

Council – 31 March 2011

Statutory Regulation of Psychotherapists and Counsellors

Executive summary and recommendations

Introduction

The Chief Executive wrote to Anne Milton MP, Parliamentary Under Secretary of State for Public Health, seeking clarification of the coalition government's policy on the statutory regulation of Psychotherapists and Counsellors.

A copy of the letter dated 18 Feb 2011 is attached to the paper.

On 21 March 2011, the Parliamentary Under Secretary of State for Public Health responded to the HPC clarifying the coalition governments position.

A copy of this letter is also attached.

Decision

In light of the publication of the Command paper "Enabling Excellence – Autonomy and Accountability for healthcare workers, social workers and social care workers" and the publication of the 2011 Health and Social Care Bill, the Council is requested to consider the appropriate course of action.

Background information

- Command paper "Enabling Excellence – Autonomy and Accountability for healthcare workers, social workers and social care workers";
- 2011 Health and Social Care Bill.

Resource implications

None

Financial implications

None

Appendices

Letter dated 18 February 2011 from the Chair to Anne Milton MP and the response dated 21 March 2011.

Date of paper

24 March 2011

Park House
184 Kennington Park Road
London SE11 4BU

tel +44 (0)20 7582 0866
fax +44 (0)20 7820 9684
www.hpc-uk.org



Ms Anne Milton MP
Parliamentary Under Secretary of State
For Public Health
Department of Health
Richmond House
79 Whitehall
LONDON SW1A 2NS

Chair: Dr Anna van der Gaag
Chief Executive and Registrar: Marc Seale

18 February 2011

Dear Anne,

Re: Statutory Regulation of Psychotherapists and Counsellors

Thank you for your letter dated 16 February confirming that the Health Professions Council (HPC) would be the most appropriate body to establish a statutory register for practitioners supplying unlicensed herbal medicines.

We look forward to working with your officials to open the register in a timely and efficient manner.

On a related matter, the HPC is seeking clarification of the Government's intentions in relation to the statutory regulation of psychotherapists and counsellors.

As you will know, the previous administration published a White Paper in February 2007 (*'Trust, Assurance and Safety – the Regulation of Health Professionals in the 21st Century'*), paragraph 7.2 of which said: "The Government is planning to introduce statutory regulation for...psychotherapists and counsellors...". Paragraph 7.16 then went on to say that: "...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...".

The White Paper published on Wednesday (*'Enabling Excellence: Autonomy and Accountability for Healthcare Workers, Social Workers and Social Care Workers'*)

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18/02/2011	1	DEPT	LOP	DEPT/110	Final	DEPT/110

states at paragraph 4.11 that "...For the overwhelming majority of occupational and professional groups which are not currently subject to statutory regulation and which are not generally considered to present a high level of risk to the public, but where recommendations that regulation should be introduced have been made (including those groups recommended by the HPC for statutory regulation in the past, but not yet registered), the assumption will be that assured voluntary registration would be the preferred option."

This paragraph, of course, does not explicitly deal with the position of psychotherapists and counsellors, the proposals for their regulation having come from the previous government and not the HPC.

As you know, the HPC is presently dealing with judicial review proceedings brought by representatives of psychotherapists and counsellors arising out of the HPC's assessment of their regulatory needs, in accordance with the February 2007 White Paper. In the context of those proceedings, it would greatly assist the HPC to understand this Government's position.

I would be most grateful if you would clarify whether it is the Government's position that it no longer intends to implement statutory regulation of psychotherapists and counsellors.



Marc Seale
Chief Executive and Registrar

From Anne Milton MP
Parliamentary Under Secretary of State for Public Health



Richmond House
79 Whitehall
London
SW1A 2NS

Tel: 020 7210 4850

Read 21.03.11

PO00000595091

Mr Marc Seale
Chief Executive and Registrar
Health Professions Council
Park House
184 Kennington Park Road
London SE11 4BU

18 MAR 2011

A handwritten signature in blue ink, appearing to read 'Marc Seale', is written across the page.

Thank you for your letter of 18 February about the statutory regulation of psychotherapists and counsellors.

The Government believes that the approach to professional regulation must be proportionate and effective, imposing the least cost and complexity consistent with securing safety and confidence for patients, service users, carers and the wider public. It does not follow inevitably that compulsory and centralised regulation is the most effective or efficient way of ensuring high quality care. Therefore, for those groups not currently subject to statutory regulation we have put forward proposals to create a system of quality assured voluntary registration accredited by the Council for Healthcare Regulatory Excellence.

As you have noted, the Command Paper *Enabling Excellence* makes clear that for the overwhelming majority of occupational and professional groups which are not currently subject to statutory regulation, including those groups recommended by the Health Professions Council for statutory regulation in the past, the assumption will be that assured voluntary registration would be the preferred option.

We believe that the extension of statutory regulation to currently unregulated professional or occupational groups should only be considered where there is a compelling case on the basis of public safety risk and where assured voluntary registers are not considered sufficient to manage the risk. It is anticipated that the process of moving to assured voluntary registration will help to deliver

agreed standards of proficiency and enable us to gather better data about the workforce.

I can therefore confirm that it is not currently our intention to proceed with statutory regulation of psychotherapists and counsellors. However, we will keep this under review in the light of the experience of assured voluntary registration.

Please do contact me again if there are any further concerns.

Best wishes



ANNE MILTON

P.S. Do please get in touch
with officials if we can
help further