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Criteria for Letters of Advice

Below are some general criteria that may be relevant to our decision to issue a Letter of Advice:

there have been no or low adverse consequences of the Member's behaviour - for example, it hasn't caused the Member's clients or others material distress, loss or impact on the public's confidence in the regulation of BACP Members

there is low or no risk to the public

there has been an early and genuine acceptance by the Member that a breach has occurred

the Member has apologised, or the breach has otherwise been remedied

the period over which the breach took place was short or it was stopped as soon as possible

the breach is no longer continuing

there is a low likelihood that the breach will be repeated in the future

the Member has not been the subject of findings of professional misconduct within the previous five years, and is not the subject of any other current complaints through any of the BACP complaints procedures (including Article 12.6)

the Member has co-operated with BACP

the Member has shown insight and acknowledged the failings identified

The breach was minor or technical and not in deliberate disregard of professional standards.

The time elapsed since the breach could also be a relevant factor when deciding whether a Letter of Advice is the most appropriate and proportionate outcome. For example, if the breach might otherwise have led to the matter being processed formally through the Professional Conduct Procedure (PCP) or occurred some time ago, and the Member has had a good record in the meantime, this may influence the decision to issue a Letter of Advice.

