

This guidance is to be used alongside the Professional Conduct Procedure and the Protocol on Sanctions to assist Professional Conduct Panels and Appeal Panels in deciding (i) whether a member's practice has fallen below the professional standards expected of them and (ii) what the most appropriate sanction is in the circumstances.

This guidance is intended to assist panels to make fair, consistent and transparent decisions in considering the imposition and appropriateness of a sanction. The Clerk to the panel will be able to advise and guide the panel on any questions arising when considering the imposition of sanctions.

The purpose of a sanction is to protect the public and to safeguard public interest by remedying any shortcomings. Sanctions are not intended to be punitive but are designed to educate and assist a member in returning to safe practice. Deciding panels may issue sanctions to members where it has been identified that a member's practice has fallen below the professional standards expected of them.

Where a risk to the public is identified, the panel must then determine what degree of public protection is required, ensuring that it is both proportionate to remedy the shortcomings identified and that it does sufficiently protect the public. In some cases, even where a panel is satisfied that the conduct of a member has fallen below the professional standards expected, it does not have to impose a sanction: this might happen for example, if a member has already remedied the shortcoming.

The main purpose of a sanction is to address the possible risk the member poses to public safety, but this must be balanced against the wider public interest.

In deciding whether to impose a sanction, the panel will consider:

- i the protection of the safety and wellbeing of the complainant, clients and the wider public

- i maintaining public confidence in and the reputation of the counselling profession
- i promoting and maintaining proper professional standards and conduct for members of the profession
- i the deterrent effect to other members

If a sanction is considered necessary to protect public safety, then it must be imposed.

In deciding whether a sanction is appropriate and proportionate, the panel may have regard to:

- i whether the member has admitted to, and apologised for, the behaviour which led to the complaint
- i whether the member has shown insight into their own behaviour or practice and taken steps to address any deficiencies through appropriate training, coaching or similar



sanction will almost always be suspension or withdrawal of membership as such conduct seriously jeopardizes public confidence in the profession.

If a panel considers imposing a lesser sanction, it must give sufficient detailed reasons for

complaints process might be considered by the panel as an aggravating factor. Where a panel finds that a member has abused their position of trust or where the client is particularly vulnerable, may also be considered aggravating factors. The panel may also take into account previously upheld complaints against the member.

If an Interim Suspension order was imposed by the Investigation and Assessment findings of fact when imposing suspensions. However, where there was a breach of the terms of an Interim Suspension the panel may take this into account. This may assist the process and whether they are likely to comply with any sanctions given.

In deciding what sanction, if any, to impose the panel should consider the sanctions available, starting with the least restrictive.

This form of sanction will usually only be used in cases where there has been a minor breach of professional standards and/or it is considered the conduct was an isolated incident where the likelihood of repetition is low. A panel may consider that where a member has demonstrated genuine remorse, a formal written apology is the appropriate sanction. The panel should also take into account whether the complainant would be willing to receive such an apology.

This form of sanction could comprise one or all the following:

1. demonstrating a change in practice
2. an immediate reflection
3. a written report

A panel may consider using this form of sanction in cases where a simple change to a clients is not sufficient to meet the required professional standards, the member may be required to demonstrate changes they have made to their written contract.

A panel may consider that, following the conclusion of the complaint process, a member may benefit from submitting a report of their immediate reflections of the process and any immediate learning they may have had.

This form of sanction may be used in cases where the member has found it difficult to accept the complaint being made and that a panel has identified shortcomings in their practice. By submitting their immediate reflections, a member will have the opportunity to process the outcome of a complaint in a beneficial and constructive





Once a sanction has been imposed, it will be for the Sanction Panel to monitor the progress of any sanctions requiring action from the member, for example the provision of a written report. Where a panel does not consider a sanction has been met, they may consider whe