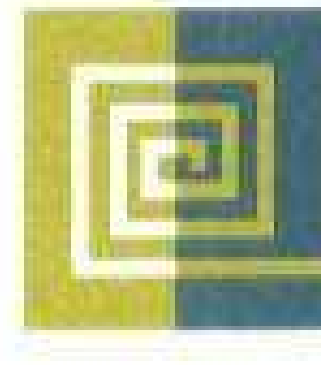


Code of Ethics of The Guild of Psychotherapists



Part I Interpretation

in this Code where the context so admits:

- (a) the masculine shall include the feminine;
 - (b) 'The Guild' shall mean The Guild of Psychotherapists;
 - (c) 'Member' shall mean a person admitted to membership of The Guild;
 - (d) 'Patient' shall mean a person who is being or has been treated in psychotherapy by a member;
 - (e) 'Ethics member' shall mean a member of the Ethics Panel including the Chairman;
 - (f) 'The Council' shall mean the Council of The Guild of Psychotherapists.
2. The headings of the Parts of this Code of Ethics are descriptive and explanatory only and do not form part of the said Code.

Part 2 Mandatory Standards of Conduct

1. (1) A member shall owe his patient the duty of confidentiality save where (a) there is a mandatory legal requirement to disclose; (b) the safety of the patient or of others is at risk; (c) wherever appropriate, the prior written consent by the patient to disclosure of material has been obtained provided that such consent may be oral where the disclosure is limited to informing the patient's doctor that the patient is in treatment with the member; (d) the use of patient material is customary in the course of normal psychotherapeutic practice including clinical training, supervision, teaching and clinical case discussion among colleagues. In the case of (c) and (d) above all necessary steps must be taken where there is disclosure of material relating to a patient to ensure that the identity of the patient is concealed.
(2) A member shall where required so to do by his patient inform his patient of the exceptions to the duty of confidentiality specified in sub-paragraph (1) of this paragraph.
2. No member shall make false claims as to his training or skills nor use personal testimonials.
3. A member shall if requested to do so disclose his qualifications to practise psychotherapy to any prospective patient or to any person having a legitimate interest in such information and requesting the same and shall not claim or imply that he possesses qualifications which he does not have.
4. A member shall prior to any person becoming his patient disclose to such person the terms and conditions of the contract between the member and such person and where appropriate his methods and principles of practice.

5. If a member shall have been convicted of a criminal offence punishable by imprisonment (whether or not a sentence of imprisonment shall have been imposed) or shall have had civil proceedings commenced against him by his patient or being a medical practitioner shall have had proceedings commenced against him by the General Medical Council he shall without delay inform the Chairman of the Ethics Panel in writing of the relevant facts.
6. A member shall not behave in an unprofessional manner towards another psychotherapist whether or not a member nor make unfair personal comparisons with other psychotherapists in connection with any communication with a patient or potential patient.
7. Save in respect of professional fees a member shall not have any dealings with his patient which might result in any financial or other benefit to the member.
8. A member shall not invite nor commit any sexual act with or in the presence of his patient.
9. Save where restraint is necessary (in which case only the minimum amount of force necessary in the circumstances shall be used) a member shall not commit an act of physical violence against a patient.
10. A member shall not treat a patient if the member is (a) by reason of physical or psychological illness or ageing incapable of exercising proper skill and judgment or (b) under the influence of alcohol or drugs.
11. A member shall not advertise to the public in a manner where any advertisement contains inaccurate or untruthful material or makes false claims.
12. A member shall maintain continuous professional indemnity insurance against such risks as The Guild may from time to time require and shall pay all premiums promptly and shall comply with all requirements of the insurers in respect thereof.

Part 3 Functions and Powers of the Ethics Panel

1. The functions and powers of the Ethics Panel shall be
 - (1) To receive all written complaints alleging any breach by a member of the mandatory standards of conduct set out in Part 2 of the Code.
 - (2) To decide whether such complaints disclose a prima facie case to answer in respect of the member about whom a complaint is made (hereinafter referred to as the "Respondent").
 - (3) To adjudicate on such complaints as the Ethics Panel has decided constitute a prima facie case for the Respondent to answer and when appropriate to impose such disciplinary action on the Respondent and to make such directions in respect of the payment of costs (whether by the Complainant or Respondent) as may seem appropriate and are specified in Part 5 of the Code.
 - (4) To report and account to the Council in accordance with the provisions of the Code.

Part 4 Procedure Where Complaint is Made Against A Member

1. (1) For the purposes of this Part of the Code a complaint against a member alleging a breach of Part 2 of this Code may be initiated only by a patient of that member or a member of The Guild (hereinafter referred to as the “Complainant”).
(2) Any such complaint against a member shall be made in writing and addressed to The Guild generally or to the Chair or Secretary of The Guild who shall without delay forward a copy of such written complaint to the Chairman of the Ethics Panel and to the person about whom the complaint has been made.
(3) No such complaint may be made in respect of events which occurred more than three years prior to the complaint being received by The Guild.
2. (1) The Chairman of the Ethics Panel shall within 14 days of the receipt of any complaint by him refer the same to the Ethics Panel which shall determine whether there is a prima facie case to answer in respect of the said complaint and shall immediately after such determination inform in writing the Chair of The Guild of such decision.
(2) Any such determination that there is a prima facie case to answer in respect of a complaint shall be either unanimous or by a majority.
3. For the purpose of carrying out its duties to determine whether any complaint discloses a prima facie case for the Respondent to answer the Panel shall:
 - (1) Base its determination solely on the written complaint submitted by the Complainant together with such further and better particulars as may be elicited by the Panel under the provisions of (2) of this paragraph.
 - (2) Have no power to interrogate or question either the Complainant or the Respondent or to otherwise investigate the nature or merits of such complaint save that where the nature of the complaint is unclear or where it is not specified which provision(s) of the Code is / are alleged to have been breached then the Panel may (in writing) request the Complainant to provide such further and better particulars of the complaint as may be sufficient to establish the nature of the complaint and/or the provision(s) of the Code alleged to have been breached.
4. If the Ethics Panel in its discretion is satisfied that the complaint discloses a prima facie case to answer it shall forthwith send written notice of its decision to the Complainant and Respondent together with copies of any documents considered by the Ethics Panel but not yet seen by the Complainant or Respondent together also with written particulars of the date time and place at which the Complainant and Respondent shall be requested to attend before the Ethics Panel such date to be not less than 21 days from the date of the notice.
5. In the event that both the Complainant and Respondent appear before the Ethics Panel in accordance with the provisions of paragraph 4 above the Ethics Panel shall invite both parties to meet with such senior member of The Guild as the Ethics Panel may consider suitable, provided that such person may not be a member of the Ethics Panel or of the Council, in order to explore the possibility of conciliation and specify a further date within 42 days when both parties shall be required to attend again before the Ethics Panel.
6. In the event that the parties shall agree to meet a person designated by the Ethics Panel for the purpose of conciliation, such person shall take no part whatsoever in the proceedings before the Ethics Panel nor have any contact whatsoever with any member of the Ethics Panel or the Council at any time in connection with any aspect of the

complaint which is before the Ethics Panel.

7. In the event of the parties agreeing to participate in any conciliation procedure as hereinbefore provided, the Ethics Panel shall when the parties again appear before it following such conciliation procedure, enquire whether any agreement has been reached between the Complainant and Respondent and shall then decide whether the complaint should proceed to adjudication. In making such decision the Ethics Panel shall whenever possible take into account any agreement that may have been reached between the Complainant and Respondent following conciliation as to whether the complaint should proceed to adjudication provided always that the Ethics Panel shall not be bound by any such agreement and may direct that the complaint should proceed to adjudication despite any agreement to the contrary.
8. In the event that both the Complainant and Respondent shall not appear before the Ethics Panel as requested or in the event that there is no agreement to participate in the conciliation procedure hereinbefore specified then the Ethics Panel shall on the first occasion on which the Complainant and Respondent are requested to appear before it direct that the complaint shall proceed to adjudication.
9. When the Ethics Panel decides or directs that any complaint shall proceed to adjudication it shall within three days thereof send written particulars to the Complainant and Respondent of the date time and place proposed for the adjudication such date to be within 42 days of the date on which the said written particulars are sent.
10. The Ethics Panel shall hear and determine any complaint which it has decided or directed should proceed to adjudication. Any such determination shall be by a decision of those members of the Ethics Panel who are present which is either unanimous or by a majority.
11. The Ethics Panel may hear and determine the complaint notwithstanding the failure of the Complainant or the Respondent to attend provided that if the Respondent shall have failed to attend, the Ethics Panel shall first be satisfied that he received or should have received the notice referred to in Part 4 paragraph 4 hereof.
12. The proceedings of the Ethics Panel shall in all respects accord with the principles of natural justice as recognised by English law.
13. The Ethics Panel may at any stage of the hearing appoint any person suitably qualified to advise the Ethics Panel on any matter arising and if considered necessary to attend the hearing to give such advice. The costs of such advice shall in all cases be payable by The Guild and shall be referred to the Council.
14. The Complainant and the Respondent may at any stage of the hearing at his own expense (whether by himself his lawyer or other chosen representative) make submissions, give oral evidence to the Ethics Panel, call witnesses and cross examine the other party or his witnesses save that the Respondent shall have the right to remain silent if he so wishes or is so advised. At the conclusion of the evidence the Complainant and the Respondent may make representations to the Ethics Panel.
15. Documents which are to be relied on or presented as evidence by the Complainant or

Respondent should be sent to the Ethics Panel and the other party at least 14 days before the hearing. Such documents shall be formally produced by the party relying on them at the appropriate point in the hearing. The producer of such documents may be examined and cross-examined on the content and implications of such documents.

16. The burden of proof on the Complainant at the adjudication shall be that which is applicable in criminal proceedings in England and Wales namely that the complaint is established beyond all reasonable doubt.
17. The conduct of the hearing, the length of the evidence and the admissibility of evidence shall in all respects be determined by the Ethics Panel.
18. No Ethics member shall sit on the Ethics Panel to deal with any complaint where there is likely to be some conflict of interest.
19. A quorum of the Ethics Panel to deal with any complaint shall consist of not less than three Ethics members. In cases where there would otherwise be no quorum the Chairman shall be empowered to co-opt any disinterested person who has formerly been an Ethics member to sit on the Ethics Panel.

Part 5 Disciplinary Action and Appeals Procedures

1. If the Ethics Panel shall be satisfied that the complaint has been proved and that a breach of this Code has been committed by the Respondent it may take one or more of the following courses of action in respect of the Respondent:
 - 1.1.1 Issue a written warning as to the possible consequences of future conduct in such form as it shall consider appropriate;
 - 1.1.2 Suspend him from membership of The Guild for such period as it shall consider appropriate;
 - 1.1.3 Expel him from membership of The Guild.
- 1.2 In addition to any such action the Panel shall have the power in its discretion to require that the Respondent shall pay any costs and expenses incurred by the Panel occasioned by the hearing in the event of the complaint being upheld against the Respondent and to require the Complainant to pay such costs and expenses in the event of the complaint not being upheld.
2. The Panel shall within three working days of the hearing notify the Complainant the Respondent and the Council of the determination of the Panel and of any disciplinary action taken.
3. The Complainant or the Respondent may within 21 days of the date of such notification give written notice to the Council of appeal against the decision of the Ethics Panel whereupon the Council shall fix a date for the consideration of the appeal and shall notify the Complainant and the Respondent of such date.
4. The Council shall be empowered in its discretion to set up an ad hoc Appeal Panel to determine any appeal on its behalf provided that such Appeal Panel shall comprise not less than five senior members of The Guild with qualifications and experience which are deemed suitable for the purpose for which those persons are appointed to the Panel.

5. At the hearing of the appeal the Complainant and the Respondent may make oral or written representations in person or through his representative to the Council or Appeal Panel in support of his appeal. The Council or Appeal Panel shall review a summary of the evidence presented at the hearing before the Ethics Panel and such further evidence which had not been presented at that hearing and which the Council or Appeal Panel in its sole discretion considers to be relevant to the appeal.
6. The Council or Appeal Panel on its behalf may (a) allow the appeal and quash the decision or the disciplinary action taken by the Ethics Panel or (b) substitute for the disciplinary action imposed by the Ethics Panel some alternative course of action specified in paragraph 1 of this part of the Code.
7. For the purposes of receiving any notification provided for under this Code or the hearing of an appeal under Part 5 of the Code the Council shall exclude any trainee or student who might otherwise be entitled to attend meetings of the Council.
8. In the event of any failure by The Guild (whether through the Ethics Panel, Council or Appeal Panel or any officer or other person or body) to comply with the provisions of the Code then the Complainant or Respondent shall be entitled to make a complaint concerning such failure to the relevant body within the United Kingdom Council for Psychotherapy (UKCP) in accordance with the regulations from time to time promulgated by the UKCP provided the Complainant or Respondent shall first have pursued any right of appeal to the Council in accordance with the terms of the Code. Such complaint to the UKCP shall be made within 21 days of the final decision provided for in the Code.

Part 6 Special Provisions Relating Solely to Trainees and Students

1. All trainees and students of The Guild shall be subject to all the provisions of the Code (save as herein expressly provided) as if they were full members of The Guild but shall not thereby acquire any voting rights in respect of any proceedings of The Guild whether at the AGM or otherwise nor be entitled to be elected to the Ethics Panel.
2. So far as the provisions of Part 5 of the Code in respect of disciplinary action are concerned there shall be substituted in relation to trainees and students provision for suspension or expulsion from training or registration as a student in lieu of the provision for suspension or expulsion from membership.
3. In the event of any complaint against a trainee or student under the terms of the Code the Ethics Panel shall in addition to the obligations imposed under the Code:
 - (1) Send a copy of the complaint to the Training Committee and at all times keep the Training Committee sufficiently informed of the progress of the complaint;
 - (2) Consult fully with the Training Committee in respect of any disciplinary action contemplated prior to imposing such disciplinary action provided that in all cases the decision of the Ethics Panel shall be final.