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Dear

I want to alert you to key issues arising from the Health Professions Council's (HPC) recommendations on the **Statutory Regulation of Counselling and Psychotherapy**. My letter offers you a lot of information and it is very important that you have this, to inform your own decisions and actions in response to the HPC's consultation on the profession's statutory regulation. The consultation is taking place between July and October 2009 – see the HPC consultation weblink at:

<http://www.hpc-uk.org/aboutus/consultations/index.asp?id=83>

BACP's position has consistently been that there is no difference between counselling and psychotherapy. In terms of role value and effectiveness, we believe that each occupational area has equal value. The HPC's draft consultation differentiates them in an unhelpful way. I am urging you, and as many members as possible, to respond to the HPC's consultation, to try to force a change to the draft recommendations.

The HPC tasked a Professional Liaison Group (PLG) to debate and make recommendations on key aspects of Statutory Regulation, including:

- **Protected titles**
- **Transfer of registers** from professional associations (such as BACP) onto the statutory register
- **Levels of entry to the statutory register** (the level at which the practitioner is deemed able to enter either the counsellor or psychotherapist section of the statutory register)
- **'Grandparenting' period** (the period during which those practitioners who have no direct access to the statutory register can apply to have a period of practice – during which there are no complaints against them – deemed appropriate evidence for eligibility to register) and
- **Standards of Proficiency** (standards that denote the occupational title).

BACP is very concerned about the draft recommendations on the **levels of entry to the statutory register** and the **standards of proficiency** for counsellors and psychotherapists.

At its second meeting the PLG decided to differentiate between *counsellor* and *psychotherapist* for the purposes of regulation of title, while acknowledging the complex challenges of defining and describing two common occupational areas (areas that had accrued common professional and popular understanding and meanings) and recognising common usage of the title *counsellor* in other occupational areas – for instance, debt counsellors. The decision to regulate separate titles necessitated a move in the PLG to identify proficiency standards for each occupational title. Central to this decision is that HPC regulates by title rather than function and the PLG was required to identify standards that best represented each title. For your information I have set out below details of the standards – the complete set can be accessed via the weblink shown above.

Sections 1 and 2 of the HPC standards of proficiency are generic to counsellors and psychotherapists. The differences are in Section 3 which is entitled *knowledge, understanding and skills*. Within sections 3a.2 and 3a.3 there are 10 standards common to both counsellors and psychotherapists. In addition to these, the PLG identified **three differentiated criteria for psychotherapy**, as follows:

- **Understand typical presentation of severe mental disorder**
- **Understand methods of diagnosis of severe mental disorders appropriate to the approach and be able to conduct appropriate diagnostic procedures**
- **Understand and be able to implement treatment methods to address symptoms and causes of severe mental disorder**

There are then **two standards deemed specific to counselling**, as follows:

- **Understand theories and research on mental health and wellbeing and obstacles to wellbeing and be able to use those to facilitate client development**
- **Understand theory and research concerning life problems, issues and transitions that commonly lead to individuals to seek counselling and be able to use these to inform practice**

This leaves us with a situation where around 49 standards are generic to both counselling and psychotherapy, with just three applicable specifically to psychotherapists and a further two relevant only to counsellors.

Based on this differentiation, the proposed threshold levels of entry to the part of the statutory register for counsellors would be level 5 (equivalent to Higher Education [HE] Diploma level), while for psychotherapists it would be level 7 (equivalent to HE Masters level). It is not clear whether there is sufficient (or indeed any) research evidence to support the proposition that counsellors would not, by virtue of their training, be able to meet the three differentiated criteria for psychotherapy; nor that psychotherapists, again by virtue of their training, would meet these same standards of proficiency.

In short, there is a danger that the differentiated criteria for psychotherapy and counselling are arbitrarily defined, rather than evidence based. For example, it is likely that there will be a significant number of counsellors who would satisfy the differentiated criteria for psychotherapy, and psychotherapists who would not. On this basis, there are fundamental flaws in these proposals that require challenge and further discussion.

Should these standards of proficiency and register entry levels remain, there will be significant workforce and employment implications. For instance, cost conscious employers might be inclined to employ a (level 5) counsellor, who would cost less than a (level 7) psychotherapist. Thus there may be more job opportunities for counsellors, but they may be further down the salary scales than psychotherapists. In this scenario, the differentiation means that there may be more roles for counsellors, but possibly fewer work opportunities for psychotherapists. Equally, psychotherapists could be seriously disadvantaged in being deemed not able to work with matters of 'wellbeing' and 'life problems'; as the standards indicate, these are counsellor competencies.

There are crucial issues arising from the differentiation between counsellors and psychotherapists that may have a major impact on you and our members' employment opportunities. As noted above, BACP believes that counselling and psychotherapy are of equal value. We now need to consider what is best for us – not only for now, at an individual and collective level, but also for the future of counselling and psychotherapy.

The implications of level 5 and level 7 entry, as currently differentiated in the draft standards of proficiency (with psychotherapists diagnosing and attending to severe mental health and counsellors dealing with issues of wellbeing) are enormous, untenable and open to challenge. There is insufficient evidence to endorse HPC's current differentiated standards for counsellors and psychotherapists. BACP's recent mapping of UK training for counselling and psychotherapy indicates there are similar numbers of Masters level (that is level 7 in the proposed level of entry to the statutory register) training courses for both.

So, what can you do? What is BACP doing?

As I said above, BACP's position has consistently been that there is *no difference* between counselling and psychotherapy and many of our members use these terms interchangeably. We see equal value in both occupational areas. In fact, BACP is working hard to ensure members have acquired rights to utilise either protected title.

BACP will continue to make a robust challenge to those recommendations which we feel will detrimentally impact upon our members and the profession, but we also ask that you add to the weight of our campaign by making your views known to us and, importantly, by responding to the HPC consultation as individuals, practitioners, or through your service.

Whatever your position on the proposed standards of entry to the statutory register, or the standards of proficiency for counsellors and psychotherapists, we want your comments to contribute to BACP's formal response to the consultation and we want to work closely with you to ensure that any proposed regulation of our profession is 'fit for purpose'. We also want you to send your responses to the HPC; the more objections it receives to these proposals, the more notice it will have to take. BACP and its Board of Governors will challenge the differentiation in the proposed standards of proficiency. We will also have contingency plans in place for members should the campaign not achieve a change to the standards of proficiency.

We will publish the current consultation and also BACP's response to HPC's consultation on our website and key points will be published in *Therapy Today*. You can send your responses to BACP through Sally Aldridge, Director of Regulatory Policy, via surface mail to the BACP address on the letterhead, or via email to sally.aldridge@bacp.co.uk.

Please send your HPC responses direct to the following address:

*Statutory regulation of psychotherapists and counsellors consultation
Policy and Standards Department
Health Professions Council
Park House
184 Kennington Park Road
London
SE11 4BU*

You can also email your responses to HPC via consultation@hpc-uk.org or send a fax to +44 (0)20 7820 9684.

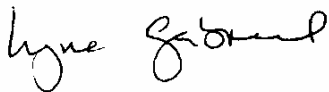
In addition to responding to the HPC's consultation, BACP will further strengthen our position by informing a wide range of opinion-formers across the four Parliaments of the United Kingdom about the impact of these changes as currently drafted.

I know that you have been given a lot of information here – if you have any questions or would like further information, please go to the Regulation section of our website, or contact Sally Aldridge.

Thank you for your time and commitment. We look forward to working with you to ensure that, should statutory regulation proceed, it goes ahead in the best way possible for you and the profession.

With kind regards

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lynne Gabriel'. The signature is written in a cursive, flowing style.

Lynne Gabriel
Chair of the Association