

Initial Accreditation Report

UK-Society for Behaviour Analysis (UK-SBA)

10 January 2023

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The Accreditation Process

The Professional Standards Authority (the Authority) accredits registers of people working in a variety of health and social care occupations that are not regulated by law. To become an Accredited Register, organisations holding registers of unregulated health and social care roles must prove that they meet our *Standards for Accredited Registers* (the Standards).

Initial accreditation decisions are made by an Accreditation Panel following an assessment of the organisation against the Standards by the Accreditation team. The Accreditation Panel decides whether to accredit an organisation or not. The Accreditation Panel can also decide to accredit with Conditions and provide Recommendations to the organisation.

- **Condition** – Issued when an Accreditation Panel has determined that a Standard has not been met. A Condition sets out the requirements needed for the Accredited Register to meet the Standards, within a set timeframe. It may also reduce the period of accreditation subject to a review or the Condition being met.
- **Recommendation** – Actions that would improve practice and benefit the operation of the Register, but which is not a current requirement for accreditation to be maintained.

This assessment was carried out against *the Standards for Accredited Registers (April 2016)* and the new Standard 1 introduced in 2021 by the Authority and which includes the ‘public interest test’. Standard One checks eligibility under our legislation, and if accreditation is in the public interest. More about how we assess against Standard One can be found in our *Supplementary Guidance for Standard One*¹.

We used the following in our assessment of the UK-SBA:

- Documentary review of evidence of benefits and risk supplied by the UK-SBA and gathered through desk research
- Documentary review of evidence supplied by the UK-SBA and gathered from public sources such as its website
- Due diligence checks
- Share your experience responses
- Site visits including discussions with members of staff
- Interviews with the Chair, CEO, and other senior staff and Board members
- Observation of a Board Meeting on 25 January 2021
- Assessment of UK-SBA’s complaints procedures.

¹ https://www.professionalstandards.org.uk/docs/default-source/accredited-registers/standards-for-accredited-registers/accredited-registers-supplementary-guidance-for-standard-one.pdf?sfvrsn=3e5f4920_6

The Outcome

Summary

The Accreditation Panel met on 15 November 2022 to consider the UK-SBA's application for accreditation. The Accreditation Panel considered the evidence against our *Standards for Accredited Registers*² and decided to **accredit the UK-SBA with Conditions**.

Further Actions and Conditions

The decision to accredit followed an initial Accreditation Panel meeting on the 15 March 2022. At this meeting, the Accreditation Panel found that Standards One, Four, Six and Eight were met. However, it had concerns about the remaining Standards. The Accreditation Panel decided to adjourn the meeting to allow the UK-SBA time to complete the following Actions:

	Action	Standard(s)
1	The UK-SBA should include mechanisms in its governance for independent advocacy on behalf of children and adult service users.	Two, Five
2	The UK-SBA should revise its risk register with a focus on potential harms from registrants to service users. This should include the risks of working in isolated settings and children's own homes. Risks raised by those with concerns about ABA, such as challenges with assessing capacity and consent, should also be included to show how the UK-SBA manages these risks through its requirements for registrants.	Three
3	The UK-SBA should develop mechanisms to allow independent expertise in governance and regulation to contribute to decision-making, through involvement in its Committees dealing with its governance, rules of conduct and complaints process.	Five
4	The UK-SBA should introduce greater separation between its governance of regulatory functions, and of membership functions. There should be clear escalation routes for risks/issues to be escalated up to the Public Protection and Benefit Committee.	Five
5	The UK-SBA should include a clear definition of 'challenging behaviour' within its guidance.	Eight
6	Suspension of registration (and publication of that sanction) as a potential outcome should be made explicit within the UK-SBA's complaints procedures.	Eleven
7	The UK-SBA should make clearer within its guidance and Codes that using ABA as a punishment or in a dehumanizing way is serious and likely to lead to removal from its Register.	Eleven

² [Our Standards for health and social care organisations \(professionalstandards.org.uk\)](https://professionalstandards.org.uk)

The UK-SBA provided evidence of how it had addressed these actions, and some of the other areas highlighted by the Accreditation Panel that had potential to be Conditions, if accreditation were accreditation granted.

The Accreditation Panel reconvened on 15 November 2022 to consider the UK-SBA's application. The Accreditation Panel was satisfied that the Actions had been addressed, and that the UK-SBA met all the Standards for Accredited Registers. Accreditation was granted, with Conditions.

We noted the following **positive findings**:

- The UK-SBA has put in place a range of mechanisms to allow greater independent input into its work. This includes the establishment of an Independent Expert Advisory Group (IEAG), whose members have no direct involvement with the field of behaviour analysis but have relevant experience in governance and/or can represent the interests of the UK-SBA's main service user groups.
- The IEAG can also provide independent, free, impartial support to people who want to make a complaint about a UK-SBA registrant.
- The UK-SBA publishes an Equality and Diversity Policy³ which makes explicit the requirements on registrants not to discriminate. The UK-SBA has also published a Statement on Racial Equality,⁴ which encourages registrants to add their voice to the message of solidarity in combatting racism.
- The UK-SBA is working to develop a credentialing framework for the field of behaviour analysis, which will be specific to practising in a UK context.

Accreditation is issued with the following Conditions:

Conditions		Deadline
Standard 8	1. The UK-SBA should review and clarify the status of those displayed as 'not looking for work' on its Register. It should ensure that evidence of professional insurance, safeguarding training, and all other requirements are confirmed before Register entries are published.	3 months
Standard 9	2. The UK-SBA must provide its new application processes within three months of the publication of this report and before publication. This should include clear definitions for its registration grades setting out the remit of each category.	3 months

³ https://uk-sba.org/wp-content/uploads/2020/02/Equality-Diversity-Policy-MC-05-May-2019_approved-JM-Feb-2020.pdf

⁴ <https://uk-sba.org/uk-sba-statement-on-racial-equality/>

We issued the following Recommendations to be considered by the next review:

Recommendations	
Standard 2	1. The UK-SBA should publish the names and/or roles of Members of its Independent Expert Advisory Group (IEAG) to enhance transparency and accessibility.
Standard 3	2. The UK-SBA should formalise the consideration of risks into its governance structure so there is regular discussion at meetings. 3. The UK-SBA should ensure that the process for escalating risks from the Public Protection and Benefit Committee (PPBC), Advisory Board and the IEAG to the Board is set out clearly.
Standard 5	4. The UK-SBA should consider publishing minutes from its Board meetings, to allow transparency of decision-making and oversight.
Standard 6	5. The UK-SBA should provide more detail about techniques used by its registrants in delivering ABA.
Standard 7	6. UK-SBA should continue the implementation of Patient and Public Involvement (PPI) strategies and consider how to involve those with lived experience relevant to Behaviour Analysis in its work.
Standard 11	7. The UK-SBA should consider how to ensure consistency of communications at relevant stages of the complaints process, for example through use of templates, to ensure its decisions are communicated clearly and using an appropriate tone. 8. The UK-SBA should consider how it can highlight its profile to ensure that employers and service users are aware of its public protection role and of routes for raising concerns.

The rest of this report provides detail about the basis on which the UK-SBA was accredited.

About the UK-SBA

This section provides an overview of the UK-SBA and its register.

Name of Organisation	UK-Society for Behaviour Analysis (UK-SBA)
Website	https://uk-sba.org/
Type of Organisation	The UK-SBA is a not-for-profit company limited by guarantee. Company number: 08049087 (see Companies House)
Role(s) covered	Behaviour Analysts (BAs). These are occasionally referred to as 'Applied Behaviour Analysts (ABA)' by service users and others. These are umbrella terms, and the scope of the roles registered by the UK-SBA is abbreviated to 'BA/ABA' within this report.
Number of registrants	214 as at 1 January 2023.
Overview of Governance	The UK-SBA is a professional body, holding a voluntary register of practitioners run by a voluntary Board and Committees, supported by one paid staff member, the UK-SBA administrator (acting as registrar). Its Committees include: Public Protection and Benefit Committee (PPBC), Strategic Planning Committee, Membership Committee, Education Committee, Marketing and Communications Committee, and Executive Committee.
Overview of the aims of the register	• Setting up, publishing and maintaining a Register of members, which will include their qualifications, appointments and experience • Formulating standards of professional conduct and competence for those engaged in behaviour analysis services in the UK • Developing, improving, and disseminating best practices in the recruitment, training, and professional development of behaviour analysts • Promoting the recognition of behaviour analysis as a science and in its various applications • Advocating for and facilitating research • Communicating about behaviour analysis to consumers of its services • Acting as a central body for the purpose of consultation and information in matters of educational or public interest concerning behaviour analysis in the UK • Promoting and facilitating the dissemination and exchange of information on matters of professional competence by the holding of conferences, meetings or seminars • Encouraging the study of behaviour analysis by establishing and promoting training courses.

Inherent risks of the practice

This section uses the criteria developed as part of the Authority's *Right-touch assurance tool*⁵ to give an overview of the work of ABAs.

Risk criteria	
1. Scale of risk associated with BA/ABAs <i>a. What do BA/ABAs do?</i> <i>b. How many BA/ABAs are there?</i> <i>c. Where do BA/ABAs work?</i> <i>d. Size of actual/potential service user group</i>	a. BA/ABA involves the application of methods and principles to design comprehensive Behaviour treatment programs aimed to improve outcomes in children and adults. Some of these are delivered as intensive teaching. It is described as: 'An applied science devoted to understanding the laws by which the environment affects behavior in order to address socially significant problems for individuals with disabilities.' (Vismara and Rogers, 2010). BA/ABA approaches take a broad definition of behaviour and environment (Ambitious about Autism, Bangor University 2011⁶): • behaviour – all activities including actions, interactions, thinking and talking; • environment – physical and social events that the person experiences. BA/ABA programs are often used to support children, who are often very young, who are autistic. The UK-SBA advises that around 97% of registrants provide services for people with autism and/or learning disabilities. b. As at 1 January 2023 there were 214 individuals on UK-SBA's register. The UK-SBA appears to be the main recognised register for BA roles. The total number of BA practitioners within the UK is not known. c. We saw evidence of job adverts for BA/ABA roles within schools, local authorities, and the NHS. THE UK-SBA advised they might also be employed by charities focused on providing services for specific populations. In some instances, behaviour analysts might be commissioned by local authorities or schools if behaviour analysis is specified in a child's Education, Health, and Care Plan (EHCP). Parents may also seek the services of BA/ABA practitioners directly for children. d. It is estimated that around 700,000 people in the UK have a diagnosis of autism. The British Medical Association estimates that one in 100 children in the UK have a diagnosis of autism spectrum disorder.
2. Means of assurance	As set out in section three below, BA/ABA is practised in a range of settings included private homes, schools and NHS settings. Managed settings such as schools and within the NHS will have frameworks of assurance and be subject to checks by systems regulators. The National

⁵ https://www.professionalstandards.org.uk/docs/default-source/publications/policy-advice/right-touch-assurance---a-methodology-for-assessing-and-assuring-occupational-risk-of-harm91c118f761926971a151ff000072e7a6.pdf?sfvrsn=f537120_14.

⁶ [UK-ABA-Autism-Education-Competence-Framework.pdf \(jigsawschool.co.uk\)](#)

	Institute of Health and Care Excellence (NICE) publishes clinical guidance ⁷ relevant to autistic children and adults.
3. About the sector in which Behaviour Analysis practitioners operate	The two largest areas of the market are private practice behaviour analysis for autistic children, often provided at first in the home but then later alongside school settings; and NHS settings. NHS settings include community, Child and Adolescent Mental Health Services (CAMHS) and residential services for children, adolescents or adults with autism, learning disabilities or both.
4. Risk perception • <i>Need for public confidence in Applied Behaviour Analysis?</i> • <i>Need for assurance for employers or other stakeholders?</i>	We received 486 responses to our Share Your Experience (SYE) invitation. Approximately 5% of responses expressed concerns about the practice of BA/ABA and/or the UKSBA. Perspectives on BA/ABA are polarised, with some strong advocates, particularly parents and guardians; and others, particularly those within the neurodiversity community, expressing strong concerns. The National Autistic Society publishes information about PBS and ABA (2022)⁸. It highlights that views on ABA are 'strongly polarised' and that it does 'not support any intervention that follows one-size-fits-all approaches', or goes against its principles that support for autistic children and adults should: • always be person-centred and promote autistic people's dignity • keep people safe, healthy and happy • enable autistic people to do the things they love • never try and make someone 'less autistic', which is impossible anyway • never use punishment. We considered the risk of BA/ABA being used by registrants in a way that was counter to these principles during our assessment and within the Impact Assessment of our decision to accredit the UK-SBA. References to PBS and, less commonly ABA in some job descriptions for NHS roles that we considered as part of our assessment indicate that in some areas, the NHS is using provision of behaviour analysis as part of its transformation of care for people with autism or Intellectual Disability. This suggests that a recognised body for BA/ABA and/or PBS practitioners could help give assurance to the NHS and other employers.

⁷ <https://www.nice.org.uk/guidance/conditions-and-diseases/mental-health-and-behavioural-conditions/autism/products?ProductType=Guidance&Status=Published>

⁸ [Positive Behaviour Support \(PBS\) \(autism.org.uk\)](https://autism.org.uk/Positive-Behaviour-Support-(PBS))

Assessment against the Standards

Standard 1: eligibility and ‘public interest test’

Summary

The Accreditation Panel found Standard 1 was met at its initial meeting on 15 March 2022. However, Standard 1b (the ‘public interest test’) was dependent on the Actions issued for other Standards, as summarised on page 3, being met. The Accreditation Panel agreed that all Actions were met on 15 November 2022.

The Accreditation Panel’s findings

The Authority’s powers of accreditation are set out in the National Health Service Reform and Health Care Professions Act 2002.⁹ Standard 1a considers whether a Register is eligible for accreditation, on the basis of whether the role(s) it registers can be considered to provide health and care services and are not required by law to be registered with a statutory body to practise in the UK.

The UK-SBA registers people working in the field of Behaviour Analysis (BA). BA practitioners provide health care within the UK and are not required by law to be registered with a statutory body to practise. The Accreditation Panel found that this means the UK-SBA meets the falls within the scope of the Accredited Registers programme and therefore meets the requirements of Standard 1a.

Standard 1b, also known as the ‘public interest test’, considers whether the benefits of the role(s) registered outweigh the potential risks.

The Accreditation Panel determined that overall, there appears to be moderate evidence for the benefits of BA/ABA. BA/ABA is an ‘umbrella term’ covering a range of approaches, and the evidence varies according to the specific technique. There is greater evidence in some areas than others. Areas where the current evidence appears strongest is in Positive Behaviour Support (PBS). There are examples of PBS (and some other forms of BA/ABA) being used with the NHS and education sectors. There are also references to ABA within national clinical guidelines when working with people with autism and/or learning disabilities, demonstrated there is wider stakeholder recognition of benefits.

There are limitations and gaps in the knowledge base about BA/ABA. It is important to bear in mind that the benefits people derive are likely to vary depending on their personal circumstances, and the context in which it is delivered.

The Accreditation Panel considered that the risks arising from the practise of BA/ABA relate primarily to the vulnerability of the service user group, noting that this will often be children with autism and/or learning difficulties. It noted that a significant number of registrants practise in private homes. This raises potential safeguarding risks. Concerns raised in our SYE consultation about ABA being used in a punitive and degrading way highlight the need for risks arising from situations in which a registrant is alone with a child or other vulnerable person to be recognised and clearly addressed.

⁹ Roles that are required to be enrolled with a statutory register to practise in the UK are set out in Section 25E (2) of the National Health Service Reform and Health Care Professions Act 2002, available at: [National Health Service Reform and Health Care Professions Act 2002 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2002/37/section/25E/part-2)

The Accreditation Panel considered the mitigations that UK-SBA has in place, and the emphasis it places through its guidance on supporting individuals rather than using behaviour analysis as a punishment or negative enforcement. The UK-SBA also requires criminal records checks of registrants and publishes guidance for the public on what to expect from an BA/ABA practitioner.

The Accreditation Panel determined that although accreditation had the potential to help make sure that registrants adhered to the UK-SBA's standards of practice, there were several risk areas which needed to be strengthened before accreditation could be granted. The UK-SBA should be clearer about risks relating to concerns raised about the practice of ABA.

Risk areas we identified as being important to address were more explicitly arising from our SYE consultation were:

- Risks to those with behaviours that challenges
- Risks associated with use of 'punishment'
- Potential or perceived violations of dignity and autonomy
- Appropriate identification and reactions to signs of distress
- Experience of ABA as a punishment.

Consequently, the Accreditation Panel determined that Standard 1b was provisionally met, dependent on fulfilling the Actions issued in relation to other Standards (summarised on page 3). These Actions would make it clearer how risks are being mitigated by the UK-SBA. The Accreditation Panel found when it reconvened on the 15 November 2022 that these further Actions had been addressed and that there were no outstanding concerns in relation to Standard 1b.

Standard 2: the organisation demonstrates that it is committed to protecting the public and promoting public confidence in the occupation it registers

Summary

When the Accreditation Panel first met on 15 March 2022 it found this Standard was not met and issued Action 1, 'The UK-SBA should include mechanisms in its governance for independent advocacy on behalf of children and adult service users'. The Accreditation Panel found when it reconvened on the 15 November 2022 that Action 1 had been addressed, and that Standard 2 was now met.

The Accreditation Panel issued the following Recommendation:

- Recommendation 1: The UK-SBA should publish the names and/or roles of Members of its Independent Expert Advisory Group (IEAG) to enhance transparency and accessibility.

The Accreditation Panel's findings (initial meeting – March 2022)

UK-SBA registrants must meet its *Standards of Education, Training and Experience*,¹⁰ adhere to its *UK-SBA Code of Ethical and Professional Conduct*,¹¹ hold appropriate insurance, hold an up-to-date Disclosure and Barring Service (DBS) (or equivalent)

¹⁰ https://uk-sba.org/wp-content/uploads/2020/02/STD-9-training_approved-JM-Feb-2020.pdf

¹¹ <https://uk-sba.org/wp-content/uploads/2021/04/Code-of-Ethical-and-Professional-Conduct-final-dec-20.pdf>

check, complete continuing professional development (CPD), and are subject to the UK-SBA's complaints process.

The UK-SBA publishes these requirements for registrants on its website. It also sets out the Behaviour Analysis Values¹² that registrants must adhere to. These include a commitment to understanding individuals, to understanding the context of behaviour, and to advancing the field of behaviour analysis. Registrants who fall short of these values or its Codes can be investigated, with suspension or removal from the register in the most serious cases.

Concerns raised through our SYE consultation about the practice of ABA highlight the need for the UK-SBA to demonstrate that public protection is its primary focus. As set out on page 26, the key concerns raised that ABA is used in a dehumanizing way, as a punishment, and is discriminatory towards people with autism by seeking to remove, or mask autistic traits. Although we did not find any evidence of the UK-SBA's registrants using ABA in this way, the strength of feeling amongst some members of the public, particularly those with autism, is important to consider and has been a key focus of our assessment.

During our assessment, we considered the approach taken by the UK-SBA to engaging with some of these concerns. We noted that much of the information on its website sought to dispel concerns, and to highlight that the field of behaviour analysis has evolved away from its early use. While the Accreditation Panel acknowledged that this appeared to be the case, it felt that greater impartiality and independence should be demonstrated when responding to concerns about ABA to recognise the risk of registrants practising in way that contravened its values.

The Accreditation Panel recognised the likely challenges in engaging with those who have strong negative views about ABA, and in the potential challenges in obtaining direct feedback from service users, especially those who are children. Notwithstanding this, the Accreditation Panel considered it important that there was greater independent input into how the UKSBA's register operates, given that the main sources of external input was currently from parents of service users.

The Accreditation Panel also considered it key for UK-SBA to have independent input and advocacy from people with expertise in dealing with the conditions affecting service users from outside of the BA/ABA community who can provide objectivity and different perspectives. People should be selected for their knowledge and expertise, and potentially lived experience of autism and learning disabilities but not be associated with strong views on BA/ABA itself.

To address these points, the Accreditation Panel had issued Action 1: 'The UK-SBA should include mechanisms in its governance for independent advocacy on behalf of children and adult service users.' This was also felt to be important for Standard Five to be met.

The Accreditation Panel's findings (reconvened meeting – Nov 2022)

The Accreditation Panel considered evidence provided by the UK-SBA for Action 1 when it reconvened in November 2022.

¹² [Behaviour Analysis Values - UK Society for Behaviour Analysis \(uk-sba.org\)](https://www.uk-sba.org/behaviour-analysis-values)

The UK-SBA has now established an Independent Expert Advisory Group (IEAG). The IEAG's Terms of Reference state that it is 'responsible for providing independent expert advice to the UK-SBA...on matters related to but not limited to: governance structures and associated policy and procedures, public protection and independent advocacy for service users, criteria and methodology for accreditation, complaints process.' The IEAG will achieve this by providing advice to the UK-SBA's Public Protection and Benefit Committee (PPB) and oversight of Board decisions.

The IEAG's role is set out on the UK-SBA's website.¹³ This makes clear that IEAG members can provide independent advocacy to assist people wishing to raise concerns. The UK-SBA confirmed during our assessment that individual IEAG members would not be involved in more than one aspect of any single complaints process, to avoid the potential for conflicts of interest. One IEAG member has a dedicated advocacy role and is not in the UK-SBA's Complaints Accreditation Panel group. Several members have experience of working with children with Special Educational Needs in a non-ABA context, and some have specific advocacy skills.

The revised complaints procedure¹⁴ makes clear that an Independent Advocate, drawn from the Independent Expert Advisory Group (IEAG), will be available to support complaints. Support is wide ranging, and at 1.4 specifics that 'help could include help drafting the concern or complaint, overseeing or dealing with any subsequent correspondence, raising issues with the process, attending any meeting with or on behalf of the service user, or any other advocacy or support requested.'

The IEAG is recently established but is beginning to take on responsibilities, with some of its members due to attend the UK-SBA's next Annual General Meeting, and Board meeting in January 2023. The IEAG will meet formally on an annual basis and provide ad hoc advice and input in the interim where required.

The Accreditation Panel determined that the establishment and scope of the IEAG satisfies Action 1. The IEAG has potential to be a useful mechanism for ensuring the independence of UK-SBA's decisions, and to help make sure that those affected by the work of the UK-SBA are represented. To enhance transparency and accessibility of IEAG members, the Panel issued a Recommendation to publish their names and/or roles. We will monitor progress with this, and how the IEAG is working in practice, through our ongoing renewal assessments.

Standard 3: risk management

Summary

When the Accreditation Panel first met on 15 March 2022 it found that Standard 3 was not met and issued Action 2: 'The UK-SBA should revise its risk register with a focus on potential harms from registrants to service users. This should include the risks of working in isolated settings and children's own homes. Risks raised by those with concerns about ABA, such as challenges with assessing capacity and consent, should also be included to show how the UK-SBA manages these risks through its requirements for registrants.'

¹³ See: <https://uk-sba.org/about-uk-sba/board-and-committees/>

¹⁴ https://uk-sba.org/wp-content/uploads/2022/11/UK-SBA-Complaints-Procedure_Sept-2022.pdf

The Accreditation Panel found when it reconvened on the 15 November 2022 that Action 2 had been addressed, and that consequently Standard 3 was now met.

The Accreditation Panel issued the following Recommendations:

- Recommendation 2: The UK-SBA should formalise the consideration of risks into its governance structure so there is regular discussion at meetings.
- Recommendation 3: The UK-SBA should ensure that the process for escalating risks from the Public Protection and Benefit Committee (PPBC), Advisory Board and the IEAG to the Board is set out clearly.

The Accreditation Panel's findings (initial meeting – March 2022)

As set out under Standard 1, when the Accreditation Panel first met, it noted that there were several risks identified during assessment that weren't included on the UK-SBA's risk matrix. Some of these related to the vulnerability of service users. For example, the inherent safeguarding risks associated with practitioners working with children in their homes.

Although the UK-SBA had described some of the mitigations for these risks in relation to our Standards, they had not been documented in its risk matrix. The Accreditation Panel issued Action 2 to ensure greater clarity about how the UK-SBA mitigates these types of risks, and whether the mitigations appear sufficiently robust. We specified that this should include risks raised by stakeholders who have concerns about ABA, such as challenges with assessing capacity and consent.

To address these points, the Accreditation Panel had issued Action 2: 'The UK-SBA should revise its risk register with a focus on potential harms from registrants to service users. This should include the risks of working in isolated settings and children's own homes. Risks raised by those with concerns about ABA, such as challenges with assessing capacity and consent, should also be included to show how the UK-SBA manages these risks through its requirements for registrants.'

The Accreditation Panel's findings (reconvened meeting – Nov 2022)

The UK-SBA provided evidence of how it had addressed Action 2. During our assessment, we reviewed its revised risk matrix, which had been updated to include new risks covering the following areas:

- Practitioners failing to gain informed consent or assent from clients at key points during service provision.
- Practitioners failing to continuously monitor client consent (or assent) for procedures, and make changes when clients communicate, verbally or otherwise, that they do not consent or assent to a procedure.
- The safeguarding risk arising from practitioners working alone in isolated settings such as homes.
- Health and safety risks arising from practitioners working alone in isolated settings such as homes.
- Practitioners engaging in the use of punishment procedures or other procedures that are harmful, degrading, painful, or dehumanising.
- Practitioners engaging in practices relating to Conversion Therapy or Reparative Therapy which are harmful, degrading and unethical.

The mitigations for these risks include revised published information for parents/carers and service users new to BA/ABA,¹⁵ which make it clear what to expect from registrants in terms of enhanced criminal records checks and other requirements. Other key mitigations are its *Code of Ethical and Professional Conduct*, and position statements on punishment¹⁶ and conversion therapy.¹⁷ We also reviewed evidence of the UK-SBA's communications to registrants to highlight its requirements for clearly displaying insurance and indemnity status, consent and assent, and safe practice when working in isolated settings.

The Accreditation Panel was satisfied that the new risks addressed the areas of previous concern and made it clearer how the UK-SBA mitigated these, and that Standard 3 was now met. However, it issued Recommendations as above aimed at achieving clearer processes for escalation and considering risks within across its governance structure.

Standard 4: the organisation demonstrates that it has sufficient finance to enable it to fulfil its voluntary register functions effectively including setting standards, education, registration, complaints and removal from the register

Summary

The Accreditation Panel found Standard 4 was met at its initial meeting on 15 March 2022 and confirmed when it reconvened on 15 November 2022 that there were not any changes affecting this.

Accreditation Panel's findings

The UK-SBA has three main sources of funding: income from membership fees, donations, and workshops and other events providing Continued Professional Development (CPD).

During our assessment, we checked financial information including records from Companies House. We noted increased income from membership fees due to increases in registrant numbers over the past two years. The UK-SBA appears to be a sustainable business and to have sufficient reserves for the operation of its register.

We undertook due diligence on the UK-SBA's main donors. This identified that one donor's reporting to the Charity Commission was overdue by two years. We highlighted this to the UK-SBA, who confirmed during our assessment that it had contacted the Trustees of this charity and that it now undertakes due diligence of all potential donations over £5,000. The UK-SBA does not appear to be reliant on donations as its income from registrant fees and CPD events provide sufficient income to cover its outgoings.

We also checked that the UK-SBA has appropriate organisational and civil liabilities insurance.

¹⁵ <https://uk-sba.org/about-behaviour-analysis/information-for-parents-carers-new-to-aba/>

¹⁶ https://uk-sba.org/about-uk-sba/position-statement-on-punishment_pdf/?doing_wp_cron=1669382202.2255010604858398437500

¹⁷ https://uk-sba.org/wp-content/uploads/2022/04/Position-Statement-on-Conversion-Therapy_Apr-2022.pdf

On this basis, the UK-SBA's financial position appears to be stable, and sufficient to sustain the operation of the register. There does not appear to be any conflicts of interest arising from its acceptance of donations. We will check at future assessments that it is continuing its due diligence checks of potential donors. The Accreditation Panel was satisfied that Standard Four is met.

Standard 5: the organisation demonstrates that it has the capacity to inspire confidence in its ability to manage the register effectively

Summary

When the Accreditation Panel first met on 15 March 2022 it found this Standard was not met and issued Actions 3 and 4. The Accreditation Panel found when it reconvened on the 15 November 2022 that these Actions had been addressed, and that Standard 5 was now met.

The Accreditation Panel issued the following Recommendation:

- Recommendation 4: The UK-SBA should consider publishing minutes from its Board meetings, to allow transparency of decision making and oversight.

Accreditation Panel's findings (initial meeting – March 2022)

During our assessment we noted that the UK-SBA is mostly run by people who are either UK-SBA practitioners or are a parent or other family member of someone in receipt of BA/ABA, and who are therefore likely to have a positive view of the practice.

Given the strong polarity in views about BA/ABA, the Accreditation Panel considered it is essential for the UK-SBA to reach balanced views in its decisions about the register to inspire public confidence. There need to be routes for people with concerns about BA/ABA to raise these to the UK-SBA, and for there to be impartial consideration of any implications for the register.

The Accreditation Panel issued Action 3 to address this: 'The UK-SBA should develop mechanisms to allow independent expertise in governance and regulation to contribute to decision-making, through involvement in its Committees dealing with its governance, rules of conduct and complaints process.'

Another factor that could affect public confidence in the UK-SBA is the degree of separation between oversight of the UK-SBA's regulatory and membership functions. During our assessment we noted that there was cross-over of membership between its Public Protection and Benefit Committee (PPBC), and Membership Committee. This could give rise to actual, or perceived conflicts of interest in decisions about public protection. Additionally, since all members of the UK-SBA's PPBC were also members of the Board, there was not sufficient independent scrutiny of the Board's decisions.

The Accreditation Panel also issued Action 4 to address this: 'The UK-SBA should introduce greater separation between its governance of regulatory functions, and of membership functions. There should be clear escalation routes for risks/issues to be escalated up to the Public Protection and Benefit Committee.'

Accreditation Panel findings (reconvened meeting – Nov 2022)

As set out under Standard 2, following the initial Accreditation Panel meeting the UK-SBA set up the IEAG.

Members of the IEAG are selected according to their skills and are not direct providers, or users of ABA. So far, membership includes those with teaching, consultancy, governance, legal, and advocacy skills and experience in areas independent from UK-SBA.

The Accreditation Panel determined that the IEAG's role in providing independent expertise in governance and regulation fulfil Action 3.

The IEAG will allow for clearer separation of the UK-SBA's governance and membership functions, by providing greater independent input and scrutiny of regulatory functions. It's role in providing advice to the PPBC, and in oversight of decisions, is central within its Terms of Reference, providing clearer escalation routes. This gives the IEAG the role of independent scrutiny and support that was previously the responsibility of UK-SBA's Directors.

During our assessment, we also reviewed the revised Terms of Reference for the UK-SBA's Membership and PPB Committees. As well as referencing the role of the IEAG, these Terms also make clear that individual Board members may no longer sit on both the Membership, and PPB Committees. This should allow for more effective challenge of decisions at Board meetings.

The role of the newly established IEAG in providing advocacy for complaints is included within the UK-SBA's revised complaints procedure, published in September 2022.¹⁸ The IEAG is notified when a complaint is received, which enables support and advocacy to be provided if required from an early stage. The procedure also specifies (para 1.5) that a member of the IEAG, who will be a lay person with expertise in Governance and/or Complaints with no affiliation with Behaviour Analysis, will oversee the handling of the complaint to ensure impartiality.

The Accreditation Panel considered these revisions and agreed that there was now sufficient separation between functions aimed at public protection, and those concerned with membership. It noted that the IEAG allows for clearer escalation of issues and will provide independent oversight. Actions 3 and 4 had been addressed, and consequently Standard 5 was met.

Standard 6: the organisation demonstrates that there is a defined knowledge base underpinning the health and social care occupations covered by its register or, alternatively, how it is actively developing one. The organisation makes the defined knowledge base or its development explicit to the public

Summary

The Accreditation Panel found Standard 6 was met at its initial meeting on 15 March 2022 and confirmed when it reconvened on 15 November 2022 that there were not any changes affecting this.

The Accreditation Panel issued the following Recommendation:

¹⁸ https://uk-sba.org/wp-content/uploads/2022/09/UK-SBA-Complaints-Procedure_Sept-2022-2.pdf

- Recommendation 5: The UK-SBA should provide more detail about techniques used by its registrants in delivering ABA.

Accreditation Panel findings (initial meeting – March 2022)

The UK-SBA provides information about the history and development of the science of behaviour analysis on its website.¹⁹

This includes links to fact sheets developed by UK-SBA on areas such as autism and use of ABA, which includes links to UK-based research from established journals and other sources.

The Accreditation Panel agreed that the UK-SBA has demonstrated and communicated its defined knowledge base underpinning the practice of ABA, in so far as the evidence currently available. We will continue to monitor how UK-SBA is keeping up to date with the latest evidence, and how it describes the findings and any limitations of evidence, through our ongoing assessments.

In the meantime, we noted that there is less information available about some of the BA/ABA techniques we reviewed as part of Standard 1. The evidence provided by the UK-SBA for Standard 1 included Early Denver Start Model (EDSM); Picture Exchange Communication System (PECS); Natural Environment Teaching (NET); Pivotal Response Treatment (PRT) and Acceptance and Commitment Therapy (ACT). During our assessment of Standard One, we noted that evidence about the benefits of BA/ABA and associated treatments such as PBS and EIBI are limited. The National Autistic Society's statement on ABA and PBS also says it believes there should be more research into PBS.

The Accreditation Panel issued the following Recommendation:

- Recommendation 5: The UK-SBA should provide more detail about techniques used by its registrants in delivering BA/ABA.

Standard 7: governance

Summary

When the Accreditation Panel first met on 15 March 2022 it found this Standard was not met due to the points highlighted under Standards 2 and 5 relating to separation of functions, and the need for greater independent input and oversight. Meeting Standard 7 was also dependent on Actions 1, 3 and 4. The Accreditation Panel found when it reconvened on the 15 November 2022 that these had been addressed, and that Standard 7 was now met.

The Accreditation Panel issued the following Recommendation:

- Recommendation 6: The UK-SBA should continue the implementation of Patient and Public Involvement (PPI) strategies and consider how to involve those with lived experience relevant to BA/ABA in its work.

¹⁹ <https://uk-sba.org/evidence-base/>

Accreditation Panel findings (initial meeting – March 2022)

The UK-SBA is a private limited company, incorporated on 27 April 2012. Its governance consists of a Board, Committees, Advisory Board, and its Members' Special Interest Groups (SIGs). This was expanded to include the IEAG following the initial Accreditation Panel meeting, as described under Standards 2 and 5. It holds an Annual General Meeting (AGM).

The UK-SBA publishes its strategic priorities on its website. It also publishes Terms of Reference and membership details of its Board and Committees on its website.

The Terms for Board membership require that one third of the Board of Directors must retire and be replaced at each AGM. Board meetings are held at least four times a year. We observed a Board meeting on 25 January 2021 as part of the assessment process. This was held virtually due to the Covid-19 restrictions in place at the time.

There is a code of conduct for Board members, based on the Nolan Committee's 'Seven Principles of Public Life'. Newly inducted Board members must confirm that they will declare all conflicts, not use information from Board meetings to further personal or business interests, and understand the time and commitment required for the role. The Board itself does not currently have lay membership.

The UK-SBA's Advisory Board is made up of consumers of different UK behaviour analytic services and informs the work of the Public Protection and Benefit Committee. The aim of this is to provide the Board with a direct insight into the main service user area groups. Parents of children receiving BA/ABA form most of the membership of this Advisory Board.

The UK-SBA publishes an Equality and Diversity Policy²⁰ which makes explicit the requirements on registrants not to discriminate. The UK-SBA has also published a Statement on Racial Equality,²¹ which encourages registrants to add their voice to the message of solidarity in combatting racism. We also checked during our assessment that the UK-SBA would provide support and make reasonable adjustments where required.

The UK-SBA has set out how it will identify and record registrants with relevant dual-memberships. The UK-SBA will now require registrants to declare unspent convictions, sanctions, or removals from other bodies. The UK-SBA set out that if notified it will contact the other body for information prior to any approval, including that all necessary safeguarding steps had been taken.

The Accreditation Panel determined that Actions 3 and 4 were also relevant to Standard 7. These are considered in detail under Standards 2 and 5.

Accreditation Panel findings (reconvened meeting – Nov 2022)

Completion of Actions 3 and 4 has strengthened the independent input into the UK-SBA's decision-making, and enabled clearer separation of its public protection, and membership functions. This is detailed under Standard 2 and 5. The Accreditation Panel

²⁰ https://uk-sba.org/wp-content/uploads/2020/02/Equality-Diversity-Policy-MC-05-May-2019_approved-JM-Feb-2020.pdf

²¹ <https://uk-sba.org/uk-sba-statement-on-racial-equality/>

determined that these Actions had been met when it reconvened in November 2022, and that Standard 7 was also met.

Standard 8: setting standards for registrants

Summary

When the Accreditation Panel first met on 15 March 2022 it found this Standard was not met and issued Action 5. The Accreditation Panel found when it reconvened on the 15 November 2022 that this had been addressed, and that Standard 8 was now met.

The Accreditation Panel issued the following Condition:

- Condition 1: The UK-SBA should review and clarify the status of those displayed as 'not looking for work' on its Register. It should ensure that evidence of professional insurance, safeguarding training, and all other requirements are confirmed before Register entries are published (within three months of the publication of this report).

Accreditation Panel findings (initial meeting – March 2022)

UK-SBA registrants must adhere to its Code of Ethical and Professional Conduct.²² This is based on the following principles: 'do no harm', 'ensure safety', 'respect diversity', 'challenge malpractice', 'confidentiality', 'appropriate use of social media and networking sites', 'maintain appropriate professional boundaries', 'informed consent', 'work within the bounds of competence/expertise', and 'maintain and improve competence, pursue excellence'.

The UK-SBA has been in the process of developing UK-specific requirements for registrants. In the meantime, it has based its requirements on the Behavior Analysis Certification Board.²³ The BCBA is a US-based organisation, whose certification programmes are accredited by the National Commission for Certifying Agencies. The BCBA accepts international applications for certification.

Registrants under the grade of 'full Member – Board Certified Behaviour Analysis' are expected to adhere to the BACB's Professional and Ethical Compliance Code for Behavior Analysis.²⁴ During our assessment, the UK-SBA confirmed that its own Codes are the overarching requirement for its registrants. Our SYE consultation had raised concerns about the use of "aversives", also known as "positive punishments". The UK-SBA confirmed that it does not consider language used by the BCBA in its own codes, such as "negative reinforcement", as a synonym for "aversive" and that UK-SBA registrants are not permitted to use ABA in this way, or to engage in other forms of punishment.

During our assessment we noted that an area there appeared greatest risk of ABA being used or experience as a punishment was in situations in which people's behaviour may not be viewed as conforming with societal expectations. We had noted that the UK-SBA used the term "challenging behaviour" in its *Position Statement on the Use of Punishment*. It was not clear what this meant in the context of ABA. The

²² [Code-of-Ethical-and-Professional-Conduct-Nov20.pdf \(uk-sba.org\)](#)

²³ [BACB - Behavior Analyst Certification Board](#)

²⁴ [BACB-Compliance-Code-english_190318.pdf](#)

Accreditation Panel issued Action 5, ‘the UK-SBA should also include a clear definition of “challenging behaviour” within its guidance.’

The UK-SBA’s registrants are required to hold personal professional liability insurance and public liability insurance (and employer’s liability for those employing other staff) if not covered through their own employer. Evidence must be provided at point of registration. We checked during our assessment that appropriate documentation checks had been made on a sample of registrants.

The Standards for Training and Experience for Behaviour Analysis²⁵ also include professional competences.

The Accreditation Panel considered that the UK-SBA’s *Code of Ethical & Professional Conduct* was a comprehensive document. However, it thought that the UK-SBA should review and clarify the status of those displayed as ‘not looking for work’ on its Register and ensure that evidence of professional insurance, safeguarding training, and all other requirements are confirmed before Register entries are published.

The National Autistic Society (NAS) recommends that PBS practitioners ‘should follow the PBS Framework,²⁶ which sets out how to deliver good quality support.’ The UK-SBA is amongst the organisations that has endorsed the framework.

Accreditation Panel findings (reconvened meeting – Nov 2022)

Following the initial Accreditation Panel, the UK-SBA advised that it had used the term “challenging behaviour” since it is often used in mainstream care settings and schools, but that it is not a term originating in the field of behaviour analysis.

Its *Position Statement on the Use of Punishment*²⁷ has been updated to remove reference to “challenging behaviour”. It instead sets out that the UK-SBA ‘believes that using positive, proactive, values-based approaches, which focus on understanding people’s needs and working in collaboration with them to build skills and create opportunities to succeed, make punitive procedures unnecessary. All UK-SBA registrants have signed up to our ethical code, and any registrant found to be using harmful, degrading, painful, or dehumanising punishment procedures will be removed from our register.’

We found no other use of ‘challenging behaviour’ on the UK-SBA’s public facing materials, outside of third-party job advertisements posted on its website. Those we viewed did not appear to endorse the use of restrictive practices, or ‘punishment’ in response to challenging behaviour.

The Accreditation Panel determined that Action 5 had been addressed, and that Standard 8 was now met.

²⁵ [STD-9-training_approved-JM-Feb-2020.pdf \(uk-sba.org\)](https://uk-sba.org/about-behaviour-analysis/uk-sbapositionstatement-on-the-use-of-punishment)

²⁶ [Positive Behavioural Support \(pbsacademy.org.uk\)](https://uk-sba.org/about-behaviour-analysis/uk-sbapositionstatement-on-the-use-of-punishment)

²⁷ <https://uk-sba.org/about-behaviour-analysis/uk-sbapositionstatement-on-the-use-of-punishment>

Standard 9: education and training

Summary

The Accreditation Panel found Standard 9 was met at its initial meeting on 15 March 2022 and confirmed when it reconvened on 15 November 2022 that there were not any changes affecting this.

The Accreditation Panel issued the following Condition:

- Condition 2: The UK-SBA must provide its new application processes within three months of the publication of this report and before publication. This should include clear definitions for its registration grades setting out the remit of each category.

Accreditation Panel findings

The UK-SBA's *Standards of Education, Training and Experience for Behaviour Analysis*²⁸ are developed in line with the internationally recognised standards for behaviour analysis, developed by the BACB.

As set out under Standard 8, the UK-SBA has been in the process of developing its own credentialing/accreditation system pending the planned withdrawal of BACB certification within the UK. This work has been overseen by the UK-SBA's Education Committee. A new credentialing system has been developed to map across qualifications and add UK specific requirements. At the time the Accreditation Panel met on 15 November 2022, the UK-SBA was planning to launch its new approach in January 2023. We will review this information once published.

In the meantime, the BCBA has said that behaviour analysts residing in the UK have until 31 December 2025 to become qualified BCBAs, BCaBAs, or RBTs. This means that once the UK-SBA's credential-based system is operational, there will be a period of three years UK-based behaviour analysts may qualify through either pathway. Currently, there are four main categories of Full Membership: Board Certified Behaviour Analyst (BCBA); Comprehensive Application of Behaviour Analysis to Schooling (CABAS) Teacher 1; Postgraduate Diploma, MSc or PhD in Behaviour Analysis; or MSc or PhD in Psychology of Education with a focus on behaviour analysis.

In addition, the UK-SBA has two experience-based routes to its Register. It admits Associate Grade registrants who have a Postgraduate Diploma, MSc or PhD in Behaviour Analysis; or at least 1,000 hours of experience. They are also required to provide evidence from an employer and a letter of support from a full UK-SBA member, or equivalently qualified person. Affiliate grade registration is additionally open to those working in the field of behaviour analysis but who do not meet the requirements of the other membership categories. Affiliates must provide a letter of verification from a supervisor who is a full UK-SBA member, or equivalent. These categories are distinguished on the Register.

As part of our assessment, we checked for ABA courses offered within the UK. There are five universities in the UK that offer BACB/ABA Verified Course Sequences: Bangor University, Kent University, Queens University, Ulster University, and University of South Wales. These universities all provide the modules necessary for a candidate to apply to become certified by the BACB, however the universities themselves do not

²⁸ [STD-9-training_approved-JM-Feb-2020.pdf \(uk-sba.org\)](#)

certify behaviour analysts. Once the UK-SBA has published its own UK-based credentialing system, the qualifications issued by these institutions may be recognised directly by the UK-SBA, rather than requiring BACB certification.

During our assessment, we had identified that the requirement for references was not sufficient to ensure consistency of decisions about registration for those who have not presented the standard qualifications required. At its initial meeting, the Accreditation Panel determined that equivalence routes should be strengthened. It issued the following Condition:

- Condition 2: The UK-SBA must provide its new application processes within three months of the publication of this report and before publication. This should include clear definitions for its registration grades setting out the remit of each category.

Academic qualifications must be assured as meeting UK Quality Assurance Agency for Higher Education (QAA) requirements (or equivalent) and taught by ‘experts in the field’. These include coursework and supervised practice, completion of a BACB-set exam, and further ‘Commitment to adherence to the BACB’s Professional and Ethical Compliance Code’ and to CPD.

The UK-SBA does not currently accredit or directly approve training courses itself. It accepts qualifications from applicants presenting evidence from the sources set out in the above Standards.

This includes, for example, the MSc Behaviour Analysis and Therapy from the University of South Wales. Students who ‘successfully complete the course will meet the degree and module requirements for certification as a Board Certified Behaviour Analyst (BCBA).’ Students may then complete its ‘Postgraduate Diploma in Behaviour Analysis Supervised Practice, which allows students to accrue the supervised practice hours required for certification.’

During our assessment, we checked examples of applications that had met, and those had not met its requirements. This showed that the UK-SBA rejected applications which had not provided appropriate evidence of the required qualifications and experience.

Standard 10: management of the register

Summary

The Accreditation Panel found Standard 6 was met at its initial meeting on 15 March 2022 and confirmed when it reconvened on 15 November 2022 that there were not any changes affecting this.

Accreditation Panel findings

The Find a Behaviour Analyst²⁹ function on the UK-SBA’s website provides definitions of the titles used by UK-SBA registrants. It allows the public to search the register by, geographic location and/or by the level and speciality of the practitioner.

The main register includes the registrant’s name, job title, member number, their grade of membership and short personal biography. Other information displayed on the registrant’s ‘profile’ entry includes whether they are offering supervision, are currently

²⁹ [Find a Behaviour Analyst - UK Society for Behaviour Analysis \(uk-sba.org\)](https://www.uk-sba.org/)

available for work, hold an enhanced disclosure, hold independent insurance, and have completed safeguarding training for children. It also displays their area of experience and has a field to display any live sanctions. As set out under Standard 11, the Accreditation Panel issued a Recommendation for the UK-SBA to consider how to make any sanctions more visible within the register search function.

The UK-SBA has three grades of registration (Full, Associate, Affiliate) published on the register. The requirements for each of these grades is set out under Standard 9, above. Although the grade of membership is displayed within the register entry, the [Find a Behaviour Analyst - UK Society for Behaviour Analysis \(uk-sba.org\)](#) page does not include explanation of what the different grades mean. The Accreditation Panel issued a requirement for the UK-SBA to make its grades clearer as part of Condition 2, within its new guidance on entry requirements.

As part of our assessment, we sampled approximately 15% of registrant entries to check whether the information on their profiles matched that on the Register function. Although accuracy was generally satisfactory, we suggested that the UK-SBA could make sure that presentation of qualifications within registrant profiles is standardised. Subsequently, the UK-SBA has revised the presentation of some aspects of its register, and this now appears to have been addressed. It has also developed a new internal procedure for checking accuracy of key information, with findings reported on a regular basis to the Board. We check how well this is working in practice through our subsequent assessments.

Registrants must demonstrate at annual renewal that they have completed six units of CPD per year. The UK-SBA publishes the CPD values³⁰ that different types of activities represent. For example, fifty minutes of teaching instruction are equal to 1 CPD unit. We checked examples of CPD evidence during our site visit, which looked to be in line with its requirements.

Also on our site visit, we saw examples of where applicants had been refused registration for not meeting the UK-SBA's criteria. In one case, this was due to not having the correct documentation for a qualification, and in other case it related to not practising within the UK. The reasons for rejection were explained to the applicant in both cases. Applicants may appeal decisions to refuse entry to the register. During the period of our assessment, in April 2022 the UK-SBA published its appeals procedure.³¹

Standard 11: complaints and concerns handling

Summary

When the Accreditation Panel first met on 15 March 2022 it found this Standard was not met and issued Actions 6 and 7. The Accreditation Panel found when it reconvened on the 15 November 2022 that these had been addressed, and that Standard 11 was now met.

The Accreditation Panel issued the following Recommendations:

- Recommendation 7: The UK-SBA should consider how to ensure consistency of communications at relevant stages of the complaints process, for example through

³⁰ [Continuing-Professional-Development-Routes.pdf \(uk-sba.org\)](#)

³¹ [UK-SBA-Membership-Registration-Appeals-Procedure_Apr-2022.pdf](#)

use of templates, to ensure its decisions are communicated clearly and using an appropriate tone.

- Recommendation 8: The UK-SBA should consider how it can highlight its profile to ensure that employers and service users are aware of its public protection role and of routes for raising concerns.

Accreditation Panel findings (initial meeting – March 2022)

The UK-SBA publishes information about how to submit a complaint about its registrants, and how the information will be considered, on its website.³² The guidance suggests that complainants consider trying to resolve with the registrant or the registrant's employer where appropriate in the first instance but makes clear that people may also raise complaints directly to the UK-SBA at any point.

Complaints are initially reviewed by the Complaints Secretary who applies an initial threshold test to determine if the issue is within the scope of the UK-SBA's *Code of Ethical and Professional Conduct*. They can co-ordinate a mediation process, for complaints that are not of a serious nature.

If mediation fails, or if an informal approach is not appropriate, then complaints will be escalated to a 'first stage Panel' and considered at a hearing. This Panel will include at least one lay member. The aim of this Panel is to determine whether it has sufficient information to proceed and whether to accept the complaint formally. If not accepted, the complainant may appeal the Panel's decision.

If at this stage the complaint is accepted, there will be a 30-day period for the collection of evidence. The Panel will then meet again, with all parties invited to attend. The Panel will determine whether the registrant has breached the Code, or otherwise acted in a way that represents professional malpractice or has undermined public confidence or safety. After a 30-day appeal period, the decision will be published, and any outcomes that restrict the practice of the registrant published on their register entry.

When it first met, the Accreditation Panel found that suspension of registration (and publication of that sanction) as a potential outcome should be made explicit within the UK-SBA's complaints procedures. It also said that the UK-SBA should make clear it can investigate concerns raised through 'third parties', for example convictions, employers' disciplinary outcomes, or outcomes from statutory regulators. Given the potential seriousness of misbehaviour by registrants, the UK-SBA should also have the power to suspend registrants on an interim basis in the light of serious allegations.

The Accreditation Panel noted the potential vulnerability of service users, and the asymmetry of power in the relationship between individuals receiving ABA, and the practitioner. To account for this the UK-SBA should have clearer arrangements for supporting complainants in hearings, and for people to navigate its complaints system. We advised that the UK-SBA considers, for example, that parties to hearings have separate waiting areas, and in what circumstances it is necessary for parties to address the other directly or mediated through the Panel.

Complainants should not be required to raise a concern directly with the practitioner before reporting it to the UK-SBA, as is the current arrangement. It should also be clearer that using ABA as a punishment, against the UK-SBA's Codes, is likely to result

³² <https://uk-sba.org/register-as-a-behaviour-analyst/complaints-procedure/>

in removal from the Register. To support those wishing to raise concerns, the length of time allowed to raise a complaint should also be increased from the current one year, to potentially three years. The UK-SBA should also consider exceptional circumstances where it may investigate concerns outside its limit, if in the public interest.

To address this, the Accreditation Panel issued the following Actions to be addressed within six months:

- Action 6: Suspension of registration (and publication of that sanction) as a potential outcome should be made explicit within the UK-SBA's complaints procedures.
- Action 7: The UK-SBA should make clearer within its guidance and Codes that using ABA as a punishment or in a dehumanizing way is serious and likely to lead to removal from its Register.

The Accreditation Panel also advised that the UK-SBA should make clear it can investigate concerns raised through 'third parties', for example convictions, employers' disciplinary outcomes, or outcomes from statutory regulators. It should also document its policy for advising relevant bodies (e.g. a registrant's statutory regulator) in the event of a concern being raised that might involve a breach of that body's codes. If accredited, this would be a likely Condition unless addressed in the meantime.

Accreditation Panel findings (reconvened meeting – Nov 2022)

The UK-SBA submitted evidence of how it had met Actions 6 and 7. It had amended its Complaints Procedures in September 2022 to make explicit that it can issue interim suspensions (see 9.2 on page 9, under 'Sanctions'). This now makes clear that a registrant may be suspended pending the outcome of complaint due to safeguarding concerns, or other potential risk to the public pending investigation, or as a result of an investigation.

This could include using BA/ABA in a way that is harmful, degrading, painful, or dehumanizing. The UK-SBA's Position Statement on the Use of Punishment³³ makes clear that this type of use will lead to removal from the register. Having clearer mechanisms for interim suspension will enable the UK-SBA to take action to restrict registration if necessary if this type of case arises, in the meantime to the conclusion of a full investigation.

The UK-SBA confirmed such suspensions could be applied whenever it was decided that a registrant was not safe to practice, for example pending an appeal following a complaints outcome. Suspension would be published on a registrant's register entry, and on the 'publication of sanctions' webpage.

The UK-SBA told us that it is developing 'Indicative Sanctions Guidance' to support decision-making by its complaints panels, to be introduced in January 2023. We will review this guidance at the UK-SBA's next assessment.

The completion of Action 3, discussed under Standard 5, also helps to strengthen the independence of decisions about complaints by enabling more input from the newly established IEAG. The support that members of the IEAG can provide to complainants will also help to redress the balance of power between registrants and service users or others with concerns.

³³ <https://uk-sba.org/about-behaviour-analysis/uk-sbapositionstatement-on-the-use-of-punishment>

The UK-SBA also set out further work on developing guidance for sharing concerns with other regulatory bodies. It has begun writing to relevant bodies and organisations to encourage mutual sharing of information regarding joint registrants, in the event of any disciplinary outcomes. The UK-SBA will require registrants to declare membership of other bodies at point of registration and will inform these of disciplinary outcomes. The Accreditation Panel was satisfied with this progress and did not consider that a Condition is required.

Share your experience

As part of our accreditation assessments we seek feedback from patients, service users, the public, professional and representative organisations, employers and others on their experience of a Register.

We received 486 responses to our Share Your Experience (SYE) invitation. Approximately 5% of responses expressed concerns about the practice of ABA and/or UKSBA. Some of these concerns referred to ABA being used in a way that was discriminatory and/or otherwise harmful.

We invited individuals who had responded to our SYE to meet with us in February 2021, so that we could better understand their concerns. This informed our understanding of the way that perceptions of ABA may be experienced, particularly by people with autism. We heard particular concerns about ABA being used as a punishment, and to attempt to remove autistic traits.

We sought meetings with organisations other than the UK-SBA that have expertise in autism and ABA to help contextualise these concerns. We have also referred to the National Autistic Society (2022) published information about ABA and PBS. This highlights that views on ABA are 'strongly polarised' and that it does 'not support any intervention that follows one-size-fits-all approaches', or goes against its principles that support for autistic children and adults should:

- always be person-centred and promote autistic people's dignity
- keep people safe, healthy and happy
- enable autistic people to do the things they love
- never try and make someone 'less autistic', which is impossible anyway
- never use punishment.

We did not identify any evidence during our assessment that the UK-SBA's registrants are using BA/ABA in a way that goes against the principles set out by the NAS. We also understand that the field of behaviour analysis has evolved significantly since it was first introduced. However, we understand that people may feel concerned and upset about the practice of BA/ABA. The further Actions that we issued to the UK-SBA are aimed at reducing the risk of BA/ABA being used in a way that goes against these principles.

In line with our approach to all Accredited Registers, if we received concerns that indicate that UK-SBA's registrants or the organisation itself is contravening its position statements once accredited, we would investigate these and take any actions necessary.

Impact assessment (including Equalities impact)

The Authority is required to carry out an assessment of the impact of accreditation on service users before accreditation is granted. This impact assessment included an equalities impact assessment as part of the consideration of our duty under the Equality Act 2010. Once accredited, the impact assessment is reviewed as part of a Register's annual renewal, and at any point if there are concerns or significant changes in the external environment in the meantime.

The impact assessment of our decision to accredit the UK-SBA is published.

A key consideration in our assessment of the potential impact of accreditation were the views of people who had raised concerns through the SYE consultation about BA/ABA being used in a way that is discriminatory or otherwise harmful. As detailed in the section above, we sought to understand these views through further meetings with individuals and independent organisations such as the NAS.

At its first meeting in March 2022, the Accreditation Panel adjourned on the basis that the UK-SBA needed to strengthen its mitigations against its registrants using BA/ABA in a way that was potentially discriminatory or harmful. The Accreditation Panel also determined that it would be important for the UK-SBA to have more independent input from those who could represent the interests of its service users, into its decisions. The further Actions (page 3) required before accreditation could be granted were focused on these areas.

When the Accreditation Panel met again in November 2022, it determined that since these further Actions had been met, the potential adverse impacts of accreditation had been sufficiently mitigated. Although the Authority will need to remain vigilant of concerns about BA/ABA, the commitment by the UK-SBA to best practice in this field should overall, reduce the risk of BA/ABA being used in a way that is discriminatory or harmful. This could have particular benefit for those receiving BA/ABA in private homes.

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