

## Complaint Summary

ACC were alerted that Mr Macdonald, a registered member of ACC had had a complaint upheld against him with another professional body, BACP, and had been removed from membership with them. ACC require applicants to declare whether they have had any complaints upheld against them as part of the application process.

In correspondence with ACC about this allegation, Mr Macdonald was open and honest about the circumstances of the complaint, explaining that he had been removed from the register because as he had not been able to complete the sanctions in the time given due to personal circumstances. He subsequently did complete the actions required of him and as a result was readmitted to membership of the BACP.

At about the same time, ACC received notification of a complaint from a former client of Mr Macdonald setting out a series of allegations, including that he had entered into a relationship with her. This was different complaint from that upheld by the BACP. An investigation followed and an Assessment Panel determined that there were grounds to progress the complaint to a Disciplinary Hearing.

The Disciplinary Panel members considered the evidence that was presented to them of several parallel relationships which Mr Macdonald had had with the client including having a sexual and romantic relationship with her whilst she was still his client. The panel also considered the circumstances that brought Mr Macdonald back into the counselling practice after a self-imposed break of five years. They also sought information about his professional understanding and reflection on what had contributed to the multiple breaches of boundaries that occurred with this client and which breached professional ethics.

Mr Macdonald expressed deep regret for the pain he had caused his former client, and also spoke about the personal losses he had experienced as a result of the events that took place. In his defence he presented several character references, including some from counselling professionals and spoke about the inner work he had done in trying to understand and come to terms with what had happened.

The panel upheld the complaint against Mr Macdonald, and whilst they acknowledged his genuine remorse, they nonetheless recommended that he be removed from ACC's register. They concluded that Mr Macdonald had not demonstrated sufficient professional insight into why these events had occurred, and further that his commitment to openness and candour was not evident when he had very recently failed to tell the truth on his application to join ACC.

Mr Macdonald logged an appeal on the basis that the sanction was too harsh. An independent reviewer was given access to all of the documents submitted to the Disciplinary Panel, the minutes of the panel and the appeal document. The Independent Reviewer found that the Disciplinary Panel had arrived at the appropriate sanction given the evidence before them, and that there was no new evidence presented in the appeal that would justify progressing to an Appeal Panel.

## **Record of Disciplinary Panel Process and Hearing**

**Complaint code: 202205**

**Registrant:** Roddy Macdonald

### **Meeting date**

Tuesday 15<sup>th</sup> August 2023

10am - 4.15pm

### **Hearing submissions**

*From ACC*

- Pre-Assessment Panel Bundle: *Complaint - Investigators Report FINAL* + 29 documents of evidence.
- Statement from complainant + 27 documents of evidence.

*From registrant*

- 7 references, including professional counselling referees.

## **Panel chair decisions made prior to the meeting**

1. Request from complainant to consider statement from her counsellor (who was also to be her support person during the hearing) - accepted
2. Request from registrant to submit a further professional reference - accepted

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## **Notes of the meeting held on 15<sup>th</sup> August 2023**

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Attendees:

### **Panel Members:**

Chair (Non-ACC Counsellor)

ACC Counsellor

Lay Member

**Panel Clerk:** Kathy Spooner

**ACC Presenter:** Sue Monckton-Rickett

**Registrant:** Roddy Macdonald

**Witness** (original complainant): A

**Witness Support:** B

Please note Brackets [...] and [... ...] [... .... ...] indicate where information has been redacted and give an indication of how much information was redacted. The name of the registrant's supervisor at the time that the events took place has been redacted as have details of intimate and/or sexual activities.

## **Beginning and introductions**

The panel held a pre-hearing meeting where they reviewed the evidence and determined the line of questioning that they wished to explore in the Disciplinary Panel Hearing.

The panel met briefly prior to the 10am start time on the day of the hearing and agreed to offer the witness the opportunity to attend with her screen off during the proceedings. The witness and her support person were called into the zoom meeting, and the witness accepted this offer.

The panel chair welcomed all to the Hearing and explained that that the meeting would be recorded so that a transcript could be retained. She acknowledged the difficulty and sensitivity of the material that was to be covered for all parties.

The panel chair introduced herself as a psychotherapist in private practise with a background in working with individuals and couples and a specialism in psychosexual therapy. She was an independent member of the panel, not being in membership with ACC, although she has done some work for the organisation in relation to complaints investigations and had been invited by ACC to chair the disciplinary panel hearing.

The counsellor member introduced herself as an accredited counsellor and supervisor and a member of BACP and ACC with over twenty years' experience in various settings. She has also been a counselling tutor.

The lay member introduced himself as the lay member of the panel and a retired employment solicitor.

KS introduced herself as the CEO of ACC who was acting as the panel clerk as ACC is a small organisation.

SMR introduced herself as the Chair of ACC and a counsellor in private practice, who was acting as the presenter of the case against the registrant, also because ACC is a small organisation.

A introduced herself as a witness (the original complainant).

B introduced herself as a support person for A.

RM introduced himself as the registrant.

### **ACC's presentation of the case**

The panel chair invited the ACC presenter to present ACC's case against the registrant. The ACC presenter read from her report "ACC Presentation for Disciplinary Hearing" (made available to the parties after the presentation) which set out the case against the registrant.

### **Complaint 1 - dishonesty when applying to join ACC's register**

The complaint is set out in detail in the ACC Presentation for Disciplinary Hearing which was read out in full. What follows is a summary of the first part of that presentation.

The registrant joined ACC on 11/01/2021 and as part of the joining process he was asked,

"Have you ever had a complaint upheld against you or received any disciplinary actions, sanctions or restrictions in relation to your counselling/therapeutic practice or training, that you have not previously informed us about?"

To which he answered "NO".

However, in BACP's Therapy today journal it was reported in June 2016 that the registrant had been removed from the BACP's register for failure to comply with sanctions arising from a complaint investigation.

When ACC were made aware of this, they wrote to the registrant in June 2022 to ask for an explanation of his failure to declare this on his application for membership of ACC. They also asked for details of the complaint that had been made against him during his membership of BACP, why he had not at the time complied with the sanctions and how he gained the reinstatement of his membership with BACP. The registrant responded by explaining that:

- His decision to change his initial answer of a 'yes' to 'no' in relation to whether a complaint had been upheld against him when applying for ACC membership, was down to a combination of admin not being his strong point, haste as he had a client appointment scheduled, worry about not being covered by any membership as his BACP membership was about to

expire, and a hope or belief that as he had completed the sanctions and been re-admitted into BACP membership, then maybe he no longer had to declare it. He subsequently deeply regretted his decision not to answer in the affirmative when asked on the application form that he had had a complaint upheld against him.

- The parts of the BACP complaint that was upheld were about boundaries with a former client (not A), and the sanction was to do further CPD on boundaries.
- His personal circumstances at the time of the complaint led him to leave the UK. Due to coping with significant life changes and losses, and other factors (for example the difficulties of gaining a reliable internet connection), he could not undertake the training he needed in order to fulfil the sanctions. However, he had been able to complete the required actions eventually, and on return to the UK was approved to re-join by a BACP membership panel. He then decided to re-join BACP as a member and remained a member until he realised that he would need to take the Certificate of Proficiency (COP) test to become a registered member again.
- His desire to join ACC was based on his Christian faith identity, price, access to Christian clients and to avoid having to sit the BACP's COP test.

The ACC presenter stated ACC's position in relation to complaint one, that the registrant had breached the following ACC Code of Ethics and Practice.

- Section 5.1 "Members should be trustworthy."
- Section 6.1.2 Personal qualities "Honesty: they must be straightforward and avoid all forms of deception."

He has also broken a condition of ACC Membership - "ACC Membership Benefits, Terms and Conditions".

### **Registrant's response to complaint 1**

The panel chair asked the registrant if he would like to respond to ACC's presentation about complaint one.

The registrant wanted to correct the ACC presenter with regard to the statement in the presentation that his BACP membership had expired 3 months prior to him applying to join ACC. He stated that his BACP membership had been due to expire around about the same time as he applied to join ACC. It was in part due to

this urgency, and the fact that he had a client appointment in 30 minutes, that he made the decision to put 'no' rather than 'yes' in his membership declaration.

The panel chair asked if the panel had any questions based on complaint one. As there were no questions, she invited the ACC presenter to proceed to present complaint 2.

## **Complaint 2**

*Entering into a sexual and romantic relationship with the witness when still being her counsellor.*

*Entering into other dual relationships with the witness whilst still being her counsellor.*

The complaint is set out in detail in the ACC Presentation for Disciplinary Hearing which was read out in full. What follows is a summary of the second part of that presentation.

- In July 2022, the registrant disclosed in a submission to ACC that he had entered into a relationship with a client that had contributed to the breakdown of his marriage and his decision to leave the UK, following the complaint process with BACP. The presenter noted that the witness had contacted the registrant and his former supervisor one month before he made this submission to ACC, expressing shock and surprise that he had returned to counselling.
- The witness approached ACC, also in July 2022, with concerns that the registrant was counselling given what had happened to her when she was his client. Due to the time frame in which the concern was raised (it was over 3 years since the events had taken place), ACC needed to seek advice from the Chair of ACC's Register Advisory Panel (an independent panel) as to whether the complaint could be investigated. The panel chair felt that it should proceed as a complaint investigation given the seriousness of the accusations. Document 14.
- The witness submitted a complaint formally in September 2022, setting out the events that occurred between 2010 and 2014.
- The complaint was investigated, and both the registrant and the witness were interviewed. Both parties were invited to submit evidence, and both had sight of the final report that went to an assessment panel.

## Key points from the presentation

- The witness had attended the same church as the registrant and his wife. When signed off work due to anxiety and depression in 2010, she was offered counselling through the church's counselling service, and the witness received counselling from the registrant who was the only counsellor within the church at the time.
- Over time the registrant entered into a number of parallel relationships with the witness, him and his wife temporarily living in the witness's property, inviting her to live with him and his wife, accepting rent from her, allowing his wife to join counselling sessions with the witness, and entering into a sexual relationship with the witness whilst still being her counsellor and also whilst still sharing a flat with her and his wife.
- In addition, the registrant was involved in other relationships with the witness. They attended the same church, they were both employees of the church and therefore work colleagues, and after their relationship had begun, he was briefly her tutor on a counselling course.
- The registrant did not discuss his developing feelings for and attraction to the witness with his supervisor. As the counselling relationship with the witness was coming to an end due to the established *romantic*<sup>1</sup> and sexual relationship; the registrant recommended that the witness have counselling from another counsellor. The registrant has given contradictory information about whether this counsellor was or was not his supervisor at the time of this referral.
- The witness set out evidence of correspondence and her journal extracts, in support of her memory of events which included the registrant's encouragement of her to think of herself as a loved and welcome member of his family (when living with the registrant and his wife), admissions of his sexual arousal when in her presence including during counselling sessions but also related to domestic incidents [...]; direct expressions of his attraction/desire for her (e.g. [...]); initiating and responding to different sexual invitations and acts (e.g. [...]), entering into this sexual and romantic relationship with her when she was living with him and his wife, and also while she was still his client.

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<sup>1</sup> The word romantic is not used in any of the evidence, however both parties have made reference to love being a factor in the relationship. The registrant has said that he 'fell in love', the witness that 'she thought she was in love'. The word is used in the notes to express this aspect of the relationship between the parties.



- Evidence from emails sent by the registrant and recollections included in statements from the witness show that sometimes the registrant made reference to God's will and desire in relation to the witness and her sexual fulfilment and to God prompting him to make certain revelations.
- These events evolved whilst the registrant was aware of the client's mental health issues, her vulnerability including suicidal ideation, and an attempt at suicide whilst at his flat after the first sexual contacts had been made. As her counsellor he was also aware of her history of [...], and other personal and intimate details that she would have shared in counselling.
- The registrant had in his statement to the complaint investigator, refuted some of the detailed points made by the witness about what had transpired and who had initiated sexual contact at different times - however admitted to falling in love with the witness and entering into a sexual relationship with her. The sexual relationship was in his view consensual and as a result he left his wife and subsequently lived with the witness as a couple for a period of time.
- The registrant seemed unclear about when the counselling relationship with the witness had formally ended and what constituted a counselling session. The registrant had made reference in his interview with the Complaint Investigator about long telephone conversations he had had with the witness after sessions when the counselling first began. In his view, the witness had found it easier to disclose personal information in these phone calls than in the session. The registrant had also made a distinction, which he shared with the witness, between counselling sessions that he took notes of, and therefore counted as therapy sessions, and therapeutic conversations which could happen at any time, which were not counted as therapy sessions. He had however formally re-contracted with the witness when his wife (not a trained counsellor) joined them for some counselling sessions.
- The registrant denied that he had engaged in behaviour that could be classified as grooming, or that he was a sexual predator. He did admit that he fell in love with the witness and that he engaged in a consensual sexual relationship with her, which he claimed was initiated by her but became reciprocal as well as consensual.
- The witness counter claimed that the registrant had prior to the overt sexual encounters, exhibited behaviour that was totally inappropriate and could be construed as 'grooming' when seen in the context of a counsellor/client relationship. Further his assertion that sexual contact was initiated by her

was not true, whilst accepting that she did participate in a sexual and subsequently *romantic* relationship with him.

- In mitigation the registrant had set out his feelings of being in love with the witness which developed whilst she lodged with him and his wife – and the significant losses he experienced when the relationship came to light. These included the loss of his job, his marriage, his relationship with his children and his ability to work as a counsellor.

### **The registrant's response**

The panel chair asked the registrant for his response to ACC's presentation.

The registrant said that he felt overwhelmed by the report. He firstly wanted to correct the ACC presenter on a matter of fact – confirming that he did not start practicing again as a counsellor until 2020. However, he felt there were other matters he wanted to raise.

The panel chair suggested an adjournment so that the registrant had time to formulate his response. However, firstly she read out the additional piece of evidence that was submitted by the Witness. The statement was from B, the witness support person and a BACP accredited psychodynamic counsellor, who had been the witness's counsellor from October to December 2022 and had had further sessions more recently.

In summary the statement attested to the witness apparent honesty and credibility and gave a professional viewpoint that what had occurred between the registrant and the witness has been an 'abuse of power by someone who had a duty of care towards her'. Further she stated that the witness 'is still suffering from the consequences of what she experienced' – and that the registrant had failed in his duty to be trustworthy and protect her.

The registrant said that he also had a further statement to submit but had thought it was too late. The panel chair confirmed that he could submit this statement.

The main meeting was then adjourned and the ACC's Presenter Report, together with the two additional pieces of evidence were shared with the registrant and the witness.

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### **Meeting adjournment**

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## **Panel review of further evidence and clarification of ACC's report**

During the adjournment the panel members met to review the additional pieces of evidence submitted by the witness and the registrant. They confirmed that they were both character references, in essence subjective views of the respective parties' character, honesty and integrity based on what the person writing them has been told.

The panel also wanted to ask for clarification from the ACC presenter as to the intention of the ACC report which seemed to be biased towards the witness. The ACC presenter was recalled into the panel meeting and explained that for a Disciplinary Panel ACC in effect presents the case against the registrant, and the complainant becomes the witness.

The panel asked whether the information presented in the report contained any new evidence, not previously known by the registrant. This was to consider whether there would be a need to adjourn the hearing to another date/time to give the registrant sufficient time to respond. The ACC presenter confirmed that all the information contained in the presentation had been collated from documents that both parties had seen, including the witness' original complaint report. Therefore, there was nothing in the report that the registrant would not have been aware of. She acknowledged the mistake or misunderstanding about when he had restarted counselling in 2018 because that was the date he had re-joined BACP, accepting his correction that he did not actually start back till 2020 – but this was not material to the main concerns. Nor was his BACP renewal date, and she accepted that this could be a mistake.

The panel decided that they would give the registrant sufficient time to review ACC's report in detail and if new evidence was highlighted by him, then they could reconsider whether the panel should reconvene at a later date to ensure that he had sufficient time to respond.

The panel reviewed and agreed the questions they would like to ask the registrant based on ACC's presentation.

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### **Panel meeting reconvened**

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The panel chair thanked the registrant for sending the letter of support and confirmed that the panel had read it. She also felt it was important to clarify for all

present that ACC in the earlier session had been presenting the complaint from the witness perspective, and that is the ACC's presenter's role at the hearing.

## **The registrant's detailed response**

The panel chair invited the registrant to go through ACC's report and raise any issues he wanted to.

The following lists extracts from the reports and the registrant's comments.

### **1. Page 4, para one**

A key document in this complaint is 11b, which A submitted with the Complaint Form. It includes an email on 19 July 2014 from A to [...] (the registrant's supervisor at the time when the witness was in therapy and who subsequently was a counsellor to A) and a response from the registrant on 25 July 2014. In his email response the registrant says "Everything A has put down is true" referring to the claims that she made in the email on 19 July 2014.

#### **The registrant stated:**

"When I got the email from A I was in a pub and was drunk and I didn't even read the full content of the email. I just reacted to it and replied straight away. And so, most of the points that follow I agree with, but there are actually things on it that I don't agree with. I know I'd said I agree with it fully, but I was actually drunk at the time and hadn't even read the full message. I'd phoned A that night and we had an argument about it."

The Chair asked the registrant what were the points he disagreed with? He said he did not have the email but would work through what was said in the document. The chair asked that the email be made available to the meeting.

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### **2. Page 4, bullet point 3**

After A had moved in with the registrant and his wife, counselling sessions had been with them the registrant and his wife, and that a new contract had been drawn up to cover this new arrangement. Some months after they had moved into the registrant's and his wife's new flat, A told the registrant that she wanted

counselling sessions to be just the two of them again, that she didn't feel that sessions with the registrant's wife were what she wanted or were beneficial anymore. This change was made, and sessions continued to be held in the flat for a while but then moved back to be held in the registrant's office at the church.

**The registrant stated:**

"It was the witness who asked for that [to have counselling from the registrant with his wife present] and it was only for a few sessions. I can't remember how many, but it was in my memory it was two or three. So that's all I have to say about that."

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**3. Page 4, bullet point 6**

On 4th October 2012, things went further, and the witness and the registrant engaged in sexual acts. The witness reports: [... ... ...]

**The registrant stated:**

"The sexual acts that started with [...] which was the same day that A called 999, and [...] started the following week. And it was A that instigated that, not me. After the ambulance had been called, it was a huge wakeup call I think to me, and I was obviously panicking about that. And prior to that there had been no sexual engagement. There were no sexual acts until then, and the actual [...] was a week after, I think it was the Thursday. We both were off work together on a Thursday and then from then on it was regular."

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**4. Page 5, final bullet point**

The registrant had said that he started falling in love with A when they were all living in the witness' flat. A asked him later why he did not discuss this with his supervisor, and he said that it was because he "did not want to lose her". She also says that in response he got angry and said things like "I fell in love with you, so sue me".

**The registrant stated:**

"That's not true. I didn't fall in love with A for a long time after she'd moved in."

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**5. Page 6, under emotional and psychological pressure**

A claimed that in a conversation about the BACP complaint the registrant continued to tell her that “she had deliberately relayed things inaccurately to make out that he was an abuser and that if he needed to, he would tell events in a way that made it look like she sexually assaulted him.”

**The registrant stated:**

“I never said that. I would never say that. So, I don't believe that's true. I think probably what I would've been talking about, if I had said that, would've been that the witness initiated the actual [...]”

The lay panel member asked for a point of clarification concerning the ‘BACP complaint’.

The ACC presenter explained that the alleged conversation between the witness and the registrant was not part of the BACP complaint but arose as a result of both parties finding out about the BACP complaint. The details are in the witness statements.

**The registrant further explained:**

“When the BACP complaint happened, we were actually in the witness’ kitchen when that arrived and she was upset that there had been a complaint because she knew the person that had made the complaint and she was worried that she was named in it because the woman that made the complaint had walked past the two of us and made an accusation that we were laughing at her. I don't understand that at all. I don't believe that's true.” Referring as above to the allegation that he would say that he was a victim of sexual assault.”

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**6. Page 7**

The witness in her complaint form claims that while the registrant and his wife were living in her flat the registrant had told her that he used to sit so as to deliberately see her coming out of the bathroom after having a shower. In his statement to the Complaint Investigator the registrant says that he could not have done this as there were two ensuite bathrooms. In additional evidence provided by the witness (attachments 11 and 12) it would appear that there was only one ensuite and the occupant of the other bedroom would have needed to use the bathroom.

**The registrant stated:**

"When the investigator interviewed me, she had said that this has happened when in our flat, hence the comment about the two ensuites, because in our flat each bedroom had an ensuite, so I couldn't understand the accusation. I certainly never sat waiting on A to come out the bathroom. My wife would've been present, I would've had to have waited in A's bedroom [in our flat] for that to have happened. So that's what that's about. But I definitely was not waiting for A to come out of the bathroom her flat."

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**7. Page 8**

Relating to activities in October 2012 [...]

**The registrant stated:**

He did not remember one of the events that was alleged. Also: "the bit about grooming, whilst I absolutely recognise and admit that everything I've done here has been wrong, and I deeply regret everything I've done, to call me someone who grooms people is shocking to me. And if it were true, there would be people before and after this situation. This was a one-off situation. It's never happened before. It's never happened since. I understand the massive impact it's had on the witness and I genuinely, deeply regret it. She was someone that I care deeply about. I know that might sound weird listening, but it's true. And as I say, if I was someone who groomed people, there would be evidence of that before and after. I find that really hard to accept."

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**8. Page 8**

The witness says that when she ceased counselling with the registrant and went onto a waiting list for another counselling service, because of the long waiting list the registrant asked his supervisor to provide counselling for her which she did. The registrant in his interview with the Complaint Investigator confirmed that the witness had some counselling sessions with the registrant's supervisor, but this was before she was his supervisor. However, in another statement he said that his supervisor "knew that the witness had moved in with him and his wife and made no comment" and so it would suggest that the supervisor had been his supervisor prior to the witness receiving counselling from her.

The witness has provided an email from the registrant to the supervisor dated 1st November 2012 (Attachment 10) in which the registrant asks the supervisor if she will counsel the witness, which is while she had been his supervisor. His reasoning was the "closeness of our relationship/friendship that to continue with me as her counsellor as well isn't really working. The witness is someone as you know that I value dearly and want her to have someone experienced to 'finish the good work'".

**The registrant stated:**

"I never said that [...] wasn't my supervisor when the witness saw her, she most definitely was my supervisor and had been for some years. The reason for the referral is the witness had asked me if I knew another counsellor and I had suggested [...] because she was a good counsellor and that's how that came about. And then the bit about finishing the good work, that isn't even something I would say. I don't know where that comes from."

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**9. Page 10**

The witness says that he has worked on himself a lot but gives no details of what he has actually done. From the training record it would appear that he did CPD on boundaries in 2017 (4 hours of online training and 30 hours of reading). This was presumably to fulfil the BACP's sanction and potentially some of the training may have included self-awareness/personal processing.

**The registrant stated:**

"I don't agree that there's nothing to indicate that I've specifically worked through things. I've had countless hours of counselling on this. I still receive counselling now and I've worked through this for years. I've lived with the guilt and the shame for years. It's had a massive impact on me as well."

The registrant confirmed that there was nothing else that he had highlighted in the report and that was all he wanted to say at the moment.

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There was a short break taken.

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The panel chair explained that the panel had some questions for the registrant and the witness.



## Questions for the registrant

### Lay panel member questions

#### Endings in professional practice

**The lay panel member** explained that as he was not a professional counsellor with a detailed knowledge of counselling, he wanted to ask a couple of questions about procedure and arrangements between counsellors and their clients. However, he wanted to clarify firstly whether it was the registrant's view that the counselling relationship with the witness had in fact come to an end before he had embarked on a sexual relationship with her? Is that still his position?

**The registrant** replied that he didn't remember the exact dates as events took place 10 years ago. However, they had stopped counselling in the counselling office and had had ad hoc sessions which weren't formal sessions, but they hadn't properly ended either. He hadn't formally brought an end to the counselling.

**The lay panel member** asked the registrant to explain for someone not involved in this field, how a counselling relationship is ended, and what formalities would normally be applied to end the relationship?

**The registrant** explained that the counsellor and client would usually talk about where they are at and how things were going, and if they believed that they had covered the issues that were brought to therapy, they would together decide how many more sessions might still be needed, most probably ending in two weeks or so.

**The lay panel member** asked the registrant to confirm that in his submissions he couldn't recall exactly when he had had a discussion of that nature with the witness.

**The registrant** confirmed that he had never had a discussion like that with the witness.

**The lay panel member** asked, once the sexual relationship had started, was there anything that the witness could have interpreted as being a continuation of your client counsellor relationship running in parallel with your sexual relationship?

**The registrant** asked the panel member to explain more clearly what he meant by the questions.

**The lay panel member** relayed that the registrant had said he had never had any discussions with the witness about a formal termination of the counselling relationship. So, in the registrant's view, would it be reasonable in that situation for the witness to believe that the parties were still in the relationship of client and counsellor at the same time as they were having a sexual relationship?

**The registrant** agreed that probably they weren't having sessions, but it never ended either. So, on the one hand they weren't having formal sessions, but equally he had not said the sessions are ending.

**The lay panel member** thanked the registrant for the helpful explanation.

#### Circumstances of the email sent to registrant's supervisor

**The lay panel member** went on to ask about the registrant's statement earlier in the hearing about receiving, and in the moment making a quick drunken response to the email from his supervisor which set out concerns about the registrant's and witness's relationship. The email and email trail were available to look at.

**The registrant** replied that he didn't remember as it was such a long time ago. He did remember when the witness had told him that she'd spoken to his supervisor, and that he was at a stag night in the pub. He remembers reacting to it, but that's all he can remember.

**The lay panel member** shared the email trail with the meeting attendees and pointed out that that the witness's statement revealing the incidents that had taken place with the registrant and his wife, was sent to the supervisor at 11pm on 19<sup>th</sup> July which was a week before the registrant sent his response on 25<sup>th</sup> July at 10:53 (the pub response). Was it the case that the registrant had not fully read the email he received on the 19<sup>th</sup> and had simply sent a quick response?

**The registrant** said that he could not honestly remember, he just remembered reacting to the witness sending an email or a text.

**The lay panel member** pressed for clarification as to whether the registrant was challenging the original statement that he had made in the email to his supervisor,

i.e. that everything the witness said had been true. Had he in fact not read the detail of the allegations when he made that statement?

**The registrant** explained that when he had said in the email that everything the witness had said was true, he was meaning that he was admitting that they had had a sexual relationship. He wasn't addressing each detailed point. He did remember getting the email from the witness (dated 19<sup>th</sup> July) but had felt overwhelmed and only read the first few lines. He believed that the email he sent to his supervisor in response was on the same day - but accepted that the timestamp said differently. He asked for confirmation from the panel that the evidence showed that he had received the email on the 19<sup>th</sup> and responded on the 25<sup>th</sup>. The panel confirmed this was the case.

**The panel chair** clarified the point that the lay panel member was attempting to establish - which was that there was six days between receipt of an email and the registrant's response to it, which is somewhat contrary to the registrant's earlier assertion that he had read and responded to the message when drunk at a night in the pub.

## **Questions from the counsellor member of the panel**

### Counselling and personal development

**The counsellor member of the panel** asked for further information about the amount of work the registrant has said he had done in terms of personal counselling and development. The registrant had talked about the series of huge losses following being sacked in 2013, and about the 20 hours of counselling he had received following this. Could he explain more about the work he had done on himself, what did the process of counselling look like, what further counselling and/or personal development had he done both in the UK and when he was living in other countries?

**The registrant** responded to say that it is not just counselling, but also working more broadly on his life, for example engaging in pastoral talks and listening to podcasts and using other online resources. He reported that he was in counselling now and has worked through some of the issues in conversation with current and former supervisors. The process has been one of working through shame and guilt through lots of different activities over the years. When asked he clarified that he

had only had two periods of personal counselling the 20 or so sessions immediately after losing his job in 2013, and then just recently.

### Returning to counselling

**The counsellor member of the panel** asked the registrant what had led him to return to counselling? What made him decide that the time was right and what were his thought processes about returning?

**The registrant** explained that it was a combination of factors. People who had known him and knew about the situation had asked him why he was not counselling. At the time he responded to them that he felt he could never go back because he had broken the boundaries. However, he also felt that counselling was “the reason I’m on this planet, it’s my passion” and felt very lost in the five or six years that he had not been in practice and had not known what to do with his life.

He also had had previous clients asking why he was not counselling. His stock answer was that he couldn’t because he had “broken all the rules” and “God will never trust me again”. Also, he thought that he couldn’t afford to build up a client base again.

In November 2019 he lost a job and his wife suggested that he become a counsellor again, because it was evident to her that he was passionate about counselling. At that point he thought about whether it would be possible to do this, having previously approached the BACP to clear his sanction and be readmitted to membership. At the time he felt that God said to him “you have been saying you can’t afford to go back to counselling, I am saying you cannot afford not to”.

From that point he felt “backed into a corner” because he had not previously believed that he would ever return to the profession. He went on a course to test the water and met his current supervisor who was warm and encouraging. He subsequently asked her to be his supervisor and told him about everything that had happened previously.

The registrant confirmed that at the moment he had ACC membership only, having not renewed his BACP membership.

### Referral

**The counsellor member of the panel** asked if the registrant was in a sexual relationship with the client when he referred her to his supervisor for counselling?

**The registrant** said that he did not remember.

### Candour

Building on what the registrant has said about his personal development and how he has changed since this situation, **the counsellor member of the panel** asked the registrant to tell the panel about now having complete candour in his relationships and whom he had demonstrated that candour to in regard to this whole situation?

**The registrant** responded to say that he had told his current wife before their relationship got established. He had also told people that he thought needed to know, including his pastors, supervisors, and people he had worked for in counselling organisations. These are people who have also submitted references on his behalf.

**The counsellor member of the panel** commented that this candour was with those who were part of a process of moving forward, and not necessarily those that were around at the time when the situation was developing.

**The registrant** said that he had talked about it in the counselling he had after losing his job and mentioned some other people that he had spoken to at the time.

### The church example

**The counsellor member of the panel** wanted to confirm her understanding that the registrant accepted that the associate pastor who had also invited someone from the church to come to live with him, was in a different position to the registrant. That is, what might be appropriate in a pastoral setting, was not appropriate in a counselling setting.

**The registrant** accepted that her understanding was correct.

### Counselling with the registrant's wife

**The counsellor member of the panel** asked the registrant about the time when he was living in the flat together and his wife became part of the process of counselling the witness. What training had his wife done as a therapist?

**The registrant** explained that his wife had had no counselling training. He did not remember her being active in the counselling, she was just sitting in.

**The counsellor member of the panel** asked the registrant whether this was set out in the contract, i.e. that his wife would have no active part in the counselling?

**The registrant** could not remember.

## **Panel chair questions**

### Candour

**The panel chair**, picking up on the questions and responses previously on candour, asked the registrant why he had not demonstrated candour when applying for ACC membership?

**The registrant** responded to say that he should have been open, but it was a shameful thing to admit to. He had rationalised in his head that he “had paid the penalty, I've paid the price, I've been punished, perhaps not by the body that needs to punish me, but I've certainly been punished and suffered a lot of loss and I think just wanting to put it behind me and move forwards.”

**The panel chair** asked the registrant if he had misled ACC about the BACP complaint and sanction.

**The registrant** acknowledged that he had done so.

**The panel chair** asked whether the registrant had considered speaking to someone in the ACC which is a Christian organisation which offers compassion to their members? Had he had considered saying ‘I need to talk to someone about something separate from the sanction that happened that would bring the organisation into disrepute’.

**The registrant** responded to say he hadn't, but rather had wanted it all to go away and to move forward with his life.

**The panel chair** highlighted the contrast between the registrant's expressed commitment to complete honesty and openness with his current supervisor, and his lack of openness with his previous supervisor. Could he explain why he had not

been open with his supervisor at the time about the sexual relationship he had with the witness or about the other blurred boundaries for example moving her into his house and having her as a paying lodger?

**The registrant** responded to say that his supervisor knew about the witness moving with him and had not really raised any questions about it. He said that he had mentioned about the client that had lived with the assistant pastor to illustrate that there was an expectation in the church to go the extra mile with people. The boundaries were quite blurred, and the registrant had had to argue strongly within the church that it was not appropriate for client confidentiality to be broken for example in meetings for prayer support.

When reminded that the question was why he had not been open with his supervisor about his relationship with the witness, **the registrant** said that it was because he did not want 'to lose' the witness. He also said that the relationship he had with this former supervisor was more formal and he didn't feel safe to be open and honest with her.

**The panel chair** asked the registrant whether he would say that he had misled his supervisor at the time by not being fully honest with her?

**The registrant** said that this was not intentional. He hadn't deliberately set out not to talk about the situation or avoid it. It wasn't in his thought process to do this.

**The panel chair** reflected that the registrant was implying that he 'accidentally didn't share' with his supervisor, and asked for his help in her understanding this a bit more?

**The registrant** explained that "it is just that I hadn't, that's obviously the consequence of it, but it wasn't intentional, I didn't set it out to deliberately do that. I guess I was ruled by my emotions rather than my brain."

**The panel chair** summarised his response as a confirmation that he had omitted to tell his supervisor of what was occurring between himself and his client. **The panel chair** further asked that when he had asked his supervisor to become the witness's therapist, had he also omitted to tell her that he and the witness had been in a sexual relationship?

**The registrant** agreed that this was the case.

### The registrant's understanding of the relationship he had with the witness

**The panel chair** commented that the registrant's current supervisor had referred to her understanding from the registrant that there was a consensual relationship between him and the witness. In the hearing, however, the registrant has acknowledged that all the while he knew that he was breaking the boundaries and holding the power balance. Would the registrant agree that he had omitted to be clear with his current supervisor about that dynamic between himself and the witness?

**The registrant** responded that he had been very clear and honest with his current supervisor about everything and had not held back.

**The panel chair** asked if this is the case, could the registrant help the panel understand why his supervisor thinks that the relationship was consensual - particularly as he had admitted that the therapeutic relationship had not formally ended before the sexual relationship began.

**The registrant** responded that the panel would need to ask his supervisor why she thought this was consensual, as he couldn't answer for her.

**The panel chair** clarified that she was asking the registrant what he might have told his supervisor for her to reach this conclusion.

**The registrant** responded that he thought that the witness was "fully engaged in what I thought was our relationship. I left my wife for her, I wanted to be with her. I thought that we were together, we stayed together in her flat many times, and I thought we loved each other. And at the time you're blinded by that. It's when you look back you can see where that power imbalance is and who has the power and see it. At the time I didn't feel it. At the time I felt equal. I didn't feel like it was unbalanced. I think I was just blind."

**The panel chair** asked whether in May 2020, when the registrant became his current supervisor's supervisee, would he say he was still blinded at that time in terms of his thought/belief that the relationship between him and the witness was consensual?

**The registrant** responded that it was consensual in the sense that it wasn't forced, or he thought it was mutual. He didn't know at what point in his life that he recognised that the big problem is that he was the person with the power. Over



the last ten years he can't pinpoint when this realisation happened nor when he gained clarity on this or that. All he knows is where he is at now.

### **The panel chair's question to the witness**

**The panel chair** asked the witness to tell the panel about her request for the registrant's wife to become part of the therapeutic alliance.

**The witness** responded by saying it was a suggestion from the registrant because she had been struggling with what she was bringing to counselling and finding it hard to open up. The registrant encouraged her to form a friendship with his wife outside the counselling initially. They did meet she thinks once, for a drink after church and just chatted. Then the registrant actually put forward the suggestion that because that relationship between his wife and herself was building, and because they were living in the same place, it might be helpful for his wife to come to the counselling sessions because she (the witness) might feel more comfortable opening up to him if his wife was in the session as well, because she's female.

**The panel chair** asked for confirmation from the witness that she was alleging that it was the registrant's idea, not her own.

**The witness** confirmed this and added that she agreed to the suggestion because she thought it might help.

**The panel chair** asked the witness if she had anything else she wanted to add.

**The witness** said that she had a couple of things she would like to respond to.

As a point of information, the registrant had claimed that as a direct result of his relationship with the witness he had lost his relationship with his children. However, during the time period that the witness had contact with him, he was in relationship with his children. She did not know when this stopped.

Also, the registrant had said that it took him years to get over this situation. However, as far as she, the witness, was aware, it was only a number of months after they ended contact that he met his new wife and married quite swiftly.

**The panel chair** invited the witness to tell the panel what she felt the long-term impact for her had been of the dynamic that occurred between herself and the registrant.

**The witness** said,

"I guess to put it plainly, the registrant's actions, manipulation, abuse of his position and the betrayal of my trust definitely had a significant impact on my mental health, ongoing relationships and my relationship with God and the church. It took me nine years to approach a church again and to get involved with them, which is noted in one of my statements of evidence. It took me years to work through that. But day by day I continue to improve my life and move forward and that has enabled me to get to this point of doing what I am now doing because I want to be able to prevent anybody else coming into this situation with the registrant."

**The panel chair** thanked the witness.

There were no further questions and the panel adjourned to consider their findings in the light of the evidence presented at and prior to the hearing in relation to breaches of ACC's code of ethics and practice and Terms and Conditions of Membership.

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## **Meeting adjournment**

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The meeting reconvened to hear the panel's findings.

## **The panel's findings**

The panel chair thanked the attendees for their patience whilst the panel deliberated and stated her intention to go through the findings of the panel.

### **Complaint 1**

In response to complaint 1, the panel were satisfied that the registrant's failure to disclose that a previous complaint had been upheld by BACP and his membership of BACP had been withdrawn is a breach of ACC Ethics point 5.1 and the qualities required in 6.1.2.

Further the panel's findings referred to above are also a breach of the conditions of ACC membership, point 5: that a member will keep ACC informed of any complaints and sanctions arising from a professional membership complaint.

## Complaint 2

The panel found the following to be instances of professional misconduct on the part of the registrant. The notes include some reflections from the panel's discussion during the adjournment to help illustrate the points.

The registrant had

- embarked on a sexual relationship with someone who was his client (the witness) whilst the therapeutic relationship was ongoing (concurrent)
- entered into dual relationships with this client as a church colleague/senior, counselling tutor and a paying lodger
- moved this client into his home
- brought his non therapist wife into the therapeutic relationship
- not informed his supervisor of his sexual/other feelings towards this client, nor of the sexual relationship he had entered into with her
- encouraged this client to have therapy with his supervisor, and neither he nor the client disclosed at that time to his supervisor that there was an ongoing sexual relationship between them

The professional members of the panel had a particular concern, brought out in ACC's report, that the client's history would make her particularly vulnerable, and knowing her history the registrant then involved her in sexual contact, whilst he held professional responsibility for her safety and wellbeing.

The Christian members of the panel found that the particular way that the registrant had referred to God in the therapeutic relationship further fuelled the imbalance of power in all of the differing aspects of relationships he had with the client, as well as in the therapy itself.

The panel had considered the registrant's defence that he has learned from his errors of judgement, however, the professional members of the panel found the registrant's:

- intentional and repeated referencing of the witness instigating the sexual contact in his evidence and presentation at the hearing, undermined his claim that he has accepted that he was the person with the power in the dynamic and is counter to his responsibility to cause no harm to his clients.

- repeated declarations made during the disciplinary panel hearing about having loved the witness was of concern, as it indicated his lack of understanding about the abuse of power and his ongoing responsibility as a professional therapist. Whilst the panel did not dispute that he may have felt love for the witness, they questioned the appropriateness of the witness having to hear this so often during a professional disciplinary panel hearing. The same comment applies to the registrant referencing the many losses he has suffered because of the relationship he had with the client.

The professional members of the panel felt that overall, there was insufficient evidence to demonstrate that the registrant had been fully committed to understanding from a personal and professional perspective what had led him to behaving as he did during the time in question, nor to prepare himself for re-entering the profession as a therapist with sufficient self-awareness and relational understanding to be a safe practitioner. The registrant's defence that he is now working on zoom or seeing clients in a church office and is happily married - did not in themselves ensure ethical practice. Ethical practice needs to be upheld regardless of the therapist's personal circumstances or work setting.

The panel acknowledged that the registrant had undertaken personal therapy after losing his job, and again more recently because of the complaint process, but it was unclear how long the registrant had been in therapy this year. However, the registrant had not sought therapeutic help or professional support from his supervisor when he became aware of his feelings for the client. If he had experienced the supervisor as too formal, he could have sought out a supervisor who he felt he could be open with.

Also, the registrant had been focused in his evidence on personal loss, having paid a heavy price for his mistakes and having worked on himself. However, the panel determined that he not been able to evidence clear and sufficient personal or professional development activities during the time between leaving and re-entering the counselling profession. In preparation for a return to counselling the registrant had not evidenced professional reflection on and evaluation of the appropriateness and readiness of him doing so. For example, he had not identified any shortfalls in training or knowledge gaps in particular relating to gaining a greater therapeutic understanding of trauma relating to adverse childhood events, and other areas of relational dynamics relevant to the situation that developed with the witness. Rather than evidencing how he was professionally and personally prepared for a return he had relied on external

evaluations: the recommendations of others and God; and felt that his openness and honesty about his past with his supervisor and employers was sufficient to demonstrate that he was a safe therapist.

In his evidence to the panel the registrant said that although he had confirmed to his supervisor that everything the witness had complained about was true, he had sent that confirmation from the pub whilst he was drunk and before he had considered the full extent of the witness's complaint. The panel did not find this explanation to be credible as there was a lapse of six days between the complaint having been copied to him and his email to his supervisor, which is evidenced in the document 11D in the evidence bundle.


The panel chair, in conclusion, reported for the record that the panel had upheld all the listed breaches associated with complaint 2. However, the lay member deferred to the professional members of the panel for areas he was unclear about as a lay member.

The panel chair reported that the panel had agreed the following sanction:

Removal from ACC's register of counsellors based on:

- Complaint 1, dishonesty to ACC.
- Complaint 2, sexual relationship with a client whilst in an ongoing therapeutic relationship.

**Signed as a record of the process and meeting by the Disciplinary Panel Chair**

Panel Chair	
Date	18.9.23