
**Principled
Non-Compliance &
Alternative
Professional
Accountability:
*How it Works***

**An Ethical Response to
HPC Regulation of
Counselling &
Psychotherapy**

**Alliance for Counselling & Psychotherapy
Against State Regulation**

PNC & APA: How it Works

The Health Professions Council (HPC) is preparing to regulate counsellors and psychotherapists, and to hold a state-backed register of practitioners. It has told the Department of Health that it is ready to proceed, and unless this process can be stopped, an order will pass through Parliament in due course.

There are a number of reasons why many practitioners do not want to be regulated by the HPC. For example, they do not see their work as a 'health profession'; they object to the legalistic and adversarial structure of HPC 'Fitness to Practise' procedures; and they do not believe that the whole process will be in clients' best interests. The Alliance and others are trying to halt HPC regulation, through argument and through legal means; but we have to face the fact that it may well happen. This document looks at how practitioners would then be able to remain unregistered.

Q. I don't want to be registered with the Health Professions Council because I disagree with their legal definitions of psychotherapy and counselling as expressed in the Standards of Proficiency. Do I have any options other than registration if regulation by HPC comes to pass?

A. Yes. You can undertake what has become known as Principled Non Compliance (PNC): that is, refuse to enter into HPC registration but continue practising. If you do, then you should consider taking the further steps necessary to enter Alternative Professional Accountability (APA) (see below).

Q. If I enter PNC/APA, can I still call myself a 'psychotherapist' or 'counsellor'?

A. No. This is the biggest sacrifice involved: you will have to give up those titles and declare yourself to be another kind of practitioner. The titles of 'psychotherapist' and 'counsellor' will be protected by law. So far as anyone knows these are the only titles which will be protected.

Q. So what else could I call myself?

A. Well, some existing titles like 'psychoanalyst', 'Jungian analyst', 'body therapist', or 'humanistic therapist' will still be OK; beyond that, the only limit is your imagination. You will however need to be able to justify your use of the title in terms of your formation or training as a practitioner.

Q. But I trained in an institute that trains psychotherapists and/or counsellors and even has those words in its name – does that mean I will be in trouble even if I do not use the protected titles?

A. No. It is the title under which you practise that counts.

Q. What about my work teaching psychotherapy or counselling?

A. If the institute involved tell you they will only use people who are HPC registered, then you have to make a choice. We believe that many training institutes will not make this demand.

Q. Is the approach you are describing legal?

A. Yes. We are advised by solicitors specialising in human rights and constitutional and administrative law that, so long as you do not use the titles which are protected by law, or describe yourself as offering 'psychotherapy services' or 'counselling services', you will be acting entirely legally. You must not be guilty of deception. (We will provide copies of extracts from the advice on request – please e-mail info@allianceforcandp.org)

Q. What deception are you talking about?

A. Technically, you must not try to deceive anyone that you are an HPC registered 'counsellor' or 'psychotherapist'. In practice, *this means avoiding those titles entirely.*

Q. Is that all the legal advice says?

A. No, they say that it would be advisable to issue a Disclaimer in which you make it clear that the legal definition of counselling and psychotherapy and counselling by the HPC does not describe what you do. You can say this with a clear conscience: we suggest you read the HPC generic and the profession specific Standards of Proficiency. At the appropriate moment, legally vetted examples of such Disclaimers will be circulated widely. You should place your Disclaimer on your website, and/or on whatever paperwork your clients or patients get to see.

Q. Will I still be able to get professional indemnity insurance if I enter PNC/APA?

A. Categorically, yes.

Q. Is there anything else I need to do?

A. You need to make sure that your work is convincingly *accountable*: that is, that you work according to an ethical code that itself meets high standards, and that any unhappy clients will have recourse to a procedure which explores your work with them. *You need to ask your existing professional organisation whether it will continue to support your work in this way.* The name which is being given to this is Alternative Professional Accountability (APA).

Q. How will that work?

A. There is good reason to think that both UKCP and BACP will make room for those who choose APA to continue as or become members, though this is not yet signed and sealed. Your specific professional body also has this option; some have already said that they will do so, but you will need to find out what your own body intends, and if necessary persuade them. You should be aware that some organisations will be changing their ethics procedures to meet contemporary expectations. APA is not a soft option.

Q. Will I be on my own if I choose this path?

A. There is reason to expect that thousands of practitioners will follow the PNC/APA route and stay out of HPC regulation. The Alliance will help to build support systems for these practitioners and set up ways in which they can stay in touch with each other. As explained above, it may well be that you will continue to be accountable via the ethics procedures of your main professional organisation. There are also likely to be some new structures created to meet this new situation, and it will be up to you whether you take part.

Q. I hate the idea of registering with HPC, but I must because of my work or prospective work. What shall I do?

A. Register. There is no alternative in those circumstances. And no blame. But do check first with your employer to see what their attitude might be once they understand PNC/APA. Seek to change HPC from within.

Q. I've read all this and I still feel I can't give up my title of 'counsellor' or 'psychotherapist'?

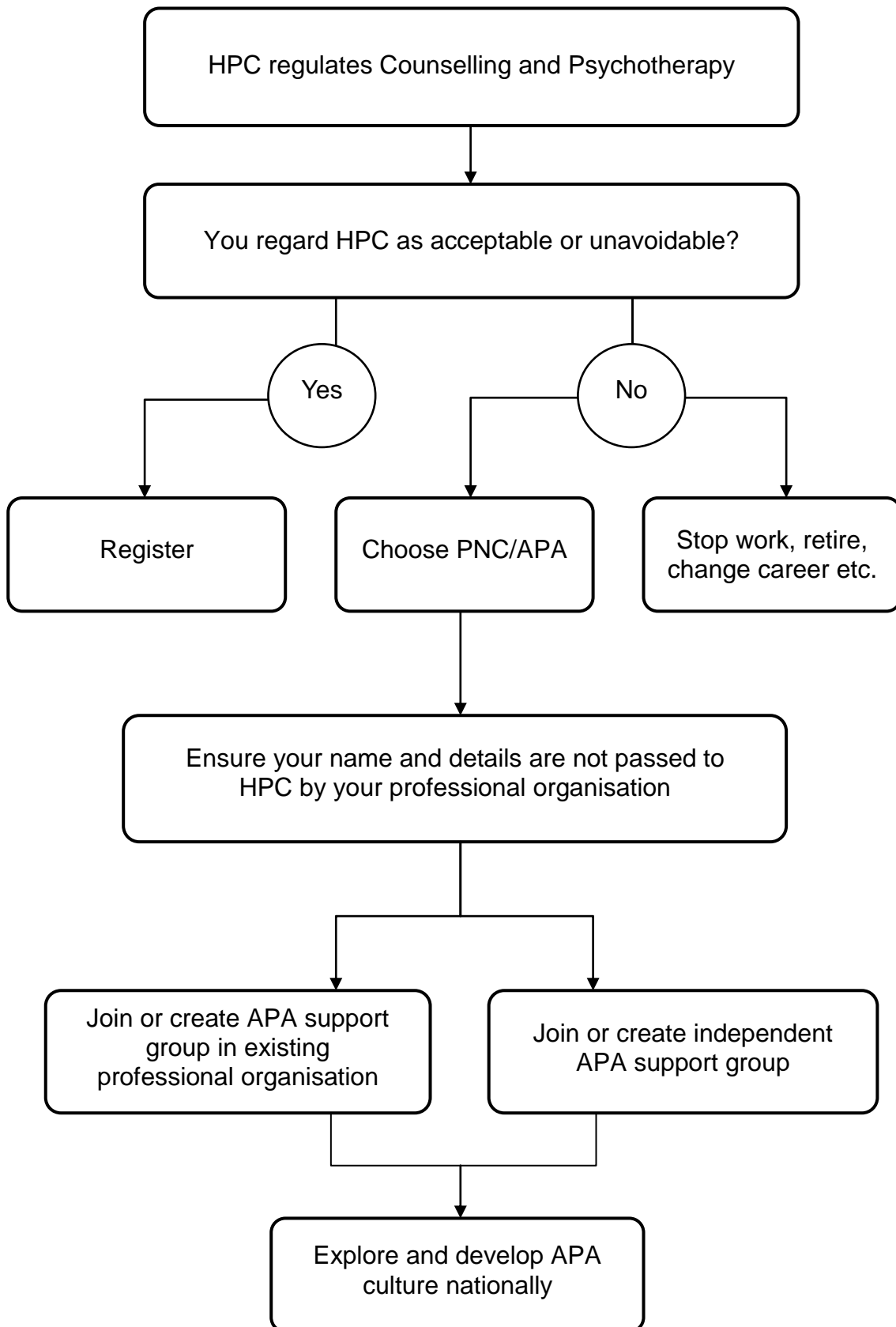
A. Register. Again, no blame. It is not our intention to meet the HPC's 'You Must Register' with a counterblast of 'You Must Not Register'! Seek to change HPC from within.

Q. What should I do next?

A. HPC regulation has not yet happened, and there is still hope that we can stop it. You should talk to your colleagues and professional bodies, organise meetings, and sign the petition against regulation, if you have not already done so, at:
<http://www.petitiononline.com/statereg/petition.html>

You should also prepare for PNC/APA: work out your new title and disclaimer, and again talk to your colleagues and your professional body about it. Share this document with them!

Transition to PNC/APA



PNC & APA: How it Works