



**ALLIANCE**  
For Counselling and Psychotherapy  
Against State Regulation

# BRIEFING DOCUMENT

The audience at the Inaugural Conference of the Alliance, April 5 2009

<http://www.allianceforcandp.org>

## Key Briefing Points

### **1 THE EVIDENCE BASE FOR STATE REGULATION (SR) OF THE PSYCHOLOGICAL THERAPIES IS ENTIRELY LACKING**

The proposed state regulation of the psychological therapies via the HPC has not been preceded by either systematic research or widespread consultation, and many professionals dispute on both theoretical and practical grounds the HPC regulatory regime currently being threatened. Moreover, despite repeatedly being asked to come up with reputable data on the level of abuse in the psy field, the Department of Health has consistently failed to do so. Why, if this is such an urgent issue requiring state regulation after over 100 years of psychotherapeutic activity, have not the Department of Health and/or the HPC commissioned recent, independent empirical research on the extent of the assumed 'therapy abuse problem' in Britain? – rather than relying, for example, on chronically out of date data about psychologists? It would be relatively easy to research into this area, and to produce reasonably robust data on which to base policy in an informed way.

We also already know from Professor Daniel B. Hogan's extensive research in the USA<sup>1</sup> that the very act of State Regulation itself has no evidence base whatsoever, and indeed seems to be strongly contra-indicated. All this points to the need for a strict *precautionary* principle to be applied in this area, when the alleged benefits of SR are merely being anecdotally asserted, and no attempt had been made by government to research into either the advisability or the cost/benefit balance to the field as a whole of implementing SR. *All the available evidence points to the conclusion that any benefits that might stem from state regulation will be swamped by the negative unintended side-effects.*<sup>2</sup>

### **2 A SIGNIFICANT NUMBER OF THERAPISTS – UNDOUBTEDLY RUNNING INTO THOUSANDS – ARE IMPLACABLY OPPOSED TO REGULATION VIA THE HPC, AND WILL SIMPLY REFUSE TO COMPLY WITH IT**

The engagement of the HPC with the psychological therapies has been little short of farcical, and has shown the two cultures to be so fundamentally different that it is wholly inappropriate for the psy therapies to fall under what is, for them, an alien disciplinary framework. For example, the HPC conducts its proceedings in a very public, adversarial, quasi-judicial framework which is wholly antithetical to the values underpinning the psychological therapies, and would very likely prove to be highly damaging to the profession as a whole. The HPC is also run by people who do not understand this widely diverse field, and the subtle distinctions that form the basis of our work

It would be a major error of judgement for the government to underestimate the extent of opposition to these ill-thought-through proposals, and the focused resolve of a substantial proportion of the field to oppose them in every way possible. It has been a commonly held view for several decades – including, till recently, amongst the government's own Senior Policy Advisors – that it would be quite impossible to regulate a field whose inherent diversity and pluralism by far exceeds any meaningful coherence in terms of theoretical base and approaches to therapy practice. The dramatic eruption of practitioner dissent of recent months merely confirms the wisdom of that earlier view.



### **3 ALMOST CERTAINLY A SUBSTANTIAL MAJORITY OF 'PSY' PRACTITIONERS DO NOT VIEW COUNSELLING AND PSYCHOTHERAPY AS 'MEDICAL' ACTIVITIES IN ANY MEANINGFUL SENSE, SO IT IS ENTIRELY UNACCEPTABLE, AND A GRAVE 'CATEGORY ERROR', FOR THOSE ACTIVITIES TO BE STATUTORILY REGULATED BY THE HEALTH PROFESSIONS COUNCIL**

There is a major ongoing debate within and between psychiatry, psychology, psychoanalysis, counselling and psychotherapy as to whether it is either legitimate or accurate to designate the activities of counselling and psychotherapy as medical *qua* 'medical' treatments.<sup>3</sup> Almost certainly a substantial majority of therapy practitioners strongly subscribe to a non-medical ontology upon which they base their practice. It is therefore placing the majority of counsellors and psychotherapists into an unsustainable position of 'professional cognitive dissonance' to force the designation of 'health profession' on to their practice. Moreover, this has particularly dire consequences for an activity in which authenticity and congruence are seen as crucial characteristics of therapy practitioners' core identity. This is such a grave issue that the Alliance for Counselling and Psychotherapy may well take it to judicial review, if current plans to implement HPC SR continue unchecked.

The medicalisation of the psy professions evident in the HPC has paid little attention to evidence and argument, with the HPC stepping outside its brief in an outrageous redefinition of an area of professional activity that is based on utterly different premises. The calls for 'evidence-based practice' have adopted views that emanate from the psychiatry profession in which diagnosis and evidence-based practice is normal. Translating such thinking into psychotherapy and counselling poses great difficulties. For example, the notion of the critically reflective practitioner is so much at variance with the values of 'evidence based practice' that for example many do not believe new practitioners can be trained in both without redefining the activity in which they are engaged.

### **4 THE NATURE OF 'ABUSE' IN THE 'PSY' FIELD IS SUBTLY BUT SIGNIFICANTLY DIFFERENT FROM 'ABUSE' IN OTHER FIELDS, AND THEREFORE REQUIRES A DISTINCTIVE RESPONSE**

Practising therapists will know that in any therapy relationship, the very nature of 'abuse' and legitimate complaint is highly complex when, *by the very nature of the work*, the practitioner lays him- or herself open to negative projections and 'biographical re-enactments' from the client. Indeed, from this perspective, it is often perhaps only through such a difficult 're-enactment process' that meaningful healing can and does happen for many clients. Yet the only kind of

disciplining regulation that the state seems capable of 'delivering' is of the legalistic, 'managerialist' kind, that polarises around the simplistic discourse of innocent/guilty, and which therefore necessarily rides rough-shod over the subtleties and complexities of this delicate and unique kind of work.

There is also a widely acknowledged lack of objective benchmark measures in the field of counselling and psychotherapy regarding outcome and ethics, *an absence which is intrinsic to the activity*, and which therefore leaves these activities especially vulnerable to pernicious complaints, the conveyor-belt pursuit of which the HPC and its solicitors have a major financial vested interest in perpetuating.

### **5 WHAT THE GOVERNMENT CAN AND SHOULD DO**

We strongly urge that the government immediately calls a *delay to the process of HPC regulation, while the whole issue is subject to a wide-ranging enquiry by an independent commission*, whose remit will be to investigate whether existing accountability frameworks are adequate, or can be suitably enhanced, without the need for HPC or additional state regulation. The Alliance for Counselling and Psychotherapy should also be involved in any DH consultation process on accountability and regulation, as we represent a rapidly growing body of opinion that is beyond any institutional vested interest – unlike the other major institutional players in the psy field.

1. D.B. Hogan, *The Regulation of Psychotherapists: Volume I: A Study in the Philosophy and Practice of Professional Regulation*, Ballinger, Cambridge, Mass., 1979
2. R. Mowbray, *The Case Against Psychotherapy Registration: A Conservation Issue for the Human Potential Movement*, Trans Marginal Press, London, 1995
3. James T Hansen, *Should counselling be considered a healthcare profession?*, Therapy Today, Lutterworth, Leics, Oct. 2007

A Conference Organised by the Alliance for Counselling and Psychotherapy

## **PRINCIPLED NON-COMPLIANCE** with THE HEALTH PROFESSIONS COUNCIL

**Sunday October 11 2009 11am-5:30pm**

(10:30am for networking and tea/coffee)

Voluntary Resource Centre, 356 Holloway Road,  
London N7 (next door to Waitrose)

Please let us know you are coming by emailing [conference@allianceforcandp.org](mailto:conference@allianceforcandp.org) where you can also ask any questions you may have.

As with the previous Alliance conference, there will be a collection to cover expenses and give us a small fighting fund. Suggested minimum donation: £20 to include two teas/coffees; Students/unwaged £8. For lunch, bring food and drink or eat out locally.

**Alliance web-site:**

<http://www.allianceforcandp.org/>

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