

## Accredited Registers

### Targeted Review / Review of Conditions – Play Therapy UK (PTUK)

13 April 2023

#### 1. Outcome

- 1.1 As part of our 2022 annual check of Play Therapy UK (PTUK)<sup>1</sup> the Professional Standards Authority ('we') conducted a Targeted Review focusing on *Standard Five: Complaints and concerns about registrants*<sup>2</sup>. Following that review we have issued PTUK with three Conditions of Accreditation.
- 1.2 We also reviewed Conditions of Accreditation issued at PTUK's 2021 annual review<sup>3</sup>. These related to *Standard Six: Governance*<sup>4</sup>. We found that PTUK had not fully met those Conditions, and issued one further Condition.
- 1.3 The four new Conditions of Accreditation are:
- 1.4 **Condition One:** PTUK must conduct a review of its complaints processes and make recommendations to ensure that the process is fair, transparent, compliant with Human Rights legislation, consistent with good regulatory practice and places public protection at its heart. This review should be completed within three months of publication of the Authority's decision.
- 1.5 **Condition Two:** PTUK must provide the Authority with its plan of how it will implement any changes identified by the review, including the development of relevant materials and recruitment of suitable people to participate in any new processes, within one month of the completion of the review.
- 1.6 **Condition Three:** Any changes identified in the plan for Condition Two should be implemented within nine months of the plan being accepted by the Authority.
- 1.7 **Condition Four:** PTUK should establish effective and transparent governance arrangements for an organisation performing a public protection role. This should cover oversight and accountability arrangements to ensure that there is effective oversight of PTUK's Board of Directors. There must be fair and transparent arrangements for appointments to PTUK's Board, and any oversight body. PTUK's response to the Authority must also demonstrate how management of the Register works in the public interest. Actions should be completed within four months of publication of this report, and where not possible within this timeframe there should be a clear plan for how they will be achieved.

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<sup>1</sup> <https://playtherapyregister.org.uk/>

<sup>2</sup> <https://www.professionalstandards.org.uk/what-we-do/accredited-registers/about-accredited-registers/our-standards>

<sup>3</sup> [https://www.professionalstandards.org.uk/docs/default-source/accredited-registers/panel-decisions/ptuk-annual-review-2021-decision.pdf?sfvrsn=bc767020\\_16](https://www.professionalstandards.org.uk/docs/default-source/accredited-registers/panel-decisions/ptuk-annual-review-2021-decision.pdf?sfvrsn=bc767020_16)

<sup>4</sup> Formerly Standard Seven, under the previous [Standards for Accredited Registers - \(April 2016\)](#)

## 2. Background

- 2.1 We monitor Accredited Registers each year to check whether there have been significant changes to key processes, or significant concerns raised, that could affect whether the Standards for Accredited Registers<sup>5</sup> ('the Standards') continue to be met.
- 2.2 In some cases, we might need to undertake a Targeted Review of the Register. This could, for example, be triggered by concerns raised at an annual check, or those in-year through our 'Share Your Experience' process. A Targeted Review consists of a more in-depth assessment of specific standards.
- 2.3 Following a Targeted Review, an Accreditation Panel considers whether the relevant Standard(s) continue to be met. The Panel may issue Recommendations or Conditions. In serious cases, it may consider suspending or withdrawing accreditation.
- 2.4 A Condition sets out the requirements and the timeframe that a Register must meet. We will assess how those Conditions have been met. We may issue further Recommendations or Conditions, or if necessary, suspend or withdraw accreditation.
- 2.5 This report discusses the findings of our Targeted Review, and our review of the actions PTUK took to address previous Conditions. PTUK's fulfilment of the new Conditions will be considered in due course.
- 2.6 The complete assessment process for existing Accredited Registers is set out in our Annual Review Process Guide.<sup>6</sup>

## 3. Reasons for the reviews

- 3.1 Our annual check of PTUK's register did not identify concerns for Standards One, Two, Three, Four, Seven and Eight.
- 3.2 PTUK had recently managed two serious complaints against registrants, which presented an opportunity for us to evaluate their handling of such cases. We also wanted to check that PTUK's oversight body, the British Council for Therapeutic Interventions With Children (BCTIWC)<sup>7</sup> had fulfilled its own role in PTUK's complaints handling appropriately.
- 3.3 For these reasons we considered it appropriate to conduct a Targeted Review of *Standard Five: Complaints and concerns about registrants* and *Standard Six: Governance*. We audited PTUK's redacted files for the two complaints.
- 3.4 We also checked how PTUK had fulfilled the requirements of three Conditions for *Standard Six: Governance* that were issued following its 2021 annual review. We reviewed evidence provided by PTUK and publicly available information.
- 3.5 Our findings are set out below.

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<sup>5</sup> <https://www.professionalstandards.org.uk/what-we-do/accredited-registers/about-accredited-registers/our-standards>

<sup>6</sup> <https://www.professionalstandards.org.uk/docs/default-source/accredited-registers/guidance-documents/annual-review-process-guide.pdf>

<sup>7</sup> <https://www.bctiwc.org/>

#### **4. Targeted Review findings**

- 4.1 Our review raised concerns that PTUK's complaints policies and processes, when put to the test to consider serious concerns against registrants, were not followed in a sufficiently transparent manner, and could not give us confidence that PTUK would act in a way that was fair to both registrants and complainants and achieve appropriate public protection.
- 4.2 We determined that the shortcomings in PTUK's complaints process, and its handling of the two complaints, meant that Standard Five was not currently met. We have not included details of these cases and their handling due to the small number of complaints creating a risk of identifiable information. However, we perceived that PTUK did not apply clear thresholds or criteria to assess the seriousness of complaints or to guide how it handled them. It was also not clear to us whether appropriate safeguarding measures were considered. The direct involvement of the Chief Executive, and the BCTIWC, in the handling of complaints also raised concerns about how separation of functions, and oversight was achieved.
- 4.3 As set out in Section Six of this report, the Accreditation Panel issued new Conditions to address concerns about PTUK's complaints processes. This includes a review of the current arrangements. We strongly recommend that PTUK seeks input from an independent, legally qualified, expert in regulatory practices to inform this.

#### **5. Review of Conditions**

- 5.1 At PTUK's 2021 annual review, we had highlighted our concerns that PTUK, as a public interest organisation with a regulatory role of protecting the public, had a sole registered company director. This followed our view that PTUK's handling of an organisational complaint suggested that challenge to its leadership had not been sufficiently robust.
- 5.2 We noted in 2021 that PTUK's governance arrangements may mean business continuity of its register is vulnerable should its Chief Executive be unable to perform required functions. We were concerned that having one person in charge of regulatory and public protection functions, without governance mechanisms to ensure accountability, and manage real or perceived conflicts of interests, did not inspire confidence. We had not been assured that arrangements for the other senior PTUK officers to run the Register effectively, if required, were sufficiently developed.
- 5.3 We identified some inconsistencies within PTUK's governance arrangements that suggested that overall responsibility for registration decisions was unclear to the public, and PTUK's registrants. We believed that stronger arrangements for management and oversight of the organisation must be made to ensure its continuity as an effective public register, and to mitigate impacts should the current Chief Executive leave the post for any reason and ensure public confidence. We determined this was especially important since the Chief Executive of PTUK also holds the same role for the Academy of Play and Child Psychotherapy (APAC).
- 5.4 The Conditions issued at the 2021 annual review were:

- 5.5 **Condition One (2021):** Develop contingency plans for the continued operations and leadership of PTUK should the current Chief Executive leave their role. These should include how PTUK will ensure that persons named in the succession plan are equipped for the role of Chief Executive.
- 5.6 **Condition Two (2021):** Strengthen arrangements for the governance and oversight of leadership decisions affecting PTUK. This could include: expanding the Board of Directors so there is more than one Director; setting out clear delegation of responsibilities and decisions to the Senior Management Team within PTUK's frameworks; enhancing the powers of non-shareholding members at the AGM; and strengthening the independence and robustness of the BCTIWC's oversight of PTUK.
- 5.7 **Condition Three (2021):** Publish clear details of the relationship between PTUK, and the BCTIWC so that its clear to the public who has ultimate responsibility for key functions and how to raise a concern about any aspect of their work.
- 5.8 PTUK provided its response to the Conditions within its annual check submission on 31 August 2022.
- 5.9 Condition One (2021)
- 5.10 We found that this Condition had not been fully met. We reviewed the succession plan included within PTUK's Articles of Association and found it insufficient to fulfil the Condition. We considered that naming specific individuals within the Articles, rather than roles, did not demonstrate transparent appointments processes or oversight. We were also concerned that PTUK's updated Articles of Association only addressed the replacement of one Director in limited scenarios.
- 5.11 At the time of our assessment, several staff named in the succession plan had been appointed as Directors, however were not listed with Companies House. The Chief Executive remained the only registered Director, and therefore had sole legal responsibility for running PTUK. Such arrangements were not congruent with the *Standards for Accredited Registers*, which place emphasis on governance arrangements including diverse range of perspectives and expertise. As noted in Section 6, since the Accreditation Panel's meeting PTUK has registered two new Directors, which we regard as a positive step.
- 5.12 Condition Two (2021)
- 5.13 We found that this Condition had not been fully met. We recognised that the BCTIWC had originally been set up to provide oversight of PTUK and to mitigate perceived conflicts of interest between PTUK and APAC. We noted however that its actual role, as described in its own Articles, was limited in practice to audit functions.
- 5.14 We had raised concerns about the effectiveness of the BCTIWC's arrangements in the 2021 review. We did not see evidence to suggest that the role of the BCTIWC had been sufficiently strengthened to provide effective governance during the past twelve months or that other arrangements had been made to address the Condition. We noted that the only option for the BCTIWC to hold the work of PTUK to account was to report any concerns to us if its recommendations were not followed.

- 5.15 We were concerned that the BCTIWC appeared to have been involved in the initial consideration of a recent complaint, which is inappropriate since it was envisaged that it would have an appeal function, and could compromise its ability to carry out effective oversight.
- 5.16 We were also concerned about the involvement of PTUK's Chief Executive in key functions such as complaints handling, which we perceived could compromise the separation of professional and public protection responsibilities.
- 5.17 It was therefore not clear to the Accreditation Panel how the current arrangements allowed for a clear separation of functions, and effective oversight as required to meet Standard Six.
- 5.18 Condition Three (2021)
- 5.19 We found that this Condition had not been fully met. We found that published information on PTUK and its partners' websites were insufficient to make clear to the public who has ultimate responsibility for key functions and how to raise a concern about any aspect of their work.

## 6. The outcome of the reviews

- 6.1 Under our processes<sup>8</sup>, if a Condition is not met, then suspension or withdrawal of accreditation may be considered. Having determined that the 2021 Conditions were not met, and having identified further concerns about PTUK's complaints processes, we considered whether the issues raised could be properly addressed with further Conditions. We sought assurances from PTUK that it would accept further Conditions in full, highlighting that if not fulfilled then suspension of accreditation would likely be considered. PTUK confirmed its commitment to addressing the concerns raised within set timeframes, and to the Standards.
- 6.2 The further Conditions issued are:
- 6.3 **Condition One:** PTUK must conduct a review of its complaints processes and make recommendations to ensure that the process is fair, transparent, compliant with Human Rights legislation, consistent with good regulatory practice and places public protection at its heart. This review should be completed within three months of publication of the Authority's decision.
- 6.4 **Condition Two:** PTUK must provide the Authority with its plan of how it will implement any changes identified by the review, including the development of relevant materials and recruitment of suitable people to participate in any new processes, within one month of the completion of the review.
- 6.5 **Condition Three:** Any changes identified in the plan for Condition Two should be implemented within nine months of the plan being accepted by the Authority.
- 6.6 **Condition Four:** PTUK should establish effective and transparent governance arrangements for an organisation performing a public protection role. This should cover oversight and accountability arrangements to ensure that there is effective oversight of PTUK's Board of Directors. There must be fair and transparent arrangements for appointments to PTUK's Board, and any oversight

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<sup>8</sup> See Section 5: [annual-review-process-guide.pdf \(professionalstandards.org.uk\)](https://www.professionalstandards.org.uk/annual-review-process-guide.pdf)

- body. PTUK's response to the Authority must also demonstrate how management of the Register works in the public interest.
- 6.7 Evidence for Condition Four could include revised Terms of Reference for the Board of Directors and BCTIWC, updated Companies House registrations, and content provided on PTUK's website about governance and its relationship with APAC. We will check for consistency across information published on the websites of PTUK, the BCTIWC and APAC.
  - 6.8 Actions should be completed within four months of publication of this report, and where not possible within this timeframe there should be a clear plan for how they will be achieved. PTUK is required to provide evidence for how it meets the Conditions above, within the stated timeframes.
  - 6.9 Since the Accreditation Panel meeting, PTUK confirmed that two new Directors have been appointed and registered with Companies House. We regard this as a positive step and will check on how these arrangements are working in practice, when we review the evidence for Condition Four.