

# Consultation! Consultation!

UKCP's response to the Health Professions Council consultation  
on the statutory regulation of psychotherapy and counselling  
– an invitation to participate

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## Introduction

This consultation briefing forms part of the UKCP's process of developing opportunities to consult as widely as possible with our registrants and members; even within limited external timescales.

We set out below the approach UKCP is taking to particular aspects of the Health Professions Council (HPC) consultation. We also have set out our thoughts and concerns in relation to the handling of fitness to practise and complaints, even though fitness to practise and complaints are not covered by the current HPC consultation. Finally the briefing provides further clarification for UKCP accrediting organisations in relation to HPC approval processes.

We are asking for thoughts and guidance from registrants and organisational members towards formulating our response to this second public consultation, and to our stance for the next round of dealings with HPC.

UKCP was created with the intention of the profession being statutorily regulated; we would prefer to see a dedicated psychological professions regulator. UKCP participates in meetings and dialogues with the proposed statutory regulator knowing that there is a diversity of opinion about its suitability to regulate the profession. The aim of our engagement is to see if we can secure changes that could make HPC regulation acceptable.

We are already seeing some signs of our work at the Professional Liaison Group (PLG) and in other meetings with the HPC having some impact on their thinking and approach. Many of the arguments put forward by UKCP in the PLG have been accepted, and the proposals from the HPC draw on some of UKCP's standards for psychotherapy and psychotherapeutic practice.

Kathi Murphy, our representative to the PLG, attended the last full meeting of the HPC in an observational capacity during which there were two short significant discussions. The first centred on the need for HPC to develop and adopt a broader description of the term 'health' to include psychological, emotional and spiritual dimensions. The second addressed the issue of the HPC itself needing to change some of its existing structures and procedures in order that it should be fit for purpose for the professions of counselling and psychotherapy.

UKCP will actively support this direction of thinking in all our dealings with members of the HPC and pursue it becoming a reality within HPC. We want to see more of this direction being adopted in all documentation relating to the statutory regulation of psychotherapy and counselling.

We are not saying that all the issues of concern have been addressed to our full satisfaction, rather that we can see shifts in the thinking that may end up being good enough. Our task remains to continue educating, informing and challenging HPC on what is required by us in terms of seeing a good enough attending to the complexity and nuances of our work and their implications for any regulator of our professions.

## Setting the context of HPC and statutory regulation

HPC exists to regulate statutorily professions under legally set titles and to ensure through its rules and procedures that the public is protected from practitioners who fall below the required standards. *The HPC's role does not include support to the practitioner.* HPC have indicated that they see support and guidance of the individual practitioner as falling to the relevant professional body.

### The statutory regulation timetable

The anticipated timetable for the statutory regulation project by HPC is as follows:

- 6 July 2009 - report to the HPC Council
- July to 16th October 2009 - consultation on HPC's recommendations
- 18 and 19 November 2009 - reconvened meeting of the PLG to discuss standards of proficiency/threshold level for entry responses
- 10 December 2009 - HPC Council considers responses to the consultation and finalises recommendations to the Secretary of State for Health and Ministers in the devolved administrations
- January 2010 – process begins to seek information from voluntary registers in order to make recommendations about register transfers.

### Section 60 Order – the process

Beyond the HPC work will be the drafting of the Section 60 Order by the Department of Health (DoH); this is a piece of secondary legislation made under the Health Act 1999.

If a decision were made to proceed with the regulation of psychotherapists and counsellors, the DoH would publicly consult on the draft Section 60 Order prior to publication of the legislation.

The final decision on the regulation of psychotherapists and counsellors is one ultimately for the UK and Scottish Parliaments.

## The UKCP response: considerations, timetable and methods to respond

UKCP will be making a response to the HPC Consultation Paper and Draft Standards of Proficiency (SOP) as a key stakeholder professional body.

Ideally, at this crucial stage of negotiations, we would like to make this *the only response to HPC from UKCP, its registrants and member organisations*.

However, it is possible for you to respond directly to the HPC should you choose to do this.

Whichever route of responding that you choose, we welcome the opportunity to draw upon your thoughts and ideas. In this briefing we are sharing our thoughts and the direction of our thinking, thus far, on the UKCP response to the current HPC consultation on regulation of psychotherapy and counselling.

We would appreciate receiving your contributions, for the UKCP response and/or draft copies of any direct responses you choose to make, early enough so that we may incorporate them into the UKCP response. If you want to share with us a draft at an earlier stage we will be able to offer support and/or guidance on areas where you are unsure of current information.

We also want to see responses that you make directly to the HPC even if you don't have time to send them to us in advance of the deadline stated below.

It is crucial for continued effective negotiations with HPC that UKCP are kept informed of any and all responses made by our registrants and member organisations.

UKCP's response will incorporate input from MOs and registrants received by 25 September 2009. Please note the deadline for all submissions to the HPC consultation is 16 October 2009.

Please email your input to [hpc@ukcp.org.uk](mailto:hpc@ukcp.org.uk) by 25 September 2009; including title, page and paragraph numbers from the HPC consultation documentation so that we are able to clearly pick up on each point you wish to make.

See <http://www.hpc-uk.org/aboutus/consultations/index.asp?id=93>

## UKCP response to the July 2009 consultation – the summary assessment

The primary focus of the UKCP response to the latest consultation must be around the standards of proficiency (SOPs) and the specific questions posed in the consultation document. In principle, we believe the recommendations set out in the HPC consultation documents can be supported by UKCP.

Equally, UKCP will continue in its efforts, formal and informal, to influence and challenge where the current approach of the statutory regulator falls short of standards and considerations we would expect to see as the minimum required to make regulation by HPC viable for the nature and work of our profession. UKCP will continue to engage with HPC in discussions relating to the development and adaptation of their complaints processes to take account of the differences between the more medical models of care and those needed for appropriate handling of complaints relating to psychological care – see section G of this document.

The UKCP response shall include at minimum the following elements:

address shortcomings in the SOP in order to ensure they better reflect our work by suggesting some specific additions to the discrete SOP for psychotherapy and those for counselling;

address each of the questions set out in the consultation paper; the draft responses to these questions will be influenced by the responses we get from our MOs and registrants.

UKCP must continue in its efforts to influence and challenge to ensure that the material for statutory regulation reflects the language, concepts and substance of psychotherapeutic work. This should be done in a way that is compatible with our understanding, knowledge and experience of what works best, gained over our many years of undertaking regulatory work at a voluntary level.

## The thorny issue of psychotherapeutic counsellor as a statutory title

It has been the aim of UKCP to see both our registers being accepted by the HPC under our titles of Psychotherapist and Psychotherapeutic Counsellor. This aim was clearly stated in our first submission to the HPC Call for Ideas.

This was not a view shared widely and there is little or no support in the PLG for the UKCP position for the title of psychotherapeutic counsellor to become a registered title in its own right. UKCP has reluctantly accepted this. We are aware this will cause concern for our psychotherapeutic counsellor registrants.

However we believe that UKCP can work on to ensure that our register of psychotherapeutic counsellors will be seen and understood to be a reflection of standards of practice and excellence much beyond those of the minimum threshold entry level being put forward for counsellors.

## Consultation on HPC standards of proficiency

HPC has consistently stated that professionals from the various modalities and traditions will be expected to interpret and elaborate the SOP in their own philosophical and conceptual language, especially through the work of their professional bodies.

With this in mind, UKCP is in general agreement with the recommendations set out in the draft consultation by the HPC. We support in principle the thrust of the proposed SOP, but we believe they need extending and the language needs to be less medical and more psychotherapeutic.

Below are possibilities for inclusion in the UKCP response that you may wish to consider:

### Proposed HPC standards of proficiency

The proposed SOP for psychotherapists only and for counsellors only are as follows:

NB the SOP are for the *threshold entry level* to the professional register; the point at which someone first joins the statutory register as recognition of them meeting the requirements to hold the title psychotherapist or counsellor.

#### **'Knowledge, understanding and skills**

**3a.1 know and understand the key concepts of the bodies of knowledge which are relevant to their profession specific practice**

#### **Psychotherapists only**

- *understand typical presentations of severe mental disorder*
- *understand methods of diagnosis of severe mental disorder appropriate to the theoretical approach and be able to conduct appropriate diagnostic procedures - understand and implement treatment methods to address symptoms and causes of severe mental disorder*

#### **Counsellors only**

- *understand theories and research on mental health and well-being and obstacles to wellbeing and be able to use these to facilitate client development*
- *understand theory and research concerning specific life problems, issues and transitions that commonly lead individuals to seek counselling and be able to use these to inform practice'*

Extract from HPC website: <http://www.hpc-uk.org/assets/documents/100029C2Draftstandards proficiency for counsellors and psychotherapists.pdf>

### UKCP proposed additions and changes

We ask registrants and MOs to consider the draft HPC SOP above and our proposals below. Your suggested changes and additions should be consistent with the format of the SOP.

Please note that the SOP relate to all psychotherapists, irrespective of modality. This was consistent with the UKCP policy that modality based titles would be confusing

and undermine the regulatory and professional processes. The statements need to be generic, inclusive and able to be translated into legal language. We have come to the view that “less is more” so that the statements can lend themselves to diverse interpretations and not become narrowly prescriptive. There may be other aspects of the SOP on which you wish to comment. We welcome receiving copies of these through the process set out above via email, with referenced suggestions.

Recently some professional organisations have stated there is no difference between psychotherapist and counsellors and that there it is a matter of simple self nomination as to which title is appropriate. This ignores the fact that many professionals have invested heavily in trainings that have prepared them for a specific role.

We believe that the arguments are much more complex than self nomination would encompass and that the whole field of talking therapies must be taken into account when looking at the field of work. The recent regulation of applied psychologist can be seen to have the potential impact of setting up a hierarchy of talking therapies that we must resist at all cost. If you examine the SOPs of Applied Psychologist and Arts Psychotherapist (HPC protected titles) you can see there are many areas that would fit for anyone who practices a psychological therapy. Currently there are questions as to the extent of regulation and amongst these concerns are that some with minimal training such as the IAPT Mental Health Workers will be included within the protected titles.

UKCP is against any concept of a hierarchy of psychological therapies but believes that a regulator must recognise that public interest and co-operation of the professions in regulation must take account of the intent and goals that the individuals chose to pursue when they engaged in training. It is difficult, if not impossible, to have impermeable boundaries around the work done by the talking therapies whether it is psychiatry, psychology, counselling, mental health work, health work or voluntary. We all are involved with the person (client/patient) and have different approaches to the same systems.

We therefore insist that differences between the proposed regulated titles be maintained regardless of how difficult it is to articulate where the boundaries are and accept the idea that these constructs have limited usefulness. There will be challenges in terms of career progression and dealing with employers, and these will be dealt with through the Skills for Health National Occupational Standards and unions.

### **For psychotherapists only**

We would like to see the following statements added; our intention is to propose these in the UKCP submission:

- Understand and implement psychotherapeutic methods to address the symptoms and causes of severe and enduring mental disorder, developmental issues and severe emotional distress.
- Be able to assist those who have severe and enduring mental, developmental and/or emotional issues in staying in and engaging with psychotherapy treatment.

We also would like your opinion on the phrase ‘disorders of the mind’ rather than “mental disorder”, as stated in the HPC SOP. Disorders of the mind was suggested at the PLG, without a strong feeling for or against and was left out of the draft SOPs.

We would like to know:

- if you would see it as a useful addition to the language of the SOP?
- Or if you would replace 'mental disorder' with 'disorders of the mind', perhaps seeing it as a better description/phrase?

If neither of these work for you, how would you express this key concept (remembering that the SOP are written to be applicable across all modalities)?

Please let us know if you are in agreement with us proposing the above additions to the HPC SOP.

**SOP for counsellors only**

You will note we have not proposed further amendments to the SOPs for counsellors only. We would be grateful for any suggestions of changes and additions from registrants and MOs to the counsellors only SOP.

All suggestions and changes should bear in mind that the proposed threshold entry level for each professional title should be reflected in the title-specific SOP being proposed.

## HPC approval of UKCP programmes

HPC has specific approval processes for *education providers* and the accreditation of their courses leading to qualifications which would enable suitable individuals to be placed on the register. The prevalence of accrediting-only organisations for psychotherapy and psychotherapeutic counselling is a relatively new area for the HPC. The key issue for UKCP has been to ensure that our accrediting-only organisations be recognised as equivalent to training organisations for purposes of accrediting people as suitable to be placed on the statutory register.

On 28 June 2009, UKCP and the HPC had a meeting to discuss issues associated with HPC accreditation of courses. HPC “Programme Approval” will occur on the day the register is opened by the regulator. If our voluntary registers are approved for transfer then our accredited trainings will also be approved at the opening of the register. This approval will apply to any courses that have historically led to UKCP registration as well as current training programmes.

‘44. .... on the day the Register opens, the HPC will approve all those programmes, historic and current, that led or lead to membership of one of the voluntary registers that transfers. The HPC will then need to develop operational arrangements for visiting those programmes to approve them against its standards. There is therefore likely be a further “lead in period” before programmes are visited and re-approved against the HPC’s standards.’

From <http://www.hpc-uk.org/assets/documents/100029C1ReportofthepsychotherapistsandcounsellorsPLG.pdf>

### Accrediting-only member organisations

A key question outstanding in this area was the recognition of UKCP accrediting-only organisations. Carmen Ablack and Alan McConnon (UKCP’s Senior Regulation Coordinator) went through the structure and procedures for UKCP accrediting organisations for the Acting Director of Policy and Standards for HPC (Michael Guthrie) and for the HPC Director of Education and Training (Abigail Gorringe).

In principle the HPC saw no reason that they could not approve our accrediting organisations under similar processes to those used for training providers.

The implications for UKCP accrediting organisations are evidential in nature:

- HPC would expect to see evidence of systems and processes being in place to ensure that the individual practitioner meets the standards of the regulator;
- HPC would expect such systems and processes to be clear, transparent and robust;
- When considering an individual’s application for accreditation, the MO would be expected to demonstrate how they will assess the person against the HPC Standards of Proficiency and Standards of Education and Training (SETs) relevant to the professional title (psychotherapist or counsellor).

## Training and accrediting member organisations

HPC's accreditation process involves an approval process, a visit and a report. The HPC approval processes would include a member of the profession who is from the same modality as the training.

The organisation would be expected to demonstrate through evidence:

- how the course is taught and delivered
- how the course assesses the trainee to ensure they meet the SOP and SETs of the HPC for the relevant professional title.

HPC expect to meet with students, senior managers, and a sample of placement providers on their visits.

With regard to the *UKCP requirement for a mental health placement or equivalent on all psychotherapy trainings*, the HPC would be looking at how the MO maps the MH placement against the standards of proficiency. It is recognised that this may differ slightly on each course and across modalities.

The requirements of HPC approval are generally understood to be within the knowledge and experience of all our MOs putting people forward for the UKCP registers. UKCP will continue to negotiate in detail the procedures and processes needed and we will work to ensure that all MOs are kept informed as these become relevant in the progress towards potential statutory regulation.

## Fitness to practise and other ethical concerns

Many UKCP member organisations and registrants will have concerns about HPC statutory regulation not addressed in the latest HPC consultation. The HPC report focuses on professional titles and the standards of proficiency, education and training proposed for those titles. The report does not make any proposals concerning their approach to issues around professional conduct, ethics and complaints.

The HPC has many generic processes, policies and guidance publications which they consider apply across all the professions that they regulate. They have acknowledged that these documents are written in a language appropriate for healthcare, and that they will need to be reviewed and revised to take account of the fact that this language is not always appropriate for the work of psychological professions.

We are committed to engaging with HPC in discussions and negotiations relating to the development and adaptation of their complaints processes to address our professional requirements. It is our aim to ensure that the processes needed for appropriate handling of complaints relating to psychological care are addressed in the relevant policy, procedures and processes of the HPC.

In our discussions with the HPC we will particularly want to address concerns about:

- criminal records
- mediation and other alternative routes to resolution of issues that are not amenable to an adversarial HPC hearing
- the use of interim sanctions
- differences between the employer-dominated world of most HPC professions and the world of psychotherapy, where private practice is much more common
- unconventional private lives as a reason for complaint about fitness to professional practise.

We have now opened discussions with the HPC about these matters and we are keen to hear from you about your views on these or other aspects of HPC statutory regulation that need to be negotiated and agreed.