

Psychotherapists and Counsellors Professional Liaison Group (PLG),
29 April 2009

Stakeholder meeting – summary notes

Executive summary and recommendations

Introduction

On 31 March 2009, a stakeholder meeting was held in Manchester to engage with a wider group of stakeholders about the work of PLG.

The attached paper provides an overview and summary of the day.

Decision

This paper is to note; no decision is required.

However, the PLG is invited to take into account the content of this paper in the finalisation of its recommendations. The discussion at the meeting will feed into the written report to the HPC Council.

Background information

None

Resource implications

None

Financial implications

None

Appendices

None

Date of paper

17 April 2009

The Statutory Regulation of Psychotherapists and Counsellors Stakeholder meeting

Thistle Hotel Manchester, 31 March 2009

Summary notes

1. Introduction

This paper provides an overview and summary of the questions raised and discussion that took place at the stakeholder meeting held in Manchester on 31 March 2009.

The purpose of the event was to update a wider group of stakeholders about the work of the Professional Liaison Group (PLG), to answer the questions of attendees, and to provide the opportunity for further discussion and debate.

The discussion and points raised at the meeting will be reflected in the report to the HPC Council.

The meeting was attended by representatives of professional bodies and associations, education and training providers, service users, members of the PLG and other interested individuals.

2. Presentations

There were three presentations in the session:

- Diane Waller, Chair of the PLG, gave an update about the progress of the PLG.
- Jonathan Coe, policy spokesman of WITNESS and a member of the PLG, spoke about the case for statutory regulation on the grounds of public protection, including the harm that can be caused by cases of incompetent or unethical practice.
- Kamini Gadhok and Mary Smith of the Royal College of Speech and Language Therapists spoke about the considerations behind the process that saw speech and language therapists regulated in 2000 by the Council for Professions Supplementary to Medicine (CPSM) and about the challenges and opportunities for professional bodies in a post-regulation environment.

3. Questions

At the conclusion of the presentations, a question and answer session followed. The points raised in questions and discussion in this session are briefly summarised below.

As the overall purpose of these notes is provide a summary and overview of the views, questions and concerns of attendees, the answers of the panel in response to these views and questions are not detailed here.

The points raised in questions and discussion are summarised below under the main themes that emerged.

3.1 The role of the professional body

Questions / comments about:

- The benefits of statutory regulation in allowing the professional body to focus on its role in representing the interests of its members and promoting the profession.
- The impact of statutory regulation on professional body membership numbers.
- The opportunities in terms of campaigning and influencing work, particularly around building credibility with government.
- The role of the professional body, if any, in representing members who are involved in HPC fitness to practise proceedings. A concern was raised about the HPC making inappropriate decisions to consider cases about registrants, which are subsequently found not be proven.

3.2 Protection of title

Questions / comments about:

- Why there is 'a lack of appetite' for youth counsellor, child psychotherapist, or other similar titles that denote those qualified to work with children or young people to be separately protected.
- A suggestion that failing to protect such specific titles might mean that children and young people were less well protected.
- The position of those who strongly object to statutory regulation and therefore decide not to Register.

3.3 Regulation

Questions / comments about:

- The HPC's suitability as the regulator of psychotherapists and counsellors.
- Whether statutory regulation was necessary and whether there was evidence that it actually achieved its aims.
- Whether any assessment had been undertaken of HPC's suitability to undertake the role of regulator of psychotherapists and counsellors.
- Comments and concerns about the relationship between the Skills for Health National Occupational Standards (NOS) and regulation. In particular, concerns that the NOS would be used in education and in fitness to practise proceedings or in other ways as a regulatory tool. (The NOS were also discussed by some of the breakout groups.)
- Concerns about the HPC and the medical model.
- A comment that the HPC does not promote best practice in education and training in that its approach and standards in this area were antithetical to the traditions and philosophy of education and training in the field, particularly in psychoanalysis.
- The tangible impact upon individual practitioners of regulation and how they would gain access to the HPC Register.
- Questions about entry to the Register, particular grandparenting.
- The role of the HPC generally in approving education and training programmes including whether university validation was required and the position of those part-way through education and training when the Register opens.
- There was some debate about the evidence of abuse to clients and whether regulation provided an appropriate mechanism for prevention of harm and redress.

3.4 Equality and Diversity

Questions / comments about:

- How would statutory regulation protect the rights of minority groups?

4. Breakout groups

In the afternoon, attendees divided into 4 groups with a facilitator for the opportunity for further discussion on the topics raised by the presentations and in the question and answer session, and on any other topics raised by attendees.

The following provides a summary of the discussion. This has been compiled based on notes from the individual breakout groups' discussions and from the information fed back to the main group.

In each group, there were a variety of topics on which there could be said to be an 'overall' view, as well as views, questions and points of clarification put forward by individual attendees. In some groups, there was more emphasis on exploring views in a discursive fashion, whilst in others attendees sought clarification from members of the PLG and HPC staff and Council members on particular topics. These summary notes attempt to balance reflecting areas of the groups' overall discussion, with the views expressed by individual attendees.

Overall, there were a variety of views put forward, in particular some participants expressed disagreement with statutory regulation, others expressed support for statutory regulation, and others focused on whether the HPC was the appropriate regulator and/or the detail of the proposals emerging from the PLG.

The summary here has been divided into the thematic areas that emerged.

4.1 The principle of regulation

Questions / comments included:

- A view that regulation does not safeguard the public or prevent misuse of power and that there is an absence of an evidence base for statutory regulation.
- A view that regulation creates an illusion of safety which itself creates risks.
- A view that regulation will affect the client space because therapists will feel required to pass on information from the client for fear of the regulator.
- A view that centralisation destroys power and destroys knowledge.
- A view that those expressing dissenting points of view risk being negatively labelled as trouble makers and being patronised.
- Discussion about whether statutory regulation, or statutory regulation through the HPC was the best way of protecting the public.
- A view that regulation was essential in order to protect the public and a view that it was better to 'have something than nothing'.

4.2 The HPC and statutory regulation

Questions / comments included:

- Some attendees referred to the idea of an 'open register', referring particularly to the model of self-regulation in Victoria, Australia and Vermont in the United States.
- A suggestion that case of abuse should be redressed via the legal system, perhaps by a specific offence about client harm in therapy.
- A view that supervision was more effective in protecting members of the public than regulation.
- Some discussion about the HPC's new professions criteria, particularly around homogeneity and evidence base; some questioned whether the practice of psychotherapy and counselling would be a good fit with these criteria.
- Some discussion about a lack of debate in the PLG about whether the HPC is appropriate as the regulator.
- Anxiety about what some attendees saw as the NHS and medical model focus of the HPC.
- Discussion about the National Occupational Standards (NOS) and their role in regulation, particularly the belief that HPC would regulate on the basis of '471 rules'.
- A view that HPC was designed to protect rules rather than protect the public.
- Some anxiety about the ability of those who wish to choose to 'opt out' of regulation because they fundamentally disagree with it to continue practising.
- Some discussion about the particularities of practice in the NHS and some concern that private practitioners were being 'dragged along' into regulation with NHS practitioners.
- A view that the system needed to balance protection of the public with the protection of the profession (this view was linked to discussion about the HPC's processes and the role of professional bodies after regulation).

4.3 The PLG process

Questions / comments included:

- Discussion about how the voices of those outside regulation could be heard; some people felt that they had not been involved with the process thus far.
- A view that people aren't listening / hearing / engaging – regulation was compared by one attendee to a 'juggernaut'.
- Suggestions that we should involve service users as soon as possible.
- A view that decisions have not been made by the PLG and have instead been deferred for future consideration.

4.4 Protected titles

Questions / comments included:

- Some groups discussed the advantages / disadvantages of protecting titles rather than protecting function.
- There were a wide variety of views about whether psychotherapists and counsellors should be differentiated in the Register. This discussion included:
 - A view that protecting 2 titles reinforces the differences between psychotherapists and counsellors when other groups are trying to overcome such distinctions.
 - A view that this was not a workable distinction because it would not be possible to differentiate in terms of proficiencies and because the titles are used interchangeably to mean the same thing.
 - Other views that that there was a distinction between psychotherapists and counsellors which should be differentiated in the Register.
 - Discussion about the impact this might have on employers and job descriptions.
- There was discussion about the PLG's approach to modality titles and whether protecting two titles was an appropriate approach. The discussion included:
 - Discussion about whether not specifically recognising modalities might mean that some thrive and others die out.
 - Suggestions that some specific modality titles should be protected.
 - A question about the action HPC would take if a registrant worked outside of the modality in which they were trained.
 - A view that although professional bodies could take the lead on modalities they may not do so and a recognition that practitioners may choose not to pay for membership of the professional body if they were already paying for HPC registration.

- Some disagreement with protection of title, particular with reference to the impact on those who are opposed to regulation and choose not to register.
- A view expressing alarm that discussions were still ongoing about whether it was possible to protect the title 'counsellor'

4.5 Standards and education

Questions / comments included:

- A fear that any standards produced would not take account of the international context and would lower the standards agreed internationally. Some discussion about whether there is uniformity in international standards, with differences in the development and history of the professions in other countries highlighted.
- Discussion about setting the threshold education levels for psychotherapists and for counsellors. This discussion included:
 - Concerns about pegging entry to a particular level and how this will stifle creativity.
 - The need to acknowledge diversity, particularly a trend for counselling and psychotherapy to be second careers and therefore the impact that any educational levels set could have on entry to the professions.
 - Some discussion about the potential of the HPC's standards of education and training to restrict innovation, particular related to the importance of including 'or equivalent' in any thresholds set.
- A wish expressed to maintain existing education and training routes, particularly related to certificate and diploma level routes in counselling.
- A concern expressed about correspondence courses that purport to train people to be psychotherapists and counsellors but include no practical component at all.
- A concern expressed about the difficulties in the funding of courses but an acknowledgement that this was outside of the HPC's remit.
- A view that for the professions it was inherently difficult to adopt a skills set approach as this could not articulate the 'acquisition of wisdom'.
- Some discussion about language and terminology, relevant overall to discussion about HPC as a regulator, but with some specific reference to the HPC's standards and the need to ensure terminology was appropriate to the professions.
- Views that supervision and personal therapy were very important and had not been discussed by the PLG. Some discussion that personal therapy may not be an absolute requirement across all modalities.

4.6 Voluntary registers and grandparenting

Questions / comments included:

- Some concern was expressed about the cost of grandparenting.
- There was discussion about the importance of inclusivity and the impact upon the voluntary sector more generally, particularly of the voluntary register transfers and the grandparenting process.

4.7 Other comments

There was some discussion / information sharing around HPC processes, including HPC's processes for approving education and training programmes and dealing with fitness to practise cases. Such 'other comments' included:

- A question around what would happen if professional body complaints are outstanding when the Register opens.
- Views that it was crucial that the regulator understood issues of transference and was able to deal appropriately with vexatious complaints.
- Some discussion about the need for more communication, particularly about what regulation might mean for practitioners, for educators and so on. One group suggested a set of 'Frequently Asked Questions' would be helpful.
- Some discussion about the role of professional bodies, including professional bodies' role in advocacy, whether there would be any continuing role in complaints, and the status of professional bodies standards and codes of conduct once regulation is introduced.
- An acknowledgement that HPC's biennial renewal of registration was out of sink with some professional bodies renewal cycles.
- A view that there was a need to educate the public on what to expect from therapy – then there would be a clearer idea of what constitutes abuse.

5. Discussion

Following the breakout groups, each facilitator reported back to the whole group a summary of the discussion of their group.

This fed into further discussion by the group as a whole. This discussion focused on the principle of statutory regulation with some echoing those points raised in the morning session and in the groups relating to opposition to regulation. Some attendees offered personal reflections on their thinking about regulation from their position as a therapist.

In particular there was some discussion about 'state regulation' and debate around 'resistance' to regulation (which some saw as inevitable) versus working with the regulator to develop a regulatory framework.