

**Public Protection Committee (PPC) Minutes  
TBC.22PPC  
26 July 2022**

**Report Information**

<b>Meeting Date</b>	26 July 2022
<b>Venue</b>	Via Teams
<b>Confidential/Non-Confidential</b>	Confidential
<b>Author/Presenter</b>	Jo Smith, Governance Officer

**Purpose of the Report.**  
(Please tick all that apply)

To obtain approval	<input checked="" type="checkbox"/>	To canvas opinion	<input type="checkbox"/>
For information/to note	<input checked="" type="checkbox"/>	Regulatory requirement	<input type="checkbox"/>
To provide advice	<input type="checkbox"/>	To highlight the emerging risk	<input type="checkbox"/>

**Summary of Report**

Minutes from the last meeting of the PPC Committee held on 26 July 2022

**Recommendations**

The PPC Committee is invited to:

**Consider and approve** the minutes of the last meeting held on 26 July 2022 and **confirm** actions allocated at that meeting have been completed.

**Minutes from the Public Protection (PPC) Committee meeting  
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<b>Committee Members Present</b>	Velia Soames	VS	Interim Chair/Committee Member
	Jo Burns	JB	Committee Member
	Philip Matthews	PH	Committee Member
	Humza Chaudry	HC	Committee Member
	Julie May	JM	Governor (Co-opted Committee Member)
<b>BACP Staff Members</b>	John O'Dowd	JO'D	Acting Registrar - Professional Conduct
	Tolu Aluko (until 2.15pm)	TA	Head of Governance, Assurance, and Risk
	Jo Smith	JS	Governance Officer
	Beckie Grace	BG	Assistant Registrar
	Gemma Fay	GF	Hearings Manager - Professional Conduct
	Tasneem Dhanji (from 2.30pm)	TD	Associate Solicitor - Professional Conduct
<b>Apologies Received</b>	Mervyn Wynne-Jones	MWJ	Committee Member
	Fiona Ballantine - Dykes	FBD	BACP Deputy CEO

**Summary of actions**

Action No.	Agenda Item	Action
1	3.5	To secure and undertake relevant logistics around a face-to-face meeting [Governance]
2	3.5	<u>Action 2:</u> JB to inform her colleague that the recruitment process is still open [JB]
3	3.5	JM to apply to join PPC as a Committee member after the AGM on 11 November 2022 [JB]
4	2.1	A further report will be brought to PPC at the October 2022 meeting about Lead Adjudicator capacity and budget implications [JO'D/TD]
5	3.1	Committee requested that the CPSO provide an update on the recently published SSRI report for discussion at the October 2022 PPC [CPSO]
6	3.1	Committee requested that the CPSO provide a commentary on the reduced rate take up amongst members for the October 2022 meeting [CPSO]

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7	3.2	Committee to put thoughts and questions forward to JO'D for the forthcoming meetings with the DBS regulators and PSA. {PPC}
8	3.2	A further update will be brought to the 25 October PPC meeting. This will include reports back from the planned meetings. [JO'D]
9	3.2	A report around mediation will be brought to the October PPC meeting J'OD]
10	3.3	The Hearing Manager to add comparison figures from the same period in the previous year to the Professional Conduct Cases section of the report {Hearing Manager]
11	2.4	The Assistant Registrar to add comparison figures for the whole year into the report for comparison purposes [Assistant Registrar]
12	4.1	Assistant Registrar to feedback to the Ethics Services Manager about speed of response to enquiries about ethical issues [Assistant Registrar]

**Summary of Decisions**

1	6.1	<p>It was agreed that the October meeting will be face-to-face.</p> <p>Tuesday 25 October 2022, PPC also agreed to change the time to 14.00 - 17.00 (Light lunch from 12.45pm)</p> <p>Location: London</p>
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Ref	Item
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**General Matters**

**1.1 Welcome, Apologies and quoracy**

The Interim Chair welcomed everyone to the meeting.

Apologies had been received from:

- Mervyn Wynne-Jones
- Fiona Ballantine-Dykes

The meeting was quorate.

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**1.2 Declarations of interest**

There were no declarations of interest.

**1.3 Minutes and approved actions from the last meeting/Matters Arising**

The minutes of the meeting on 24 May 2022 were approved as a true and accurate record with the exception of one correction - Philip Matthews was not in attendance.

It was confirmed that it is still possible to provide feedback on the website to the Acting Registrar.

Other Actions are recorded to be updated at the October 2022 meeting

The Head of Governance, Risk and Assurance reminded PPC that completed actions will be moved to a separate document which will be available to the PPC. It was indicated that this is done for auditing purposes, and to ensure that there is a clear record of completed actions, available for inspection on request by any member of the Committee.

**3.5 Governance Report**

The Head of Governance, Risk and Assurance was required at another meeting and therefore the Agenda was amended to incorporate the Governance report as the next item.

The Committee were advised that risk Management work is progressing and that this will be reported on in subsequent meetings. BACP is currently engaged in a tender process to appoint an external company to provide internal auditing services, and there is, as of the time of the meeting, an intention to expand the scope of their work to include the development of items in the Risk Management Format.

The Committee were advised that a decision will need to be taken around the format of the October meeting and whether it is face-to-face, and this will be taken offline.

**Action 1: To secure and undertake relevant logistics around a face-to-face meeting**  
**[Governance]**

Members were advised that Committee recruitment has been extended and is now open until 19 August 2022 and BACP is reaching out as widely as possible. It was further advised that whilst there have not been any volunteers applying to date, the recruitment plan is to list on the Reach Volunteering website and to approach other professional bodies who have open recruitment on their websites. In parallel the recruitment of a PPC Chair is ongoing. The PPC Chair will also serve as a member of the Board, and this is being reflected in the role descriptor and recruitment process, which is being supervised by the Governance, Remuneration and Nominations Committee.

JB fed back that a colleague was interested in applying to join PPC but the website appeared closed to recruitment. TA confirmed that applications are still welcome and that they should be sent to the governance inbox ([governance@bacp.co.uk](mailto:governance@bacp.co.uk)).

**Action 2: JB to inform her colleague that the recruitment process is still open** [JB]

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	<p>JM enquired as to whether she needed to put in a formal application to join PPC rather than be co-opted from the Board. It was confirmed that this can be dealt with after the AGM when she will no longer be a Trustee.</p> <p><b>Action 3: JM to apply to join PPC as a Committee member after the AGM on 11 November 2022 [JB]</b></p> <p>The Governance report was accepted by PPC.</p>
<p><b>1.4</b></p>	<p><b>Interim Chair's report</b></p> <p>The Interim Chair acknowledged that access to BACP papers has been difficult at times. The Board Platform solution Convene is going to be rolled out by September 2022. This system has been trialled across Committees and Divisions and will contain all of the meeting papers on an online platform. A workshop will be arranged to give training to Committee members. <b>ACTION</b></p> <p>TH confirmed that business or personal email accounts can be used to set up accounts for individuals on Convene.</p> <p>JB informed the Committee that access to her BACP account is still not available. She acknowledged the Governance Team's help in resolving this issue. She raised a query about notifications when documents or other items have been uploaded onto the system and it was confirmed that this would be an automated notification to the individual's email address once Convene was in place.</p> <p>The Interim Chair invited any other comments on the proposed new system and it was welcomed by the Committee as per the update.</p> <p>The Interim Chair's report was accepted by PPC.</p>
<p><b>2</b></p>	<p><b>Assurance</b></p>
<p><b>2.1</b></p>	<p><b>Feedback from Audit Report</b></p> <p>TD joined the meeting to present the paper. Members of the Committee were advised that the Audit Report is an internal working document that will be used to draw up an action plan based on its findings and will be used to produce a workable quality assurance plan.</p> <p>TD has worked with Peter Smith (PS), the Lead Adjudicator who is also a solicitor. The Committee were advised that PS has been a panel member for over 6 years and BACP worked with him during the pandemic on the virtual hearing project and that they had been contracted to assist with Panel recruitment exercises, Clerk recruitment, and early training for these groups.</p> <p>The following was highlighted for the benefit of the Committee members present:</p> <ul style="list-style-type: none"> <li>• Twelve IAC decisions were chosen from 2021 to analyse on quality of decision-making, all involving different contractors, Panel members, and Clerks. Findings were positive in the majority of the cases. One of the contractors required feedback on the quality of work. This has been addressed and GF has been monitoring his reports. There were no adverse consequences to the decision-making processes as a result of these findings.</li> </ul>

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Other learning points will be summarised into a feedback report on best practice. The Clerks who support the IAC panel members are carefully selected for their backgrounds and experience. This has resulted in an action for the team to bring consistency to allegation drafting. The fundamental principle is that the member clearly understands the formal allegation and can respond appropriately. There are plans to instil more collaborative working between the Clerks and IAC Panels. When the IAC decides on a complaint it is the Chair's responsibility to sign this off and the Clerk is responsible for drafting the summary. The Team wants the Panel members to feel comfortable asking for redrafts if necessary. A virtual training and networking event will be held to enable Panel Members and Clerks to meet and share their experiences. The feedback document will be finalised this week and a plan for regular audits will be put together. Alongside this, a training plan will be put together.

The Committee were invited to ask questions or comment on the report, and the following areas were raised:

- It was queried whether the review processes are undertaken before and after a case has been taken to the IAC Committee. TD confirmed that initially the audit report was designed to test the IAC decision-making, however, other matters evolved from the review.

It was clarified that the authors of the summaries are all external contractors.

In terms of following due process, the Clerks draft the allegations based on the IAC Panel members' discussions and they have a role in ensuring the decision has the necessary evidence.

The standard of proof required once a case reaches a hearing is "the balance of probabilities"

- It was suggested that a decision about professional misconduct relates to conduct that is currently worded as "may" lead to suspension or withdrawal might be changed to "it is likely to" lead to suspension or withdrawal which sounds like almost an element of pre-judging the outcome. TD confirmed that this was a suggestion made by the Lead Adjudicator, but BACP won't be making this change.
- It would be useful for ongoing training for a template/precedent document to be available to ensure information is recorded consistently. TD stated that there are some templates for the IAC Summary report and decision-making outcomes that already exist that are in use.
- In Para 3.7 (Audit report) the IAC appear to have identified, in some cases, all the allegations as professional misconduct however, the Committee noted that the auditors did not 'think that all of them were'. Was this a drafting issue and will be an issue that will be rectified at the Final Hearing? It was confirmed that the Panel will decide on facts before considering allegations. The processes are important to underpin decisions making and it has been suggested that a peer review can be introduced.
- It is also hoped to instigate a feedback forum for Panel members and Clerks which would be collated by PS.

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- It was highlighted in Para 5.3 (Audit report) that the summaries identified an individual contractor who needed review. The question was raised as to whether there is a mechanism for identifying this outside the audit process? The team intend to carry out regular audits via PS taking 2 reports per month and auditing them to feedback regularly. This will be communicated to the Panel members and Clerks that audits will be ongoing.
- The Committee members asked for clarification as to whether the statement that the protection of the public has not been compromised by the deficiencies identified in the audit report? There has been no flawed decision-making and this was one of the main outcomes of the audit report. There are also in-built safety processes in that the IAC can correct a summary with the relevant Clerk. There are also Case presenters who will pick up any issues if an allegation reaches the hearing stage.
- The concern around incorrect allegation(s) was raised, and the point was made that a Practice Review Hearing can review and make a decision to resubmit. This has yet to be needed as a process and the pool of Panel members chosen to make decisions are from a judicial background and can provide further advice. The Committee were advised that this is a common practice for all regulators.

The interim Chair thanked the team for the update.

It was noted by Committee members in attendance that the year 2022 is about concentrating on quality and that a Lead Adjudicator has been appointed to lead/ assist on this. Given the volume of work, this may need to be increased to more than one Lead Adjudicator which could have budget implications. This would be explored further and reporting done to the Committee.

**Action 4:** A further report will be brought to PPC at the October 2022 meeting about Lead Adjudicator capacity and budget implications [JO'D/TD]

Subject to the discussions noted above the Audit report was accepted by PPC.

**3 Reports (Continued)**

**3.1 SLT/CPSO Report**

In the absence of the CPSO, the Interim Chair proposed to go through the report headings and take any queries, with the following being noted:

- It was noted that membership numbers have risen to 62,000.
- The dinner for Vanessa Stirum will take place at the September Board meeting
- There is a new report that has just been published on SSRIs which indicates talking therapies are more effective than SSRIs. The link to the report is:  
<https://www.ucl.ac.uk/news/2022/jul/analysis-depression-probably-not-caused-chemical-imbalance-brain-new-study>

**Action 5:** Committee requested that the CPSO provide an update on the recently published SSRI report for discussion at the October 2022 PPC [CPSO]

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- It was noted that the number of members on the reduced rate is falling and at an all-time low. Is this worth examining further and are the criteria fit for purpose and it was queried as to whether BACP is capturing the correct level of membership who qualify for a reduced rate?

**Action 6:** Committee requested that the CPSO provide a commentary on the reduced rate take up amongst members for the October 2022 meeting {CPSO}

It was confirmed that FBD is still the Acting CEO supported by the Board, SLT and SMT.

The SLT/CPSO report was accepted by PPC.

**3.2 Acting Registrar's Report**

JO'D presented the report and highlighted two main areas for the Committee to be aware of: EDI and DBS for Committee feedback. Noting this, the following point was made relating to DBSs:

- The work on DBS dates back to work BACP previously undertook around the Rehabilitation of Offenders. It was highlighted that BACP were not eligible to register on this list at the time. This gap has been reviewed with the DoH to determine whether BACP could be registered as an accredited provider of DBSs. There are a lot of issues still to be resolved but it is going in the right direction after several years.

It was queried as to whether BACP could be an "umbrella body" to support members to apply for DBS checks. The Committee were advised that the PSA is looking separately at the scheme to review if all members on the Register should have a DBS. It was also queried as to whether it could be a condition of the membership contract that a DBS check has been undertaken, with the indication being that BACP could support the process in terms of negotiating a charity discounted rate. It was noted that BACP should be proactive in this area and not wait "until something goes wrong".

Members of the Committee were advised that there is an exploratory meeting to be held with DBS regulators and the PSA (dates tbc). Committee members are welcome to put their thoughts and questions forward.

**Action 7:** Committee to put thoughts and questions forward to JO'D for the forthcoming meetings with the DBS regulators and PSA. {PPC}

The Committee were advised further of the following:

- It was noted that the DBS check is only valid at the time it is undertaken and there need to be measures in place for notifying any breaches. PSA is proposing to check DBS every 3 years and this could be checked with other regulators in terms of frequency.
- Both member applications and renewals have sections where convictions or misconduct should be reported. However, this does not include spent convictions.



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**Action 8:** A further update will be brought to the 25 October PPC meeting. This will include reports back from the planned meetings. [JO'D]

- PSA is introducing an EDI standard in April 2023. Those present were advised that BACP has an EDI policy in place but now needs to invest in systems to implement it. One of the issues to report on is that BACP needs to understand the requirements from the PSA for reporting statistics.
- The Committee was advised that there is a project underway to implement a new Case Management system and a contractor will be selected with the approval of the Programme Board. It was indicated that the current issue is that data is being collected manually and it is hoped that a new digital system will be in place by mid-2023.

An exploratory meeting has been held with a recommended firm of solicitors around mediation and a report will be brought to the October meeting.

**Action 9:** A report around mediation will be brought to the October PPC meeting [J'OD]

The Acting Registrar's report was accepted by PPC.

**3.3 Hearing Manager's Report**

The Hearing Manager presented the report, highlighting the following to the Committee:

- The first in-person hearing since lockdown had to be adjourned and therefore the first in-person hearing will now be held in September.
- A Feedback form is being developed and it is hoped this will go to go live in the next month. This is based on feedback from members and complainants.
- It was suggested that mediation could be added to the feedback form to indicate whether it would be taken up if available.
- It was acknowledged that the feedback process will help support both members and complainants, however, BACP must remain impartial.
- The criteria for assessing whether a hearing in person or online was queried. The default preference for all parties is still to undertake hearings virtually. However, in any case, where the witness is deemed vulnerable, there are allegations of a sexual nature or a specific request is made for a face-to-face hearing this will be taken into consideration.
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The Committee responded with the following requests on this item:

- That figures in Section 3 (Professional Conduct Cases) include comparison figures from the same period in the previous year be included.

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**Action 10:** The Hearing Manager to add comparison figures from the same period in the previous year to the Professional Conduct Cases section of the report [Hearing Manager]

- A change in the pattern of complaints has been noted. The department is currently under the anticipated budget although the processes are being followed as normal. Not as many hearings are needed. In some cases, less time is needed than forecast and fewer cases are going forward to disciplinary hearings. This is currently being reviewed.

The Hearing Manager’s report was accepted by PPC.

**3.4 Assistant Registrar’s Entry & Maintenance Report**

BG presented the paper and highlighted the following:

- That capacity had been increased to move members forwards in the registration process in Autumn 2022.
- Work with Awarding Organisations and Approved practitioner qualifications is ongoing. A few candidates have failed which means they can’t finish their course. They will have opportunities to retake their assessment at a later date.
- The Get Help service numbers of enquiries are less for June 2022 than other months as well and we are looking to understand the reasons for this

The Committee noted that it would be helpful to see numbers for the whole year in the report for comparison purposes.

**Action 11:** The Assistant Registrar to add comparison figures for the whole year into the report for comparison purposes [Assistant Registrar]

- The data collection process is now working well in terms of understanding patterns and priorities. In terms of Member support, a meeting was held on 20 July with a variety of BACP staff to gain their perspective on supporting Members who become subject to a complaint. In terms of following up, it is proposed to engage an external company to provide counselling support which would be available 24/7.
- 2 new staff members have been appointed, a Register Assistant and a role to support Approved Practitioner status.

The Committee requested a verbal update on Upstream prevention and an outline of the major issues as follows.

The Committee were advised that it was confirmed that Data collection will take a while to embed but in the meantime, BACP is working with an external contractor who is also a practitioner to develop resources to be added to the website. Examples of themes identified from the review process are Boundaries and Contracting .

The Assistant Registrar’s report was accepted by PPC.

**4. Any Other Business**

**4.1 Any Other Business**

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It had been reported back to JB that there have been some concerns about the speed of response from BACP on ethical issues with some members awaiting an appointment for 2 - 3 weeks. BG will feedback to the Ethics Services Manager who is doing a review of the service.

**Action 12: Assistant Registrar to feedback to Ethics Services Manager about speed of response to enquiries about ethical issues [Assistant Registrar]**

**5. Presentation of record on BACP website**

**5.1 To consider any items requiring redaction**

There were no items requiring redaction that were discussed.

**6. Date/ time and location of the next meeting**

**The Committee noted and agreed on the following dates for the upcoming meeting:**

It was agreed that the October meeting will be face-to-face.

Tuesday 25 October 2022, PPC also agreed to change the time to 14.00 - 17.00 (Light lunch from 12.45pm)

**6.1 Location: London**

Venue: PM has kindly agreed to host the meeting at:

Wedlake Bell, 71 Queen Victoria Street, London, EC4V 4AY

**Next meeting: 25 October 2022  
Lunch: 12.45  
Meeting: 14.00 - 17.00**