
The statutory regulation of psychotherapists and counsellors: call for ideas

Introduction	2
About us	2
About statutory regulation	2
Statutory regulation of psychotherapists and counsellors	2
New professions.....	3
About Professional Liaison Groups (PLGs).....	3
About this document	4
The call for ideas.....	4
How to respond	5
Structure of the Register	6
Protected titles	7
Entry to the Register	8
Voluntary register transfer	8
Grandparenting	9
International	10
Standards of education and training.....	11
Threshold level of qualification for entry to the Register.....	11
Standards of proficiency.....	13
Summary of questions	15

Introduction

We are seeking the views of stakeholders on the potential statutory regulation of psychotherapists and counsellors.

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 health professionals registered with us.

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

Health 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.

About statutory regulation

- **Statutory regulation of psychotherapists and counsellors**

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)

Subject to the necessary legislative approval, the White Paper indicated that psychotherapists and counsellors would be regulated by the HPC in the future.

We are therefore undertaking this project in anticipation of that legislative approval. However, please note that the outcome will be subject to any final decisions made by the UK and Scottish Parliaments.

- **New professions**

Article 3 (17) of the Health Professions Order 2001 says:

The Council may-

- (a) make recommendations to the Secretary of State concerning any profession which in its opinion should be regulated pursuant to section 60(1)(b) of the Health Act 1999

We have set up a 'new professions process' by which we can receive applications from professions seeking regulation. Applications are normally made by professional organisations representing the interests of members of the profession. We look at each application against published criteria and can recommend to the Secretary of State that the profession is regulated.¹

In the most cases, the Council would normally expect an application for regulation to be made. However, in some circumstances, the Council may wish to make a recommendation in the absence of an application, where it considers that this would be in the public interest. Any final decision about whether a profession should be regulated is one taken by government.

- **About Professional Liaison Groups (PLGs)**

Although we have not received an application to recommend regulation, or made a recommendation ourselves, the government has clearly indicated that psychotherapists and counsellors should be statutorily regulated. We therefore believe it is an appropriate time to begin some work to explore possible arrangements for how psychotherapists and counsellors might be regulated.

Our Council agreed to establish a Professional Liaison Group (PLG) to consider and make recommendations to the Council, on issues relevant to the statutory regulation of psychotherapists and counsellors. A PLG is a working group set up by the Council to provide advice on a discrete project, particularly where the Council would benefit from outside expertise. The work of the PLG will inform the recommendations of the Council to the Secretary of State.

The PLG will bring together stakeholders in order to consider and make recommendations to the HPC Council about:

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

The PLG will also gather information about the potential size of the occupational field, existing voluntary registers and education and training programmes.

We will shortly be writing to stakeholders to invite nominations for membership of the PLG. Numbers on the group are necessarily limited and interest in PLGs

¹ Please see www.hpc-uk.org/aboutregistration/newprofessions

often exceeds the available places. However, we are committed to involving all those with an interest in this work as far as possible throughout the process. For that reason we are holding this call for ideas so that we can benefit from the views of stakeholders at an early stage.

Meetings of the PLG will take place in public and the papers considered by the group and minutes of the meetings will be available on our website.

About this document

In this document we seek the views of stakeholders on the statutory regulation of psychotherapists and counsellors.

We want to benefit from the views of stakeholders and gather together relevant information about the field at an early stage. In particular, we want to learn from, and build upon, work which has already been undertaken in this area. The outcomes of this call for ideas will inform the work of the PLG.

This document is divided into the five sections which correspond to the five main areas which will be considered by the PLG (shown on the previous page). Under each section we provide some information about that area, followed by a small number of questions and requests for information.

We would be happy to receive any comments you might have in response to the specific questions and on any other matters you consider relevant to the statutory regulation of psychotherapists and counsellors.

The call for ideas

We have sent this document to a number of different organisations with an interest in this area, including professional bodies and education and training providers.

You can also download further copies of this document from our website or you can contact us if you would like us to send you a copy.

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

The deadline for responses to the call for ideas is 24 October 2008.

After the deadline, we will analyse the responses we receive which will inform the PLG's ongoing work.

How to respond

Please send your response to:

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

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

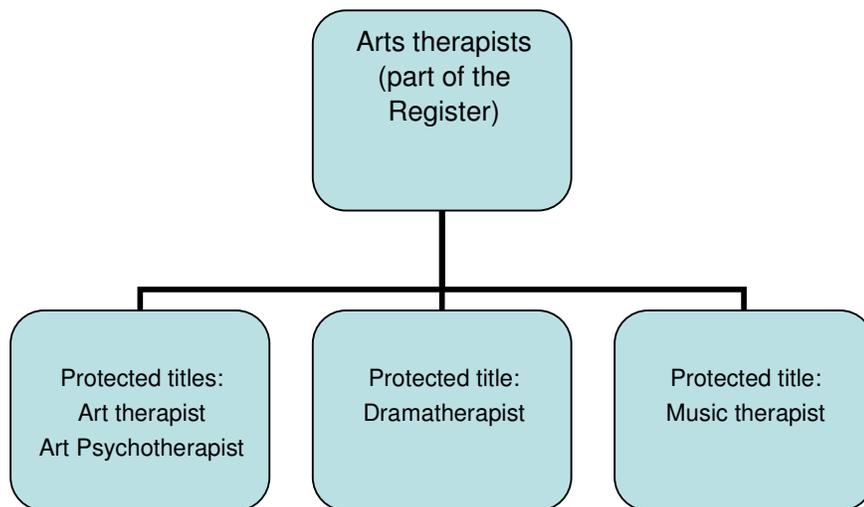
Please note that we are not able to accept responses by telephone or in person.

Structure of the Register

Our Register is divided into parts. There are currently thirteen parts of the Register which relate to the thirteen professions we regulate. For example, there is a part of the Register for clinical scientists and a part of the Register for orthoptists. Each of the parts of the Register has at least one protected title (see overleaf).

Some parts of the Register have more than one protected title. For example, one of the parts of the Register is for arts therapists (shown below). There are then protected titles for art therapists, dramatherapists and music therapists. Each of these titles has standards and approved pre-registration education and training programmes.

Someone successfully completing an approved pre-registration education and training programme in music therapy would be entitled to apply for registration in the arts therapists part of the Register but only permitted to use the title 'music therapist', for example.



The PLG will be discussing what the structure of the Register should be for psychotherapists and counsellors.

For example, this might include considering whether there should be a psychotherapists and counsellors part of the Register with no distinction in titles, or whether there should be separate titles to differentiate between psychotherapists and counsellors.

1. What are your views about how the Register should be structured for psychotherapists and counsellors?

Protected titles

Each part of the Register has at least one title which is protected in law. This means that only someone who is HPC registered is legally able to use a protected title. Someone who uses a protected title who is not registered can be prosecuted.

For example, only someone who is registered in the physiotherapists part of the Register is legally able to use the titles 'physiotherapist' or 'physical therapist'.

We believe that the number of titles protected should aim to strike a balance between preventing the misuse of professional titles, against the need for effective public recognition. Our research has shown that members of the public most easily understand a small range of recognisable professional titles as an indication that someone is qualified to practise their profession.

Among the considerations in this area, the PLG will wish to consider which titles are in common use and who they are used by. For example the PLG will wish to consider whether it is possible to protect the title 'counsellor' or whether this title is so widely in use outside of therapeutic settings that it could only be protected as part of an adjectival title.

An example of an adjectival title we protect is 'art psychotherapist'. Only someone who is a registered art therapist can use this title. However, the title 'psychotherapist' is not protected.

2. Which titles should be protected and why?
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Entry to the Register

When we regulate a new profession there are normally four routes to registration, which are described in this section.

- **Voluntary register transfer**

On the day that statutory regulation is introduced there would normally be a one-off transfer of one or more voluntary registers. These registers are normally held by voluntary membership organisations.

Anybody whose name appeared on the voluntary registers on the day before regulation was introduced would transfer to the HPC Register.

Shortly afterwards, we would write to all those who transferred asking them to renew their registration by signing a form and paying the registration fee.

For example, in October 2004 Operating Department Practitioners became regulated by the HPC. On the day that regulation was introduced, all those whose names were the day before on the register of the professional body, the Association of Operating Department Practitioners (now the College of Operating Department Practitioners) transferred to the HPC Register. Shortly afterwards, all those who transferred were asked to renew their registration by signing a declaration and paying the registration fee.

When a profession becomes regulated, the legislation specifies which voluntary registers will transfer.

The PLG will be discussing which voluntary registers should transfer to the Register and may wish to develop criteria to help the government in reaching that decision. Such criteria might include a voluntary membership organisation demonstrating:

- clear criteria for entry to membership (which might include the accreditation or approval of education and training programmes);
- a mechanism for dealing with complaints about members and the ability to remove from membership if necessary;
- a commitment to the Continuing Professional Development (CPD) of its members; and
- lay involvement in decision making.

We are also asking voluntary membership organisations to provide us with details about the number of members and the procedures they have in place for determining entry to membership and for dealing with concerns about members. This will help the PLG to make an informed decision about those registers which it may be appropriate to recommend for transfer to the statutory register.

3. What criteria might be used in considering which voluntary registers should transfer and which should not?

4. If you represent a voluntary membership organisation, are you able to provide us with information about:

- the number of members and the extent to which this number is likely to overlap with membership of other organisations;
- arrangements for determining entry to membership; and
- arrangements for considering complaints about members?

- **UK approved course**

Our Education and Training Committee would normally approve those education and training programmes which have led to membership of the voluntary register(s).

This means that any individual who could have been a member of the voluntary register(s) on the date of the transfer but was not because their membership had lapsed, or someone who was part way through their training, would be able to apply to us for registration via the 'UK approved course' route. They would not need to make a 'grandparenting' application (see below) as they would have completed an approved programme.

- **Grandparenting**

Normally, when we regulate a new profession, and protect a title, there will be a 'grandparenting' period. The length of the grandparenting period is defined by law and has previously been two years.

The grandparenting period allows people who have previously been practising the profession, but who could not become voluntarily registered, to apply for registration, provided that they can meet certain criteria. There have previously been two grandparenting routes:

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.

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

The PLG will be discussing and making a recommendation about the length of the grandparenting period.

5. How long should the grandparenting period be open for and why?

6. Are there any other matters which the PLG should consider in recommending appropriate grandparenting arrangements?

- **International**

Applicants who have trained outside the United Kingdom can apply to us via our international route. Applications are assessed by two 'partners' from the profession (known as registration assessors). An applicant has to demonstrate that their education and training or the combination of their education, training and experience meets the standards of proficiency for the profession.

You can find out more about the routes to registration and about what happens when a new profession becomes regulated by visiting our website.

Standards of education and training

- **Approved programmes**

Someone who successfully completes a pre-registration programme approved by us is eligible to apply for registration.

We approve pre-registration education and training programmes against our standards of education and training which cover such areas as admission to the programme and curriculum standards. A programme which meets the standards of education and training will also allow a student who successfully completes that programme to meet the standards of proficiency. These are the standards we publish for the safe and effective practice of each profession we regulate.

We grant open-ended approval to programmes, subject to ongoing checks via our annual monitoring and 'major change' processes.

You can find more information about our role in education on our website.

- **Threshold level of qualification for entry to the Register**

Standard one of the standards of education and training ('SET 1') sets out the threshold level of qualification for entry to the Register in the professions we regulate. This is articulated as a threshold academic award. Every time we open a new part of the Register, we need to determine the threshold level of qualification for entry for the new profession, following consultation, and add this to the standards.

We need to set the threshold level at the level necessary for people who successfully complete an education and training programme to meet all of the standards of proficiency. We would have regard to the level of existing education and training in determining the threshold level.

In setting the threshold level of qualification for entry, we are setting the threshold academic level of qualification which we normally accept for the purposes of an approved programme which leads to registration. As the threshold is the 'minimum', programmes at levels above the threshold level may be approved.

The threshold level might change over time to reflect changes in the delivery of education and training. This has happened in a number of the existing professions we regulate – as professions have developed and the threshold knowledge and skills required for safe and effective practice have expanded, the threshold academic level has increased.

The threshold level of qualification for entry to the Register applies to pre-registration education and training programmes seeking approval rather than to individuals. Therefore, it would not affect individuals who might have followed education and training programmes delivered at levels below the threshold in the past.

The threshold level has to be set at the level necessary for safe and effective practice. We have to take into account existing education, training and service delivery and it is important that the level we set is not aspirational in nature. The purpose of statutory regulation is to protect members of the public. We want to make sure that any proposals are inclusive so that as many practitioners as possible can be regulated, whilst ensuring that appropriate standards are maintained.

In psychotherapy and counselling there is a wide range of different training programmes which vary in content, structure and level. One possible option for the threshold level for psychotherapists and counsellors is a stepped approach which would see the threshold level raised over a period of time. This might balance the need to ensure that as many practitioners as possible are regulated at the outset, in order to protect the public, with the need to ensure that the threshold level of public protection develops over time. This would also provide a lead-in period for education and training providers to make any necessary changes to their programmes. We particularly invite comments from stakeholders on this suggestion.

We are also asking for information about the number and names of existing qualifications, the academic awards and levels of qualifications, and quality-assurance arrangements. We want to develop an informed picture of the number of programmes, the level of existing education and training provision, and the extent to which that education and training is subject to some kind of quality-assurance process. This will help the PLG in making an informed decision about the threshold level of qualification for entry to the Register.

7. We would welcome any information about:

- the number and names of existing qualifications leading to the practice of psychotherapy and counselling;
- types of qualifications including the academic level or academic awards of those qualifications;
- the structure of qualifications including theoretical content and practical experience; and
- quality-assurance processes including existing internal and external quality-assurance mechanisms.

8. What issues should the PLG consider in determining the threshold level of qualification for entry to the Register?

Standards of proficiency

Article 5(2)(a) of the Health Professions Order 2001 says that we must:

‘...establish the standards of proficiency necessary to be admitted to the different parts of the Register being the standards it considers necessary for safe and effective practice under that part of the Register.’

This means that we must publish standards for each of the professions that we regulate which are the ‘necessary’ or ‘threshold’ standards that we consider to be essential for safe and effective practice.

The standards are used in the approval of pre-registration education and training programmes and in making registration decisions about grandparenting and international applications. If a registrant’s competence is called into question we will look at these standards in deciding whether we need to take any action.

The standards are divided into generic standards, which apply to all registrants, and profession-specific standards that are relevant to registrants belonging to one of the professions we currently regulate.

The PLG will wish to build on existing standards, for example those used in existing pre-registration education and training, in order to put together draft standards of proficiency.

9. What existing standards or other work should the PLG take into account in putting together draft standards of proficiency?

Other questions

We would be happy to receive any further comments you might have about this document or on any other matters you consider relevant to the statutory regulation of psychotherapists and counsellors.

10. Do you have any further comments?

Summary of questions

The following is a summary of the questions we have asked in this document:

1. What are your views about how the Register should be structured for psychotherapists and counsellors?
2. Which titles should be protected and why?
3. What criteria might be used in considering which voluntary registers should transfer and which should not?
4. If you represent a voluntary membership organisation, are you able to provide us with information about:
 - the number of members and the extent to which this number is likely to overlap with membership of other organisations;
 - arrangements for determining entry to membership; and
 - arrangements for considering complaints about members?
5. How long should the grandparenting period be open for and why?
6. Are there any other matters which the PLG should consider in recommending appropriate grandparenting arrangements?
7. We would welcome any information about:
 - the number and names of existing qualifications leading to the practice of psychotherapy and counselling;
 - types of qualifications including the academic level or academic awards of those qualifications;
 - the structure of qualifications including theoretical content and practical experience; and
 - quality-assurance processes including existing internal and external quality-assurance mechanisms.
8. What issues should the PLG consider in determining the threshold level of qualification for entry to the Register?
9. What existing standards or other work should the PLG take into account in putting together draft standards of proficiency?
10. Do you have any further comments?