

Newsletter from The Alliance for Counselling & Psychotherapy - Against State Regulation.

Due to the extraordinary amount currently happening around the regulation issue, and because the Alliance operates in a non-hierarchical, decentralised way, you may sometimes receive news via more than one avenue. Whilst we try to avoid unnecessary duplication we do want to ensure everyone is well informed on major developments in the regulation process, some of which may not be fully reported by other sources.

Here's a brief round up of recent important documents, actions, and events together with web-links that you can pursue in your own time. We believe that there has been a sea change around the regulation issue over the past few weeks: more and more people are now talking about 'if HPC regulation happens', rather than 'when it happens' - and discussing whether it should happen. This is the moment for everyone to add their voice.

Alliance for Counselling and Psychotherapy Steering Group

1. The Shadow Health Secretary, Anne Milton, called a meeting of psychotherapy organisations at Westminster on November 2nd. There was widespread agreement that HPC was not a suitable method of regulation, and Anne Milton summed up by saying that counselling and psychotherapy are 'very different from other professions', and that HPC needed to listen to the protests. Full report at the end of this newsletter.

2. Seven videos of the Alliance conference on 11 October, attended by around 220 people, are now available to view on the Alliance website,

<<http://www.allianceforcandp.org/pages/AllianceConference2.htm>>  
<http://www.allianceforcandp.org/pages/AllianceConference2.htm>  
<<http://www.allianceforcandp.org/pages/AllianceConference2.htm>> The videos are: John Gloster-Smith – Lobbying UK Parliament; Richard House: Principled Non Compliance; Janet Low – HPC Democracy at Work?; Arthur Musgrave, Kamalamani & Denis Postle – A Practitioner Full Disclosure List; Arthur Musgrave – White Paper: Trust Assurance Safety; Andrew Samuels – Preparing for Principled Non Compliance; and a long Q&A session on the legality of PNC.

3. Bindmans, the prominent human rights lawyers, gave an opinion supporting the legality of Principled Non Compliance with HPC regulation - Andrew discusses this in the conference video: <<http://www.allianceforcandp.org/pages/AllianceConference2.htm>>  
<http://www.allianceforcandp.org/pages/AllianceConference2.htm>

4. Andrew Samuels is standing for Chair of UKCP (voting ends 12pm on 6 November.) Two campaigning videos and statements can be viewed at <<http://tinyurl.com/as-ukcp>>  
<http://tinyurl.com/as-ukcp>, along with a large amount of valuable material of interest to readers of this newsletter. The UKCP on-line election debate is at  
<[http://www.psychotherapy.org.uk/election\\_forum.html](http://www.psychotherapy.org.uk/election_forum.html)>  
[http://www.psychotherapy.org.uk/election\\_forum.html](http://www.psychotherapy.org.uk/election_forum.html)

Meanwhile, BACP has rejected the HPC Proposals for regulating Counselling and Psychotherapy - see <http://www.bacp.co.uk/regulation>. Although the proposed 'two-tier' system for counselling and psychotherapy is a central part of BACP's objections, they also emphasise the unacceptability of the medical model, and criticise the process of the Practitioner Liaison Group.

5. BCP and UKCP have also published their responses. The BCP response tries to find another way of defining the difference between counselling and psychotherapy: <<http://www.psychanalytic-council.org/main/index.php?page=15335&>> <http://www.psychanalytic-council.org/main/index.php?page=15335&> The UKCP response (go to [www.psychtherapy.org.uk](http://www.psychtherapy.org.uk) and follow links) suggests yet another title for regulation: 'psychotherapeutic counsellor.'

6. "Compliance? Ambivalence? Rejection?" is a short book of responses to the HPC Consultation, which can be downloaded free from <[http://www.allianceforcandp.org/pdfs/PLGHPCAssemblyREVISEDsize02\\_V3web.pdf](http://www.allianceforcandp.org/pdfs/PLGHPCAssemblyREVISEDsize02_V3web.pdf)> [http://www.allianceforcandp.org/pdfs/PLGHPCAssemblyREVISEDsize02\\_V3web.pdf](http://www.allianceforcandp.org/pdfs/PLGHPCAssemblyREVISEDsize02_V3web.pdf) - or purchase a hard copy for £7.85 from <<http://www.lulu.com/product/download/compliance-ambivalence-rejection/5548229>> <http://www.lulu.com/product/download/compliance-ambivalence-rejection/5548229> . A copy signed by 103 participants in the Alliance conference was delivered to HPC on Monday 12th October.

7. A pamphlet by Arthur Musgrave contains 'one half of a dialogue with enthusiasts for HPC regulation' –a fascinating account of a serious attempt to enter a dialogue with those who are strongly in favour of the HPC as a regulator, which may be of use to other people in debate with pro-regulation practitioners. Free download from <<http://www.allianceforcandp.org/pdfs/HalfaDialogue.pdf>> <http://www.allianceforcandp.org/pdfs/HalfaDialogue.pdf>

8. A new group Psyreg ( <<http://www.psyreg.co.uk/>> [www.psyreg.co.uk](http://www.psyreg.co.uk)) of several psychoanalytically oriented organisations (including the PA, Arbours Association and the Guild of Psychotherapists), have published The Maresfield Report, a thorough critique of the HPC Fitness to Practise regime. Group members also threaten a legal challenge to HPC via the well-known London law firm Bindmans (see the document at <<http://tinyurl.com/as-ukcp>> <http://tinyurl.com/as-ukcp>).

9/ The Kings College and Royal Holloway study, 'Statutory Regulation and the Future of Professional Practice in Psychotherapy and Counselling', funded by the General Medical Council and the Economic and Social Research Council, warns that over-regulation fails to provide the best standard of patient care. <<http://www.kcl.ac.uk/content/1/c6/06/35/90/StatutoryRegulation1.pdf>> <http://www.kcl.ac.uk/content/1/c6/06/35/90/StatutoryRegulation1.pdf>

10. Italian Barrister Alessandro Amicarelli, JD LLM MBA DHP PhD, submitted a 72 page report to the National Council for Psychotherapy on the legality under European law of HPC regulation: "In summary, I feel that all the aforementioned factors are sufficiently clear and they would suggest the need for the British Government to take a few steps back."  
<<http://www.ncphq.co.uk/page180.html>> <http://www.ncphq.co.uk/page180.html>

11. Over 200 members now participate in the Alliance blog – anyone can join:  
<<http://allianceforcandp.ning.com/>> <http://allianceforcandp.ning.com/>

12. Andrew Smith, Labour MP for Oxford East put a written question to the Department of Health (22 Oct) asking the Minister "If he will make a statement on the rejection by the British Association for Counselling & Psychotherapy of the Health Professions Council's proposed statutory regulation of psychotherapy and counselling."  
<<http://findyourmp.parliament.uk/>> Get your MP working  
<<http://findyourmp.parliament.uk/>> for this too! - Why not send them a copy of  
<[http://www.allianceforcandp.org/pdfs/PLGHPCAssemblyREVISEDsize02\\_V3web.pdf](http://www.allianceforcandp.org/pdfs/PLGHPCAssemblyREVISEDsize02_V3web.pdf)>  
"Compliance? Ambivalence? Rejection?"

13. The Merits of Statutory Instruments Committee argues for less Government reliance on Regulations, in order to leave greater room for the professionalism of practitioners to deliver the objectives of improving learning:  
<[http://www.parliament.uk/parliamentary\\_committees/merits.cfm](http://www.parliament.uk/parliamentary_committees/merits.cfm)>  
[http://www.parliament.uk/parliamentary\\_committees/merits.cfm](http://www.parliament.uk/parliamentary_committees/merits.cfm)

14. The AHPP is advising its members on strategies to avoid having their registration data transferred to HPC. To read the AHPP webpage on state regulation:  
<<http://www.ahpp.org/state-regulation.htm>> <http://www.ahpp.org/state-regulation.htm>

15. Regional groups continue to stage meetings to allow their members time and information to think with – a new meeting in Solent is currently being planned. Why not ask for someone to come and speak to you? Check out the Alliance events map at  
<<http://www.allianceforcandp.org/pages/UKAllianceEventsList.htm>>  
<http://www.allianceforcandp.org/pages/UKAllianceEventsList.htm>

16. Don't forget the <<http://HPCWatchdog.blogspot.com/>> HPCWatchdog.blogspot.com has regular news items and commentary.  
The Alliance consists of individual practitioners with links to various organisations in the fields of counselling, psychotherapy and psychoanalysis, who each have a strong commitment to ethical and accountable practice and share a common cause: objection to the Government's proposals for the State Regulation of the psychological therapies by the Health Professions Council. To this end, we are working to initiate, facilitate and support principled opposition to this policy.

## Report on the meeting of therapists' organisations with Anne Milton MP at Westminster Hall

2 November 2009.

The Alliance attended a meeting arranged and chaired by Anne Milton MP, the Shadow spokesperson for Mental Health, along with a large number of other therapists' groups. Also there, on the "hot seat" so to speak of the platform, were HPC's Marc Seale, Lynn Gabriel of BACP, Darian Leader of The College of Psychoanalysts and Colin Walker of MIND.

The meeting was very lively, to say the least, with plenty of argument about the respective merits of state regulation, "independent statutory regulation" as it was termed, as well as more specifically regulation by the HPC, and the current form HPC regulation was taking. Limited time was given to alternatives to state regulation, as it seemed that most present favoured some form of state regulation, or at least accepted it was inevitable. Many said how diverse and divided the field was, which made regulation both necessary and yet also a delicate art. Most also felt though that the current proposed form was a sledgehammer.

Representatives from MIND articulated the case that abuse from a small number of therapists was occurring, without being able to present researched evidence. A client was produced who vehemently presented details of the difficulties she had experienced in making a complaint about her therapist's sexual advances and how the relevant professional organisation had stonewalled her case and given lenient treatment to the therapist.

A certain amount was made of the lack of research undertaken into the question of the need for regulation and the most desirable form for the UK. The dearth of actual researched evidence of therapist abuse received a fair amount of attention. The Chair of HPC stated that a CHRE report found that boundary violations occurred right across the "health professions" field and was about 4%, not specifically psychotherapy or counselling. She then went on to assert that a small minority were abusers "without any shadow of doubt". Darian Leader then stated that there was no constancy in the statistics claimed, with alleged abuse rates varying from 5-10% at one end down to less than 1%.

BACP said that regulation had split the professions and that the current proposals were not "fit for purpose". They presented a strong case in objecting to the differentiation between counsellors and psychotherapists as their key objection to the current proposals, although they continued to favour state regulation in principle. By contrast, it was not clear what UKCP as a whole had to say on the issues under discussion, although Tom Warnecke did say that more work had to be done about the counsellor/psychotherapist distinctions, that the HPC complaint process would leave people more injured, and that the anger about HPC regulation was also part of a wider concern about government initiatives like IAPT, Skills for Health and NICE. However, we noted that a lot of unfavourable remarks were made about UKCP, and in particular its ability to handle complaints.

Anne Milton said that she wanted to hear what people's views were. She did however very quickly make it clear that she personally had never in all her Parliamentary career since 2005 been lobbied by so many people. There had, she said been a huge number of e-mails and letters. She felt that there was something in this situation that was very different from any other she had met. This, she said, "was exceptional". She observed that the HPC

had not by any means succeeded in bringing everybody in the therapy community on board with the regulation project, commenting with an exclamation, "Recognise the anger – it's huge!" In response to the Alliance's stated preference, by Professor Samuels, for a halting of the regulation process while a Convention is called, she said "this meeting could be the first of many conventions". She commented that the aspect of what she, with her nursing background called "health control" of psychotherapy and counselling was irritating people and she said "it feels silly". Finally, in response to comments about the HPC taking 18 months according to their statutory requirements, to resolve a complaint, she said that that was "completely unreasonable".

Mr Seale, sitting next to her, must have been feeling distinctly uncomfortable and near the end he got up to go and pick up his coat and bag - was this symbolic, we wondered, or whether to beat a hasty retreat!

There was a particularly telling point in the discussion when a lot of groups articulated how unhappy they were with the HPC's current Standards of Proficiency. It has been the case for the Alliance and other bodies including BACP that these standards were too overly dominated by a medical model and risked marginalising or excluding large swathes of the professions. At one point a representative from CPC, a body whose practitioners predominantly worked in the NHS, complained that she didn't "recognise her profession". Anne Milton interjected that up to now she had thought this may have seemed a "rubbish" argument but she now was very clear that there was a problem here. Moreover whether the HPC was an appropriate regulator for the psychological professions was a legitimate question.

We then heard that HPC were reviewing their generic standards in the light of the criticism made and that further ideas would be presented for consultation. We were left with the impression that more work was to be done and that the vast amount of comment was making an impact. Having said this, scepticism was expressed about the level and extent of professional involvement, such as in with the PLG process that had led to the Draft Standards. The Alliance have been pointing out that so far this has been very limited and partial. Anne Milton agreed that for the regulation project to work, the professions as a whole need to be involved with the process.

In conclusion, among the other summaries made from the platform, Anne Milton said that she hoped the HPC would take on board the criticisms made. "This is", she said, "very different from other professions" and the HPC should hear this.

John Gloster-Smith, MAHPP.