

**UKCP's Complaints and Conduct Process
Complaint Hearing**

19th – 21st February 2020

**GPhC
25 Canada Square
Canary Wharf
London
E14 5IQ**

Reconvened on 8 April 2020

Name of Registrant: Robert Withers 2010161587

Heard by: Adjudication Panel

Panel Members: Lionel Campuzano [Lay Chair]
Diane Cunningham
[Council for Psychoanalysis and Jungian Analysis College]
Charmian Beer
[College for Sexual and Relationship Psychotherapy]

Legal Assessor: Gelaga King and John Donnelly [2 Bedford Row]

Panel Secretary: Eloise Cadman

UKCP Presenting Officer: Jonas Milner [2 Bedford Row]

Registrant: Registrant present. Represented by Nicholas Levisieur [3PB Chambers]

Charges found proved: 1a-d, 2, 3

Charges found not proved: None

Panel decision: Misconduct and impairment found proved

Sanction: Supervision for a minimum of 6 months

Detail of allegations

That being a registered psychotherapist between 2012 and 2019 you (the Registered):

1. Wrote and/or posted and made available for publication, or allowed to be published or self-published the following which included information about Client A without obtaining Client A's verifiable consent;
 - a. An article entitled *Seventh Penis* which was published in the *Journal of Analytical Psychology* (the Article);
 - b. A chapter called *The View from the Consulting Room* which was published in a book entitled *Transgender Children and Young People. Born in Your Own Body* (the Book);
 - c. An article called *We are experimenting on children* in *Spiked* (The Magazine);
 - d. YouTube video called *Turning Trans Mythology & Trans Activism on Their Heads and Inside Out* (the Video);
2. On or around 29 March 2019 when Client A met you and asked you to *stop publishing papers about me*, or words to that effect, you refused.
3. Following your meeting with Client A on or around 29 March 2019 you posted a comment underneath the Video publishing more information about Client A.

Your conduct at 1-3 above is in breach of the UKCP's Ethical Principles and Code of Professional Conduct (the Code) in particular that you:

1. Failed to respect, protect and preserve the confidentiality of Client A, thereby breaching Code 3.1;
2. Failed to safeguard the welfare and anonymity of Client A when any form of publication of clinical material is being considered and to always obtain their verifiable consent in any case where the welfare or anonymity of a client may be compromised. This included situations where a client or former client may recognise themselves in case material despite the changing of names or actual circumstances, thereby breaching Code 3.4;
3. Failed to clarify with Client A the nature, purpose and conditions of any research in which the clients are to be involved and to ensure that informed verifiable consent is given before the commencement of the therapy and research, thereby breaching Code 7.3.

For the reasons set out above your practise is impaired by reason of misconduct.

Preliminary Matters

1. The complaint was heard under the UKCP Complaints and Conduct Process 2017, and the Panel considered the alleged breaches of the UKCP Code of Ethics and Professional Conduct 2009.
2. Mr Milner read the allegations into the record.
3. Mr Levisaur indicated that allegation 1a, b, c and d are admitted as fact, however allegation 2 and 3 are denied. He also made clear it was not accepted that the admissions made in respect of 1a-d constituted misconduct.
4. UKCP Bundle will herein be referred to as C1
5. The Registrant's Bundle will be referred to as R1
6. Legible copies of pages 65 and 66 of C1 will be referred to as C2
7. UKCP document of YouTube screenshot June 2019 will be referred to as C3

Preliminary Applications

1. Mr Levisaur made an application for the evidence of Dr [REDACTED] to be interposed during the fact-finding stage because he was only available to give evidence at 3pm on day one of proceedings due to his professional commitments.
2. The application was opposed by Mr Milner on the basis that he would not be able to cross-examine him effectively until the conclusion of the fact-finding stage, and that interposing him at the fact-finding stage would unnecessarily complicate matters.
3. The Panel determined that it would not interpose Dr [REDACTED] but would hear an application to adjourn matters to enable his attendance if one was made at the relevant stage. The Panel agreed with Mr Milner's submission that it would be complicated to interpose Dr [REDACTED] before the fact-finding stage is complete because Dr [REDACTED] evidence was not relevant at the Fact Finding Stage of this hearing but may be relevant at the second stage.

Determination on the facts

1. The Panel considered all the documentary evidence before it and heard oral submissions from Mr Milner on behalf of UKCP and Mr Levisaur on behalf of the Registrant.

2. Additional documentation C2 and C3 were produced by Mr Milner, these are more legible copies of the YouTube exchanges appearing at pages 65 and 66 of C1.
3. The Panel heard evidence from the following witnesses: Client A, called on behalf of UKCP, and the Registrant who gave evidence in support of his case.
4. Mr Milner submitted on behalf of UKCP that the admission by the Registrant that he was unaware of the standards of ethical guidance was a significant factor for the Panel to bear in mind when considering the allegations.
5. Mr Milner further submitted that there was no dispute that the Registrant was subject to the Code.
6. Mr Milner submitted that allegation 2 turned on the credibility of Client A and the Registrant, and that the issue was a narrow one. He identified several facts that he asserted were not in dispute:
 - a. Firstly, Client A and the Registrant met on the 29th of March 2019
 - b. Secondly, Client A was distressed by the publication of material by the Registrant
 - c. Thirdly, the Registrant knew about the distress of Client A
 - d. Fourthly, Client A asked him to stop publishing anything about her
 - e. Fifthly, the Registrant responded with at least a counter-request that she stop writing things about him. Mr Milner submitted that the Registrant's acceptance in his own witness statement that he had done that, amounted to a refusal.
7. Mr Milner submitted that the first stem of allegation 3 is accepted, specifically "following your meeting on or around 29 March 2019 the Registrant posted a comment on YouTube".
8. Mr Milner submitted that the fact that the Registrant prefaced his comments by making a reference to the meeting on the 29th of March 2019, was in itself new information and was used as confirmation of his earlier diagnosis.

9. Mr Levisaur submitted on behalf of the Registrant that any ambiguity in respect of the meaning of words should be resolved in favour of the Registrant.
10. He further submitted that the Panel should bear in mind that giving evidence is a stressful experience for witnesses and the Panel should bear that in mind when assessing the credibility of both Client A and the Registrant. He reminded the Panel that an honest witness may be mistaken.
11. Mr Levisaur submitted in respect of allegation 2 that a refusal must be explicit; “no I will not do it.” He submitted there was no evidence that the Registrant had refused to comply with Client A’s request. He further submitted that in Client A’s evidence she had expressed that there was a form of conditionality but that did not amount to a refusal, even if it were to be accepted.
12. Mr Levisaur submitted that the exchange took place over a very short period, a few minutes, and there was insufficient evidence for the Panel to conclude that there had been a refusal.
13. Mr Levisaur submitted that in allegation 3 the word “more” was significant and should be interpreted narrowly. The Registrant, in his submission, had simply republished information that was already in the public domain and had not published any new or additional information therefore this allegation should be found not proved.
14. The Panel heard and accepted the advice of the Legal Assessor.

Panel determination

1. On balance, having fully considered the above, the Panel made the following findings:
 - a. Allegation 1a-d– found proved by admission
 - b. Allegation 2 – proved
 - c. Allegation 3 – proved
2. The Panel began its deliberations by assessing the credibility and reliability of the witnesses.

3. The Panel acknowledged that giving evidence is a stressful and difficult process for witnesses. It took particular account of the fact that the Registrant found it stressful and said in evidence that he felt he was under attack. The Panel whilst mindful of the stress that the Registrant was under was satisfied that the Mr Milner's questioning had been appropriate, relevant and fair.
4. Client A was found to be a credible and reliable witness, her evidence was nuanced and did not amount to a blanket condemnation of the Registrant. It was thought-through and although she was sometimes over-confident, she answered the questions and was not evasive.
5. The Registrant was found to be very evasive and ambiguous. Whilst allowances were made for the stressful nature of giving evidence and his inclination to be defensive, he was unduly defensive and inconsistent in his evidence. The Panel concluded that he was generally muddled and avoidant in his evidence. Examples of his inconsistencies included the different rationales he provided for his decision to publish the material in question and the reasons he gave for not seeking consent from Client A before publishing documents which referred to her.
6. The Panel considered allegation 2 and accepted Client A's evidence that the Registrant refused to stop publishing papers about her when they met on or around the 29th of March 2019.
7. In reaching this conclusion, the Panel took into account the Registrant's evidence that he knew that there was a "risk" of Client A saying no if he had asked her for consent before publication. By his own admission he did not consult the relevant provisions of the Code and was unaware of the content of Code 3.4. He told the Panel that he considered that the risk of Client A seeing the publication of his article The Seventh Penis was low. He also considered that the risk of her suffering harm if she did recognise herself in the article was low. He told the Panel that in his judgement the potential benefits to the profession and to other people in Client A's position trumped her right to confidentiality.
8. The Panel considered Mr Levisieur's submission that the fact that UKCP rules were not a statutory instrument was a relevant factor for the Panel to consider. The Panel did not accept this submission. The Registrant is a long-standing member of UKCP and has agreed to comply with its rules and regulations. These are designed to ensure public protection, uphold standards and maintain public confidence in the profession and in its regulatory processes. As has been stated before membership brings with it privileges but it also imposes duties and responsibilities that all registrants accept and are expected to adhere to.

9. The Panel was satisfied that the linkage that by his own admission, the Registrant made between Client A's request to stop publishing material about her and his request that she stop defaming him in response, was significant and illustrative of the fact that he was not prepared to consent unequivocally to her request to stop publication.
10. The evidence demonstrates that the Registrant adopted a cavalier approach to the issue of client confidentiality and was determined to publish information about Client A whether or not he obtained her consent. It was therefore more likely than not that when he was later asked to stop publishing, he refused to do so. The Panel was therefore in no doubt that the Registrant did refuse to stop publishing papers about Client A as alleged.
11. In considering allegation 3 the Panel accepted Mr Levisseur's submissions that "more" was a significant word and should be interpreted in a narrow way. The Panel therefore examined the additional posting to see whether it was simply a repeat of what had been previously published or whether it went beyond that.
12. The Panel was satisfied that it went beyond what had been previously published in that it referred to the meeting with Client A that took place after the earlier publications, and it also appeared to confirm his diagnosis as a result of that meeting.
13. The Panel had no doubt in its mind that he posted a comment underneath the video that published more information about Client A. The Panel in reaching its conclusion rejected the submission that because Client A had tweeted confidential information about herself the Registrant was also entitled to do so in response. This submission self-evidently ignores the nature of the relationship between Client A and the Registrant and ignores the duty of confidentiality that the relationship gives rise to.
14. The Panel considered the submission advanced on behalf of the Registrant that the publications were not research documents and therefore there was no need to obtain consent from Client A.
15. The Panel rejected this submission and was of the view that the article *The Seventh Penis* published in 2015, was clearly research-based as is evidenced by the fact that right at the beginning it states "the author reflects on his contrasting analytic work with two transsexual patients". The case studies were based on his two clients, one of which was Client A. The Registrant lists extensive references at the end of the publication. It is also significant that in

his acknowledgements (page 90), he refers to one of the two clients but not the other thereby revealing that he had obtained consent from one client but not the other

Application to adjourn

1. Mr Levisaur on behalf of the Registrant made an application to adjourn.
2. The Panel carefully considered the application for an adjournment and decided that it would be refused. The Chair indicated that full reasons would be handed down later, but a significant factor was the fact that [REDACTED] had not addressed the UKCP Ethical Principles and Code of Professional Conduct in his witness statement.
3. After Mr Milner had made his submissions on misconduct and impairment, Mr Levisaur renewed his application for an adjournment and requested full reasons for the refusal to grant his application. The Panel heard further submissions from both parties and then returned to consider the matter afresh.

Determination

1. The Panel carefully considered the renewed application for an adjournment and the additional information provided which made it clear that Dr [REDACTED] had been sent and had received the UKCP Ethical Principles and Code of Professional Conduct. The Panel therefore accepted Mr Levisaur's submissions that it could be taken that he had read them and was aware of them at the time he compiled his report.
2. The Panel took into account that at this stage of the hearing it is required to exercise its own independent judgment as to whether the facts that have been prove and admitted amount to a breach of the Code and if so whether they constitute misconduct which calls into question the suitability of the Registrant to remain on the register without restrictions
3. The Panel carefully considered Dr [REDACTED] report, there is no reference to the UKCP Code. The issue of whether the facts found proved amount to professional misconduct is not an issue for expert opinion, but an exercise of the Panel's own judgment on the basis of the facts found proved. The question of whether the Code is satisfactory or deficient as the Registrant contends is not a relevant one for this Panel to consider.

4. The Panel is able to and will take into account the content of the report from Dr [REDACTED]. The Panel has not been provided with any supplementary report that expresses any opinion on the applicability of the Code. It is not for Dr [REDACTED] to determine whether the facts found proved amount to a breach of the Code; that is a matter for the exercise of the Panel's judgement.
5. In those circumstances, the Panel is satisfied that an adjournment would serve no useful purpose as Dr [REDACTED] is not in a position to inform the Panel how it should exercise its judgement. In those circumstances the application is refused.

Determination on misconduct and impairment

1. This determination should be read in accordance with the Panel's previous determinations.
2. In accordance with rule 7.23 of UKCP's Complaints and Conduct Process, the Panel then went on to consider the question of misconduct. In addressing this question, the Panel took into account of the relevant information before it.
3. The Panel heard further submissions from Mr Milner on behalf of UKCP and Mr Levisseur on behalf of the Registrant.
4. Mr Milner on behalf of UKCP invited the Panel to conclude that the facts found proved constitute misconduct and that as a result of that misconduct the Registrant's fitness to practise is currently impaired due to the fact that he has not remediated the misconduct or demonstrated sufficient insight into his failings to demonstrate that it would not be repeated.
5. Mr Levisseur on behalf of the Registrant submitted that the findings of fact did not constitute misconduct because the conduct would not be considered deplorable by fellow practitioners as there was a trade-off to be made between the needs of the profession and the needs of patients. He submitted that the Registrant had made an error in not seeking permission from Client A and that although he had been un-wise and his actions had unintended consequences it did not constitute deplorable conduct.
6. He further submitted that if the Panel decided that the failings did amount to misconduct that they had been remedied. He submitted that the Registrant now understands the duties and boundaries imposed upon him by the Code.

7. The Panel accepted the advice of the Legal Assessor as to the approach it should adopt in considering the question of misconduct. The Panel recognised that the question of misconduct is a matter of independent judgement and is not a matter of proof for the parties.

8. In addressing whether the facts proved amounted to misconduct, the Panel had regards to the words of Lord Clyde in the case of *Roylance v. General Medical Council*. He stated:

“Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required by...a practitioner in the particular circumstances.”

9. The Panel began by considering whether the facts found proved breached the Code. It determined that the following provisions of the Code were breached:

- a. Code 1.2 had been breached by the Registrant’s failure to obtain Client A’s consent and by publishing confidential information in relation to Client A. Furthermore, even after he was asked to stop, he refused to do so and linked his ceasing of further publications to a request that Client A also ceased posting about him.
- b. Code 1.3 had been breached. The Registrant clearly has an interest for publishing research information which he believes would be for the benefit of the profession at large. In seeking to further his research and publications he has exploited his relationship with Client A by publishing confidential information without her consent.
- c. Code 3.1 had been breached. By revealing details about Client A and her therapy, albeit anonymously. The Registrant failed to respect, protect and preserve her confidentiality.
- d. Code 3.2 had been breached by the Registrant in publishing sensitive and personal information that Client A was able to identify herself from.
- e. Code 3.4 had been breached by the Registrant publishing information in case materials that allowed Client A to recognise herself. By breaching this provision, the Registrant had failed to safeguard the welfare and anonymity of Client A.
- f. Code 4.1 had been breached by the Registrant who by his own admission recognised that there was a risk that Client A would recognise herself from the details that were being published. He nevertheless decided to take that risk and did so on the basis that

the risk of harm was low. He therefore failed to consider properly the potential harm that his actions might have on Client A.

- g. Code 5.5 had been breached by the Registrant by his own admission he had not read and considered code 3.4 before publishing confidential information concerning Client A.
- h. Code 7.3 had been breached by the Registrant. The Registrant was clearly involved in research in a sensitive and controversial area which needed to be handled with considerable care and consideration. The fact that he obtained the consent of one of the two case study clients illustrates that he was aware of the importance of obtaining consent. The fact that he was aware that there was a risk that Client A would withhold consent and therefore deliberately chose not to ask her for her consent demonstrates a flouting of the duty imposed by Code 7.3.
- i. Code 13.1 had been breached. The Registrant's evidence that having practised for 30 years and been a member of the UKCP since its inception, that he was not aware of Code 3.4 because he was "too busy", is a clear breach of 13.1 in that he failed in his responsibility for maintaining a reasonable awareness and a level of understanding regarding the Code.

10. The Panel determined that the Registrant's failings amounted to serious misconduct. In doing so it observed that confidentiality is a cornerstone of the profession and that it is one of the most important ethical obligations that a Registrant has to their clients and the wider public.

11. The Panel was mindful that the breach of confidentiality was repeated even after the Registrant had been asked by Client A to cease publishing articles about her.

12. The Panel whilst accepting that not all breaches of the Code constitute misconduct did not accept that this was a one-off error caused by trying to balance competing interests. In the Panel's judgement the requirement for Registrants to adhere to the Code was mandatory and was not something that was capable of being trumped by the writings of academics or experts. In the absence of an updated or revised Code, the Registrant ought to have known that he was duty bound to adhere to the existing Code.

13. The Panel was satisfied for all the reasons above that the Registrant's failings were serious and fell far below acceptable standards.

Determination on impairment

1. The Panel then went on to consider the question of impairment. This determination should be read in accordance with the Panel's previous determinations.

2. The Panel applied the approach as set out in the 5th Shipman Enquiry and Dame Janet Smith's approach to determine the question of impairment.

"Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:

- a. Has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b. Has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c. Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession.*

3. The Panel considered whether the Registrant's misconduct is easily remedied; has already been remedied; and whether it is likely to be repeated.

4. The Registrant put Client A at risk of unwarranted harm by breaching her right to confidentiality by publishing personal information about her without her consent. The Panel determined that he did indeed bring the profession into disrepute by his actions. The public simply does not expect psychotherapists to ignore a client's right to confidentiality and publish sensitive personal information without their consent.

5. On the contrary, the public expect psychotherapists to respect client confidentiality and abide by the duties imposed on them by their professional Code and standards. It follows that the Registrant has breached fundamental principles of the profession by undermining the expectation of confidentiality which is fundamental to the role.

6. Client A was entitled to rely on the Registrant's professionalism and had an expectation that her personal information would not be revealed to third parties without her consent. The proven facts undoubtedly impaired the Registrant's fitness to practice at the time of those failings.

7. In addressing the issues of current impairment, the Panel also had regard to issues of insight.
8. The Panel concluded that the conduct was remediable and it then went onto consider whether it had in fact been remedied.
9. The Panel concluded that the Registrant had failed to remediate his failings, he had not recognised what he had done wrong and acknowledged why it was wrong. He continues to believe that there are competing interests and that the opinions set out in Gabbard's publication and Dr [REDACTED] statement provide him with justification for believing that it was acceptable to publish material that not only breached Client A's confidentiality but also risked causing her harm. He continues to believe that any distress caused to Client A is outweighed by the greater benefit of his research to the profession as a whole.
10. His assertion that by deciding not to publish information about a client's dream in respect of which consent was withheld, he had demonstrated remediation was not accepted. His annoyance at not being able to publish details about the dream due to a lack of consent was transparent during his evidence. The Panel concluded that he had taken the decision not to publish because the current hearing was "hanging over his head" and not because he genuinely recognized and accepted, why the issue of confidentiality and consent were not trumped by the potential benefits of publication to the wider profession.
11. In those circumstances the Panel could not be sure that his decision not to publish details about his client's dream was as a result of an understanding and acceptance of the principles upon which the Code is founded rather than a consequence of the current proceedings. It is apparent that the Registrant believes the Code is wrong and that the views of Gabbard and [REDACTED] take precedence and are therefore to be preferred. As previously stated it is not for this Panel to make a determination on the shortcomings, if any of the Code. The Panel must consider all the relevant information before it in the context of the Code as it currently stands and exercise its independent judgment in respect of any breaches that it concludes arise from the Registrant's conduct.
12. The Panel concluded that the lack of remediation and insight into his failings was such that the Registrant was liable in the future to put patients at unwarranted harm, likely to bring the profession into disrepute and likely to breach a fundamental tenet of the profession. In reaching this conclusion the Panel was of the view that the Registrant had caused harm to Client A and there was a risk of repetition due to his lack of insight.
13. The Panel concluded on all the evidence before it that the Registrant does not recognise or understand the importance of the Code. There is no evidence before the Panel to satisfy it that the

Registrant has learnt from his errors. He has not demonstrated remorse or sufficient insight to show that there is no risk of repetition.

14. The Registrant's resentment of the fact that he was not able to publish the research relating to dreams shows that he does not yet have sufficient insight to give the Panel confidence that he fully understands why the provisions of the Code must not be flouted and why his primary consideration should be to his patients and not to academic research.

12. The Panel concluded that the Registrant's fitness to practice therefore remains currently impaired.

Determination on Sanction (reconvened 8 April 2020)

1. In accordance with rule 7.25 of UKCP's Complaints and Conduct Process, the Panel then went on to consider the question of sanction. This determination should be read in accordance with the Panel's previous determinations.

2. The Panel heard further submissions from Mr Milner on behalf of UKCP and Mr Levisseur on behalf of the Registrant in addition to evidence on oath from the Registrant.

3. The Panel received additional material from both parties, namely a reflective bundle dated 1 April 2020 from the Registrant and written submissions from UKCP dated 6 April 2020.

4. Mr Milner on behalf of UKCP adopted the written submissions on sanction and invited the Panel to consider that no sanction below sanction was appropriate.

5. Mr Levisseur on behalf of the Registrant invited the Panel to consider that there had been genuine insight displayed by the Registrant and a less severe sanction than that of suspension was appropriate.

6. The Panel heard and accepted the advice of the Legal Assessor. The Panel recognised that the purpose of any sanction is not to punish the Registrant, although that may be the consequence of a carefully weighted decision. The Panel recognised that any sanction must be proportionate and weigh the public interest with that of the Registrant.

7. The public interest includes the protection of members of the public, including clients; the maintenance of public confidence in the profession; and the declaring and upholding of proper standards of conduct and behaviour within the profession.

8. The Panel considered the sanctions available to it under rule 7.25 of the Complaints and Conduct Process in ascending order and was mindful that any sanction imposed should be the minimum that would be considered proportionate and appropriate in the circumstances.

9. The Panel considered the aggravating and mitigating circumstances.

Aggravating:

- a) Abuse of trust
- b) Late admissions and apology to Client A
- c) Lack of insight
- d) The breaches continued over a period of time
- e) The Registrant put Client A at risk of suffering harm

Mitigating:

- a) The Registrant is of hitherto good character in practice for 26 years with no complaints made to UKCP
- b) Provided a detailed reflective piece and addressed his understanding of his failures
- c) Some remediation by completing a short course relating to confidentiality
- d) References and testimonials were provided

10. The Panel noted the Registrant's evidence before them which displayed a different approach to these matters. The Registrant in his reflection commented on the shame he now felt that he had not kept up to date with the literature in this area of confidentiality and that this had now become a more important feature than it had been in the year 2000.

11. The Registrant detailed the use of internet facilities and access to information had changed the horizon for confidentiality. He described that he had "belatedly come up to speed" and was ashamed. He further accepted he had damaged the profession but had now studied six articles and appreciates his shortcomings and provided an unreserved apology to both Client A and UKCP and described the hearing as having been "very painful".

12. The Registrant described how he had come to a realisation that he should have known and respected the needs of Client A and not put his own needs first, his own motivation and described how he had been "self-justificatory".

13. In cross-examination the Panel further noted that the Registrant accepted he had been out of step but was very clear that he would not repeat this mistake again. He further suggested that he had done his best to address attitude in all problems and hoped he had demonstrated that he had incorporated this into his practice.

14. The Panel did consider that the breach of confidentiality in respect of one patient had occurred on several occasions, publication of a book, in discussions with others and after a meeting. The Panel

particularly noted that even after Client A asked for the publication to be withdrawn the breach was maintained.

15. The Panel did however consider that the Registrant had displayed some insight but had been cavalier in the past. The Panel further considered that the Registrant had learnt a salutary lesson, particularly in the hearing and his insight has developed and that his remorse in evidence was genuine.

16. The Panel did place significant weight upon the Registrant's 26-year unblemished career and the testimonials in his support.

17. The Panel noted that the Registrant completed an online course on confidentiality very recently.

18. The Panel considered the sanctions in the following order:

- a. *Apology and (b)Warning (c)Written report or oral statement:* The Panel considered that these sanctions were not sufficient to reflect the seriousness of the breaches found proved. The Panel did consider that the Registrant had provided oral evidence today and provided a reflective piece, but the Panel did not consider that this would be a proportionate sanction in itself.
- b. *Further training:* The Panel then went on to consider further training in a specified area and whilst there were some aspects which might appear to be appropriate, it would not be sufficient.
- c. *Further supervision:* The Panel was satisfied that the more appropriate sanction would be a period of further supervision in accordance with 3.6 of the sanctions guidance.
- d. The Panel did consider conditions of practice order but was satisfied that it would be disproportionate.

19. The Panel determined that the appropriate sanction is further supervision in the following terms:

- a) Clinical supervision
- b) With a UKCP recognised supervisor to be approved by the Case Manager
- c) The details of the proposed supervisor must be provided within 14 days
- d) The period of supervision is for a period of at least six months
- e) There must be a minimum of six sessions focusing on issues raised during the hearing, i.e. confidentiality, confidentiality in publication and research, which must include transference and counter-transference when working with transgender processes.
- f) At the end of the six months a report is to be submitted by the supervisor (c500-1000 words) describing the Registrant's learning to the UKCP Case Manager.

g) At the end of the six months the Registrant is to provide a reflective piece describing his learning (c1,500- 2,000 words).

10. If the Case Manager and Panel believe the goals have not been adequately met it may determine whether any further sanctions are necessary.

Right of Appeal

1. Both the Registrant and UKCP have 28 days from when the written decision is served in which to exercise their right of appeal.

2. The sanction outlined above will not take effect until after the 28 day period has lapsed. If no appeal is received the decision will take effect after the 28th day.

Signed,

Lionel Campuzano, Lay Chair
8/04/2020