

The statutory regulation of psychotherapists and counsellors

Consultation on the recommendations of the Psychotherapists and Counsellors Professional Liaison Group

Introduction

We are consulting on the recommendations of the Psychotherapists and Counsellors Professional Liaison Group (PLG) about the potential statutory regulation of psychotherapists and counsellors.

This document appends the Report of the Psychotherapists and Counsellors PLG.

About us

We are the Health Professions Council (HPC). We are a regulator and our job is to protect the health and wellbeing of people who use the services of the professionals registered with us.

To protect the public, we set standards that professionals must meet. Our standards cover the professionals' education and training, behaviour, professional skills, and their health. We publish a Register of professionals who meet our standards.

Professionals on our Register are called 'registrants'. If registrants do not meet our standards, we can take action against them which may include removing them from the Register so that they can no longer practise.

Psychotherapists and Counsellors Professional Liaison Group

In February 2007, the Government published a White Paper on the future of regulation, 'Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century'.

The White Paper said:

'The government is planning to introduce statutory regulation for...psychotherapists and counsellors...' (page 81)

'...psychotherapists and counsellors will be regulated by the Health Professions Council, following that Council's rigorous process of assessing their regulatory needs and ensuring that its system is capable of accommodating them. This will be the first priority for future regulation.' (page 85)

We set up a working group of stakeholders, known as a Professional Liaison Group or 'PLG', to consider and make recommendations to the Council about how psychotherapists and counsellors might be regulated, in light of the conclusions made in the White Paper.

The PLG was tasked with making recommendations to the Council in the following areas:

- the structure of the Register;
- protected titles;
- voluntary register transfer and grandparenting arrangements;
- standards of education and training; and
- standards of proficiency.

In the summer of 2008, we launched a 'Call for Ideas' consultation to seek at an early stage the views of stakeholders about the potential statutory regulation of psychotherapists and counsellors. The responses to the Call for Ideas informed the discussion and recommendations of the PLG.

The path to statutory regulation

We are now consulting on the recommendations of the Psychotherapists and Counsellors PLG, as outlined in the enclosed report.

The results of this consultation will help inform the Council in making its recommendations to the Secretary of State for Health and Ministers in the devolved administrations about the potential statutory regulation of psychotherapists and counsellors.

Any regulation would require a piece of secondary legislation known as a 'Section 60 Order'. This is an order made under the Health Act 1999. If a decision was made to proceed with the regulation of psychotherapists and counsellors, the Department of Health would publicly consult on a draft Section 60 Order prior to the publication of legislation.

The final decision about the regulation of psychotherapists and counsellors is one for the Government, and ultimately, a matter for the UK and Scottish parliaments.

About this consultation

The attached report outlines the discussion and recommendations of the PLG, in each of the areas within its terms of reference, providing relevant background information about the standards, processes and legislation of the HPC in each area.

The PLG's main recommendations are summarised in section one of the report.

Consultation questions

At its meeting in July 2009, the HPC Council discussed the report of the PLG, identifying the key consultation questions outlined below in each of the areas of the PLG's terms of reference.

The following consultation questions are based on the discussion and recommendations of the PLG as well as some other issues we consider to be relevant to regulation more generally.

Where helpful, we have provided some brief background to the questions we are asking. We have also given references to sections of the attached report.

Although we have asked a number of specific questions, we would be happy to receive any further comments about other matters you consider relevant to this topic.

Structure of the Register (section 4)

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

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

The PLG discussed the arguments about separately differentiating in the Register between those qualified to work with children and young people and those qualified to work with adults. It has been argued to us that there are specific competencies (such as those relating to communication, multidisciplinary team working and child, infant and adolescent development) which are essential for working with children and young people and therefore for public protection.

We are not making any proposal but, in light of the PLG's discussion, are instead seeking the views of stakeholders on the broad issue.

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

Protected titles (section 4.7)

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

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

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

Voluntary register transfers (section 5)

We would welcome your comments on any aspect of the draft criteria proposed for use in deciding which voluntary registers should transfer to the statutory Register. In particular:

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

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

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

Grandparenting (section 6)

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

Standards of proficiency (section 7)

We would welcome your comments and suggestions about the profession-specific draft standards of proficiency. We would also welcome any comments about the generic standards which will feed into a separate review. In particular:

- 11. Do you think that the standards support the recommendation to differentiate between psychotherapists and counsellors?**
- 12. Do you think the standards are set at the threshold level for safe and effective practice? If not, why not?**
- 13. Are the draft standards applicable across modalities and applicable to work with different client groups?**
- 14. Do you think there are any standards which should be added, amended or removed?**
- 15. Do you agree that the level of English language proficiency should be set at level 7.0 of the International English Language Testing System (IELTS) with no element below 6.5 or equivalent? (Standard 1b.3)**

Education and Training (section 8)

We would welcome your comments and suggestions about the recommendations for the threshold level of qualification for entry to the psychotherapists and counsellors part of the Register.

As the threshold level of qualification for entry to the Register is the level necessary to deliver the standards of proficiency, we would be particularly interested in hearing about whether the proposed levels are consistent with safe and effective practice.

- 16. Do you agree that the threshold educational level for entry to the Register for counsellors should be set at level 5 on the National Qualifications Framework? If not, why not?**
- 17. Do you agree that the threshold educational level for entry to the Register for psychotherapists should be set at level 7 on the National Qualifications Framework? If not, why not?**

Impact assessment

In making our final recommendations, we will prepare an impact assessment which will identify and assess all of the options considered by the Council, including a broad assessment of the likely costs, benefits and risks of the recommendations. This will include an equality and diversity assessment.

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

The regulation of other groups

The White Paper also said that the Government was planning to introduce statutory regulation for 'other psychological therapists'.

The regulation of other occupational groups delivering psychological therapies was not directly within the PLG's terms of reference. However, discussion with stakeholders has indicated that there may be some potential issues that we need to be aware of, in order to ensure that any implications for the potential future regulation of other groups delivering psychological therapies are fully taken into account in the final recommendations. We are seeking the views of stakeholders on this broad topic.

19. Do you have any comments about the potential implications of this work on the future regulation of other groups delivering psychological therapies?

Further comments

20. Do you have any further comments?

Your comments

This consultation will put the recommendations of the PLG before a broad range of stakeholders with an interest in the regulation of psychotherapists and counsellors.

This consultation will run until **16 October 2009**.

This document is available to download from our website and is available in hard copy on request.

Please contact us to request a copy of this document in an alternative format, or in Welsh.

We will publish on our website a summary of the response we receive to the consultation and the decisions we have taken as a result.

How to respond

Please send your response to:

Statutory regulation of psychotherapists and counsellors consultation
Policy and Standards Department
Health Professions Council
Park House
184 Kennington Park Road
London
SE11 4BU

You may also email responses to consultation@hpc-uk.org or send a fax to +44 (0)20 7820 9684.

Please note that we are not able to accept responses by telephone or in person.

If you would prefer your response not to be made public, please indicate this when you respond.

We look forward to receiving your comments.