Sanctions Protocol

2019

Aims and objectives

This Protocol details the way in which COSRT may sanction Members subject to the COSRT Conduct Procedure when part or all of a complaint is upheld. This applies to both Consensual Agreement Resolutions and Adjudicated Hearings.

This Protocol is based on an organisational commitment that those responsible for determining sanctions will ensure fairness and proportionality guide decision making.

Available sanctions

Where part of all of a complaint is upheld at any stage in the Conduct Procedure, COSRT may impose one of more of the following sanctions:

- Requiring a written apology to a recipient of services provided by the Member within a specified timescale.
- Requiring the Member to demonstrate specified and measurable change/improvement in practice within a specified timescale.
- Requiring the Member to undertake identified training within a specified timescale, and to provide evidence of its completion.
- Suspend COSRT Membership for a specified timescale, or until such point that specific set conditions have been met.
- Remove COSRT Membership.

Any imposition of a sanction will be accompanied by a written explanation of the decision made.

COSRT reserves the right to impose no sanction even if part or all of a complaint has been upheld.

Rationale of sanctions

Whenever a sanction is imposed by COSRT, the Professional Conduct Panel or Adjudicated Hearing Panel must seek to protect the public and safeguard public interest.

In addition COSRT is committed to ensuring that its Conduct Procedure and related sanctions are implemented in such a way that wherever possible:

- The complainant is protected.
- Public confidence in psychosexual therapy, counselling, and psychotherapy are maintained.
- High professional standards and Member conduct are promoted.

Any sanction will be accompanied by an explanation of why it is deemed proper and proportionate, and how it addresses these concerns detailed above.

Determining a sanction

COSRT endeavours to ensure that any sanction imposed is proper and proportionate. All Professional Conduct Panel and Adjudicated Hearing Panel members are therefore required to consider the following when determining a sanction:

- Has the Member admitted to, apologised for and shown remorse for their misconduct?
- Has the Member independently tried to take steps to address their failures?
- Has the Member done anything to remedy their practice or behaviour?
- Does the Member have any other live or historic complaints (or similar) that may indicate repeated failings?
- How long is it since the incident took place?
- Did the Member know, or should the Member have been reasonably expected to know that their actions did or could have caused harm?
- How serious was the harm suffered by the Complainant?
- Was the behaviour sexual or abusive (physical/emotional/psychological) in nature?
- Was the Complainant discriminated against by the Member (race, gender, religion, sexual orientation, gender reassignment, marital status, age, disability or any other characteristic protected by law).
- Are there any mitigating or aggravating factors?
- Would a less serious sanction be appropriate?

In exceptional circumstances the Professional Conduct Panel or Adjudicated Hearing Panel may decide no sanction is required. In such instances full and evidence-based reasoning must be made available to the CEO, Complainant and Member.

If training is imposed as a sanction all efforts will be made to ensure it is both effective and reasonable. Therefore the following will be considered:

- Will the training be readily available to the Member?
- Will the Member be reasonably expected to afford costs associated with the training?
- Will the specified training help address the reasons for the Member's failings?
- What training has the Member already done and will there be unnecessary duplication?

Withdrawing COSRT membership

COSRT reserves the right to suspend or withdraw COSRT membership in order to protect the public, maintain confidence in COSRT, and/or maintain confidence in psychosexual therapy, counselling, and psychotherapy.

Suspension can be imposed at any point in the Conduct Procedure process, whilst withdrawal can only be imposed at the conclusion of the process.

Membership withdrawal can be imposed in the following circumstances (note this is not an exhaustive list but is rather used for illustrative purposes):

- The Member has been committed of a criminal offence or a Regulator has upheld a serious complaint against the Member.
- The Member has deliberately behaved in a way to cause harm.
- The Member has been dishonest or lacked integrity.
- The complaint involves sexual misconduct.
- The complaint involves abuse, violence or discrimination.
- The Member has disregarded professional standards.
- No remorse has been shown by the Member, or the Member demonstrates no insight into their behaviour.
- The complainant has suffered serious harm.
- COSRT or the profession risks being brought into disrepute by the Member's conduct.

Where a sanction of withdrawal of membership is imposed COSRT will not accept any reapplication for seven years from the date of termination.

The withdrawal of membership will be published on the organisation's website and in COSRT's journal. COSRT also reserves the right to publish the outcome of complaints elsewhere.