

Protect your professional reputation

What would be your first concern if a client tried to sue you for compensation, or complained to your professional body? Most therapists we speak to say that it would be maintaining their professional reputation or their clients' trust. So, even if you have insurance, the chances are you'd probably rather avoid the stress of defending a claim in the first place.

That's why we've prepared this booklet to show you how and why claims against therapists arise, and what you could do to help reduce your risks. Here are some of the main reasons that people claim or complain against their therapist and what you can do to help avoid them.

(1) Know and maintain your professional boundaries

It doesn't take an obvious, blatant breach of professional boundaries for a claim to occur. Most therapists are well aware that they shouldn't accept gifts or form friendships with their clients, but many of the claims we see arise out of relatively minor, well-intentioned acts. For example, you might have a picture of your spouse or your family on your desk, or at the end of a session you might mention that you are going on holiday, and your client might ask you where you are going and a conversation could develop.

All of these are seemingly innocent acts that have been used by claimants against therapists as evidence in real-life claims relating to a breach of professional boundaries. Often, such a claim can arise out of a series of small acts like those above, rather than a significant one-off event.

(2) Understand your professional body's procedures

A complaint or disciplinary action is possibly even more likely to happen than a compensation claim, so it's really important to know your professional body's code of conduct thoroughly. They will usually issue this to you when you join, so resist the temptation to just sign it and vow to read it later. It's important to know what you should and shouldn't do in the course of your profession and act accordingly. Our insurance also covers you in the event of a complaint or disciplinary action from a professional body. If a client should complain to your professional body about you, we provide cover to help you prepare your response to that complaint, and should it escalate to a full disciplinary hearing, we'll also cover the costs of defending the disciplinary action.

(3) Be aware of image and text copyright

Many therapists we speak to are surprised when we tell them that breach of copyright regularly causes claims, year in and year out. If you have a website or if you have any printed promotional material, you should be very careful about the text and imagery you use on them.

Most claims come from the unauthorised use of images or text on websites. It's easy to copy and paste an image from anywhere on another website and use it on your own site, and many people do it without realising that there are legal implications and that it is very easy for the owner of the image to track unauthorised use of it.

Website and image owners can now use websites like Copyscape and Google Images to quickly highlight any unauthorised use of their material. Photo libraries have also been known to pursue unauthorised users of their images for compensation. So you should ensure that you are authorised to use any images you have on your website, or if someone designs your site for you, ask for assurances from them (preferably in writing) that they are using them legally.

(4) Use proper contracts when you take on new clients

A client's first appointment sets the tone for any subsequent appointments, so it's important to get things right and to make sure that both parties are clear on how things will be done. Some therapists use detailed contracts and ask for a physical signature, whilst at the other extreme, some therapists have no contract at all.

A contract is your opportunity as a therapist to set clear expectations for your client of the service you will provide. The clearer your contract is, the less a client will potentially have to complain about. Claimants often pick up on things that haven't been made clear by the therapist, such as their hours of business, fees, modalities and methods of working. You should also clarify what contact is acceptable outside of appointments, as out of hours emails and texts have led to problems in the past.

(5) Maintain client confidentiality

Everything you discuss with your client should be treated as confidential. In fact, even the fact that someone is having therapy is a confidential matter. We do however, sometimes see claims where a therapist has inadvertently breached confidentiality, which is surprisingly easy to do.

You might for example have new clients recommended to you – either by your friends and contacts, or even by an existing client. It's possible that the person that recommended them might start talking to you about the new client, just to find out how they are getting on with you. This usually starts off as a well-intentioned enquiry, but we have seen incidents where therapists have disclosed things which they assumed the other party already knew about their friend, and the disclosure has resulted in a claim, so the safest thing is to say nothing, and explain that you have to maintain client confidentiality.

Sometimes, releasing confidential information is unavoidable - you might for example be asked to provide evidence for a court case or tribunal. If this should happen to you, our policy would provide cover to help you prepare a report for a court or tribunal, and would provide specialist advice on what should be included in the report.

Alternatively, you might feel that your client, or a third party is at risk of serious harm. If this is the case, your professional body or your supervisor will usually be able to advise the best course of action, or you may find our legal helpline useful – details can be found with your policy documents.

(6) Use your network of contacts

We asked therapists what it takes to run a safe and successful practice. We also asked them what their advice would be to a newly-trained therapist. One theme came up regularly in response to both of those questions – building your network of contacts. From the start of your training right through to being an experienced practitioner, you will come in to contact with many different people such as other therapists, professional bodies, training schools and supervisors to name but a few.

It is really important to use these contacts if you have a problem or don't know the best thing to do. We often see claims where therapists could have sought the advice of a trusted contact, or maybe even referred a case on to someone with more relevant or specialised experience. Instead, they decided to try and sort things out for themselves.

(7) Keep a safe place of work

Don't forget that as well as the specific risks involved with being a therapist, you're still open to many of the other, everyday risks faced by any other business, such as physical injuries to your clients, or damage to their property whilst visiting your place of work.

There are already plenty of good reasons to keep your place of work tidy and well-maintained, such as presenting a professional image, but it can also have implications for the safety of your clients. If a client tripped over a briefcase you'd left lying around or injured themselves in any other way during an appointment, you could be held liable for their injuries and any other costs such as loss of income.

If the worst should happen it is worth taking down as many details as you can immediately while they are fresh in your mind, and maybe even take a photo of the scene and cause of any accident, as this could help to defend a claim.

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