ethics Committee, the Professional Standards Committee and the Registration Committee, which report to the Executive, who in turn reports to the Council. ISAAC is a lay group that was set up to scrutinise the activities of the BPC register to ensure that it was adequately protecting the public.</p> <p>The team noted that the roles of the Council and Executive may appear blurred, and the relationship between these two governance groups is not fully clear.</p> <p>BPC is in the process of becoming a charitable organisation and is proposing changes to its Articles of Association which will provide further separation between the Council and the Executive Board. Under the new proposals, the Council will be responsible for ratifying new MIs, overseeing the accounts, changing the Articles, removing the Board of Trustees if they are no longer fit for purpose and winding up the company. The Board of Trustees/Executive will be responsible for:</p> <ul style="list-style-type: none"> • Ensuring that BPC is carrying out its purpose for the public benefit • Ensuring that BPC is meeting its charitable objectives 	<p>The Panel found that this Standard was met.</p> <p>The Panel noted that currently the roles of the Council and the Executive may appear blurred and welcomed the actions being taken to make this clearer to the Public. The Panel decided to issue the following Instruction: BPC is to continue with its work to clarify and review its governance structure, including the separation of the roles of the Council and the Board of Trustees / Executive. BPC should ensure that appropriate lay representation is achieved.</p>

<ul style="list-style-type: none"> • Ensuring all legal and financial obligations are met • Developing and agreeing strategic direction • Appointing trustees (including lay members) • Appointing the Chair and the CEO <p>The Council will be made up of a representative (usually the Chair) from each of the Member Institutions, there will be no lay members on the Council. The Board of Trustees will consist of between eight and 12 people with at least two lay members. ISAAC will be disbanded, but will continue to provide advice to BPC in the interim as BPC moves towards charitable status. BPC aims for the changes in governance to be completed by Autumn 2018.</p> <p>BPC reported that it continues to communicate with a wide range of stakeholders including politicians, policy makers and the NHS to ensure that the benefits of psychoanalytic psychotherapy are understood.</p>	
<p>Standard 8: setting standards for registrants</p>	
<p>There have been no significant changes reported or noted since last year. BPC reported that it is currently working on a series of briefing papers for its registrants and MIs to ensure that all are aware of their responsibilities with regard to equality and diversity, safeguarding and data protection.</p> <p>During the site visit, BPC noted a need for greater standards or guidance about setting contracts between practitioners and clients at the start of therapy.</p>	<p>The Panel found that this Standard was met.</p>
<p>Standard 9: education and training</p>	
<p>There have been no significant changes reported or noted since last year.</p>	<p>The Panel found that this Standard was met.</p>

<p>Standard 10: the register</p>	
<p>There have been no significant changes reported or noted since last year. BPC moved to an electronic CPD system in the last year. BPC noted that as part of the CPD submissions a counter signatory has to confirm that they have no concerns about a registrant's fitness to practise.</p>	<p>The Panel found that this Standard was met.</p>
<p>Standard 11: complaints and concerns</p>	
<p>BPC reported that it had received five new complaints in the last accreditation year, four of these were dismissed and one was being handled through the practice review procedure. The team noted that BPC's new complaints procedure was implemented in 2016. BPC reported that it is now dealing with complaints much more efficiently and noted that its Practice Review Procedure (which can be used to review cases that can be resolved without a full hearing) is working well with less serious allegation complaints being dealt with more quickly.</p> <p>As part of the annual review process in 2017, the team are focusing on complaints handling, both in terms of complaints against registrants and complaints against the registers. The team arranged a visit to BPC in November 2017 to discuss how BPC handles complaints and to review a sample of cases.</p> <p>The team found that, although communications from BPC could at times be seen as impersonal, the majority of cases reviewed were handled appropriately. However, the handling of two cases under the old complaints procedure raised concerns.</p> <p>One case lasted three and a half years, which included a full hearing and outcome, a successful appeal against the leniency of the sanction and the initiation of a Health Panel. Evidence to progress the Health Panel could not be obtained, and the registrant was eventually removed from the register for lapsed registration, rather than due to a hearing outcome.</p> <p>In another case, serious concerns were raised about the outcome of the Hearing Panel. This involved a registrant who was under interim suspension for four years (the maximum length of interim suspension under the new procedure is 12 months). The Hearing Panel found the allegations to be proven, with the registrant</p>	<p>The Panel found that this Standard was met.</p> <p>The panel considered the information provided on the cases and noted the changes that had been made with the new complaints procedure that should prevent some of the issues re-occurring. The Panel had concerns relating to BPC's inability to appeal a case where no sanction has been issued and noted</p>

offering no insight and continuing to deny the allegations. However, the Panel determined that the registrant's fitness to practise was not currently impaired and imposed no sanction. The Panel determined that the misconduct was confined to the complainant and as such there was no real risk of repetition. The Panel also took into account the four years of interim suspension in its decision to issue no sanction.

BPC took advice on appealing this decision. However, under BPC's appeal procedures, it can only appeal the sanction issued. As no sanction was issued in this case, BPC was unable to appeal.

BPC noted that since this case, its Hearing Panel members have undergone training to ensure they are better equipped to make appropriate decisions. BPC confirmed that it has not changed its complaints procedure since this case but it recognises that the case raises questions which it is considering.

The team discussed how BPC ensures that the decisions made by its complaints panels were fair and consistent. BPC reported that all its panel members have received training from an experienced barrister who specialises in professional regulation and they are considering additional guidance.

At its initial assessment BPC advised that concerns raised against it will be managed by the Chief Executive or escalated as necessary. The BPC invites people to raise concerns on the <https://www.bpc.org.uk/about-us/complaints> webpage. BPC's Chief Executive advised that it received a small number of complaints and felt these had been resolved successfully, on an ad-hoc basis, however BPC did not have a published process.

that BPC should be able to appeal all hearing panel decisions to protect the public. The Panel noted that BPC had carried out further training with its Panel members but that BPC did not currently have any guidance for its hearing Panels on ensuring that sanctions are fair and consistent. The Panel decided to issue the following Instruction: BPC is to provide an update on its consideration of changes to its appeals process to enable the BPC to appeal all hearing panel decisions to protect the public. BPC should also produce guidance for its Panels to ensure that the decisions made are fair and consistent.

The Panel noted that BPC invited concerns about itself on its website but that it did not have a documented process. The Panel decided to issue the following Instruction: BPC should

	document its procedures with regards to complaints against itself and ensure these are readily available to the public.
Share your experience and concerns about the Accredited Register received in the previous year of accreditation	
The Accreditation team did not receive any responses to the invitation to share experience and did not receive any concerns about BPC within the previous year of accreditation.	The Panel noted that no comments or concerns had been received.
Equality duty under the Equality Act 2010	
The Panel must consider the Authority's equality duty under the Equality Act 2010 when considering an application for renewal of accreditation.	The Panel had regard to its duty under the Equality Act 2010 when considering this application for renewal of accreditation.
Impact Assessment	
There have been no significant changes reported since last year.	The Panel noted and took account of the impact of its decision to renew accreditation.