

unconfirmed

The Health Professions Council

Chief Executive and Registrar: Mr Marc Seale
Park House
184 Kennington Park Road
London SE11 4BU
Telephone: +44 020 7840 9710
Fax: +44 020 7840 9807
e-mail: colin.bendall@hpc-uk.org

Minutes of the third meeting of the Psychotherapists and Counsellors Professional Liaison Group held on **Tuesday 3 March 2009** and **Wednesday 4 March 2009** at Avonmouth House, 6 Avonmouth Street, London, SE1 6NX.

Present: Professor D Waller (Chairman)
Ms S Aldridge
Mr M Allen
Ms F Ballantine Dykes
Mrs M Clark-Glass
Mr J Coe
Professor M Cooper
Professor P Fonagy (item 6 - part of item 8 inclusive)
Professor J Lucas
Mr B Magee
Ms L Matthews
Ms J McMinn
Ms K Murphy
Professor G Smith (item 1 - part of item 7 inclusive)
Ms E Thornton (items 5-13 inclusive)
Professor A Turner
Mr N Turner

In attendance:

Mr O Ammar, Education Manager (items 1-6 inclusive)
Mr C Bendall, Secretary to the Group
Ms A Creighton, Director of Education
Mr M Guthrie, Acting Director of Policy and Standards
Ms T Samuel-Smith, Education Manager (items 1-6 inclusive)
Ms C Urwin, Policy Officer
Dr A van der Gaag, President

Item 1.09/9 Apologies for absence

- 1.1 The Chairman welcomed members of the Group and people in the public gallery.
- 1.2 Apologies for absence were received from Mr J Lousada (Mr M Allen attending instead). The Group noted that Ms Thornton had been delayed due to travel problems.
- 1.3 The Chairman reported that the HPC had received correspondence pointing out that the Group was not representative of all aspects of psychotherapy and counselling. The Group noted that it was not intended to be fully representative and it would not have been possible to select a membership which was fully representative, given the limits on the number of members. There had been more than 40 applications for the 11 places available and the selection of members had been made in accordance with a number of criteria which had been made available to applicants.

Item 2.09/10 Approval of agenda

- 2.1 The Group approved the agenda.

Item 3.09/11 Minutes of the Professional Liaison Group meeting held on 28 and 29 January 2009

- 3.1 The Group agreed that the minutes of the second meeting of the Professional Liaison Group should be confirmed as a true record and signed by the Chairman, subject to the following amendments:
 - paragraph 5.5 should state that a member had proposed that the Health Professions Order 2001 should be reviewed, to see it would be possible to have only profession-specific standards of proficiency. It had been argued that this would eliminate the requirement for development of separate profession-specific standards of proficiency for counsellors and psychotherapists. The member had suggested that the development of separate standards would prove problematic, given that there was an on-going and unresolved debate about whether counselling was significantly different from psychotherapy;
 - the beginning of paragraph 5.12 should be amended to state that a point had been made that only modalities with a

coherent theoretical base should be included in the HPC Register.

- 3.2 The Group noted that an organisation which had been represented in the public gallery for the meeting on 28 and 29 January 2009 had commented about the Group's working approach that the Register should not differentiate particular client groups. The same organisation had also made comments on the unconfirmed minutes. The Group noted that it would review its decisions in the light of debate at subsequent meetings. The Group noted that it would not be practical to accept comments on the minutes from the range of external parties who were interested in the Group's work.

Item 4.09/12 Matters arising

- 4.1 The Group received a paper to note from the Executive.
- 4.2 The Group noted the actions list as agreed at the last meeting.
- 4.3 The Group noted that the draft legislation providing for the HPC to regulate practitioner psychologists was expected to be laid in the Westminster Parliament by 6 March 2009. Subject to the legislation being laid, the HPC's Education and Training Committee and Council would be asked to agree the threshold level of qualification for entry to the Register for practitioner psychologists.

Item 5.09/13 Education and training

- 5.1 The Group received a paper for discussion from the Executive. The paper included the HPC's approach to approval of education and training programmes; the standards of education and training (SETs) and their relationship to the standards of proficiency; and responses received to the Call for Ideas. A comparison of qualifications in the UK and Ireland was tabled.
- 5.2 The Group noted the following aspects of the HPC's approach to approval of education and training programmes:
- the processes were intended to be 'light touch'. For example, education providers could often use existing documentation to demonstrate how they met the SETs. In addition, the HPC tried to ensure that its visits to programmes coincided with internal validation events or visits by the relevant professional body;

- the HPC would consider any programme which lead directly to eligibility to apply for registration, including those in the process of being established and those provided by different types of organisations, including private providers;
- the HPC approved programmes on an open-ended basis, subject to consideration of any major changes and satisfactory annual monitoring;
- recommendations on whether to approve programmes were made by Visitors from the relevant profession and the relevant modality. Visitors were recruited through a public appointments process by the HPC and their recommendations were made separately from recommendations made by other organisations;
- the SETs required each programme to provide evidence of how the programme reflected 'the philosophy, values, skills and knowledge base as articulated in the curriculum guidance for the profession.' This meant that each profession and its professional bodies could have a significant, ongoing role in development of these aspects.

5.3 The Group noted that the number and diversity of education and training programmes for psychotherapy and counselling would present a significant challenge for the HPC. It was possible that programmes would be prioritised for an approvals visit, based on criteria to be decided in due course.

5.4 The Group discussed the implications for education and training if the Register differentiated between specific modalities. The Group noted that, if a modality-specific approach was adopted, programmes would be approved against the SETs to ensure that they delivered the standards of proficiency, including standards specific to each modality. If a modality-specific was not adopted, programmes would be approved against the SETs to ensure that they delivered the standards of proficiency for psychotherapy and/or counselling as appropriate.

5.5 The Group noted that, whilst some programmes only provided training in one modality, other programmes provided training in a range of modalities or took an integrative approach. Whilst individual programmes would need to show how they met the SETs, there was flexibility for each programme to interpret the HPC's standards in the

light of a particular modality. The majority of the Group agreed that the Register should not differentiate between specific modalities.

- 5.6 The Group noted that a new qualification framework was being developed on a credit basis, which would enable students to study individual units over a period of time. The Group noted that the SETs required programmes to have selection and entry criteria, including Accreditation of Prior Learning and other inclusion mechanisms. The Group noted that it was likely that individuals applying for registration would be required to hold an approved qualification, rather than a collection of individual modules or units.
- 5.7 The Group noted that the HPC could potentially approve the awards of professional bodies (such as the achievement of accreditation) as an approved programme leading to registration. The Group noted that approaches to education and training varied significantly across psychotherapy and counselling. For example, some professional bodies required individuals to complete several years of practise before they could be accredited. However, other individuals might complete a high-intensity programme and then begin practising. The Group noted that HPC registered at the point of qualification when an individual was entitled to begin practising autonomously and started using the title for their profession.
- 5.8 The Group noted that the SETs required integration of theory and practice to be central to the curriculum, to enable safe and effective practice. Whilst the SETs did not specify requirements for the number of hours of practice, the 'number, duration and range of placements' had to be appropriate to the achievement of the learning outcomes.
- 5.9 The Group agreed to return to the issue of the threshold level of qualification for entry to the Register in the light of future discussion and decisions about the standards of proficiency.

Item 6.09/14 Standards of proficiency: Background and context

- 6.1 The Group received a paper for discussion from the Executive. The paper set out the legal background to the standards of proficiency, the language and structure of the standards and their relationship to other standards.
- 6.2 The Group noted that, once an individual became registered, they had to continue to meet the standards which applied to their scope of practice (the areas in which they had the knowledge, skills and experience to practise lawfully, safely and effectively, in a way which

met the HPC's standards and did not pose any danger to the public or the registrant).

- 6.3 The Group noted that the paper included examples of standards of proficiency for arts therapists and clinical scientists and the HPC's consultation document issued in 2008 on the draft standards of proficiency for practitioner psychologists. The paper also included draft set of standards of proficiency prepared by the British Association for Counselling and Psychotherapy. Draft standards of proficiency prepared by the UK Council for Psychotherapy were tabled.
- 6.4 The Group noted that the HPC was due to carry out a review of the language of the generic standards of proficiency, to ensure that they were appropriate for a wide range of professions. Any proposed changes to the standards would be subject to a consultation process.
- 6.5 The Group noted that the Executive would welcome comments from the Group's members on the draft standards of proficiency and any examples of other standards which might be used inform the standards of proficiency. As agreed in the Group's working model, the draft standards would comprise the generic standards of proficiency (applicable to all professions), standards common to counselling and psychotherapy, and standards specific to counselling and standards specific to psychotherapy. The draft standards would be considered at the next meeting of the Group.
- 6.6 In discussion, the following points were made:
- the generic standards required an ability to use research, but there were different approaches to research within counselling and psychotherapy and not all training required the use of research;
 - the generic standards required understanding of the structure of function of the human body relevant to practice but this would not be applicable in psychotherapy and counselling;
 - specific requirements for communication in English (to a standard equivalent to a level in the International English Language Testing System) would have to be justified. Communication might be both verbal and non-verbal;

- the profession-specific standards should mention that working through relationships was a key ingredient of therapeutic change; and
- the profession-specific standards should require an ability to recognise when a service user might be at risk of harm and be able to refer them appropriately (e.g. service users with mental health issues).

Item 7.09/15 Voluntary register transfers

7.1 The Group received a paper for discussion from the Executive. The paper outlined routes to registration; issues around the transfer of registers maintained by voluntary membership organisations; and responses to the Call for Ideas on the criteria which might be used for deciding which voluntary registers should transfer to HPC. A revised version of appendix 1 to the paper (which summarised details of a number of voluntary registers) was tabled. The Group noted that a complete list of voluntary registers would be provided at a future meeting.

7.2 The Group noted that there were numerous voluntary registers and discussed the logistics of transferring these. The Group noted that it was likely that any timetable for transferring registers would require a lead-in period for the HPC to work with each organisation. The Group noted that the final list of transferred registers would be included in any draft legislation for regulation of psychotherapists and counsellors. The decision on whether to include a voluntary register in the draft legislation would ultimately be made by the Department of Health, although this could be challenged through judicial review.

7.3 The Group noted that, if the HPC regulated psychotherapists and counsellors, there were several possible routes by which an individual could be registered, depending on their circumstances:

- if they were a member of a voluntary register, that register might be transferred to the HPC. However, anyone subject to a disciplinary sanction by a membership organisation would not automatically transfer. Those individuals who were currently subject to proceedings would have their case transferred to the HPC's fitness to practise process; or
- if they did not hold an approved qualification, the individual could apply via the grandparenting process, which would involve a review of the application by two assessors (members

of the profession) and an appeal process for unsuccessful applications;

- after the grandparenting period closed, the individual would need to hold an approved qualification in order to apply for registration.

7.4 The Group noted that a similar process had taken place in other professions which had become regulated by the HPC and similar issues had been discussed by those professions. The Group agreed that the criteria for transfer of voluntary registers should be as inclusive as possible, to balance the need for public protection against the rights of individuals who had been in practice for some time. The Group also agreed that the criteria which were set should be those necessary to ensure public protection.

7.5 The Group noted that, if a voluntary register was transferred, professional bodies could choose to continue to maintain a list of members. Whilst individual registrants were not required to belong to a professional body, many chose to do so because of the benefits of membership. Professional bodies could continue to have an important role in areas such as developing professional standards and representing the views of its members.

7.6 The Group noted that, in the Call for Ideas, HPC had suggested four criteria for deciding which voluntary registers should transfer to HPC. These had included clear criteria for entry to membership (which might include the accreditation or approval of education and training programmes); a mechanism for dealing with complaints about members and the ability to remove from membership if necessary; a commitment to the Continuing Professional Development (CPD) of its members; and lay involvement in decision making.

7.7 The Group felt that the criterion for 'lay involvement in decision making' was unclear, as it did not explain what level of involvement was required and whether 'decision making' related to fitness to practise procedures or other types of decisions (e.g. strategic decisions). The Group agreed that this criterion should not be a high priority in deciding whether voluntary registers should transfer.

7.8 The Group agreed that the following criteria should also be considered in deciding whether voluntary registers should transfer. The Group felt that these criteria would help to ensure protection of the public:

- evidence of adherence to a code of ethics informing a code of conduct;
- evidence of robust, open and transparent procedures for dealing with complaints about practitioners, including evidence that the procedures were followed;
- evidence that members were expected to demonstrate their continuing professional development;
- evidence that a voluntary register required supervision, with an explanation of the term 'supervision' in the particular context of psychotherapy and counselling; and
- robust systems in place for deciding membership of the voluntary register.

7.9 The Group noted that some responses to the Call for Ideas had suggested that one of the criteria should be that voluntary registers should have been established for a number of years. The Group agreed that this would be inappropriate, as it would be more important for a voluntary register to have robust procedures which would help to ensure public protection. The Group agreed that any time limit would be arbitrary. It was also felt that a relatively new register was unlikely to be able to demonstrate evidence of the other criteria used.

7.10 The Group noted that some responses to the Call for Ideas had suggested that one of the criteria for transfer should be that the voluntary register specified a minimum number of client hours worked. The Group noted that some voluntary registers specified a number of hours. Some members of the Group felt that it was important that practitioners should have a significant number of client hours, to ensure better protection of the public. The Group noted that the HPC did not set specific requirements for a number of hours in practice and that a specific number of hours would have to be justified. In addition, there were possible equality and diversity issues around specifying a certain number of hours.

7.11 The Group noted that, if the HPC decided that a voluntary register did not meet the criteria, it was likely that the organisation concerned would be able to ask the HPC to review its decision.

7.12 The Group discussed possible approaches to deciding which registers should transfer. The Group agreed that the following process should be used:

- the criteria for transfer of voluntary registers should be widely circulated to organisations, who would be given an opportunity to 'map' their registers against the criteria and provide evidence of how they met the criteria;

- the evidence would be assessed by the HPC's Executive, who should request further information and evidence if necessary;
- the Executive would make a recommendation to the Health Professions Council; and
- the decision on whether a register should be transferred should be made by a meeting of the Health Professions Council.

7.13 The Group agreed that the Executive would write up the criteria based on the discussion above and bring this to a future meeting for the Group's approval.

Action: CU (ongoing)

Item 8.09/16 Grandparenting

- 8.1 The Group received a paper for discussion from the Executive. The paper outlined the background and context to the grandparenting process and responses to the Call for Ideas on the length of the grandparenting criteria and proposed criteria.
- 8.2 The Group noted that a transitional period of registration, known as 'grandparenting' was necessary when introducing statutory regulation. During the grandparenting period (i.e. the period allowed for applications), individuals who were not eligible to be members of the voluntary or statutory register could apply for registration. Grandparenting was not intended for individuals who held approved qualifications but who chose not to join a voluntary register. The length of a grandparenting period needed to balance issues relating to public protection and the length of time need to communicate with the profession and raise awareness. The Group noted that grandparenting was only open to those who were using a protected title immediately prior to the start of the grandparenting period.
- 8.3 The Group noted that, for the 13 professions currently regulated by the HPC, the grandparenting period had been two years. It was likely that the grandparenting period for practitioner psychologists would be three years. The Group noted that experience had shown that grandparenting applications tended to peak in the last few months of the grandparenting period, irrespective of its length.
- 8.4 The Group noted that each practitioner would need to make an individual application during the grandparenting period. Each application would be assessed by two registration assessors who were appropriately qualified members of the profession. If an application was unsuccessful, the applicant had a right of appeal to

the HPC. If the appeal was dismissed, the appellant could appeal to the county court and, in Scotland, to the sheriff. The Group noted that an individual could continue to practise using a protected title until the outcome of their application and any appeal was known.

- 8.5 The Group noted that the criteria for consideration of a grandparenting application would be subject to a consultation process.
- 8.6 The Group noted that statutory regulation of psychotherapists and counsellors had been discussed by the profession for a long time. It was likely that most practitioners were aware of the proposal that the HPC should be the regulator. The Group agreed that there was no clear rationale for an extremely lengthy grandparenting period. The Group agreed that, in these circumstances, the grandparenting period should be two years.

The Group received the following papers to note from the Executive:

Item 9.09/17 Summary of working regulatory model

Item 10.09/18 Documents for reference

Item 11.09/19 Workplan

Item 12.09/20 Any other business

- 12.1 The Group noted that the next meeting would be asked to consider the first draft of the standards of proficiency; a revised set of criteria for transfer of voluntary registers; and issues around whether HPC could protect the title of 'counsellor'. The Group noted that individual members could provide comments or questions by e-mail to the Executive between meetings.
- 12.2 The Group noted that a separate stakeholder event (which was not a meeting of the Group) would be held in Manchester at the end of March 2009. The event would include a number of presentations, a question and answer session and discussion groups.
- 12.3 The Group noted that the Executive was considering how to gain wider views from service users.

Item 13.09/21 Date and time of next meeting

13.1 The next meeting of the Group would be held at 10.30 am on Wednesday 29 April 2009 (at the HPC's office).

13.2 Subsequent meetings would be held at 10.30 am on:

Tuesday 26 May 2009 and Wednesday 27 May 2009

Chairman

Date

Unconfirmed