

Council meeting, 25 March 2010

Psychotherapists and counsellors - workplan

Executive summary and recommendations

Introduction

At its meeting on 10 December 2009, the Council considered the outcomes of a consultation on the report of the Psychotherapists and Counsellors Professional Liaison Group (PLG).

The Council made a number of conclusions about the potential statutory regulation of psychotherapists and counsellors. The Council also identified a number of issues on which it considered further work should be undertaken.

This paper outlines an approach for continuing work in this area, including a timetable and indicative plan of activities for further PLG meetings and stakeholder engagement.

Decision

The Council is invited to discuss and agree the approach outlined in the attached paper including the outline timetable and indicative plan of activities outlined in section 6.

Background information

Please see paper.

Resource implications

- Supporting the work of the PLG, including writing papers and secretariat support.
- Organising and attending stakeholder meetings.
- Writing Council papers and other documents as necessary.

These resource implications will be accounted for in departmental planning by the Policy and Standards, Communications and Secretariat Departments for 2010/2011.

Financial implications

- PLG meetings including venue hire (if necessary), attendance fees for Council members and expenses for other attendees.

- Stakeholder meetings including venue hire (if necessary), attendance fees for council members, travel and accommodation costs.
- Venue hire for proposed September 2010 meeting including attendance fees and other expenses.

The financial implications associated with the PLG are accounted for in Secretariat budgeting for 2010/2011.

The financial implications associated with the proposed stakeholder meetings are accounted for in Policy and Standards Department budgeting for 2010/2011.

Appendices

None

Date of paper

15 March 2010

Psychotherapists and counsellors - Workplan

1. Introduction

- 1.1 At its meeting on 10 December 2009, the Council considered the outcomes of a consultation on the report and recommendations of the Psychotherapists and Counsellors Professional Liaison Group (PLG). The Council made a number of conclusions about the potential statutory regulation of psychotherapists and counsellors. These conclusions included the protected titles and the length of the transitional 'grandparenting' period.¹
- 1.2 The Council concluded that there were a number of outstanding issues on which further work would be necessary. The Council agreed that this should be taken forward with the assistance of the PLG and that, in light of the responses received, the governance arrangements of the group should also be reviewed.
- 1.3 The remaining issues identified in the conclusions document considered by the Council at its meeting are:
- Differentiation in the structure of the Register between psychotherapists and counsellors.
 - Differentiation in the structure of the Register between those qualified to work with children and young people and those qualified to work with adults.
 - Standards of proficiency for psychotherapists and counsellors.
 - Standards of education and training – the threshold level or levels of qualification required for entry to the Register.
- 1.4 The Council agreed that substantive work on the standards of proficiency could not be taken forward until the ongoing review of the HPC generic standards of proficiency had been concluded. The threshold level(s) for

¹ The statutory regulation of psychotherapists and counsellors – Responses to the consultation on the recommendations of the Psychotherapists and counsellors Professional Liaison Group (PLG) <http://www.hpc-uk.org/aboutus/consultations/closed/index.asp?id=93>

entry to the Register cannot be finally determined until the standards of proficiency have been agreed.

- 1.6 This paper outlines a workplan for the continuation of work to explore the potential statutory regulation of psychotherapists and counsellors. This includes further meetings of the PLG as well as a plan for continued engagement with stakeholders.
- 1.7 Sections 7 and 8 set out an outline timetable and indicative plan of activities for this work.

2. The Professional Liaison Group (PLG)

- 2.1 A PLG is a working group set up by the Council to undertake work on a discrete project, particularly where the Council would benefit from outside expertise. In December 2007 the Council agreed to establish a PLG to explore the potential statutory regulation of psychotherapists and counsellors.²
- 2.2 A 'Call for Ideas' consultation was held between July and October 2008 to seek the views of stakeholders on the key issues and the outcomes of the consultation informed the subsequent discussion of the PLG. The PLG met five times between December 2008 and May 2009, including three meetings which took place over 2 days.
- 2.3 The responses to the recent consultation highlighted that there are a number of differing views on the outstanding issues on which it may not be possible to reach consensus across the field. This plan proposes that the PLG be reconvened to further explore and to attempt to resolve the issues outlined in paragraph 1.3, in order to inform a subsequent decision by the Council as to the regulatory approach that should be taken.
- 2.4 This plan proposes that the membership of the PLG (which currently stands at 5 Council members and 11 external stakeholders) should not be augmented. However, it is proposed that further engagement with stakeholders should be undertaken at meetings between September and December 2010. This would involve inviting a number of stakeholders not already represented on the PLG to attend these meetings to present to the PLG and to participate in the following discussion. The intention would be that these presentations would ensure that the PLG benefits from 'external' expertise and would help to gather information and perspectives to inform discussion.
- 2.6 The Chair of the PLG and Director of Policy and Standards will identify those stakeholders not already represented who might provide additional expertise and extend invitations to those groups to attend and present to

² Council meeting, 3 July 2008, Psychotherapists and Counsellors Professional Liaison Group (PLG) Workplan, Council meeting, 3 July 2008
http://www.hpc-uk.org/assets/documents/1000234F council_20080703_enclosure08.pdf

the PLG. Information will be provided to these groups about the issues that should be particularly addressed.

- 2.7 It will not be feasible in this exercise for all possible stakeholders to present to the PLG. Presentations will be made on an invitation only basis.
- 2.8 The plan proposes that an additional meeting of the PLG might then follow in February 2011. Following these meetings, a report should be drafted by the Executive (incorporating the outcomes of the activities to date) for the consideration of the Council at its May 2011 meeting. The Council would then make its conclusions about whether the Register should differentiate between psychotherapists and counsellors, and between those qualified to work with children and young people and those qualified to work with adults. This would then inform subsequent meetings and/or further work to further refine the standards of proficiency in light of these decisions.
- 2.9 A further consultation on the standards of proficiency and the standards of education and training (threshold level of qualification for entry to the Register) will need to be conducted after the Government has finalised any regulatory proposals in the form of a Section 60 Order under the Health Act 1999.

3. Stakeholder engagement

- 3.1 In this project to date, a number of steps have been taken to engage with stakeholders (in addition to the PLG) including:
 - Two formal publication consultations – the ‘Call for Ideas’ between July and October 2008 and the consultation on the PLG’s report between July and October 2009.
 - A discussion meeting held in Manchester in March 2009, attended by representatives of professional bodies and associations, education and training providers, service users, members of the PLG and other interested individuals. The meeting included presentations on the PLG’s progress to date and aspects of regulation, a question and answer session and breakout group discussion.
 - Numerous meetings with stakeholders including delivering presentations and acting as a panellist at events exploring regulation.
- 3.2 The approach outlined in paragraphs 2.3 to 2.7 is part of a continued approach to engaging with stakeholders in the field.
- 3.3 A stakeholder meeting is planned in September 2010 to provide an update to stakeholders in the field about the progress of the work to date and the planned further work. This might also provide an opportunity to provide clear information about the HPC’s key processes. It is then intended that a further three stakeholder meetings should take place in the other countries over the following 6 months.

4. Ongoing work

- 4.1 Two pieces of work are currently ongoing which may inform the work in this area.
- 4.2 At its meeting in March 2010, the Education and Training Committee considered the outcomes from the first stage of the review of the generic standards of proficiency. The Committee agreed an approach and timetable to completing the review, including public consultation on draft 'overarching' generic standards of proficiency. Section 9 of this paper includes the timetable for the completion of this work.³
- 4.3 The draft standards of proficiency for psychotherapists and counsellors will need to be considered in light of the responses received in the consultation on the PLG report, as well as the outcomes of this review, including the likely implementation of new generic standards.
- 4.4 Standard one of the standards of education and training sets out the threshold level of qualification required for entry to the HPC Register. The Education and Training Committee is currently reviewing the existing standard and considered a paper on this topic at its meeting on 10 March 2010.⁴ The issues being considered by the Committee include:
- The purpose of the existing standard and its role in delivering safe and effective practice and public protection. In particular, how meaningful the standard is given its normative status.
 - The factors to be taken into account in setting the threshold level for a new profession. In particular, whether it is possible to read across from the standards of proficiency to establish the level necessary to successfully deliver those standards.
 - The question of whether the standards should be expressed in terms of levels linked to qualification frameworks rather than the names of academic awards.
 - The factors to be taken into account in considering whether the threshold level for an existing profession should be raised.

³ Education and Training Committee, 10 March 2010, Generic standards of proficiency review group recommendations

http://www.hpc-uk.org/aboutus/committees/educationandtraining_archive/index.asp?id=489

⁴ Education and Training Committee, 10 March 2010, Review of the threshold level of qualification for entry to the Register

http://www.hpc-uk.org/aboutus/committees/educationandtraining_archive/index.asp?id=489

- 4.5 The Committee is considering a range of options and will discuss a further paper at its June 2010 meeting. The outcome of this work might feed into future discussion about the threshold level(s) of qualification for entry to the Register for psychotherapists and counsellors.

5. Statutory regulation

- 5.1 The work outlined in this paper will help the HPC Council to reach further conclusions about the practicalities of the potential statutory regulation of psychotherapists and counsellors and to continue to engage with the field.
- 5.2 Any regulation would require a piece of secondary legislation known as a 'Section 60 Order'. This is an order made under the Health Act 1999. If a decision was made to proceed with the regulation of psychotherapists and counsellors, the Department of Health would publicly consult on a draft Section 60 Order prior to the publication of legislation. The HPC would also publicly consult following the publication of any section 60 Order on the standards of proficiency and the threshold level of qualification for entry to the Register.
- 5.3 The final decision about the regulation of psychotherapists and counsellors is one for the Government, and ultimately, a matter for the UK and Scottish parliaments.
- 5.4 The timetable and plan of activities outlined in sections 7 and 8 may be subject to change, dependent on any emerging legislative timetable.

6. Phases

As discussed in this paper, this work will be taken forward in three main 'phases':

1. Meetings of the PLG.
2. Meetings of the PLG at which specific stakeholders will be invited to present.
3. Post Section 60 Order work on standards of proficiency and standards of education and training (threshold level(s) of qualification for entry to the Register).

Sections 7 and 8 outline a timetable / indicative plan of activities for this work.

7. PLG meetings and evidence gathering

The following outlines a proposed timetable and indicative plan of activities for the first two 'phases' outlined in section 6

Minor changes to the timetable and plan of activities for the PLG may be subject to change with the agreement of the Chair of the PLG. Any substantive changes to be agreed by the Council.

PLG meetings would take place 10.30am to 4pm unless otherwise stated or agreed by the Chair. The meetings will take place in public.

- **May 2010 – PLG meeting (Half day)**

The purpose of this meeting would be to provide an opportunity to review the progress made to date and to feed into the plan of activities.

This meeting would take place in London.

- **May 2010 to August 2010**

The Executive will organise the subsequent meetings, preparing papers and documents as necessary. This will include inviting stakeholders to present and provide evidence to the following meetings.

- **Early September 2010**

Stakeholder event to take place in one of the four countries. A further three events to take subsequently take place in the other countries (see paragraph 3.3).

- **September to December 2010 – PLG meetings (1 day each)**

Four meetings will be held at which invited stakeholders will present to the PLG in order to gather information and perspectives to inform discussion (please see section 2).

The meetings are likely to take place in Belfast, Birmingham, Cardiff and Edinburgh.

- **February 2011 – PLG meeting (1 day)**

The PLG will meet to discuss the evidence gathered in the September to December meetings.

This meeting would take place in London.

- **May 2011 – HPC Council meeting**

Report to the Council (please see section 2).

8. Review of the generic standards of proficiency (subject to the approval of the Council at this meeting) and post Section 60 activities.

The following outlines the timetable for the ongoing review of the HPC generic standards of proficiency and for 'phase 3' outlined in section 6.

8.1 Review of the HPC generic standards of proficiency

- **Council Meeting – 25 March 2010**

Consideration of recommendations from the Education and Training Committee

- **The Executive to finalise wording and develop consultation document**

The Executive will seek legal advice when finalising the wording. The consultation document will clearly explain how the structure of the new standards of proficiency will work and how professions will be engaged to develop the profession-specific standards.

- **Education and Training Committee – 8 June 2010**

Consultation document on revised generic standards considered by the Education and Training Committee

- **Council Meeting – 7 July 2010**

Consideration of recommendations from the Education and Training Committee

- **Consultation – mid July to mid October 2010**

Public consultation on revised generic standards of proficiency

- **Education and Training Committee meeting – 18 November 2010**

Consideration of consultation responses and revised standards for publication

- **Council meeting – 9 December 2010**

Consideration of recommendations from the Education and Training Committee

- **Implementation**

Begin an incremental roll-out of new generics and revised profession-specific standards across the existing HPC regulated professions – from January 2011

8.2 Psychotherapists and counsellors

- **Standards of proficiency**

Following decisions made at May 2011 Council meeting, work to refine standards of proficiency for psychotherapists and counsellors.

- **Post Section 60 Order**

Following the publication of a Section 60 Order, consultations to be held on standards of proficiency and the threshold level of qualification for entry to the Register.