

## CLOSURE DECISION FORM

FTP number: FTP89391	Registrant: Noel D McDermott
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### Case background:

#### Concern(s) received:

On 09 February 2023, the Health and Care Professions Council (HCPC) received a concern from a member of the public (the complainant) regarding the above-named registrant (the registrant).

Concerns have been raised in the way the registrant is misrepresenting himself online as an HCPC registered Psychotherapist.

Concerns have also been raised that the registrant is misrepresenting his company regulated by the HCPC.

The complainant claims the registrant's repeated use to 'we' on his website makes it appear that his company directly provides HCPC registered care teams when it seems that the registrant works as a lone practitioner.

#### HCPC Investigation and information obtained:

The HCPC has received and reviewed the original concern raised by the complainant.

The HCPC notified the registrant of the concerns raised, and the registrant provided a response.

Concern:	Assessment against HCPC standards of conduct, performance, and ethics
1. Misrepresentation	<b>Standard 9 – Be honest and trustworthy</b>  'You must be honest about your experience, qualifications and skills' (9.2)  'You must make sure that any promotional activities you are involved in are accurate and not likely to mislead' (9.3)

The complainant has provided us with links to the registrant's:

- company website which includes the HCPC logo;
- website 'About Us' page which states 'we are regulated by the HCPC';
- LinkedIn account where the registrant states 'Psychotherapist (HCPC registered)'; and
- YouTube Video that says 'We are HCPC registered' in the caption.

The complainant has concerns that the websites use 'we' which makes it appear that the registrant's company provides care teams and suggests the 'we' should be 'I'.

The complainant says the use of the HCPC registered logo is misleading as it could be thought to associate all the registrant's activities and the company.

The complainant informs us that since raising the concern with relevant organisations, the registrant has removed the logos from his website.

The complainant has provided us with archived pages of the registrant's website for our consideration.

On receipt of our notification the registrant confirmed he had asked his web team take down the HCPC logo from the website to avoid being misleading.

The registrant apologised for any confusion that had been caused using the logo.

The registrant confirmed the company has a number of professionals working for them across a variety of disciplines and there was no intention to suggest they were all HCPC regulated.

The registrant has confirmed he has taken immediate action to remove any confusing and misleading information online.

	<p>The registrant advises that the use of 'we' was a reference to the company rather than indicating any association with HCPC.</p> <p>The registrant has confirmed he has taken on board the feedback about it being unclear and has removed all reference to HCPC, to his knowledge, in the marketing, web and social media resources.</p> <p>The registrant reiterates there was no intention to confuse and the reference to HCPC was due to his concern that the public could have a clear signpost to make complaints about him if needed.</p> <p>The registrant has also confirmed the YouTube welcome vide has been deleted along with all the text. All social media had previously been gone through to ensure any images and branding for the company reflects the current guidance.</p> <p>The registrant's LinkedIn account demonstrates his employment history, listing experience as a Psychotherapist and therapist.</p> <p>The HCPC note that the title 'Psychotherapist' is not a protected title, and the registrant has confirmed that he has previous work experience in this role, therefore using this title is not a concern.</p> <p>We note that the registrant has removed the term 'Psychotherapist (HCPC registered)' from his LinkedIn account to avoid further misrepresentation.</p> <p>The registrant has also removed 'We are regulated' and the HCPC logo from his website.</p> <p>There does not appear to be any evidence to suggest the registrant intentionally claimed his staff were HCPC registered and has quickly rectified any potentially misleading text online.</p>
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	<p>The HCPC consider the registrant has shown genuine remorse and has been open and honest during the enquiries.</p> <p>We consider this to be an isolated incident which has been swiftly rectified by the registrant.</p> <p>There is no information to suggest that the registrant has acted dishonestly or otherwise in bad faith, nor had the intention to mislead or deceive.</p> <p>We do not consider the information provided supports an allegation of impaired fitness to practise.</p> <p>There is no information to suggest the registrant failed to adhere to the above standard.</p>
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**Decision (with reference to relevant parts of Threshold Policy):**

<p>Having carefully reviewed all the information available the threshold is not met in this matter.</p> <p>The primary objective of the HCPC is to protect the public, through ensuring registrants are equipped with the skills and character to deliver safe and effective practice.</p> <p>Impaired fitness to practise means more than a suggestion that a professional has done something wrong. It means a concern about their conduct, competence, health, or character, that is serious enough to suggest that the Registrant is unfit or unsafe to practise without restriction, or at all (page 2 of HCPC Threshold Policy).</p> <p>The HCPC threshold policy sets out the types of concerns that meet our serious case criteria. Cases categorised as serious concerns are the most high-risk, both in terms of the risk presented to public protection and to public confidence in the profession. The concerns identified in this matter, do not amount to ‘serious concerns’ as set out in the HCPC Threshold Policy (page 7 of HCPC Threshold Policy).</p> <p>When assessing a matter against the Threshold for fitness to practise investigations, consideration is given to whether the matters raised may be part of a pattern of similar behaviour. There is no evidence that this is the case here.</p> <p>Concerns have been raised that the registrant has been misrepresenting himself, his company and its staff online.</p>
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As outlined above, the HCPC has not obtained any information to suggest that the registrant's practise has fallen below the standards expected.

There is no information to suggest the registrant is not capable of safe and effective practise and the threshold for fitness to practise investigations is not met.

**I confirm that the matter(s) set out above do not meet the threshold criteria for fitness to practise investigations (in line with the HCPC Threshold Policy for Fitness to Practise Investigations).**

**Decision by:** Amy Coates, Senior Decision Maker

**Date:** 14 April 2023