

# Discipline matters

**F**OLLOWING a distinguished career in dentistry, Dr Louis Kramer joined the Disciplinary Board (now renamed the Professional Conduct Board) as a lay member in 1993. He will finish his second spell as its chair in October, and says: 'I am not going to stand again. Age is a consideration – I am approaching 80.' Before Jill Bellingham came to the BPS, she was a volunteer law advocate for mental health clients, and worked for the local government ombudsman.

We kicked off by considering the overall role of the board. 'While the board is constituted to look into complaints,' Louis explained, 'it also contributes to the ethos of the Society in promoting high standards of psychological service to the public. I don't think standards are falling, nor are numbers of complaints rising significantly, but knowledge within psychology, and expectations about psychologists, are increasing, and cases have become much more complex. Partly due to the Human Rights Act, there is now a much higher requirement for the levels of evidence produced, and the exchange of evidence. However, standards do change over time, the criteria being whatever a reasonable person would do, acting reasonably – a typical House of Lords-type ruling!

'Our prime consideration, unequivocally, is responsibility to the public and the public interest – not the Society. Of course, complainants and psychologists are also members of the public. We have public open hearings, as required by the Human Rights Act.'

With regard to complaints themselves, Jill detailed the procedures. 'Much of the day-to-day work of the Professional Conduct Board is delegated to the Investigatory Committee, which comprises senior members of the Society, chosen because they have expertise in certain areas of psychology – educational, clinical, occupational, and so on. The Royal Charter specifies that at least two of the committee members must be honorary officers of the Society. These are usually the President

**JIM McCOURT met Dr Louis D. Kramer and Jill Bellingham to discuss the work of the Society's Disciplinary Board.**

and the President Elect. The Investigatory Committee meets monthly, and screens all new matters which are brought to its attention.

'If the committee thinks there is a case to answer, it will appoint a conduct or

that are taken about conduct matters is one of the great strengths of the Society's procedures.'

Louis agreed. 'The balance in favour of the lay representation deals entirely with the accusation that the professions look

after themselves. As a lay member screening cases, you have to be able to put your hand on your heart and say that there is no way that this complaint can ever amount to anything. If you can't say that, you have to send it forward for the next stage. Similarly, when I finish a conduct committee hearing, if I can say I have done my best, I am satisfied, and am prepared to face challenges on that basis.'

Jill continued: 'If a conduct or fitness to practice panel is appointed, it will provide a report with recommendations to the Investigatory

Committee. The Investigatory Committee in its turn will adopt the recommendations or not. But all cases must be passed to a lay member of the Professional Conduct Board for agreement. The options available are that the matter is not serious and can be dismissed, that the psychologist be advised as to their conduct, or that a conduct hearing is indicated.

'The conduct committee has three members, two being lay members, one of whom always chairs the committee. Once a complaint gets to the committee hearing stage the Society becomes the complainant, and prosecutes the case at the hearing.'

Louis added: 'A senior barrister is usually in attendance, to ensure that the



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Louis D. Kramer

fitness to practice panel, again made up of Fellows or Associate Fellows of the Society with expertise in the area under investigation. A panel is usually three, although it often goes up to five, depending on the complexity.

'If the panel thinks that there isn't a case to answer, then that recommendation will be referred to one of the lay members of the Professional Conduct Board for ratification. In accordance with the Royal Charter the board must have a majority of lay members, and a lay chair. At every stage of the procedure, the lay members have the pivotal role in deciding outcomes of the complaints. For me, the fact that the lay input is so key to all of the decisions

process is applied correctly and to advise the committee on points of law.'

Jill continued: 'At the hearing, witnesses can be called, and the Society member who is under investigation can cross-examine them. If the committee decides the case is proven, a number of penalties can be imposed. The member can be reprimanded or severely reprimanded, in addition perhaps being required to give an undertaking as to future conduct. Or the member might be suspended. But the ultimate sanction is expulsion from membership of the Society and all its Sections, with the loss of their chartered status. Obviously the committee might also decide that the case is not proven – in which case it is dismissed. There are mechanisms for appeals, and members are able to apply for reinstatement after a lapse of two years.'

We moved on to discuss the publication of conduct cases, and Louis explained the principles involved. 'Publication of cases, which is now a requirement under the Royal Charter, aims at education, and public information, not to further punish the individual.' Jill added: 'The disciplinary notices that go into *The Psychologist* often have an ethical commentary with them, produced by a member of the Ethics Committee, to highlight general learning points for the membership.'

Louis finds that, increasingly, there is an interchange between personal conduct and professional conduct. If a member is convicted of any criminal offence, such as drink driving, the Professional Conduct Board takes that very seriously indeed. 'Even though this might be a private matter, it might have a significant impact on professional practice,' he explained. 'A psychologist is a professional person 24 hours a day – in the eyes of the press for example. All complaints are taken seriously, but the board will avoid involvement in those concerning such matters as employment law, intellectual property rights, or professional opinions. After all, where there are two psychologists there would be three opinions!'

Where do most of the complaints come from, I wondered? 'Most complaints are about clinical psychologists because the DCP is by far the largest Division, and its members have the largest number of clients,' said Jill. 'Similarly, counselling and educational psychologists also generate a lot of complaints. I think that the Society has a lot of work to do in terms of making people aware of how to make a complaint.'

We moved on to considering the impact

of a complaint. 'The complaints process is stressful for everyone,' acknowledged Louis, 'and the needs and stresses of both the psychologist and the complainant must be balanced with the Society's need to take time and get the process right. Too often the delay is due to psychologists delaying, or not answering letters asking for information.'

Jill commented: 'Because the BPS is both a professional membership organisation and a regulatory body, a conflict arises when the Society is acting in its regulatory function, since it can't provide support or care for the member who is under investigation. That is why we suggest that members take out professional indemnity insurance or join a trade union,

### **'[The Society] is now taking itself more seriously as a "grown-up" professional body'**

because these can be sources of support. But there are moves afoot to try to provide some kind of support network around what happens when a member is under investigation.'

Louis added that members under investigation may be helped by the introduction of a health committee, functioning alongside the disciplinary committee. 'This has come about because sometimes, when a member is in difficulties and their professional practice is suffering, conduct proceedings are not the appropriate way to manage the situation, so people are reluctant to take any action. The health pathway will provide a more appropriate route to manage distress among psychologists.'

Finally, we discussed professional registration. 'The government has introduced the Health Professions Council, and the Society's route to statutory regulation is by becoming a member of this council,' Jill said. 'We are well on the way to fulfilling the criteria for membership, and will probably join in 2004. I don't think there is any going back.'

Louis agreed. 'Eventually, in some way, we will all be statutorily registered. But because the HPC only deals with chartered psychologists, the Society will still have to continue to monitor and regulate about 23,000 non-chartered psychologists.'

Louis and Jill feel a sense of quiet confidence in the work of the board, and are optimistic for the future. As Louis said,

'The board throughout the whole of my time has progressively changed and improved. Overall, I can't see any major changes occurring in the principles we are adopting. The 10 years I have spent and enjoyed associated with the Society's conduct functions have been for me one of the steepest learning curves of my professional experience. But far more important is that the Society has been on the same curve. When I started there was the feeling that the Society was running on the principles of a 'gentlemen's club' – all very nice and cosy. There were many spats between members, rather than from the outside. But the Society has grown up in a hurry. It is now taking itself more seriously as a 'grown-up' professional body with a secure base in the community.'

'I hope that along with the team I have been able to lay a solid foundation that will enable my successor to carry forward the metamorphosis. Growing pangs can be painful and must be bravely borne. But I have every confidence the Society can emerge during the next decade with solid public respect and an honoured place in the community structure.'

## **Press Committee**

### **Media Training Days 2003**

**Monday 29 September**

**Monday 1 December**

All Media Training Days will be held at the Society's London office at 33 John Street.

The days will include:

- news writing
- snapshots of the media
- media releases
- interview techniques

*For a registration form and further details contact:*

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