

Council, 20 May 2009

Consultations on the registration cycle and grandparenting criteria for practitioner psychologists

Executive summary and recommendations

Introduction

Consultations were held between 2 April and 8 May 2009 on proposed amendments to the Registration and Fees Rules and draft grandparenting criteria for practitioner psychologists in preparation for the anticipated opening of the Register for practitioner psychologists on 1 July 2009.

The following are appended to this document:

- A draft consultation responses document for the consultation on amendments to the Registration and Fees Rules.
- A draft consultation responses document for the consultation on grandparenting criteria for practitioner psychologists.

The Committee has been invited to consider these papers at this meeting in preparation for the anticipated opening date of the Register. Owing to short timescales available for analysis and scrutiny by the HPC's Solicitor and Parliamentary Agent and Department of Health, the following documents will additionally be tabled prior to or at the meeting:

- A copy of the amendments to the Registration and Fees Rules.
- A revised consultation responses document for the consultation on grandparenting criteria for practitioner psychologists, incorporating our responses to the comments made.
- A final copy of the grandparenting criteria for practitioner psychologists, incorporating those comments, where appropriate.

The Education and Training Committee was considering these papers at its meeting on 20 May 2009 and a verbal update will be provided to the Council regarding their decision and recommendations.

Decision

The Council is invited to discuss and agree:

- a) the text of the consultation responses documents for publication on the HPC website (subject to minor amendments);
- b) the amendments to schedule five of the Health Professions Council (Registration and Fees) Rules Order of Council 2003; and
- c) the grandparenting criteria for practitioner psychologists (subject to minor editing amendments)

Background information

- Consultation documents

<http://www.hpc-uk.org/aboutus/consultations/index.asp?id=86>

<http://www.hpc-uk.org/aboutus/consultations/index.asp?id=85>

Resource implications

- The approach to setting the registration cycle for practitioner psychologists takes into account resource implications.

Financial implications

None

Appendices

None

Date of paper

11 May 2009

**Consultation on an amendment to the Health Professions
Council (Registration and Fees) Rules Order of Council 2003**

Practitioner psychologists

Responses to the consultation and our decisions

Introduction.....	2
Practitioner psychologists.....	2
About registration cycles	2
About our proposals	3
Summary of proposals.....	3
About the consultation	3
Analysing your responses.....	4
Consultation responses	5
Our comments	5
List of respondents	6

DRAFT

Introduction

We consulted between 2 April 2009 and 8 May 2009 on a proposed amendment to the Health Professions Council (Registration and Fees) Rules Order of Council 2003 in order to set the registration cycle for practitioner psychologists.

Practitioner psychologists

In March 2009, The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 was laid before the Scottish and UK parliaments. This is an Order made under Section 60 of the Health Act 1999 (a 'Section 60 Order').¹

Subject to approval by both parliaments, this Section 60 Order will amend the Health Professions Order 2001 and bring practitioner psychologists into statutory regulation by the HPC. The domains of psychology practice to be regulated are:

- Clinical psychologists
- Counselling psychologists
- Educational psychologists
- Forensic psychologists
- Health psychologists
- Occupational psychologists
- Sport and Exercise psychologists

About registration cycles

When the Register for practitioner psychologists opens, there will be a one-off transfer of Registers from the British Psychological Society (BPS) and the Association of Educational Psychologists (AEP).² We will then write to all those who have transferred to ask them to renew their registration and pay the relevant registration fee.

Each profession registered with us renews its registration in two yearly cycles. In order to ensure that we can process registration renewals efficiently, we stagger the renewal periods of the professions we regulate over the two year period.

When a profession is due to renew its registration, we send each registrant a renewal form and ask that they sign the form and return it to us with payment of the registration fee or a Direct Debit authorisation, by the profession's registration end date. If we fail to receive a completed form and payment by the registration end date, the registrant's registration will lapse.

Schedule five of the Health Professions Council (Registration and Fees) Rules Order of Council 2003 outlines the registration end dates for each of the parts of the HPC Register. For example, the registration end date for operating department practitioners is 30 November in even numbered years.

¹ The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009

www.opsi.gov.uk/si/si2009/draft/pdf/ukdsi_9780111474907_en.pdf

² The Registers that will transfer are defined in the Section 60 Order.

About our proposals

We proposed, subject to parliamentary approval, to amend schedule five of the Health Professions Council (Registration and Fees) Rules Order of Council 2003 in order to set the registration cycle for practitioner psychologists.

We proposed that the first registration cycle for practitioner psychologists should be 19 months long rather than 2 years, so that subsequent renewal of registration takes place in a relatively quieter period. We said that this would mean that we would be able to provide a more efficient service to those renewing their registration.

We anticipate that the Register for practitioner psychologists will open on 1 July 2009. We proposed that practitioner psychologists should be asked to renew their registration from 1 August 2009 until 31 October 2009.

We proposed that registrants who renew their registration will do so for 19 months for the first cycle, rather than the normal two years - 1 November 2009 to 31 May 2011. We said that a pro-rata fee would be paid for this period.

We proposed that practitioner psychologists would then slot into the normal two year renewal cycle, renewing their registration for two years – 1 June 2011 to 31 May 2013. The end date for the renewal cycle for practitioner psychologists would then continue to be 31 May in odd numbered years on an ongoing basis.

Summary of proposals

In summary:

- 1 July 2009 – Register for practitioner psychologists opens.
- 1 August 2009 to 31 October 2009 – practitioner psychologists invited to renew their registration.
- 1 November 2009 to 31 May 2011 – first registration cycle for practitioner psychologists.
- 1 June 2011 to 31 May 2013 – second registration cycle for practitioner psychologists. The end of the registration cycle for practitioner psychologists would then be 31 May in odd numbered years on an ongoing basis (i.e. the following registration cycle would end on 31 May 2015).

About the consultation

We normally consult for three months in accordance with guidance set out in the HM Government Code of Practice on Consultation. However, as set out in the consultation document, in order to ensure that the Rules are amended in time for the anticipated opening date of the Register, we consulted for a shorter period.

Analysing your responses

Now that the consultation has ended, we have analysed all the responses we received.

We carefully considered each response we received, taking into account whether similar comments were made by other respondents.

DRAFT

Consultation responses

We received 6 responses to the consultation. Of these responses, four agreed with the proposed amendments to the Rules, one respondent commented on the HPC registration fee and another made more general comments regarding the regulation of practitioner psychologists.

The British Psychological Society (BPS), BPS Division of Occupational Psychology, the Association of Heads of Psychology Departments (AHPD) and an individual respondent all said that they agreed with the proposed changes. The BPS said that they endorsed the proposed amendments and the AHPD said that they understood the rationale for the proposal and foresaw no difficulty with it.

A business psychologist said that they disagreed with registering 'subgroups' of psychologists rather than a generic 'psychologist'. They argued that this approach would leave the public at risk and said that it provided 'no room for development of new sections of psychology that do not fit the current titles'.

A clinical psychologist said that they were happy with the arrangements, with the exception of the need to pay the HPC registration fee. They said: 'I have only very recently paid my expensive registration fee of £270 to the BPS and it is unacceptable to be asked to pay a further fee to HPC this year.'

Our comments

We are pleased that the majority of respondents agreed with the proposed amendments to schedule five of the Health Professions Council (Registration and Fees) Rules Order of Council 2003. These amendments are necessary to prepare for the regulation of practitioner psychologists by the HPC.

The Rules will now be amended in line with the consultation proposals so that the necessary amendments can come into force (subject to parliamentary approval) at or around the same time as The Health care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009.

The ability to register of those psychologists who do not hold an adjectival title relating to one of the seven domains of psychology practice was not the subject of this consultation. Further information about routes to registration for practitioner psychologists is available on our website.

The current HPC renewal fee is £76 per year, which compares favourably to the other UK regulators of health professionals. This fee is payable in a lump sum of £152 for two years, or by direct debit in 6 monthly instalments.

List of respondents

Below is a list of those who provided responses to the consultation. Where a response has been made on behalf of an organisation we have given the name of the organisation in the text. Where the response comes from an individual we have not.

We received 6 responses to the consultation; 3 responses from organisations and 3 from individuals.

We would like to thank all those who responded for their comments.

Association of Heads of Psychology Departments

British Psychological Society

British Psychological Society – Division of Occupational Psychology

DRAFT

**Consultation on criteria for applications for admission to the
Practitioner Psychologists part of the Register made under the
Transitional (“Grandparenting”) Arrangements**

Responses to the consultation and our decisions

Introduction.....	2
Practitioner psychologists.....	2
About grandparenting.....	2
Grandparenting criteria.....	3
About the consultation.....	3
Analysing your responses.....	3
Consultation responses.....	4
General comments.....	4
Introduction (paragraphs 1 to 4).....	6
Lawful practice and its duration (paragraphs 6 to 8).....	7
Safe practice (paragraph 9).....	8
Effective practice (paragraphs 10 and 11).....	9
Tests of competence (paragraphs 12 to 15).....	9
References (paragraph 16).....	10
List of respondents.....	11

Introduction

We are consulted between 2 April 2009 and 8 May 2009 on proposed criteria for applications for admission to the practitioner psychologists part of the Register under the ‘grandparenting’ arrangements (referred to in this document as ‘grandparenting criteria’).

Practitioner psychologists

In March 2009, The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 was laid before the Scottish and UK parliaments. This is an Order made under Section 60 of the Health Act 1999 (a ‘Section 60 Order’).¹

Subject to approval by both parliaments, this Section 60 Order will amend the Health Professions Order 2001 and bring practitioner psychologists into statutory regulation by the HPC. The domains of psychology practice to be regulated are:

- Clinical psychologists
- Counselling psychologists
- Educational psychologists
- Forensic psychologists
- Health psychologists
- Occupational psychologists
- Sport and Exercise psychologists

About grandparenting

When the Register for practitioner psychologists opens, there will be a one-off transfer of Registers from the British Psychological Society (BPS) and the Association of Educational Psychologists (AEP).² We will then write to all those who have transferred to ask them to renew their registration and pay the relevant registration fee.

We will also approve all those programmes which led to membership of one of the registers that transfer (known as ‘approved programmes’). This means that any individual who could have been a member of the voluntary register on the date of the transfer, but was not (for example, their membership had lapsed) would be able to apply to us for registration via the UK-approved course route. This also means that someone who is part way through their training when the Register opens will be able to apply to us for registration when they successfully complete their programme.

Whenever a new profession becomes regulated, and titles are protected, there will be a ‘grandparenting’ period. The grandparenting period allows people who have previously been practising the profession, but who do not hold an approved qualification, to become registered if they can demonstrate they meet certain criteria.

¹ The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009

www.opsi.gov.uk/si/si2009/draft/pdf/ukdsi_9780111474907_en.pdf

² The Registers that will transfer are defined in the Section 60 Order.

DRAFT – Updated copy with our decisions and final criteria for approval to follow

Applications are assessed on an individual basis by registration assessors, who are appropriately qualified members of the profession. In the case of practitioner psychologists, the registration assessors considering each application would be from the same domain as the application being made.

Subject to parliamentary approval of the Section 60 Order, the grandparenting period for practitioner psychologists will be three years in length. Once the grandparenting period closes, the only route to registration for UK trained individuals is via completing an approved programme.

The grandparenting provisions are set out in Article 13(2) of the Health Professions Order 2001 and described in the attached draft document.

Grandparenting criteria

We enclosed the draft criteria that we propose to have regard to in determining whether a grandparenting applicant satisfies the requirements of Article 13(2).

They describe how we will decide whether we can register an applicant, including the information an applicant will be required to submit.

About the consultation

We normally consult for three months in accordance with guidance set out in the HM Government Code of Practice on Consultation. However, as set out in the consultation document, in order to ensure that the grandparenting criteria are agreed (subject to parliamentary approval of the Section 60 Order) in time for the anticipated opening date of the Register, we consulted for a shorter period.

Analysing your responses

Now that the consultation has ended, we have analysed all the responses we received.

We carefully considered each response we received, taking into account whether similar comments were made by other respondents.

Consultation responses

In this section we outline the general comments received in response to the consultation and then the more specific comments we received about the draft criteria.

General comments

- **The principle of grandparenting**

A small number of respondents commented on the principle of grandparenting. The Association of Heads of Psychology Departments (AHPD) said that they were ‘...broadly supportive of the HPC’s grandparenting proposals’ recognising grandparenting as a ‘...sensible provision that existing practising psychologists can continue to work lawfully’. The British Psychological Society (BPS) said that they understood and accepted the principle of grandparenting but said that there existed a view that: ‘...reopening grandparenting in the context of the HPC’s register will undermine all the work that has been carried out, under the voluntary system of registration, to ensure a high standard of education and training for psychologists in the interests of public protection.’

The BPS Division of Occupational Psychology wanted to ensure that the grandparenting arrangements provided reasonable opportunity for practitioners in the field to register. They expressed concern at the time-limited nature of the three year period, suggesting a period of six years would be more preferable. In particular, they felt that this period of time would place too great a demand on practitioners with other ‘multiple and competing commitments’ and disadvantage those who had not completed a first degree in psychology and who therefore would need to undertake further academic study prior to registration.

- **Psychologists without divisional membership**

Two respondents commented on the status of those psychologists who may hold a BPS practising certificate but who are not eligible to hold BPS divisional membership. They expressed disappointment that regulation was going ahead on the basis of seven domains of practice with seven associated adjectival titles, and that other psychologists who did not fall into these groups would not be regulated.

One of these individuals asked what the status would be of a chartered psychologist who was not registered via grandparenting; and whether the criteria for grandparenting would recognise the value of being awarded a BPS practising certificate, even if divisional membership was not held.

- **Clinical Associates in Applied Psychology**

The University of Stirling and the University of Dundee said that they wanted to make a case for the proposed grandparenting arrangements to provide a mechanism by which Clinical Associates in Applied Psychology, a role that exists in the National Health Service in Scotland, could be registered via grandparenting.

In their response, they outlined the history of the development of this role, including masters level training. The role of such training was, they said, to produce a worker who was ‘...equipped with the knowledge and skills to become a safe, efficient and effective practitioner that would be able to deliver evidence-based psychological therapies where the demand was greatest and in a way that would increase access to those therapies...’ They said that they believed that it was ‘...both highly desirable and necessary for the existing workforce to be regulated by the Health Professions Council through any grandparenting arrangements’.

- **Individual domains**

A small number of respondents provided additional information relating to the development and existing profile of specific domains, highlighting ‘contextual issues’ that they said we should take into account.

Three respondents, including the BPS, said that the number of applications in the domain of clinical psychology was likely to be very small because:

- all clinical psychologists posts in the National Health Service (NHS) have required eligibility for chartered status with the Society, demonstrated by having completed a Society-accredited programme or, if trained overseas, having undertaken the Statement of Equivalence;
- there are no training providers within the UK that offer postgraduate qualifications in clinical psychology other than those accredited by the BPS; and
- there has only ever been one register of clinical psychologists in the UK maintained by the BPS.

The BPS also described the context in health psychology, outlining that the Division of Health Psychology has recently closed its grandparenting route; that there are no training providers within the UK that offer postgraduate training in health psychology other than those accredited by the BPS; and that there has only ever been a register of health psychologists in the UK maintained by the BPS.

We were asked to take these contexts into account when scrutinising applications made via the grandparenting route to registration.

- **Other comments**

An individual respondent asked who would decide on the additional learning required by an applicant; and whether there would be some kind of arbitration to ensure that any additional learning specified was reasonable.

Introduction (paragraphs 1 to 4)

These paragraphs introduce the legal background to grandparenting including outlining the application routes ‘A’ and ‘B’ as outlined in Articles 13 (2) (a) and 13 (2) (b) of the Health Professions Order 2001.

- A small number of respondents said that the ‘A’ and ‘B’ criteria were ambiguous and that additional guidance would be needed both for applicants and those undertaking the assessment process.
- One respondent said that it would be helpful to include here:
 - the definition of equivalent part time practice;
 - the definition of ‘wholly’ or ‘mainly’;
 - that someone who has been using the title before the opening of the grandparenting period can continue to do so during the 3 year period or until their application is rejected; and
 - that route A applicants will not need to demonstrate the full range of the Standards of Proficiency, in contrast with route B applicants
- The BPS Division of Occupational Psychology made the following general points (some of which are also relevant to other areas of the criteria) with specific reference to Route A:
 - The HPC should clarify the requirements for determining the time required in practice.
 - Supporting evidence such as ‘witness testimony’ from the BPS or employer verification should be required in order to demonstrate length of time in practice.
 - The special circumstances of those who are members of the professional body but are ‘ineligible’ for registration under the current legislation should be recognised.
- The BPS Division of Occupational Psychology made the following general points (some of which are also relevant to other areas of the criteria) with specific reference to Route B:
 - The HPC should seek input from the Division of Occupational Psychology Board of Assessors and Training Committee; the process should be seen as credible and fair.
 - The burden of proof should rest with the individual and the regulator should ensure consistency and fairness whilst ensuring that requirements are not unreasonable.
 - Professional assured supervised practice is central to determining professional competence to practise independently and should be included in Route A and Route B.
 - The Register might use annotations to reflect the restricted or specified range of practice.

Lawful practice and its duration (paragraphs 6 to 8)

These paragraphs explain some of the factors that the Education and Training Committee ('the Committee') will have regard to in determining the lawful practice of an applicant and its duration.

Paragraph 6A

This paragraph provides that the Committee may have regard to whether an applicant has been included in the Register of any regulatory or professional body for the relevant profession.

- The BPS queried how it could be established whether an individual had engaged in lawful and safe practice if they had 'chosen not to be part of a professional body where these aspects of practice would have been regulated'. A small number of other respondents commented that the only relevant Register in this case would be the BPS Register of Chartered Psychologists.

Paragraph 6B

This paragraph provides that the Committee may have regard to whether the applicant has maintained professional indemnity insurance.

- The BPS noted that many practitioners employed by organisations will not necessarily have personal indemnity insurance because their practice was covered by their employers' insurance. They said that this demonstrated the need for clear guidance for candidates to avoid 'the potential for unequal treatment'.
- The BPS Division of Occupational Psychology said that it should be clear that this was optional otherwise some occupational psychologists would not satisfy this requirement.

Paragraph 7

This paragraph explains that a statement of professional status, which might be provided by an applicant (paragraph 6C refers), is a statement as to the practise of the individual which can be given by a range of professionals.

- An individual asked that we add academics to the list of groups that could act as a referee.
- The BPS Division of Occupational Psychology said that they wanted to include the term Registered psychologist alongside the range of other professionals who can provide a statement of professional status. They also said: 'In the interest of maintaining professional standards, and for the public and professions to perceive them as credible, we believe that it is important the statements of professional status are not provided by non-psychologists.'

- The Association of Scottish Principle Educational Psychologists (ASPEP) and the BPS were concerned that a person who might have no knowledge of the practice of psychology could be given responsibility to confirm their professional status. The BPS said that a non-psychologist was unlikely to know enough about the different domains of psychology practice in order to make an informed judgement.

Paragraph 8

Paragraph 8 of the draft criteria referred to practise outside of the United Kingdom and a small number of respondents referred to this in their response.

- An individual respondent said that the legal requirements for practice and the definition of clinical psychology varied around the world, and even within the same country. The respondent concluded: 'I would...strongly argue that psychologists who have trained overseas should not be considered via the grandparenting route but via the HPC's normal international procedures.'
- The AHPD made similar comments and said: 'There is a concern here that this provision would allow the grandparenting of people who would not in the past have been eligible for BPS Chartering and might thus contribute to systematic lowering of standards...We believe that overseas applicants need to be assessed using a procedure other than this grandparenting route.' The BPS agreed, concluding: 'We do not consider the grandparenting criteria lend themselves to the assessment of overseas-trained psychologists.'

Safe practice (paragraph 9)

This paragraph sets out some of the matters the Education and Training Committee will have regard to in determining whether an applicant has practised the profession safely.

- An individual respondent described the provisions of paragraph 9, sub-paragraphs A to C, as 'very limited' indeed. They described how each of these headings may not apply if someone is not a member of a professional body, if they do not hold indemnity insurance, and that the likelihood of civil proceedings may be limited. They suggested that it might be that criterion 17 relating to further information may need to be used here to gather sufficient information, and suggested that the refusal of an applicant to consent to information being gathered from external sources might be a ground for rejecting an application.
- The BPS said that the provisions here 'set the bar too high' and risked unequal treatment of applicants. They said that individuals who had chosen to be a member of a professional body may be judged more harshly than those who had chosen not to, as they had subjected themselves to a complaints process. The BPS Division of Occupational Psychology echoed these comments, saying that only upheld complaints should be taken into account.

Effective practice (paragraphs 10 and 11)

These paragraphs outline the factors the Committee will take into account in determining effective practice, including a statement of practice and up to three case studies.

- An individual respondent and the BPS said that they thought that the definition of effective practice was not really clear and that the means outlined to test this were 'minimal'.
- An individual respondent suggested that more guidance was necessary (e.g. 'client group, setting, interventions, therapeutic orientation, supervision arrangements for current clinical practice and full details of training and supervised practice undertaken in clinical psychology').
- An individual respondent and the BPS quoted the HPC's review of the grandparenting process 2003-2005 which highlighted that sometimes applicants provided insufficient information with their applications which they subsequently provided on appeal.
- The BPS Division of Occupational Psychology suggested in paragraph 11 that a further sub-paragraph should be added: 'verification by professional supervisor or professional line manager who knows the individual's work and can attest to their range of competence as a professional practitioner'.
- The BPS raised the ethical matter of consent to the submission of case studies.

Tests of competence (paragraphs 12 to 15)

These paragraphs outlined that an applicant may be required to pass a test of competence. Paragraph 13 sub-paragraphs A to I outline the 'headers' that such a test of competence might cover. Paragraph 15 outlines that tests of competence will be conducted by assessors appointed by the Council who will normally be persons who are registered practitioners of the relevant profession.

- Two individual respondents and the BPS said that it would be helpful to indicate the circumstances in which an applicant might be required to undertake a test of competence.
- An individual and the BPS said that the headers in paragraph 13 were appropriate but said that it would also be appropriate to add 'clinical research competencies (including designing and conduct clinical research and also interpreting research evidence to ensure provision of effective interventions), which are recognised as integral to the role of clinical psychologists and indeed all applied psychologists.'

- The BPS Division of Occupational Psychology suggested that the headers for tests of competence at paragraph 13 should be changed to cover ‘...the key concepts of the bodies of knowledge relevant to the specific domain of professional practice as determined by the standards of proficiency and approved training routes including a defined period of post qualification supervision’.
- The BPS Division of Occupational Psychology suggested an amendment to paragraph 13, sub-paragraph H to read: ‘...communication with service users including customers, sponsors, commissioners, other professionals and other service providers, which may include assessment of the need for referrals or second opinions.’
- The BPS said that it was necessary and important that any assessment was undertaken by individuals from the requisite domain who held the relevant protected title. They asked that the criteria were amended to specifically state this. They asked for confirmation from the HPC that all evaluations of competence would be conducted by qualified individuals who held or previously held Chartered Status and membership of a relevant BPS Division.

References (paragraph 16)

This paragraph says that applicants may provide whatever evidence they consider appropriate to support their application, and that applicants are not obliged to provide references. The draft criterion proposed that the lack of a reference should not be a ground for rejecting an application, but, where one is provided, this should be taken into account in determining the outcome of the application.

- The AHPD, ASPEP, BPS, the BPS Division of Occupational Psychology and several individual respondents said that a reference or references from relevant professional psychologists would strengthen an application and should be compulsory for all applications.
- The rationale for arguing that such references should be compulsory included the need for some kind of independent verification; that it would provide a simple safeguard against false information being given; that requiring such a reference from all applicants would not be an obstacle as, even if self-employed, all psychologists were required to engage in supervision; and that such a requirement would not be unreasonable and would be consistent with arrangements for other professional registers.

List of respondents

Below is a list of those who provided responses to the consultation. Where a response has been made on behalf of an organisation we have given the name of the organisation in the text. Where the response comes from an individual we have not.

We received 11 responses to the consultation; 5 responses from organisations and 6 from individuals.

We would like to thank all those who responded for their comments.

Association of Heads of University Psychology Departments
Association of Scottish Principal Educational Psychologists
British Psychological Society
British Psychological Society – Division of Occupational Psychology
University of Stirling and University of Dundee

DRAFT