

Safeguarding and Restoration Policy



1 Purpose

- 1.1 ACC hold an accredited register of counsellors and psychotherapists under the Professional Standards Authority (PSA). Counsellors and psychotherapists need to meet the standards set for entry into registered membership, comply with ACC's code of ethics and practice standards, and meet the terms and conditions of membership.
- 1.2 In holding an accredited register, ACC are committing themselves to meeting the standards set by the Professional Standards Authority which are designed to:
 - protect the public from harm
 - maintain public confidence in the profession
 - declare and uphold professional standards
- 1.3 As part of this commitment, ACC need to assess and investigate any safeguarding concerns that could arise from their membership, i.e. that put clients and members of the public at risk of harm. When registered members are in practice, this is mainly achieved through ACC's complaints process.
- 1.4 There are situations, however, where a decision needs to be made on safeguarding grounds, as to whether:
 - An applicant for registered membership should be refused membership of ACC.
 - A current registered member needs be suspended from the register pending a complaint investigation.
 - A previous registered member can be restored to membership after having a complaint upheld against them.

This document sets out the processes by which these decisions will be made.

2 Introduction

2.1 There are situations where ACC needs to make decisions about membership of ACC for people who otherwise meet the criteria for registered membership, but present with concern relevant to public safety.

2.2 Safeguarding concerns that need to be assessed include:

- having unspent convictions
- being on the sex-offenders register
- undergoing a complaint investigation in a relevant professional membership or employment
- being suspended or removed from membership of a relevant professional body or regulated profession or employment for professional misconduct or impairment
- being subject to a relevant civil action or criminal charge, especially those relating to serious crime
- experiencing a significant impairment due to poor health or wellbeing concerns, especially where the impairment results in a lack of the registrant's own capacity to assess their fitness to practice

2.3 Applicants for membership and registrants are obliged to let ACC know of any events that could give rise to a safeguarding concern so that they can be properly assessed.

2.4 ACC provide the opportunity on application and renewal for applicants and registrants to record any issues that might affect their 'safe practice' status. In this document anything that might affect an applicant or registrant's 'safe practice' status are referred to as safeguarding concerns. These include being removed from any employment, having a complaint raised against their practice in another membership body, being subject to a police investigation, etc. This obligation to notify ACC of these events is also set out clearly in ACC's terms and conditions of membership.

2.5. Not all notifications will indicate a risk of harm to clients or other members of the public as relevant, for example, trainees or employees. However, it is important for the public's confidence in the profession that risks are assessed, and not unduly dismissed. ACC has two distinct ways of assessing

risk and determining mitigating actions. These are the safeguarding process and restoration process.

- 2.4 The following sets out the main safeguarding situations and which process will be followed in each case.

	Situation	Process
A	A new applicant or existing registrant informs ACC of a safeguarding concern	Safeguarding
B	ACC issues a temporary suspension order for a member as a result of a complaint or concern being raised against them	Safeguarding
C	ACC becomes aware of a safeguarding concern about a registrant that is not appropriate for the complaints process, e.g. impairment due to illness	Safeguarding
D	A former member who has been removed from ACC's register, as a result of a complaint investigation, wants to reapply for membership	Restoration
E	A former member who has left ACC's membership, whilst having outstanding actions or sanctions from a complaints process, wants to reapply for membership	Restoration

- 2.6 ACC reserves the right to notify the police and/or safeguarding authorities and/or an applicant's or registrant's employer if they are concerned that the behaviour of the applicant or registrant presents a risk to members of the public.

3 Failing to notify ACC of a safeguarding concern

- 3.1 Where a registrant fails to notify ACC of a new safeguarding concern/event about themselves or their practice within a reasonable timeframe¹ of it

¹ Accepting that some life events may have a significant impact on a member's personal as well as professional life, it is understandable that notifying a membership body may not be an immediate

becoming known to them, ACC reserves the right to remove the member from registered membership of ACC for a breach of the terms and conditions of membership. Mitigating factors, however, will be taken into consideration, and where sufficient and accepted, the safeguarding process will be initiated (see below).

- 3.2 Where registrants are removed from ACC's accredited register as a result of clause 3.1 above, the decision will be published on ACC's website and the Accredited Registers Collaborative (ARC) information sharing protocol will be invoked.
- 3.3. Anyone refused membership of ACC or removed from registered membership of ACC can re-apply for membership through the restoration process set out below.

4 Safeguarding process

Threshold test

- 4.1 When a new applicant for membership is aware of a current or historic safeguarding concern about themselves, they must notify ACC. This can be done through ACC's online application processes or by emailing the office.
- 4.2 When a current registrant is aware of an event that gives rise to a safeguarding concern (for example, a driving offence or criminal charge or civil action), they must notify ACC. This can be declared at renewal, or by emailing registrar@acc-uk.org.
- 4.3 When a third party raises a safeguarding concern about a registrant, ACC will endeavour to independently verify the information and may choose to direct the concern to the safeguarding process if appropriate. Otherwise concerns about a current member will be managed through ACC's complaints process.
- 4.4 When notified of a safeguarding concern, and where ACC has determined that the concern is relevant to public safety in counselling/psychotherapy

priority. However, we would expect a member to be in contact with us within three months of an event.

practice², ACC will arrange for an independent reviewer to conduct a threshold test.

- 4.5 Where the reported concern is of no relevance to public safety, no action will be taken.
- 4.6 When a member of ACC is undergoing a complaint investigation and has been issued with a Temporary Suspension Order by the Registrar, the Registrar will arrange for an independent reviewer to conduct a threshold test.

Independent review

- 4.7 The threshold test will be undertaken by an independent reviewer and is an assessment which considers several factors. These include:
- the lapsed time (if any) between the event and now
 - the relevance and seriousness of the event
 - whether the event is yet proven
 - whether the event presents a significant immediate or ongoing risk to members of the public and/or clients that is sufficient to prevent or remove the person from membership of ACC
 - whether the event could bring the profession of counselling and psychotherapy into disrepute
- 4.8 To meet the threshold for a safeguarding panel to be convened, the independent reviewer must set out their reasoning as to the current risk to the applicant's or registrant's clients, or other members of the public, such as trainees, being sufficient to warrant further review.
- 4.9 If the threshold test is met, ACC will notify the applicant/registrant that a safeguarding panel will be convened to consider the risks indicated by the event and its circumstances.

² ACC will use professional judgement and 'common sense' to assess whether the reported concern is relevant to a member's fitness to practice. For example, a registrant reporting a minor road traffic offence, such as speeding, or stopping on a double yellow line, will normally not require an independent review to determine that they present no enhanced risk to clients. However, a conviction for drink driving is likely to be subject to an independent review.

- 4.10 If the threshold test is not met, ACC will notify the applicant/registrant of the independent reviewer's assessment that their registered membership of ACC can proceed or continue. A note will be made on the member's record of the summary of the safeguarding concern, together with the independent reviewer's report and recommendation.
- 4.11 The Chair of ACC will normally accept the recommendation of the independent reviewer. The Chair of ACC may, however, consult with the Chair of RAP (Register Advisory Panel) if they have any concerns, to ensure ACC maintains the standards required by the Professional Standards Authority for Accredited Registers. Where the Chair of RAP shares ACC's concerns, the Chair of ACC can override the independent reviewer's decision and refer the case either for another independent review or directly to a safeguarding panel.

Safeguarding panel

- 4.12 ACC's Chair will appoint a safeguarding panel which will comprise of the following, one of whom will be appointed as chair:

- a lay person
- two counsellors (both of whom can be members of ACC)

ACC's Chair or the Panel Chair may appoint a specialist or legal advisor if required to advise the panel.

- 4.13 The Chair of ACC, in appointing the panel, is responsible for:

- ensuring panel members have signed ACC's standard confidentiality agreement
- checking for conflicts of interest
- briefing the Chair and members of the panel of their roles and responsibilities
- being available to advise on procedure as required

- 4.14 The panel will invite the applicant/registrant to attend and present their case for being allowed into registered membership or to continue in registered membership of ACC.

- 4.15 The applicant/registrant may attend with a support person or legal advisor either of whom may, with the Panel Chair's discretion, speak for the applicant or registrant.
- 4.16 The applicant/registrant will need to set out for the panel the reasons why they present no enhanced³ risk of harm to members of the public.
- 4.17 The applicant/registrant must also submit for the panel's review a report from their supervisor, employer or training organisation which gives an assessment as to whether the applicant/registrant is considered to be fit for practice and presents no enhanced risk of harm to their clients or other members of the public, such as trainees.
- 4.18 If the applicant/registrant is not in practice, e.g. they are on a practice break, then they will be invited to submit a character and professional reference.
- 4.19 The panel will retire and consider whether:
- if a new applicant, they can be admitted onto the register
 - if an existing registrant, they can continue in membership
 - a suspension order should be issued to the registrant to allow a period of recovery from impairment
 - to refuse membership of, or remove a registrant from membership of ACC
- 4.20 Where a suspension order is made, the panel must set out what is expected of the registrant during the period of suspension. The period of suspension is similarly set by the panel.
- 4.21 Where an applicant is refused membership or a member is removed from the register, the panel can set a minimum time frame before which the person cannot re-apply for ACC membership through the restoration process.
- 4.22 The Chair of ACC will normally accept the recommendation of the panel and will let the applicant/registrant know of the panel's decision. In cases

³ Enhanced risk of harm means a risk over and above what is normally accepted as a standard level of risk of harm associated with any counsellor/psychotherapist. Therapy is not risk-free from a client's perspective as the process of undergoing therapy can be challenging psychologically.

where the Chair of ACC believes that the panel's decision is simply wrong, ACC can invoke the appeal process.

- 4.23 The applicant/registrant can appeal within 30 days of being notified of the decision to suspend or remove them from the register.
- 4.24 Otherwise a note will be kept on the registrant's record of the safeguarding concern and decision of the panel.
- 4.25 Suspension orders and removal from the register will be noted on ACC's website and the ARC protocol applied.

5 Restoration of membership process

- 5.1 A suspended or removed member of ACC may apply to be restored to registered membership. They must submit a written application to the Chair of ACC setting out their case for restoration.
- 5.2 An independent reviewer will review the application to ensure that it meets the criteria to be considered for restoration:
 - Has the minimum term for suspension or removal be served?
 - Does the application set out a coherent rationale for the lifting of the suspension order or removal from the register?
 - Has the applicant provided evidence to support the rationale, for example, the further training and personal therapy that they have undertaken?
 - Has the applicant complied with the sanction or removal?
 - Has the applicant supplied a satisfactory character and professional reference in support of their application?
- 5.3 The independent reviewer will present their assessment and recommendation to the Chair of ACC as to whether the application has met the criteria to proceed to a restoration panel.
- 5.4 The Chair of ACC will normally accept the recommendation of the independent reviewer. Otherwise, if there are concerns, the Chair of ACC may consult with the Chair of RAP. Where the Chair of RAP shares ACC's

concerns, the Chair of ACC can override the independent reviewer's decision and refer the case directly to a restoration panel.

- 5.5 ACC's Chair will write to the applicant with the outcome of the independent review and, where relevant, an indicative time frame for a restoration panel to take place.

Restoration panel

- 5.6 The Chair of ACC will appoint a Restoration Panel which will comprise of the following, one of whom will be appointed as chair:

- a lay person
- two counsellors (both of whom can be members of ACC)

ACC's Chair or the Panel Chair may appoint a specialist or legal advisor if required to advise the panel.

- 5.7 The Chair of ACC, in appointing the panel, is responsible for:

- ensuring panel members have signed ACC's standard confidentiality agreement
- checking for conflicts of interest
- briefing the Chair and members of the panel of their roles and responsibilities.
- being available to advise on procedure as required

- 5.8 The panel will invite the applicant to present their case for being restored to registered membership of ACC and reasons why they no longer present an enhanced⁴ risk of harm to members of the public.

- 5.9 The applicant may attend with a support person or legal advisor, either of whom may, with the Panel Chair's discretion, speak for the applicant.

- 5.10 The panel will retire and consider whether:

⁴ Enhanced risk means a risk over and above what is normally accepted as a standard level of risk associated with any counsellor/psychotherapist as explained in the previous footnote.

- the applicant can be restored to membership, including any conditions of practice that will apply, for example, relating to supervision or support groups
- to refuse the application

5.11 Where an applicant is refused membership the panel can set a minimum time frame before the applicant can re-apply for ACC membership, and any developmental actions they recommend for the applicant to consider, prior to submitting a new application.

5.12 The Chair of ACC will normally accept the recommendation of the panel. In cases where the Chair of ACC believes that the panel's decision is simply wrong, ACC can invoke the appeal process.

5.13 The applicant can appeal within 30 days of being notified of the decision to refuse their application for restoration.

5.14 Otherwise a note will be kept on the registrant's record of the panel meeting and decision.

6 Appeal process

6.1 The outcomes of safeguarding and restoration panels can be appealed on the basis of:

- The decision is too harsh and not commensurate with other similar published decisions by ACC or in other professional accredited registers.
- New information has come to light, that could not reasonably be available at the time of the panel, which would influence the decision, for example, a complaint being dismissed, or a charge dropped.
- In ACC's view, the panel's decisions are simply wrong.

6.2 On receipt of an appeal, the Chair of ACC will ask an independent reviewer to review the panel's decision and make a recommendation to the Chair of ACC as to whether the decision should be upheld or overturned, and the reasons why.

6.3 The independent reviewer will have access to all documentation submitted to and the recording or transcript of the panel meeting. The independent reviewer may also refer to decisions made by other accredited registers relating to similar events.

6.4 There is no further right of appeal.

Glossary of terms

ARC protocol	Accredited Registers Collaborative (ARC) protocol is an agreement to notify professional bodies that hold an accredited register of counsellors/psychotherapists of the outcome of complaint hearings where registrants have been removed from a register.
Chair of ACC	The Chair of ACC is chair of the Board of Trustees and acts in a voluntary capacity. The Chair of ACC has overall responsible for ACC's complaints policy and processes, in this she/he is accountable to the Board of ACC. In some instances, the Chair's role in managing the complaints process may be fulfilled by an authorised deputy.
Chair of RAP	The Chair of ACC's Independent Register Advisory Panel (RAP) is responsible for overseeing ACC's complaints process, specifically in monitoring that due process is followed.
Independent reviewer	<p>An independent reviewer will be an experienced counsellor, supervisor, trainer, manager or service user, who may or may not be a member of ACC.</p> <p>An independent reviewer is independent in relation to having any conflict of interests with ACC (beyond membership) or the parties. When</p>

	<p>acting to review an application for appeal, the independent reviewer will not have had any previous involvement with that specific complaint.</p>
Suspension order	<p>This is a decision to remove a member from the register for a set period of time. The member will also be removed from ACC's directory of counsellors if they are advertising their practice.</p> <p>Suspension orders are normally listed on ACC's website and the ARC protocol applied.</p>
Serious crime	<p>Involves any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm.</p> <ul style="list-style-type: none"> • offences listed in the Sex Offences Act 2003 • the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing, trafficking, possession with intent to supply • offences involving firearm, knives, and weapons • offences involving arson • offences involving theft, bribery, fraud, or similar • offences listed in the Terrorism Act 2006
Threshold test	<p>This an assessment of safeguarding risk associated with an applicant, registrant, or a former registrant applying for re-instatement to the register. If the safeguarding risk meets the threshold for a panel decision, then it will proceed to a safeguarding panel.</p>

	<p>For example, an unspent conviction relating to an offence made 20 years ago, with no record of further offences, may not indicate any enhanced risk to members of the public/clients. A 'hit and run' traffic offence in the previous six months may indicate that a person does present some risk to clients because of impaired judgement.</p>
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