

Minutes of Register Advisory Panel Friday 19th May 2023

By ZOOM

Attendance

Catherine Clarke Solicitor (England & Wales) (CC) – Chair RAP
 Doreen Rowland OBE (DR) Independent
 Dr Heather Churchill (HC) Professional
 Tim Warren (TW) Independent
 Sue Monckton-Rickett (SMR) ACC Chair
 Kathy Spooner (KS) ACC CEO
 Gillian Stuart (GS) ACC Head of Membership Services
 Sarah Palmer (SP) ACC Administrator

Apologies

Revd Dr Richard Needle (RN) Independent
 Fiona Stevenson (FS) Independent

1. Welcome and Apologies

CC opened the meeting and welcomed everyone. Apologies received from RN and FS.

KS opened the meeting in prayer.

2. Conflicts of Interest Register and Policy

CC suggested looking at the Register of Conflict of Interests at the same time as the general policy review.

HC raised a concern re ACC paying her for training services (at online conference) – does this need to be included?

SMR explained that whenever there is a proposal to pay a trustee for services, this is raised at Board level in advance and approval sought to ensure that they are the right person for the role, that the proposed rate of payment is in-line with standard rates and that no expectation of an ongoing business relationship is created.

It was agreed that if HC were invited to present training at an event, this should be raised at a RAP meeting before the event. If no meeting is scheduled this may take place via email to the panel. RAP can then approve or comment before the event. Any agreed payments to panel members should be recorded and included in the annual report to the PSA.

Changes to the Conflicts of Interest Register

- DR is now a retired member of the Royal College of Occupational Therapy
- The conflict of interest register (the excel spreadsheet) needs to be reviewed and formatted to allow printing.

HC asked whether those involved with SCoPEd (HC, KS and GS) should declare this as a potential conflict of interest? CC agreed that a conflict of interest statement should be included regarding this.

TW raised a query as to whether there is a need to declare everything, or only interests that could potentially cause a conflict of interest. He offered to look at any guidance e.g. from the Charity Commission guidelines to clarify what is required. TW suggested that we need to be thinking about 'conflicts of loyalty' as well as considering financial gain. An example might be HC's role at Waverley Abbey College.

CC asked SMR to look into whether there are any guidelines from the PSA, however it is likely that these will point to the charity commission guidance. We need to establish whether the register of interests for RAP need to be published.

The discussion around conflict of interest fits into the review planned at the next RAP meeting in relation to the various RAP policy documents. All RAP members to be invited to send their comments through to KS and CC so that revised policies can incorporate input from all RAP members.

Actions	Name	Date
Research guidance on scope of interests from e.g. charity commission	TW	Prior to next meeting
Find out PSA recommendations on scope of conflict of interests	SMR	Prior to next meeting
Make changes to conflict of interest register and set it up for ease of printing	KS	Prior to next meeting

Decision

Where a panel member may be in receipt of payment from ACC for goods or services, they should notify the panel in advance for approval or to log a concern. Payments to panel members from ACC will be included in the RAP Chair's annual report to the PSA.

3. Minutes of last meeting and matters arising

March 2023 Minutes changes and corrections:

CC said that accurate minutes are helpful for the compilation of the annual report, and thanked the ACC team for recent improvements in minute taking.

Minor changes and corrections were agreed.

There were no matters arising.

4. PSA Standards

RAP Annual Report & PSA Annual Check

CC completed the RAP annual report and submitted it. The panel thanked CC for such a thorough and well written report.

HC, referring to the annual report, raised the issue of the Board's commitment to send a nominated Board Member to attend RAP.

SMR explained that the nominated Board member had given apologies and had determined that he could no longer commit to attend because of family responsibilities. The issue had been raised at the

Board and due to trustees' various commitments the most practical way forward was to have different members of the Board attending meetings. Chris Williams, the deputy chair will be attending in September and Christine Pinder will attend December meeting.

KS confirmed that the PSA's Annual Check report was submitted, and ACC are awaiting the outcome. The panel to note this was a 'mini' check with a full PSA review scheduled for 2024.

In terms of significant outstanding work relating to the standards, the complaints policy and the policy on rejecting an application to join the register are still in progress, but not yet completed.

Equality Diversity & Inclusion Standard

KS reported that Professional Standards Authority have confirmed their intention to include an EDI standard. We have had sight of the draft standard and when the new IT system is in operation, we will be able to collect EDI info about our registrants, establish a baseline and then monitor looked for changes against our EDI strategy (when this has been formulated and agreed). A particular area of interest for the PSA is monitoring complaints from the perspective of EDI. We do not yet hold information about complainants or registrants but need to consider doing so.

HC raised the point that looking at trends is difficult in a small organisation with the small numbers involved. CC suggested there may be rules around stats related to small cohorts as risk is that these are not anonymised enough. Any statistics would need to be contextualised and submitted with population data.

KS raised the issue that the PSA have not defined the data sets on EDI, so each register could be collecting the data differently, which will make it difficult to collate the data across the different organisations. This seems a missed opportunity.

TW asked when the new Standard will come into force. SMR responded that our understanding is that we need to submit in September the extent to which we currently meet the new standard (when its published) and we believe we will have till the next review cycle to meet the standard fully where possible.

5. Review of RAP policies

All of the RAP standing documents are overdue a review, and the plan proposed is that the panel will review and suggest amendments which will be presented for agreement to the RAP meeting in September. The recent policy on redacting minutes will be included in this.

Actions	Name	Date
Review of standing documents	All	Prior to next meeting

6. ACC Update

CC suggested we look at the Register figures update as part of this item. CC appreciated GS updating the report and reflected that things are going in the right direction – hopefully we will reach a thousand members soon. Really positive.

HC raised an issue regarding one member being turned down as they didn't meet the standard. Does RAP need more information about those who are refused membership in relation to ensuring that

there is no discrimination and processes are fair and transparent? GS explained that in this case the member's counselling training didn't meet the required number of training hours. GS agreed to include a reason for rejection in the report to ensure transparency.

Actions	Name	Date
Amend the register number report to include reason for rejection of register application.	GS	Prior to next meeting

Recruitment of Registrar

DS, ACC's former registrar, left her employment in December 2022. Due to financial and other constraints, recruiting a replacement was postponed with a view to someone being in post in circa June 2023. There is an opportunity to review the role and to split the administration of the register from managerial oversight of the register. It is likely that GS will become the registrar (she is acting registrar at the moment), and we will recruit to a 'deputy registrar' position.

Progress of ACC's self-assessment against evidence framework

KS reported EDI is the new proposed standard (standard 9) and we have yet to formally assess ourselves against this standard.

As above the revised complaint process remains in progress and will include linked policies to cover the gap in relation to determining eligibility for the register and how to appeal a register decision.

New IT System

KS reported that the new system continues to have an ever shifting go live date, and this has caused difficulty for the team in relation to planning and resourcing and is frustrating for the organisation as we can't realise the anticipated new benefits. Realistically there is nothing we can do, and the delays also impact on the software development company.

CC asked whether the current system is stable enough and GS reported that it is not getting any worse at the moment, and there have been only two recent outages. However, it remains a risk factor.

7. ACC Counselling Update

Complaints Process overview

KS has started re-writing the complaints process and the ideas are taking shape in terms of the process. KS shared a diagram of the new process is designed for registered members only. It is a priority to have this process completed and approved, and it can be used as a basis for other membership groups and types.

High Risk Complaint > temporary suspension order? (Notifications Policy e.g. unspent convictions, charges, removal from employment etc. Decision must be ratified independently.) > Complaint Investigator (gathers and sets out evidence) > Fitness to Practice hearing (independent) > Outcomes & sanctions (> Appeals process) > Outcomes and Sanctions published unless the case is dismissed.

There was a discussion around temporary suspension orders (made by the registrar for cases where there may be an immediate risk to the public in the registrant continuing to practice) – and how

these then pass to a panel for ratification. HC made the point that the process must be made clear and communicated well before it is submitted to the PSA.

CC suggested convening a separate meeting in order to be able to discuss the complaints policy in more detail and asked what the timeframe is for submission to the PSA. The targeted review stated that the complaints policy for registrants has to be with the PSA in June. KS reported that realistically it is likely to only be a draft version submitted in June because there won't be time to complete it and review it and get the required RAP and Board approvals before June. Our hope is to go live with it in September/October, as it will be an improvement to the reinstated policy.

KS explained that the new 'Notifications Policy' is something the BACP and other registered bodies have in place to cover situations where for example an applicant for the register have an unspent conviction. ACC can be 'notified' at any point in a membership joining and renewal process of an event that could present a risk of accepting an applicant or a renewing registrant or where there is a case to suspend a registrant, or to allow a registrant that has been removed from the register to reapply. The policy is designed to allow independent review and decision making in these cases.

CC suggested changing the name of the panel to the 'Interim Suspension from Practice Panel' instead of 'Notifications Panel' to avoid confusion.

Medium Risk Complaint (less serious mistakes/lapses & applied clinical approach issues) > Complaint form & evidence received from client and sent to counsellor for their response and evidence > Practice Review Panel > (Appeal? > Reviewer) > Outcomes and actions (not published).

In relation to the Practice Review Panel for a medium risk complaint, HC asked whether counsellors should have the right to attend the panel in order to clarify anything? DR – added that there was a risk if not that the outcome of the panel will be dependent on the complainant / counsellor's ability to write a decent report. SMR explained that this is how other registered bodies do it – and it can be seen as a proportionate response to these types of complaints. HC and DR concerned about how it would feel as a counsellor being complained about – without having an opportunity to address the panel in person and be face-to-face with the complainant. There was a discussion around the benefits of both the complainant and counsellor being face-to-face or whether complaints should be heard and responded to separately. It was felt that a dialogue was important and could help to avoid appeals. However, dialogues needs to be structured, boundaried and replicable so that all going through the process will be treated in the same way. The nature of these types of disputes means that having it done purely on paperwork may not produce a fair outcome. KS noted the comments – but cautioned that it will make the process more complicated, lengthy and costly. SMR advised that in BACP's Practice Review Track both parties can submit questions to be asked by the panel. HC suggested including a mediation process before it even gets to the complaint. KS reluctant as ACC would be going back to what we had before in the process that was rejected by the PSA. KS concerned to make it a safe and proper process.

Low Risk Complaint > Complaint sent to member as feedback > member has the right to reply and issue an apology if appropriate > no further action but retained on record. An example would be if a counsellor had cancelled two sessions in a row and the client was unhappy.

A query was raised as to who decided what was a high, medium and low risk complaint. KS view is that would have to be someone other than KS or SMR – perhaps Registrar or Complaints Manager. Need to avoid decisions falling on one person. Trustees and CEO are not allowed to be involved in decisions / risk assessments. However, it costs circa £1,000+ per panel meeting, so costs quickly escalate if ACC were to convene a panel to make these decisions.

TW agreed that what is ideal is not really practical and there is no easy answer.

As a point of information in the published policy we intend to use ACC rather than specify specific roles however we will need a separate document outlining the roles within ACC.

CC cautioned that following some of the cases recently the process must be watertight to cover the trickiest complainant / registrant and or subject of a complaint.

8. Complaints (+ issues arising from)

Complaints in progress were discussed.

9. RAP Standing Items / Concerns

Recruitment

CC recommended that we review and update the policies, and then the panel can have another think about the challenges of recruitment.

10. AOB

None.

Dates of next meeting

22 September, 2-5pm (Zoom)

8 December, 1pm for lunch then 2-5pm (in person – Sutton)

Table of Actions C/F added or noted as completed at the meeting.

Open – Actions

Cross Ref to Minutes	Action	Who	By When	Outcome
24/03/23 Item 6c	Update report of membership numbers to swap axes	GS	MAY 2023	Complete? 22.09.23
19/05/23 Item 2a	Research guidance on scope of interests from e.g. charity commission	TW	Prior to next meeting	Complete 22.09.23

19/05/23 Item 2b	Find out PSA recommendations on scope of conflict of interests	SMR	Prior to next meeting	Complete 22.09.23
19/05/23 Item 2c	Make changes to conflict of interest register and set it up for ease of printing	KS	Prior to next meeting	22.09.23 Complete
19/05/23 Item 3	Update March 2023 minutes, as above	SP	Prior to next meeting	22.09.23 Complete
19/05/23 Item 5	Review of standing documents	All	Prior to next meeting	22.09.23 Complete
19/05/23 Item 6	Review of Section E of the Practice Review document	GS	By December meeting	
19/05/23 Item 7	Amend the register number report to include reason for rejection of register application.	GS	Prior to next meeting	22.09.23 Complete

Actions on ACC's Workplan / Ongoing Items

Cross Ref to Minutes	Action	Who	By When	Outcome
30/09/22	List of system/process risks impacting register accuracy	KS/GS	Ongoing	22.09.23 Complete
30/09/22	Self-Assessment against July 2021 Accredited Register Standards	KS/GS	30 th March 2023	Ongoing
02/12/22 Item 12	Begin to look at advertising/pro-actively recruit for new members to RAP	SMR/KS	September 2023	Ongoing

Cross Ref to Minutes	Action	Who	By When	Outcome
10/02/23 Item 4	Email members of the ACC Board to ask for titles	SMR	March 2023	Ongoing
10/02/23 Item 4	Produce some principles for redaction for RAP committee and ACC Board meeting minutes	SMR	TBC	At September Meeting
10/02/23 Item 8	Create a policy for register applicants applying to join after a gap in practice	GS/KS	May 2023	Ongoing

Completed/No Longer Required Actions

Cross Ref to Minutes	Action	Who	By When	Outcome
24/03/23 Item 6d	Update Table of Actions to include a, b, c etc.	SP	May 2023	Complete
24/03/23 Item 10	Website updates	GS/YH	ASAP	Complete
24/03/23 Item 4a	RAP members to check biographies on the ACC website	All RAP members	ASAP	Complete
24/03/23 Item 4b	RAP to be kept updated via appropriate channels	KS/SMR	ONGOING	Complete
24/03/23 Item 5	Ask Peter Roberts to update our confirmation status on Companies House website	KS	ASAP	Complete
24/03/23 Item 6a	Update page 5 of February 2023 minutes	SP	COMPLETE	Complete
24/03/23 Item 6b	Clarify whether the final paragraph of Item 7 (page 6 of February 2023 minutes) is correct	KS	MAY 2023	Complete
10/02/23 Item 8	Check criteria for joining the ACC register on the website	KS	March 2023	Completed

02/12/22 Item 4	Correct September minutes to reflect date of next meeting as 2 nd December 2022	GS	February 2023	COMPLETED
02/12/22 Item 4	Change format of minutes to include actions and decisions within body of minutes and use a summary notes approach rather than minuting.	GS	February 2023	COMPLETED
02/12/22 Item 4	Organise SharePoint access for TW	GS	ASAP	COMPLETED
02/12/22 Item 4	Follow-up to notes Forum	KS/GS	January 2023	COMPLETED
02/12/22 Item 5	ACC to consider making alterations to the decision impacts document, which have been recommended by RAP in notes above.	KS/SMR	Ongoing	COMPLETED
02/12/22 Item 5	SMR to submit to RAP documents outlining ACC reasoning and decisions around complaint currently in appeals process	SMR	February 2023	COMPLETED
02/12/22 Item 5	SMR to provide RAP with Steve Johnston's report on proposed new complaints process	SMR	February 2023	COMPLETED
02/12/22 Item 5	RAP to respond to PSA EDI consultation	RAP	December 2022	COMPLETED
02/12/22 Item 5	RAP to contribute to ACC's response to safeguarding consultation	RAP	January 2023	COMPLETED
02/12/22 Item 10	Check if PSA had been informed about original accreditation pilot.	SMR	February 2023	COMPLETED
02/12/22 Item 14	KS and CC to organise onboarding process for TW	KS/CC	February 2023	COMPLETED
02/12/22 Item 4	Consider how best to redact minutes for ACC website.	KS/GS/SMR	TBC	COMPLETED
02/12/22 Item 4	Circulate membership statistics produced for board meeting	GS	ASAP	COMPLETED

02/12/22 Item 4	Update November meeting minutes	GS	February 2023	COMPLETED
02/12/22 Item 4	Redact November meeting minutes and publish as summary notes of discussion on ACC website	SMR and office team	TBC	COMPLETED
02/12/22 Item 5	PSA standards to be included as standard item on RAP agenda going forward	KS	Ongoing	COMPLETED
02/12/22 Item 5	A copy of the PSA standard should be included with each RAP agenda	KS	Ongoing	COMPLETED
10/02/23 Item 4	Email RAP committee to ask for titles	SP	March 2023	COMPLETED
10/02/23 Item 4	Corrections to the December minutes, including spelling of RN's surname	SP	March 2023	COMPLETED
10/02/23 Item 4	Send RAP committee link to higher level SharePoint folder	KS	March 2023	COMPLETED
10/02/23 Item 4	Update table of actions with those that are now closed	SP	March 2023	COMPLETED
10/02/23 Item 4	Add a link re PSA standards to the March agenda	KS	March 2023	COMPLETED
10/02/23 Item 6	Implement checks of a proportion of registered members' websites and social media	GS	March 2023	COMPLETED
10/02/23 Item 8	Provide details at RAP meetings of register applicants who have not been approved and the reason	GS	March 2023	COMPLETED

Completed actions will be archived after 12 months.