

## **Psychotherapists and Counsellors Professional Liaison Group (PLG)**

### **Grandparenting**

#### **Executive summary and recommendations**

##### **Introduction**

This paper invites the PLG to discuss the grandparenting process for psychotherapists and counsellors.

##### **Decision**

The group is invited to discuss the contents of the attached paper and make recommendations about the length of the grandparenting period.

The PLG is additionally reminded to bear in mind the potential equality and diversity implications of any recommendations it may make. This includes considering the extent to which any recommendations would have an adverse impact on some groups compared to others.

##### **Background information**

The PLG is invited to take into account the summary of responses to the questions asked in the Call for Ideas. In particular, the more general responses around diversity, and responses around standards and grandparenting.  
[http://www.hpc-uk.org/assets/documents/100025ACpsychotherapists\\_and\\_counsellors\\_professional\\_liaison\\_group\\_20081204\\_enclosure01.pdf](http://www.hpc-uk.org/assets/documents/100025ACpsychotherapists_and_counsellors_professional_liaison_group_20081204_enclosure01.pdf)

##### **Resource implications**

None

##### **Financial implications**

None

##### **Appendices**

None

##### **Date of paper**

12 February 2009

## **Organisation of the paper**

This paper invites the PLG to discuss and make recommendations about grandparenting.

The first section of the paper provides background information, looking at the routes to registration; the grandparenting process; and how grandparenting has previously happened within HPC; highlighting some of the issues involved.

The second section outlines the responses we received to the call for ideas in these areas.

The third section provides a summary and discussion of some of the issues in order to aid the group's deliberations.

## **Section one: Background and context**

This section provides background information on routes to registration, grandparenting and its legislative context. It also provides information on how the grandparenting process has worked previously for other professions regulated by HPC.

### **1.1 Routes to registration**

When a profession becomes statutory regulated, there are four different routes to registration. They are:

- Voluntary register transfer;
- UK approved programme route;
- Grandparenting; and
- International

This paper looks at the grandparenting process.

### **1.2 Grandparenting**

A 'transitional' period of registration is necessary when introducing statutory regulation. This might be introducing regulation of a profession for the first time or alternatively moving from a voluntary model to a model of compulsory registration. This transitional period is known as 'grandparenting'.

During the grandparenting period, individuals not eligible to be members of the voluntary or state register can apply for registration. Grandparenting is therefore not for those who hold approved qualifications but who chose not to join a voluntary register.

The period is temporary and time limited. After this period only those who hold a qualification approved by the regulator can be registered.

We ran a grandparenting period for the first twelve professions that we regulated until 8 July 2005. We have produced a report which summarises our experience of the grandparenting process which is available on our website.<sup>1</sup>

The cost of a grandparenting application will be £420 per application from April 2009. This cost is non refundable and if the application is successful, the applicant then has to pay the registration fee.

#### **1.2.1 Grandparenting and human rights**

The necessity to hold a grandparenting period when moving from voluntary or state registration to statutory registration is also related to obligations under the Human Rights Act 1998.

Article 1 of the First Protocol to the Convention on Human Rights says that:

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<sup>1</sup> The report is available at: [www.hpc-uk.org/publications/reports](http://www.hpc-uk.org/publications/reports)

‘Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.’

The European Court of Human Rights has interpreted ‘possessions’ to encompass a wide range of economic interests including, in one case, the right to exercise a profession.

### **1.2.2 The Health Professions Order**

The Health Professions Order 2001 (‘the Order’) establishes the legal basis for the transitional arrangements for registration known as ‘grandparenting’. These are broken down into 2 routes which are discussed in the section below entitled ‘Grandparenting routes’.

When the Register for the first twelve professions we regulated opened on 9 July 2003, the transitional arrangements were limited to those who had not previously been registered by the CPSM or the HPC and who applied for registration within a two-year period from the opening of the Register. Similar arrangements happened when the Operating Department Practitioners became statutory regulated.

The Order is therefore consistent with the Human Rights Act by recognising the acquired rights of existing practitioners to continue to practise their profession.

The legislative provisions outlined in the Order applied to the professions which were previously brought into statutory regulation by HPC and will also apply to the practitioner psychologists and any professions which become regulated by HPC in the future.

### **1.2.3 Grandparenting routes**

Article 13(2) of the Order also lays out the two ‘entry routes’ for registration for applicants applying via grandparenting.

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 education, training and experience meets the standards of proficiency for the profession (see page 13).

Applications are assessed on an individual basis by two registration assessors, who are appropriately qualified members of the profession. Registration assessors are one type of ‘partner’ we use. Other partners we use are panel members who make decisions about complaints we receive and visitors who visit and approve education and training programmes.

Route A means that only experience and not qualifications can be assessed. Assessors may look at the Standards of proficiency for the profession but applicants do not have to demonstrate that they meet all the standards. Under Route B however, assessment can take into account qualifications and training as well as practice and experience. Applicants have to demonstrate that they meet all the Standards of proficiency for their profession.

Successful applicants, through either route, were registered in the relevant part of the Register in the same way as an applicant following an approved course. Once registered, all registrants have to meet our standards of conduct, performance and ethics. This includes the obligation that registrants should only practise in those fields in which they have appropriate education, training and experience.

### **1.2.4 Length of grandparenting period**

The length of the grandparenting period is defined by law and has previously been two years. The length of the grandparenting period for psychotherapists and counsellors is discussed in more detail in section two and three of this paper.

After the grandparenting period has closed, the only way for UK-trained individuals to become registered is to complete an approved programme.

### **1.2.5 Right of appeal**

Article 37 of the Order allows grandparenting applicants a right of appeal if their application is unsuccessful. The process which we follow in administering an appeal is laid out in The Health Professions Council (Registration Appeals) Rules Order of Council 2003.

Appeals have to be sent in writing to us within 28 days of the decision to reject an application for registration. The appellant submits information including a statement to explain why they disagree with the decision to reject their application as well as any supporting document.

The panel hearing the appeal can dismiss the appeal, allow the appeal (and thereby allow the individual on to the Register) or decide that the application should be looked at again. If the appeal is dismissed, the appellant can also appeal to the county court and, in Scotland, to a sheriff.

### **1.2.6 Grandparenting and protection of title**

Regulation through the HPC works on the basis of protection of titles. In order to use one of the titles that we protect, an individual must be on our register. However, during the grandparenting period the titles are not protected for those who have been using the title before the introduction of regulation. The Order ensures that individuals who had been using a protected title prior to the opening of the Register are not liable to prosecution if they continue to do so during the transitional period.

A protected title can also be used beyond the closing of the grandparenting period until a final decision is reached about an application. This includes any appeal to the Council or to the courts.

## **1.3 Grandparenting process**

### **1.3.1 Applications**

As with other routes to registration, grandparenting applicants have to complete a registration form. Applicants have to supply information about themselves and their education as well as a health reference and a character reference.

Grandparenting applicants have to provide us with more information than applicants for the UK route. Previously we have asked applicants to complete a supplementary information form together with the standard application form in order to help us assess their application. This included:

- information about the time they had been in practice, including how many hours they were currently practising;
- information about their education, training and a summary of their career;
- a statement of practice telling us about the nature of their practice. We suggested that applications might provide us with up to three case studies to help us decide whether they met our requirements;
- information about their professional indemnity insurance (if held, optional); and
- a further reference confirming their time in practice (optional).

We encouraged grandparenting applicants to provide us with as much information as possible so that we could make a decision about their applications.

### **1.3.2 Assessment**

Applications are assessed by members of the relevant profession called 'registration assessors'. Where a profession has different modalities, we make sure that the application is assessed by two individuals from the same modality. Assessors normally worked in pairs of one clinician and one academic. We feel that this allows a fair assessment of both an applicant's practical experience and their education and training.

The assessors scrutinised all the available documentation against the relevant criteria to reach a decision upon which they both agreed and then completed a 'record of assessment'. This detailed the reasons why a particular decision had been reached. The reasons given were referenced against the applicable test.

#### **1.3.2.1 Tests of competence**

Our legislation allows the Council to ask an applicant to undertake 'any test of competence as it requires him to take'. This importantly provides the Council with a further opportunity to establish the level of an applicant's knowledge, understanding and skills. It also allows the applicant a fair opportunity to demonstrate that they meet the standard for registration.

The legislation allows the Council's Education and Training Committee to decide the circumstances in which an applicant should undergo a test of competence and what form that test should take.

A test of competence could include:

- an interview or oral test;
- a structured written examination;
- a practical test of clinical skills; or
- a combination of oral, written and practical tests.

These types of tests are often used by health regulators when assessing the competence of overseas qualified professionals.

Previously, we considered all the options when deciding the types of test of competence which we would ask some applicants to undertake. In the majority of cases, we decided that applicants should undertake an oral test of competence if there were areas of their knowledge, skills and experience which needed clarification. A small number of applicants were asked to undertake a short practical placement, supervised by a registered member of the profession, or a short assessment.

It is important to take a flexible approach to the tests which focus on the individual applicants and their individual practice rather than asking applicants to undertake a rigid assessment process which might not be appropriate.

### **1.3.3 Grandparenting criteria**

Although the grandparenting routes are laid in our legislation, HPC can set the grandparenting criteria. The criteria include how to define lawful, safe and effective practice, areas that can be tested in the test of competence and also how the Council can obtain further information.

The criteria must be available for a three month consultation. HPC will be consulting on grandparenting criteria for practitioner psychologists prior to the Register opening for that profession in summer 2009.

### **1.4 Previous experience of the grandparenting process**

We ran a grandparenting period for the first twelve professions that we regulated until 8 July 2005. Overall 93% of applications via grandparenting were successful.

There was some variation in the overall success rate by profession but this tended to vary with the number of applications received from each profession. The overall success rate was lower for route B applications (82%) compared to route A (96%). However, we also received more route A applicants than route B.

### **1.4.1 Communications**

Our experience shows that a clear communications strategy was central to the success of the grandparenting period. We communicated the grandparenting process to unregistered practitioners in a number of ways including providing information on our website and delivering talks to professional body meetings about the changes to legislation.

During the grandparenting period for the first twelve professions we wrote to private training and institutes and private member organisations and asked them to pass information on their members. In addition, where people indicated that they wanted to be kept up to date we wrote to them to tell them when the application forms were available. We also produced numerous articles which appeared in the local and national press as well as in the professional journals.

## **Section two: Responses to the Call for Ideas**

In the Call for Ideas we asked respondents to tell us how long they thought the grandparenting period should be open for. We also asked respondents if any information other than that outlined above should be considered by the group in recommending the appropriate grandparenting arrangements.

### **2.1 Length of grandparenting period**

Fifteen organisations, including The KCC Foundation, The Association for Family Therapy, and The British Psychoanalytic Council (BPC), suggested that the grandparenting period should be for two years. British Association for Sexual and Relationship Therapy (BASRT) said that they supported a two year grandparenting period because it would focus applicants' minds and ensure that they did not delay their application. The International Society of Professional Counsellors (ISPC) suggested a grandparenting period between two and three years as it gave time for communication whilst diplomas often take three years or less. However, one individual commented that two years was not long enough because of the length of time taken to complete training and accreditation.

Eight organisations suggested that the grandparenting period should be between two and three years. This included the British Association of Play Therapists (BAPT), Counselling in Scotland (COSCA) and the Association of Child Psychotherapists.

Five organisations, including The United Kingdom Association for Psychotherapeutic Counselling (UKAPC), Counsellors and Psychotherapists in Primary Care and The British Psychological Society, said that the grandparenting period should be for three years. Cambridge Body Psychotherapy Centre proposed three years as it would allow information to circulate and also would give individuals opposed to statutory regulation sufficient '...opportunities to be assessed'. UKAPC suggested that the three year grandparenting period would be the 'normal' period but that there should be flexibility for extraordinary circumstances.

Two organisations suggested that the grandparenting period should be different for different titles. The United Kingdom Council for Psychotherapy (UKCP) suggested that it should be four years for the title of 'psychotherapist' and three years for the title of 'psychotherapeutic counsellor'. The Association for Cognitive Analytic Therapy (ACAT) also suggested that it should be four years for the title of 'psychotherapist' but two years for the title of 'psychological therapist'.

Three organisations, including The Register for Evidence Based Hypnotherapy and Psychotherapy (REBHP) and The British Association for the Person-Centred Approach, suggested that the grandparenting period should be between three and five years. United Kingdom Association for Humanistic Psychology Practitioners suggested that a grandparenting of this length would reduce the chance of a backlog in applications and would avoid interruptions to practice whilst applications were being processed. One individual commented that this length of grandparenting period was necessary to allow individuals completing courses to grandparent.

Five organisations, including Bath Centre for Psychotherapy and Counselling and The Centre for Humanistic Psychology and Counselling, said that the grandparenting period should be four years. The British Association for Counselling and Psychotherapy (BACP) recommended four years as most training takes three years and would therefore give trainees just starting their training enough time to complete and then apply.

Both The Counselling and Psychotherapy Central Awarding Body (CPCAB) and Chrysalis suggested that the grandparenting period should be between five and ten years. CPCAB said that the longer period was necessary to incorporate those with insufficient experience or limited qualifications or those on career breaks or those working abroad. The longer period might also help to overcome opposition to regulation and allow students to apply via grandparenting.

The University of Kent said that the grandparenting time period was not as important as the professional validity of the person applying for registration. They added that the PLG needed to consider how to validate the safe, professional and ethical practice of professionals who may have been practising but who 'may or may not currently meet approved standards for safe practice'. One individual said that the grandparenting period should be open in 'perpetuity'. They commented that if the grandparenting criteria were truly valid why would they be restricted to a particular period of time?

## **2.2 Proposed grandparenting criteria**

In the Call for Ideas we also asked respondents if any information other than that outlined above should be considered by the group in recommending the appropriate grandparenting arrangements. This section considers the criteria that respondents suggested should be used for making decisions about grandparenting applicants. It then covers more general comments about the grandparenting process.

A number of respondents, including the University of Brighton, commented that it was important that the grandparenting criteria were rigorous. One individual commented that the criteria should be as 'stringent and thorough' as the criteria for those joining via the voluntary register transfer.

Several respondents said that one important criterion for assessing grandparenting applications was the applicant's level of training and qualifications. Association of Christian Counsellors commented that they would anticipate that an applicant would have '...some appropriate level of training and/or experience'. The Minster Centre said that the group should consider the quality of training undertaken by grandparenting applicant and ask why person was not on a voluntary register. This might be because the applicant '...did not meet the criteria for membership such as being unable to meet training standards, not being in clinical supervision or not holding public liability insurance'. ISPC commented that consideration should be given to the 'wide and diverse nature of counselling and psychotherapy and the training of these professions... you need to consider not just the length of training but the level of qualification'.

A number of respondents commented that one of the grandparenting criteria should be that the individual should make a declaration that they had no complaints against them. The Tavistock Centre for Couple Relationships said that no one subject to ethical hearings or sanctions at the point of registration should transfer. One respondent suggested that individuals would have to declare any complaints which would have to be investigated before the grandparenting applicant submitted an application. However, another respondent said that those who applied via grandparenting having been expelled from a professional body should not necessarily be refused from applying or being assessed.

Several respondents, including ACAT and the Metanoia Institute, suggested that the grandparenting criteria could draw upon the APL and (Accreditation of Prior Learning) and APEL (Accreditation of Prior Experiential Learning) processes used by UK university systems. UKCP supported these comments and suggested that the criteria could also draw upon those used in UKCP training for psychotherapists and psychotherapeutic counsellors.

The Association for Rational Emotive Behaviour Therapy commented that the grandparenting route must ‘...require the applicant to become a member of a recognised professional body, servicing their modality, before being placed under a Cognitive Behavioural register’. British Association for Behavioural and Cognitive Psychotherapies (BABCP) raised concerns that CBT applicants might not be accredited by BABCP and said it was important that those assessing grandparenting applications should be aware of ‘...BABCP training standards’. One individual respondent suggested that grandparenting applicants should be members of a professional body.

## **2.3 Comments about grandparenting**

### **2.3.1 Grandparenting routes**

We received a small number of comments from respondents about the different grandparenting routes. Surrey Counselling and Psychotherapy Initiative said that the different routes were useful as they helped to ensure that practitioners who did not satisfy time requirements were not ‘penalised’. However, other respondents commented that more clarity was needed on how to demonstrate practice in route A and how applicants would be assessed in route B.

### **2.3.2 Reduction in standards**

Several respondents expressed concerns that grandparenting might lead to a reduction of standards. The AFT said that grandparenting might allow people who have been practising without the appropriate qualifications and who were less qualified on to the Register. They said ‘We would not be happy that someone who had merely practiced for 3 out of 5 years prior to the start of the register could automatically register’. Their comments were supported by the Metanoia Institute who said that they would ‘...strongly object to any system of Grandparenting that undermines the long established standards associated with different generic professional titles’. One individual commented that if registration really was necessary for these professions, it should not be ‘diluted’ by grandparenting.

### **2.3.3 Cost of grandparenting and impact on voluntary sector**

Several respondents to the Call for Ideas, including BACP, COSCA and Stirling and District Association for Mental Health raised concerns about the cost of making a grandparenting application, particularly for applicants working within the voluntary sector or were offering their services free. They were concerned that counsellors would stop offering services rather than pay the costs of becoming registered. In turn, this would reduce access to services for members of the public. Relationships Scotland and COSCA both asked that costs should be kept to a minimum or that funding should be available to help counsellors to become registered.

### **2.3.4 The grandparenting process**

A small number of respondents raised concerns about the grandparenting process. The REBHP said that it was important that grandparenting applicants were not judged by therapists or organisations which ‘...hold theoretical positions antagonistic to other modalities’. One individual suggested that decisions about the grandparenting criteria used for assessing applications should not be made by ‘others’ and not the HPC. Another individual commented that it was important to realise that psychotherapy and counselling are not based on a discrete body of knowledge and this would impact on the grandparenting process. Both BAPT and one individual commented that it was important that the grandparenting arrangements were ‘...transparent, understandable and user friendly’. Two individuals suggested that the grandparenting process should be evidence based and not focused on a ‘form filling exercise’.

### **2.3.5 Inclusiveness**

Several respondents commented on the importance of an inclusive grandparenting process. CPCAB commented that the PLG should consider students and also equality and diversity requirements whilst The Association of Child Psychotherapists suggested that the PLG should consider arrangements for members who have been out of work e.g. maternity/sick leave. WPF Therapy commented that grandparenting should cover all those qualified and currently in training when the Register opens.

### **2.3.6 Communications**

Three respondents, BASRT, CPCAB and Manchester College, both commented that it would be important to publicise the grandparenting arrangements and to communicate with applicants. Manchester College commented that grandparenting should be promoted via a ‘telephone helpline, email and website links’.

### **2.3.7 Other routes**

We also received a small number of comments from individuals suggesting different grandparenting processes. Two individuals commented that the voluntary organisations should take responsibility for allowing grandparenting and that people grandparent on to voluntary registers and then come on to

HPC's register. Another individual suggested that in addition to the approved course route, there should be an 'apprenticeship route' for those who wanted to train in a different way.

### **2.3.7 Other considerations**

We also received a small number of comments about other issues that the respondents wanted to bring to the attention of the PLG. BPC said that it would be important for the PLG to consider how many training courses would not lead to membership of a voluntary register which transferred and therefore how many potential grandparenting applicants there might be. COSCA asked what the entry route would be for those who miss the deadline for grandparenting.

KCC Foundation wanted to highlight that there were a number of practising psychotherapists who might not have professional qualifications or whose qualifications might not be at a Masters level. Of these psychotherapists some may not be members of a voluntary register or their registration may have lapsed. Finally one respondent said that if grandparenting applicants could demonstrate that they could practise safely and effectively without CPD or completion of an approved programme then there would be no need to bring them within statutory regulation.

## **Section three: Points to consider**

The context outlined in this paper and the Call for Ideas, reveal a number of broad considerations that the group will wish to take into account when discussing the grandparenting process.

The focus of this section is on the issues relevant to regulation and regulatory processes. This section is not intended to be exhaustive and there may be further topics that the group may wish to discuss.

### **3.1 Length of grandparenting period**

#### **Summary**

- The majority of organisations argued for a grand parenting period of three years or less.
- Some organisations argued for a longer grandparenting period to match the length of the average training programme or to allow sufficient time for effective communication of the need to register.

#### **Other points for discussion**

- The grandparenting period for previous professions was two years. It is anticipated that the grandparenting period will be three years for practitioner psychologists.
- The PLG is invited to consider how to balance the need for sufficient time to ensure effective communication and applications alongside the need for public protection.
- The PLG may wish to consider whether a lengthy grandparenting period would protect the public or not. A lengthy grandparenting period would also lengthen the period of time before the title is protected.
- The PLG may wish to consider the equality and diversity impact of the length of the grandparenting period.

### **3.2 Grandparenting criteria**

#### **Summary**

- It is important that the criteria are rigorous to prevent a reduction in standards.
- Respondents thought that training and experience were important criteria, alongside an absence of complaints against the individual.

### **Other points for discussion**

- The PLG may wish to discuss whether there are any other matters that should be considered in recommending appropriate grandparenting arrangements.