



ACC Indicative Sanctions Policy

Introduction

This document sets out ACC's policy on how sanctions should be applied by its disciplinary panels in fitness to practise cases. It takes into account the document produced by the Council for Regulatory Excellence (CHRE) published in 2008, which recommended a common sanction set for regulated professions. ACC recognises that setting common sanctions for complaints that undergo the fitness to practise procedure is appropriate for itself as an Accredited Register holder.

This policy is intended to aid panels in their deliberation and assist them in making fair, consistent and transparent decisions. The decision regarding what sanction, if any, is imposed on an ACC registrant whose fitness to practise is found to be impaired, is properly a matter for the Panel which heard the case. Fitness to Practise Panels operate at 'arm's length' from the ACC Board, and it would be inappropriate for the Board to set a fixed 'tariff' of sanctions, as these would not be attuned to the particular circumstances of each case. This policy is guidance only and panels must apply it as such. Panels must decide each case on its merits, deciding what, if any, sanction to impose.

1. Purpose of sanctions

- 1.1 The purpose of fitness to practise proceedings is not to punish registrants, nor to achieve 'justice' in the way a criminal court process may issue a penalty or custodial sentence. The purpose is to protect the public, and by association, the reputation of the profession. The panel must consider the minimum sanction that can achieve these goals.

Inevitably, a sanction may be punitive in effect but must not be imposed simply for that purpose. The panel's task is to determine whether, on the basis of the evidence before it, the registrant's fitness to practise is impaired and if so, what is the appropriate action to take. In effect, the task is to consider a registrant's past acts, determine whether the registrant's fitness to provide professional services is below accepted standards, and to consider whether the registrant may pose a risk to those who may need or

use their services now and in the future. Where such a risk is identified, the panel must then determine what degree of public protection is required.

- 1.2 It is important for panels to remember that a sanction may only be imposed in relation to the facts which a panel has determined to be true based on the evidence placed before it. The registrant may also admit to wrongdoing, which should be considered by the Panel. Equally, any sanction must address all of the relevant factors which have led to a finding of impairment.
- 1.3 In reaching their decisions, panels must also give appropriate weight to the wider public interest, which includes:
 - The deterrent effect on other registrants.
 - The reputation of the profession.
 - Public confidence in the regulatory process.
- 1.4 If action is to be taken, then a range of sanctions is available which enables a panel to take the most appropriate steps to protect the public, for example, the registrant may be required to:
 - make an apology.
 - write a reflection on the learning from the situation giving rise to the complaint by the registrant.
 - undergo further training, supervision, or therapy.
 - be removed from committee, position, or office for a specified period or indefinitely.

Be subject to conditions of practise.

 - be suspended from practise and the register.
 - be removed from registration and membership (which will remove the registrant from all other accredited registers for counselling and psychotherapy).
- 1.5 Even if a panel has determined that fitness to practise is impaired, it is not obliged to impose a sanction. The lack of imposition of a sanction is likely to be rare, but, for example, may be appropriate in cases where a finding of

impairment has been reached, but where the registrant has shown insight, has already taken remedial action, and where there is minimal if any risk of repetition, nor any ongoing safeguarding risk.

- 1.6 In cases where the member has had sanctions arising from a complaint hearing within the previous three years, details of these sanctions will be presented to the panel to take into account when determining the sanction to impose (see 5.12 Multiple Sanctions below).

2. Proportionality

- 2.1 In deciding what, if any, sanction to impose, panels should apply the principle of considering the minimum sanction that is nonetheless proportionate to the issue of public safety and the upholding of professional standards and ethics. In balancing the interests of the public with those of the registrant, the panel should consider:

- is the sanction an appropriate exercise of the panel's powers?
- is it a suitable means of attaining the degree of public protection identified by the panel?
- does it take account of wider public interest issues, such as maintaining public confidence in the profession?
- is it the least restrictive means of attaining that degree of public protection?
- is it proportionate in the strict sense, striking a proper balance between the protection of the public and the rights of the registrant?

3. Insight and sorrow

- 3.1 The primary purpose of fitness to practise proceedings is to identify and secure a proportionate measure of public protection rather than to punish or seek justice. A key factor in many cases will be the extent to which a registrant recognises their failings and is willing to address them.
- 3.2 In taking account of any insight, explanation, apology, or remorse offered by a registrant, panels are reminded that there may be cultural differences in the way that these may be expressed - both verbally and non-verbally - and especially where the registrant may not be using their first language.

- 3.3 Registrants are expected to be open and honest with service users and, generally, panels should regard registrants' candid explanations, expressions of empathy and apologies as positive steps. Importantly, these expressions should not be construed as an admission of liability by the registrant concerned and, in the absence of evidence to the contrary, should not be treated as such by panels.
- 3.5 In deciding what, if any, sanction is required, the issue which the panel need to consider is whether the registrant has genuinely recognised their failings, has taken or is taking appropriate remedial action to address them and whether there is a risk of repetition. The panel must be able to note concrete examples of the registrant's mitigating developmental actions, rather than rely solely on expressions of future intent.
- 3.6 Where a registrant demonstrates a general and persistent lack of understanding of professional practice and ethical issues associated with the complaint, and where there has been no explicit behavioural breach of the ethical code of practice, then the panel can recommend that the registrant take a cognitive/medical assessment to rule out any relevant underlying conditions before imposing a sanction.

4. Procedure

- 4.1 The finding of impairment and sanctioning stages of a hearing should be (and be seen to be) separate elements of the process. To reinforce this point, panels should retire to determine whether or not fitness to practise is impaired and then return to announce their decision and the reasons for that decision.
- 4.2 Where the panel has decided that fitness to practise is impaired, it should then hear any submissions on behalf of the parties in relation to mitigating or aggravating factors before retiring again to consider (in ascending order of impact) what, if any, sanction to impose. The panel should then return to announce that sanction and the reasons for that sanction.
- 4.3 Panels must ensure that registrants fully understand any sanction which is being imposed on them. The Panel Chair should carefully explain what sanction, if any, the panel has imposed, the reasons for doing so, and the

consequences for the registrant if they fail to comply with the sanction. The use of clear and direct language, which can be captured on the meeting transcript, is important as it leaves no room for misunderstanding or ambiguity.

5. Sanctions

5.1 Apology

An apology from the registrant to the complainant, where the therapist has acknowledged mistakes.

Where appropriate and proportionate, the panel may recommend that the registrant offers to reimburse a percentage of any fees paid for their counselling /psychotherapy service. The panel must take into account the reasonableness of this request given the registrant's ability to pay. Any written apology will be delivered to the complainant via ACC.

5.2 Reflection on learning

A written report by the registrant, to be submitted to ACC setting out what they have learned from the experience of undergoing the complaint and the circumstances giving rise to the complaint. The panel must set out specific criteria that the reflection must meet, and the timeframe for submission.

5.3 Written warning

A written warning to the therapist in relation to the consequence of any future repetition of specific conduct, setting out what will happen if the counsellor repeats the problematic behaviour directly associated with the cause for complaint. This may be an appropriate sanction where the conduct is public, i.e. takes place outside of their professional counselling service, and can be evidenced. For example, a registrant reported as being under the influence of drugs and alcohol or discovered to be advertising services that they are not competent to deliver or posting content on social media which is clearly offensive or derogatory of a person or group and/or that brings ACC or the profession into disrepute. The warning must set out

the recommended sanction if the conduct is repeated, for example, suspension or removal from the register.

5.4 **Removal from committee, position, or office**

If the therapist is a member of an ACC committee or, for example, provides training for ACC, they can be removed from office. The panel can set a suggested time frame before which a registrant can apply to be reinstated.

ACC has no power to remove a registrant from employment or roles outside of our membership body.

5.5 **Further training, supervision, or therapy**

Further training, supervision, or therapy for a minimum length of time to achieve goals identified by the panel. For training, the panel is encouraged to focus on the skills and competencies to be gained, rather than being prescriptive about specific courses, accreditation, or qualification/levels of attainment. This is to ensure that the Registrant is not in effect prevented from completing this sanction, because of issues of cost or accessibility of certain training and accreditations.

The panel must set out the criteria/evidence that will satisfy this sanction and that needs to be submitted by the registrant and the associated timeframes.

5.6 **Conditions of practice**

Conditions of practice provide a very flexible means of managing cases when the panel has confidence that the registrant can be trusted to comply with them and is otherwise able to continue to work competently and ethically.

Conditions of practice sanctions should be remedial or rehabilitative in nature. Conditions appear on the register and, most often, restrict a registrant's practice for the agreed period, requiring the registrant to take remedial action before the condition is lifted or expires. Conditions of

practice must therefore be justified, realistic, attainable, and measurable (i.e. ACC can verify at a future date that the remedial actions are in progress and when achieved).

A combination of conditions may be imposed, including formal education and training requirements. Equally, in some cases it will be appropriate to impose a single condition for a relatively short period of time to address a specific concern (e.g. to undertake specific remedial training).

The imposition of conditions requires a commitment on the part of the registrant to resolve matters and where the panel concludes that they can be trusted to do so. Therefore, conditions of practice are unlikely to be suitable in situations where problems cannot be overcome, such as serious overall failings, lack of insight, denial, or matters involving dishonesty, or the abuse of service users.

Above all, conditions must be realistic, and there is a limit to how far they may extend. For example, a combination of conditions which require a registrant not to work in certain ways, e.g. not to work out of hours, or in premises whilst on their own, or not with their main client group, may, in reality, amount to a suspension and thus be far too wide.

Where the allegation before the panel is based upon actions which constitute dishonesty, abuse or a breach of trust, conditions of practice are unlikely to be appropriate. However, if a panel is considering imposing conditions in such a case, the panel will need to consider carefully whether it is likely that the registrant can be trusted not to breach any conditions of practice which may be imposed.

Panels may specify a minimum period (of up to two years) for which a condition of practice sanction is to have effect before the registrant may apply to vary, replace, or revoke it. In general, panels should only exercise this power in cases where either it is clear from the evidence that earlier review is unlikely to be of value or where the nature of the conditions imposed makes early review inappropriate.

The Panel must set out what the registrant is required to submit to ACC to have the condition of practice lifted.

5.7 Suspension

A suspension sanction must be for a specified period not exceeding one year. Suspension completely prohibits a registrant from practicing their profession.

Suspension should be considered where the panel considers that a caution or conditions of practice are insufficient or inappropriate to protect the public or where the allegation is of a serious nature but there is a realistic prospect that repetition will not occur and, thus, that striking off is not merited.

A registrant who is suspended cannot practice (and the register is marked accordingly). However, the registrant may be subject to further fitness to practice proceedings for events which occur whilst they are suspended.

If the evidence suggests that the registrant will be unable to resolve or remedy their failings, then removal from the register and membership may be the more appropriate option. However, where the registrant has no psychological or other difficulties preventing them from understanding and seeking to remedy the failing(s) then suspension may be appropriate.

Panels need to be aware that suspension is punitive in effect, and that a short-term suspension may have long term consequences for the registrant, including being dismissed from their current employment. However, short term suspension may be appropriate where any lesser sanction would be unlikely to provide adequate public protection, undermine public confidence, or be unlikely to have a suitable deterrent effect upon the registrant in question and the profession at large.

Short-term suspension may also be appropriate where a registrant's current status means that they would be unable to respond to and comply with conditions of practice, but where there is a realistic prospect that, if the registrant can resolve those difficulties whilst suspended, conditions of practice could then be imposed. In appropriate cases, this enables panels to facilitate a staged return to practice for the registrant concerned.

This approach is likely to be most appropriate in cases involving, for example, substance dependency where, at the time of the case, the registrant is seeking or undergoing treatment but has not reached the stage where they could safely return to practice even subject to conditions. If a short-term suspension is imposed for this sort of purpose, the panel should give clear reasons for their decision, so that the registrant clearly understands what is expected of them.

Where the panel expects the registrant to address specific issues or take specific action before the suspension sanction is reviewed, for example, to undergo substance abuse treatment, clear guidance should be given to the registrant so that, when the sanction comes to be reviewed, they understands what is expected of them and the evidence that may need to be submitted to the reviewing panel. However, in imposing suspension sanctions, panels should avoid being unduly prescriptive and must not seek to bind or fetter the discretion of ACC in managing the suspension and supporting the registrant if/when they are deemed fit to return to practice.

Panels may specify a minimum period (within 12 months) for which a suspension or sanction is to have effect before the registrant may apply to be reinstated to the Register through the Safeguarding and Restoration Policy.

5.8 **Removal from register**

Removal from register removes a registrant's name from the register and, prohibits the registrant from practising their profession. It will be accompanied by removal from membership of ACC.

Removal is a sanction of last resort for serious, deliberate, or reckless acts involving abuse of trust such as sexual abuse, dishonesty, or persistent failure to uphold standards.

Removal should be used where there is no other way to protect the public, for example, where there is a lack of insight, continuing problems, or denial. An inability or unwillingness to resolve matters will suggest that a lower sanction may not be appropriate.

Removal may also be appropriate where the nature and gravity of the allegation are such that any lesser sanction would lack deterrent effect or undermine confidence in the profession concerned or the regulatory process. Where removal is used to address these wider public protection issues, panels should provide clear reasons for doing so. Those reasons must explain why removal is appropriate and not merely repeat that it is being done to deter others or maintain public confidence.

Such removal as a sanction may not be made in respect of an allegation relating to competence or health unless the registrant has been continuously suspended, or subject to a conditions of practice sanction, for a period of two years at the date of the decision to remove.

Unless new evidence comes to light, a person may not apply for restoration to the register within five years of the date of removal being made and Panels do not have the power to vary that restriction. Any future application would have to be accompanied by evidence that the original reasons for removal are dealt with and no longer an issue regarding public safety.

5.9 **Interim suspension pending an appeal**

If a panel disposes of a case by suspension or removal from the register, the panel has the discretionary power to impose an interim suspension which will apply during the time allowed for appealing against the final outcome or, if such an appeal is made, whilst that appeal is in progress.

Whether an interim suspension or removal is necessary will depend upon the circumstances in each case, but panels should consider imposing such a sanction in cases where:

- there is a serious and ongoing risk to service users or the public from the registrant's lack of professional knowledge or skills; conduct or health problems
- or
- the allegation is so serious that public confidence in the profession or the regulatory process would be seriously harmed if the registrant was allowed to remain in practice on an unrestricted basis.

5.10 Multiple sanctions

There is an escalating range of sanctions, and panels can apply more than one sanction where there is a rationale to do so. For example, it may be appropriate for the registrant to issue an apology and submit a reflection.

In rare situations, a registrant may have an ongoing sanction from a previous fitness to practise process. If the second allegation involves a repetition of prior conduct, is broadly similar in nature to the previous allegation or involves breach of the existing sanction, then escalation to a higher sanction is likely to be an appropriate course of action. Where the misconduct is unconnected and does not raise wider concerns about the registrant's overall fitness to practise, then the panel should decide on the sanction based on the case they are hearing without regard to the previous one.

6. Publication of sanctions

- 6.1 Where a fitness to practise panel has determined that a complaint has been upheld in part or in full, this outcome will be published on ACC's website, unless the finding of any impairment is so minor that it renders the publication of the case on the website unwarranted. This is to balance the potential adverse impact on the registrant with the importance of notifying clients of potential risks.
- 6.2 Conditions of Practice and Suspensions will also be noted on the registrant's public register listing. Warnings may be noted on the registrant's public register listing at the panel's discretion.

Document History

1.0	First Published	May 2017
1.1	Amendments to bring guidelines up to date	October 2022
1.2	Reviewed and amended in line with the Complaints Management Policy	October 2025

Appendix 1

Fitness to practise - Indication sanctions summary

Time frame is from the completion of an appeal or the expiry of the date on which an appeal can be submitted

For panel Chair and panel members

Sanction		Time frame	Register Entry	Published on Website	Timescales for remaining on website
Apology <i>(+ re-imbursement of % fees where appropriate/possible)</i>	Can be considered for all complaints that are upheld in part or in full, especially appropriate where registrant feels remorse and admits breach of practice standards and ethics.	1 month for communicating the apology	N	Y	1- 3 years
Reflection on learning	Can be considered as a form of professional and personal development, giving time and space to reflect on the process of undergoing a fitness to practise process as well as the circumstances giving rise to the complaint.	3 months for submission	N	Y	1- 3 years

Sanction		Time frame	Register Entry	Published on Website	Timescales for remaining on website
Written warning	For conduct that gave rise to complaint, setting out consequences of it being repeated. Appropriate for conduct that can be witnessed or evidenced.	Normally no time limit set on the expiry of the warning.	N	Y	1- 3 years
Removal from ACC committee, position, or office	Where applicable, panel's decision based on risk of their continuing in these roles because of impaired practice or the reputation of ACC and the profession	Panel may set a minimum time before the registrant can be reconsidered for office/position	N	Y	1-3 years
Further training, supervision, or therapy	To address the deficient/impairment. Consider how this will be evidenced. Consider whether condition of practice needs to be imposed until training/supervision/therapy completed.	Normally registrant given up-to 1 year to complete.	N	Y	1-3 years

Sanction		Time frame	Register Entry	Published on Website	Timescales for remaining on website
Conditions of practice	Restriction of an area of practice to prevent further risk to the public until actions have been completed and registrant assessed as safe to resume practice in these areas.	1 - 3 years	Y	Y	1-3 years
Suspension	Where for reasons of public safety the registrant must cease to practice. Maybe associated with rehabilitation from illness or an impairment. Must set out the measures by which registrant can apply through the Safeguarding and Restoration process to be re-instated to the registrar.	Up to 1 year Panel may suggest a minimum time period before the registrant can apply to be re-instated.	Y	Y	1-3 years

Sanction		Time frame	Register Entry	Published on Website	Timescales for remaining on website
Removal	<p>Where for reasons of public safety/trust in the profession the registrant must indefinitely be removed from ACC's and other Accredited Registers.</p> <p>Panel can set a time frame before which the registrant cannot apply to have their membership restored.</p>	Minimum of 3 years before person can re-apply to join the register	N/A	Y	5 years