



**UK Council for Psychotherapy
Submission Response No. 1**

**HPC Consultation
On Psychotherapists and Counsellors
July 2009**

Content

- UK Council for Psychotherapy Submission Response No. 1 to the HPC Consultation on Psychotherapists and Counsellors July 2009
- Appendix A – Copy of Draft SOP with additions and changes from UKCP (sent as a separate document)



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1. Introduction

- 1.1 This Submission Response No. 1 from UKCP is our main submission to the Consultation on Psychotherapists and Counsellors by HPC in July 2009.
- 1.2 This UKCP submission and any additional materials are based on the gathering of relevant information from our membership and registrants and in response to developments, as we understand them, in the process towards statutory regulation of the titles of psychotherapy and counselling.
- 1.3 The UKCP submission(s) will address various aspects of the HPC Consultation document in different detail so that overall HPC can receive a comprehensive response from us. All key statements in direct response to questions and areas highlighted in the HPC consultation document are in **bold** with the relevant cross referencing question number in **bold** for ease of reading and identification.
- 1.4 UKCP understands that our final submission will need to be with HPC by 16th October 2009. UKCP understands that the regulatory outcome is subject to the legislative approval of any final decision made by the UK and Scottish Parliaments.
- 1.5 In principle, we believe the broad recommendations set out in the HPC consultation documents can be supported by UKCP. This is subject to the additions, changes and areas identified for further discussion in the document. We wish to ensure that the material for statutory regulation reflects the language, concepts and substance of psychotherapeutic work. We believe this must 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.

2. Structure of the Register and Protected Titles

2.1 UKCP ideally *would like* to see a Register that contains three titles under the overall heading in the register of Psychotherapy and Counselling:

- a. **Psychotherapist**
- b. **Psychotherapeutic Counsellor**
- c. **Counsellor**

UKCP acknowledges that the discussions on the separate title for Psychotherapeutic Counsellor were clear and frank in the PLG meetings with regard to recognition of the title.

However after considerable input from our registrants and in recognition that a register does exist with that title; UKCP will continue to recognise Psychotherapeutic Counsellor as a distinct professional role. We have reluctantly accepted that the title of Psychotherapeutic Counsellor will not be one of the titles statutorily regulated by HPC.

UKCP assures the statutory regulator that we will have mechanisms in place to ensure that all our registrants who qualify and wish to put themselves forward for assessment in order to be placed under either or both titles will be afforded this possibility in time for any voluntary transfer of the registers we hold.

Therefore we recommend the protected titles be Psychotherapist and Counsellor with differentiated minimum threshold levels of entry to the register. (Questions 1,2, 3,4 and 5).

2.2 UKCP understands and recognises that within the UK and internationally there exists many differentiated ways of working in the fields of psychological therapies, allied mental health and well-being occupations. UKCP believes that the two suggested protected titles in our response reflect the scope of the work of the PLG at this time. **(Questions 18, 19)**

2.3 We acknowledge that discussions may happen elsewhere that address issues relating to other psychological therapies professions and occupations in future. UKCP is against any concept of a hierarchy of psychological therapies but believes that a statutory regulator needs to recognise that public interest and co-operation of the professions in regulation has to take account of the intent and goals that the individuals chose to pursue when they engaged in training. ***It is important to UKCP that it is made clear that registration with HPC would signify a licence to practice under specified professional titles and that it in no way defines job roles or the licensing of any job.*** **(Questions 18, 19)**

2.4 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 support. All are involved with the person (client/patient) and have different approaches to the same systems. **(Questions 18, 19)**

- 2.5 We therefore propose that differentiated standards of proficiency between the statutory regulated titles be maintained regardless of any difficulties in articulating where the boundaries are and that at the same time we accept the idea that these constructs will sometimes have limited usefulness. UKCP would emphasize that working with children and young people in whatever psychological therapies discipline requires specific attention and standards. **(Questions 18, 19)**
- 2.6 There is a long and established history of theory-based practice supported by standards of education, training and approved pre-registration education and training programs, which confirms the differentiation of the two titles to be regulated both in the UK and in Europe, for example in the EAP.
- 2.7 ***We believe it is vital that both the SOP and the eventual SETS for the two protected titles of Psychotherapy and Counselling incorporate comprehensive and specific requirements for all practitioners working with children and / or young people, we further recommend that in the case of SETs these are clearly delineated for each title as separate sections of the SETs. (Questions 1, 2 , 3, 11, 12)***
- 2.8 ***UKCP envisage such standards as helping to form the overall understanding of the regulator in relation to scope of practice for counsellors and psychotherapists who work with children / young people and those who additional are entitled via their relevant professional body to describe themselves as a Child Psychotherapist, Youth Counsellor etc. (Questions 1, 2 and 3)***
- 2.9 ***UKCP will not support protected adjectival descriptors as part of the statutory regulated framework. (Questions 1, 2 and 3)***
- 2.10 UKCP believes that the professions have well-established regulatory mechanisms in place to hold diversity in approach and tradition and welcomes the possibility of the level of generic protected professional titles only being held by a statutory regulator.
- 2.11 In recognition of the information set out in 2.8, 2.9 and 2.10 above ***we would wish to reiterate that the threshold level of entry for each title is recognised by UKCP and other professional bodies to be a minimum standard of entry. (Questions 6, 7, 8, 9, 16)***
- 2.12 We accept that there are many training programmes in psychotherapy and counselling respectively that will qualify people to practice above the minimum standard, ***however for the regulatory purposes of the threshold entry level to each profession we would want to see these placed at M level 7 for psychotherapy and level 4 for counselling. (Questions 6, 7, 8, 9, 16)***
- 2.13 ***UKCP would wish to see that the separate titles of Counsellor and Psychotherapist become the legally protected titles.*** We would welcome a dialogue at the PLG and elsewhere with HPC and other professional bodies and organisations on the issue of post-qualification and specialist training labels, including Psychotherapeutic Counsellor, Child Psychotherapist and Supervisor.
- 2.14 UKCP welcomes the role of professional bodies as partners in the endeavour

to protect the public and to ensure best practice standards in all aspects of regulation and regulatory work in the context of psychotherapy and counselling.

3. Entry to the Register and Voluntary Register Transfers

A. Transfer of Voluntary Registers

- 3.1 UKCP would welcome in the process of any transfer of currently existing voluntary registers that such voluntary registers have clear criteria for registration in relation to the defined professional titles as set out above, where such titles are currently in use on the voluntary register.
- 3.2 Entry to the HPC Register must satisfy HPC differentiated criteria for eligibility to join the HPC Register in relation to one of the above suggested protected professional titles.
- 3.3 ***We strongly argue that the defined professional titles on voluntary transfer must be earned through an accredited process and not chosen by the individual professional being added to the register. We would expect all transferring registers to demonstrate some contextualizing relationship to the broader field. (Questions 6, 7, 8, 9, 12)***
- 3.4 In other words, ***there must be clearly defined thresholds of entry and entry processes for each title used of psychotherapist and counsellor on the voluntary register for transfer to occur at that titular level. (Questions 6, 7, 8, 9, 12)***
- 3.5 ***The Voluntary Registers used should have clearly articulated levels of standards of education and training (SETs) in order to qualify for statutory registration at the specific title level. These must include specific standards to be applied to any practitioner working with children and / or young people. (Questions 6, 7, 8, 9, 12,13,14)***
- 3.6 ***UKCP would expect current best practice to be followed and for the levels of the SETs of any voluntary register that was transferred to the HPC registers for Psychotherapists and Counsellors to include compulsory academic input including research, practice training, personal development / therapeutic undertaking, supervision requirements and diversity and equalities requirements. These must include specific standards to be applied to any practitioner working with children and / or young people. (Questions 6, 7, 8, 9, 12, 13, 14)***
- 3.7 The term Registrant in UKCP has traditionally signified individual practitioners who have qualified by dint of their completion and fulfilment of the requirements of UKCP SETs either through a UKCP accredited training, or equivalent training route where the individual has achieved academic and training practice equivalence and has been approved for putting to the register by a UKCP Member Organisation (MO) that has authority to assess and verify the equivalence. UKCP has well established APL and APEL protocols.
- 3.8 AS at 12th October 2009 UKCP has 6,900 registrants on its voluntary registers.
- 3.9 A new structure will be in place from December 2009 for UKCP with an intention of leading to new membership and accreditation routes and

additional top-up training routes for individual affiliate members to become eligible for the full voluntary registers of UKCP Psychotherapeutic Counsellors and UKCP Psychotherapists. These additional routes to accreditation are consistent with UKCP's commitment to expanding the diversity of the membership and ensuring widening access to the professions of psychotherapy and psychotherapeutic counselling.

3.10

- a. ***UKCP agrees that the minimum level of entry to the statutory regulated title of Psychotherapist be post-graduate Masters Level or equivalent: level 7 on the National Qualifications Framework; M level on the Framework for Higher Education Qualification; level 11 on the Scottish Credit and Qualifications Framework. We understand this to be a minimum of four-years training part-time or its equivalent and the level proposed to be consistent with current practice thus incorporating the vast majority of psychotherapists. We understand this to mean that all areas of training and education would reflect generic descriptors at the relevant level. (Questions 6, 7, 8, 9, 17)***
- b. ***UKCP believes the minimum level of entry to the statutory regulated title of Counsellor should be set at level 4 on the National Qualifications Framework with attendant equivalence on the other national frameworks. We understand this to be a minimum of two years training part-time or its equivalent. From extensive discussions in UKCP and with colleagues in other bodies it has become clear to us that the proposed threshold entry level of 5 runs the risk of excluding too many currently practicing counsellors. (Questions 6, 7, 8, 9, 16)***
- c. ***Entry levels as they are constructed in the current model of HPC regulation make it difficult to develop a regulatory system that reflects the many professional environments in which counselling and psychotherapy operate.***

B. Grandparenting

- 3.11 ***After the various discussions in the PLG and consultation with our members, UKCP believes the statutory registers for Psychotherapists and Counsellors should be open for a period of grandparenting for a minimum of two years and maximum of four. (Questions 6, 7, 8 and 9)***
- 3.12 ***We would expect to see the principles of Accreditation of Prior Learning (APL) as well as practice experience (APEL) applying to the voluntary registers of individuals under the titles of Psychotherapist and Counsellor in order to be eligible to be transferred to the statutory registers. (Questions 6, 7, 8 and 9)***
- 3.13 ***We think that Grandparenting Requirements should be equivalent to the levels of standards of education, training, training practice, standards of proficiency and approved pre-registration education and training programs for each title as set out above. (Questions 6, 7, 8 and 9)***

4. Standards of Proficiency and Standards of Education and Training

A. Standards of Proficiency

- 4.1 UKCP welcomes the hard work carried out by members of the PLG in relation to the SOP and wishes to acknowledge that this aspect of regulation has proved one of the most difficult and contentious to tackle at all levels of discussion, consultation and guidance.
- 4.2 ***We support non-modality specific SOP and the inclusion of the phrase “consistent with theoretical approach” and would ask that HPC state that all HPC SOP should be read and understood through this lens.*** Regarding the proposed Standards of Proficiency, UKCP strongly recommends the additions and changes set out in Appendix A. We would expect a similar undertaking of consistency with theoretical approach to be taken in the reading and understanding of all standards of education to be applied to psychotherapy and counselling.
- 4.3 An extensive email consultation has been undertaken by UKCP with our registrants and training provider membership bodies on the specifics of the SOP and the wider consultation document. The responses throughout and the additions and changes set out below represent the final distillation of this exercise. (Questions 11, 12, 13, 14)
- 4.4 Regarding the proposed Standards of Proficiency UKCP strongly recommends the following additions and changes.
- 4.5 It is clear to UKCP from discussions with registrants and from the wealth of written feedback from registrants and education providers that **the SOP proposed in the consultation document do not adequately reflect the range of standards needed to embrace the threshold entry level of methodologies and treatments of the diversity of traditions and approaches in psychotherapy nor those in counselling.** (Questions 11, 12, 13, 14, 18)
- 4.6 ***It is the strong opinion of UKCP that by opting to regulate at the level of professional title of Psychotherapist and Counsellor it then becomes a requirement that any and all SOPs and SETs must in their language be able to stand up to the test of application across the whole profession in a way that facilitates interpretation at the modality and tradition level.*** (Questions 14,18)
- 4.7 **The proposed SOP in the consultation document for the individual titles do not meet this requirement.** (Questions 11, 12, 13, 14, 18)
- 4.8 ***In the case of Psychotherapy they are written for too limited a perspective of psychotherapeutic approach, they are thus unacceptable to UKCP in their current format. Additionally an encompassing SOP specifically addressing working with children and young people is needed for each profession. Where appropriate we have added also***

references to working with vulnerable adults in order to make the SOP fit for purpose. (Questions 11, 12, 13, 14,18)

- 4.9 ***In the case of counselling the SOP in the consultation document are not extensive enough to reflect the abilities of a qualifying practitioner.*** From our consultations we have proposed additions and changes that we believe will better reflect the work of a counsellor at point of entry to the register. (Questions 11, 12, 13, 14,18)
- 4.10 ***The SOP do not address a core fundamental aspect of psychotherapy at the point of threshold entry. The knowledge, skills and ability to draw upon the practitioners' training in more than the core approach must be included in the SOP for them to adequately reflect the threshold level of attainment of a newly qualifying psychotherapist. Without this addition the SOP will not be understood as fit for purpose by UKCP.*** (Questions 11, 12, 13, 14,18)
- 4.11 The choice of what comparative approaches are taught would remain at the level of discretion of the professional bodies and the accredited education providers and is not an area with which we believe the statutory regulator should be concerned.
- 4.12 ***We have set out in the attached document (Appendix A) the additions and changes to the proposed SOP for Psychotherapists only and for Counsellors only that reflect these requirements and that embrace the ability to be applied across the whole of each profession of psychotherapy and counselling.*** (Questions 11, 12, 13, 14, 18)
- 4.13 ***Additionally we have set out other changes and additions required by UKCP to make the SOP viable and fit for purpose; these will relate to either or both professions. Please see Appendix A.*** (Questions 11, 12, 13, 14, 18)
- 4.14 Some of the changes, additions and removals we have made will carry commentary for elucidation or information. We signify where certain SOP in the draft should be removed from being applied to both titles; please see the attached at Appendix A for details. (Questions 11, 12, 13, 14, 18)
- 4.15 UKCP would strongly recommend the following overarching standard to headline both the generic and each profession SOP in HPC in order to ensure an overall and coherent framework:
- 4.16 ***ADD - To understand and be able to apply all SOP requirements appropriate to the context of practice and in an age appropriate manner for work with children and young people.***

B. Generic Standards Comments and Feedback

4.17 UKCP agrees it is vital that review and changes to the language of existing generic SOP and SETs is undertaken by HPC in consultation with the appropriate professional bodies.

4.18 As was discussed at the July 6th 2009 meeting of the full Council we support the need for **HPC to develop and adopt a broader description of the term 'health' to include psychological, emotional and spiritual dimensions. We also believe that HPC itself will need to change some of its existing structures and procedures in order that it should be fit for purpose for the effective regulation of the professions of counselling and psychotherapy.**

4.19 UKCP will actively continue its support of this direction of thinking with members and staff of the HPC and pursue it becoming a reality within HPC. We welcome this direction and appreciate the current initiative by HPC to re-address their generic SOP so that they become more streamlined and applicable across all the professions being regulated.

4.20 UKCP welcomes the move to a more holistic view and understanding of the term health that this initiative indicates.

4.21 English Language Requirements

- a. We believe there are serious diversity and equalities implications with these particular standards. They are overly focussed on employer need rather than the effective understanding and use of language in professional practice. As statutory registration with HPC is a general registration for practice it seems incumbent on HPC to remove such employer-focussed criteria.
- b. We fail to see how such requirements could be characterised as fundamental to protection of or benefit to the public in the practice of counselling or psychotherapy. We question the appropriateness of the tool being used, and believe it is not proving a sensitive enough instrument.
- c. This is not a requirement that should be applied / included in either profession specific or generic standards and it garnered much critical comment and anger from respondents to UKCP consultation exercise; it is generally seen as discriminatory.
- d. The overall generic SOP relating to skills in communication need to include learning ability, comprehension ability and cultural considerations for it to read effectively as equalities and diversity compliant.

5. Standards of Education and Training

A. Working with Children

- 5.1 UKCP Child Psychotherapists are understood as a specialist training. They are a specific specialist professional field within the overarching title of psychotherapist. It is our understanding that a similar position would exist for counsellors qualified to work specifically with children and/or young people.
- 5.2 We believe the standards of education and training must also afford special guidance for *any* practitioner working with children and young people in counselling or psychotherapy. Consistent with our submission for the SOP we would expect the SETs for Psychotherapy and those for Counselling to make such provisions in order to satisfy fitness for purpose.
- 5.3 We would expect specific consultations to occur between the HPC and the professional bodies that represent any training, education and training practice work with children and young people under each and both proposed titles.
- 5.4 UKCP has already and will continue to work at this level with HPC and would welcome the opportunity for further meetings and discussions regarding the SETs and other aspects of statutory regulation as they impact on training to and working with children and young people.

B. General Principles

- 5.5 UKCP would like to see the SETs reflect a similar spirit to the changes outlined in the SOPs and we understand the SOPs to be an important marker in helping set the depth and breath of the model needed for SETs.
- 5.6 We also believe some specific attention to the needs of clients and patients with learning and /or comprehension ability concerns must be addressed in the SETs and elsewhere in HPC documents and policies.

6. Further Comments and Feedback

6.1 Fitness to practice and other ethical concerns

1. Many UKCP member organisations and registrants have concerns about HPC's statutory regulation approach to issues dealing with professional conduct, ethics and complaints.
2. HPC has many generic processes, policies and guidance publications that they consider apply across all the professions regulated. We appreciate that HPC have acknowledged that these documents are written in a language appropriate for healthcare, and that this language is not always appropriate for the work of psychological professions. We look forward to this being reviewed and changed in anticipation of the requirements of the instruments used for the regulation of psychotherapists and counsellors.
3. 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.
4. In our continuing discussions with the HPC we will particularly want to address concerns about:
 - criminal records including the use of cautions and convictions history in assessing entry to the register.
 - mediation and other alternative routes to resolution of issues that are not amenable to an adversarial HPC hearing
 - for regulation to be effective we believe that complaints must be viewed as a system in which the relationship between practitioners and their professional organisation has the capacity to prevent concerns and minor complaints from escalating in to serious complaints.
 - 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.
5. We will want to collaborate on these or other aspects of HPC statutory regulation that need to be negotiated and agreed. The idea of a risk based regulatory system that is self-adjusting to ensure the effective level of regulation is essential.

6. Fitness to Practice issues examined by any regulator have a disproportionate impact on practitioners employed by organisations and those who practice privately. The concept of Complaints as process must be taken account of in any system of regulation for it to be applied in an effective and fair manner. The regulator needs to take account of the impact of the complaint or hearing. The system must act quickly from notification, to investigation to hearing and sanction.

7. UKCP believe that any complaints process must be particularly sensitive to the capacities of children, young people and vulnerable adults, particularly those with learning or articulation challenges.

8. UKCP think the present HPC complaints procedures fail to recognise the differing needs of these groups who can have specific difficulty articulating their complaint and having a voice. Attention also needs to be paid to the processes involved in dealing with potential false complaints by children and adolescents and the vulnerability of child psychotherapist and psychotherapists and counsellors to such complaints. This also highlights the need for a sophisticated understanding of complaints as a process model by any regulator, as well as one that is capable of addressing fitness to practice issues per se.

6. Summary

- 5.1 UKCP would like to see the following titles protected:
- a. **Psychotherapist**
 - b. **Counsellor**
- 5.2 The minimum threshold entry for each title should be clearly defined as follows:
- a. **Psychotherapist at Masters level or equivalent (level 7)**
 - b. **Counsellor at Level 4 or equivalent**
- 5.3 The SOP and considerations highlighted in this document and in Appendix A as *necessary* for the SOP to be fit for purpose are to be understood as fundamental to UKCP being able to support the eventual final document.

James Antrican - Chair, UKCP

David Pink - Chief Executive, UKCP

Carmen Joanne Ablack - Chair, UKCP Standards Board

Katherine Murphy - UKCP representative on HPC PLG

14th October 2009



Appendix A

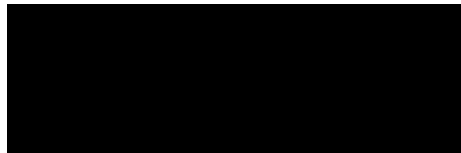
UKCP RESPONSE

SOP for Psychotherapists and Counsellors

October 2009

(Please see separate attachment of same title)

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