

UKAHPP response to HPC consultation October 2009

Introduction

The present consultation, and the whole of the HPC's conduct of this process, has been on the basis that statutory regulation will be introduced and will be introduced with HPC as the regulator; the consultation process has addressed only the details of implementation. The HPC 2008 and 2009 public consultations do not address the (logically prior) question of whether HPC is the appropriate regulatory body for the counselling and psychotherapy professions. Therefore we wish to provide the following comments on the 20 "how" questions with the proviso that engaging in this way does not necessarily imply acceptance of HPC as the appropriate regulatory body for these professions.

The White Paper on Trust, Assurance and Safety, which mandates HPC activities in respect of these professions, asked the HPC to consider whether it is the appropriate regulator for counselling and psychotherapy. Until this fundamental matter is adequately dealt with, the present process should be suspended.

All UKAHPP members have had an opportunity to comment on this UKAHPP-organisational response in draft form. None have said they favour the HPC proposals. Many have concluded – precisely from the HPC proposals – that the HPC is not an appropriate regulatory body for counselling and psychotherapy. Please address this primary question, as required by the White Paper.

Structure of the Register

HPC Question 1. Do you agree that the Register should be structured to differentiate between psychotherapists and counsellors? If not, why not.

UKAHPP agrees that there are "subtle yet complex distinctions between psychotherapy and counselling;" these are reflected in how the professions are currently structured, and in patterns of practice, employment, entry-levels etc. UKAHPP has for many years required 450 hours of tutor-contact training for counsellor training and 900 hours for psychotherapist training, with similar differences in the amounts of supervised practice, own-therapy, CPD etc required for these two levels of accreditation. These differences reflect the distinct levels of training for counselling and psychotherapy provided by many training organisations (UKAHPP is an accrediting organisation not a training organisation). To combine counselling and psychotherapy in a single register would result in either inappropriately downgrading the psychotherapist qualification or inappropriately upgrading the counsellor qualification, and cause confusion to both the public and the professions.

HPC Question 2. Do you agree that the Register should not differentiate between different modalities? If not, why not.

This proposed approach differs from how psychologists have been treated by the HPC, where the generic "psychologist" has not been regulated but only adjectival version of the generic title. We fail to see why the HPC arguments put forward by

HPC in section 4.4 of the PLG consultation document apply to psychotherapists and counsellors but not to psychologists – we ask the HPC to make this clear before proceeding as proposed. It is perfectly possible to produce a short list of modality titles – existing voluntary registers such as UKCP are based on such modality distinctions. The number of modality-based adjectival versions of “psychotherapist” would likely be fewer than the HPC has allowed for “psychologist”.

HPC Question 3. Do you think that the Register should differentiate between practitioners qualified to work with children and young people and those qualified to work with adults? If yes, why? If not, why not.

UKAHP does not accredit practitioners for psychological work with children, on the basis that training and expertise for working with children differ significantly from what is required for working with adults.

Protected titles

HPC Question 4. Do you agree that 'psychotherapist' should become a protected title? If not, why not.

Please see our answers to Questions 19 and 20 below.

HPC Question 5. Do you agree that 'counsellor' should become a protected title? If not, why not.

Please see our answers to Questions 19 and 20 below.

HPC Question 6. Do you agree with the approach to dual registration outlined in the report? If not, why not.

Please see our answers to Questions 19 and 20 below.

Voluntary register transfers

HPC Question 7. How appropriate are the draft criteria for voluntary register transfers?

These recommendations differ from the HPC document “Psychotherapists and Counsellors PLG. Voluntary register transfers – draft criteria for transfer, Section 2.” (at http://www.hpc-uk.org/assets/documents/1000288Apsychotherapists_and_counsellors_professional_liason_group_2009052627_enclosure04voluntaryregistertransfers.pdf). It is important that after the criteria are made final and all details are made specific, adequate time is allowed for voluntary registers to put in place any measures needed to demonstrate that they meet all criteria. Transfer of voluntary registers cannot be expected within a short period after transfer criteria are finalised and published. This answer applies also to Questions 8 & 9 below.

HPC Question 8. Do you have any comments on the outline process for identifying which registers should transfer?

The process (a voluntary organisation has to proactively apply to HPC) is more acceptable than vice-versa (HPC requests or requires the voluntary organisation to transfer its membership database). UKAHPP will seek its members' express permission for their details to be transferred to HPC. The transfer-criteria (clear membership criteria, assessment procedures, ethical codes, complaints process, CPD) seem adequate.

HPC Question 9. What evidence might an organisation holding a voluntary register provide in order to support their submission?

The evidence proposed (documentation of the membership criteria etc) seems adequate.

Grandparenting

HPC Question 10. Do you agree that the grandparenting period for psychotherapists and counsellors should be set at two years in length?

We hear from practitioners much concern and lack of clear understanding of the HPC process and proposals. We are not aware of any direct communications that the HPC has sent to practitioners, and the present consultation seems to have been made known to the professions only by press release and the HPC website. Not all practitioners have internet access. Whilst relying on practitioners to access the HPC website in order to read the three lengthy HPC consultation documents, there is no email-feedback form or other provision to facilitate practitioners' responses. This consultation is inadequate, therefore unlikely to be informed by the responses of many practitioners or to gain the informed support of many practitioners for the proposed regulation. For these reasons, UKAHPP argues that it is unreasonable to reduce the three year grandparenting period allowed for the psychology profession to two years for the counselling and psychotherapy professions. The counselling and psychotherapy professions are not less complex than the psychology profession.

The HPC consultation does not include a question about the actual grandparenting conditions proposed. If consultation is required on the other proposals, then consultation on the proposed grandparenting conditions is also required before they are introduced. Briefly, these conditions from Section 6 of the HPC PLG report seem to us questionable:

"Grandparenting is not open to someone who holds an approved qualification but who chose not to become a member of one of the registers that transfers, nor is it open to someone who allowed their registration to lapse."

What is the good sense behind this exclusion? Practitioners may have opted not to register with a voluntary organisation or to lapse voluntary registration for valid reasons, including personal circumstances such as illness. This provision may unfairly exclude many practitioners without there being any evidence that they are practicing incompetently or unethically. Where there has been no legal requirement historically that practitioners join and remain members of a voluntary register there is no just basis for preventing them from continuing their chosen employment by excluding them from the grandparenting into the HPC.

"Route A: Applicants can apply via this route if they can demonstrate that they have been in practice for three out of five years before the opening of the Register (or its equivalent on a part time basis). An applicant has to demonstrate that they practise

safely, lawfully and effectively within their scope of practice."

"Route B: This route is open to applicants who do not satisfy the time in practice criteria for Route A, but who have been in practice before the opening of the Register. An applicant has to demonstrate that the combination of their training, education and experience meets the standards of proficiency for the profession."

Everything depends on how an applicant is to demonstrate these things, and who is to carry out the assessment. Detailed public consultation on these points is needed before introduction.

Standards of proficiency

Question 11. Do you think that the standards support the recommendation to differentiate between psychotherapists and counsellors?

No. The SoPs need much further work to reflect the differences between counselling and psychotherapy practices. They are also unsuited to these professions on a conceptual level. For example, SO1a6 "...be able to...determine the nature and severity of the problem... deal with the problem... initiate resolution of problems...etc" does not reflect what goes on in good counselling and psychotherapy practices; it is language taken from (and limited to) physical medicine but inapplicable to counselling and psychotherapy. These professions' clients are not "service users" (1a1); we believe that few practitioners would accept the underlying assumptions of these SoPs about passive service users, risk management, targeted interventions etc. The SoPs language of "problems", "management plans", "diagnostic or monitoring procedures", "outcome measures" etc simply does not reflect the proficiencies exercised by good counsellors and psychotherapists and we cannot be assessed by such inappropriate measures. The addition of a small number of SoPs intended to be specific to these professions does not remedy this situation.

Question 12. Do you think the standards are set at the threshold level for safe and effective practice? If not, why not?

No. They are largely irrelevant to counselling and psychotherapy, and if applied would be a distortion of our practices. Please see answer to Question 11 above.

Question 13. Are the draft standards applicable across modalities and applicable to work with different client groups?

No. Please see answer to Question 11 above.

Question 14. Do you think there are any standards which should be added, amended or removed?

These SoPs require fundamental revision in a much more broadly consultative process with the professions, removing or revising the SoPs transferred from physical medicine, and revising and adding to those labelled for psychotherapists and/or counsellors. The latter are not representative of the wide range of counselling and psychotherapy; for example, we believe that many practitioners would not base their work on the psychiatric notion of "severe mental disorder". See also answer to Question 11 above.

Question 15. Do you agree that the level of English language proficiency should be set at level 7.0 of the International English Language Testing System (IELTS) with no element below 6.5 or equivalent? (Standard 1b.3)

This is misconceived in its application to counselling and psychotherapy. Some practitioners specialise in working with non-English mother language clients in their own languages. This is one aspect of a larger misconception in the HPC PLG proposals and particularly in SoP 1b3 about the nature and function of communication in counselling and psychotherapy.

Education and Training

Question 16. Do you agree that the threshold educational level for entry to the Register for counsellors should be set at level 5 on the National Qualifications Framework? If not, why not?

To facilitate a smooth transition from voluntary regulation to statutory regulation the threshold educational level for counsellors should accord with the present requirement of 450 tutor-contact training hours for counsellor accreditation. This requirement is widely accepted by other voluntary organisations as well as by UKAHPP.

Also the proposal that "HPC will approve all those education and training programmes, historic and current, that led or lead to registration with one of the voluntary registers that transfers" combined with the statement that "HPC does not undertake cyclical re-visits of programmes (i.e. every five years)" adds up to a very lax regulation of courses that will provide approved qualifications for HPC registration. This is out of keeping with the much stricter requirements for, say, grandparenting of individuals already in practice.

Question 17. Do you agree that the threshold educational level for entry to the Register for psychotherapists should be set at level 7 on the National Qualifications Framework? If not, why not?

To facilitate a smooth transition from voluntary regulation to statutory regulation the threshold educational level for psychotherapists should accord with the present requirement of 900 tutor-contact training hour at postgrad level for psychotherapist accreditation. This requirement is widely accepted by other voluntary organisations as well as by UKAHPP.

Impact assessment

Question 18. Do you have any comments about the potential impact of the PLG's recommendations and the potential impact of statutory regulation?

the PLG recommendations as presently formulated are likely to reduce the diversity of psychotherapy and counselling available to the public in this country. They will measure how it is lawful to practice against standards which do not reflect good practice but are transferred from quite different professions, and effectively outlaw much of how psychotherapy and counselling is conducted at present.

The regulation of other groups

Question 19. Do you have any comments about the potential implications of this

work on the future regulation of other groups delivering psychological therapies?

No comment.

Question 20. Do you have any further comments?

Please see our introduction paragraphs. UKAHPP made a similar response to the HPC's mid-2008 Call for Idea (see below). The starting point for any scheme of compulsory statutory regulation which will command informed consent must be consideration of alleged deficiencies in the present system of voluntary self-regulation and claimed advantages of compulsory statutory regulation, including examination of HPC as a regulator and of other professions which are already under statutory regulation.

From UKAHPP letter to HPC, 17 October 2008:

“ A. The principle of state regulation

Before responding to the Call for Ideas questions, the UKAHPP Board notes that these refer only to “how” state regulation of the psychology professions may be carried out. They do not provide explanation of the principle of or rationale for state regulation. UKAHPP is not aware of a comprehensive case for mandatory state regulation having been made, nor of a comprehensive analysis of deficiencies of the present system of voluntary self-regulation. UKAHPP would like to receive such information as soon as possible; until that time the Association reserves its position on the principle of state regulation. Productive engagement from stakeholders cannot be expected until such information is provided; in the absence of a convincing case being made, individual UKAHPP members may adopt a position of compliance, or of “principled non-compliance”. As some have pointed out, it was under the mandatory state regulated system for medical practitioners that the Shipman abuses occurred over a lengthy period.

B. Subject to the above, the UKAHPP Board would like to provide the following responses...”

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The United Kingdom Association of Humanistic Psychology Practitioners is an Accrediting Member Organisation of the United Kingdom Council for Psychotherapy (Humanistic & Integrative Psychotherapy Section, and Psychotherapeutic Counselling Section) and of the United Kingdom Register of Counsellors.