

The regulation of psychotherapy: Where do we stand now?

By

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Where do we stand now in relation to the regulation of psychotherapy? I feel by even attempting to answer this question I am on shaky ground. To be honest, to quote Donald Rumsfeld, there are many *known* unknowns on the horizon. Well at least I think so.

Last December, where the judge presiding over the Judicial Review of the Health Professions Councils (HPC) plans to regulate psychotherapy made the judgement that the (HPC) had deceived the Government and the psychotherapy stakeholder groups in relation to the consultation process that the HPC had carried out. The court asked the Health Professions Council, to go back and think again (if and how they can regulate psychotherapists) and report back to the court. The HPC as far as I know have not got back to the court.

In many ways, the job of regulating psychotherapists has been taken out the HPC's hands (at the very least for the time being). Early on in 2011, the government released a command paper stating that HPC statutory regulation of psychotherapists was now off the cards (unless in the future it could be shown that psychotherapists are a danger to the public); they obviously do not feel that psychotherapy is of such a danger that it warrants statutory regulation. Ironically, the government has charged the existing regulator of the HPC (CHRE; Centre for Health regulatory Excellence; to be renamed the Professional Standards Authority; PSA) to be set up as an approver of voluntary registers of psychotherapists (i.e., UKCP, BACP, BCP etc). There will be no compulsion to join these registers. However, if one is part of a voluntary register, one will be kite-marked, much like plumbers are kite-marked as corgi registered plumbers.

This all sounds great, doesn't it? In some ways yes. There will be no legal protection of title as what would have occurred under statutory regulation from the HPC. It has also been called light touch regulation and many feel that this would be a good system where the way we practice psychotherapy would not be affected as it would under the HPC (e.g., fitness to practice hearings, adhering to medico-scientific paradigms of mental distress).

What is of worry (to me at least) is what standards will the PSA set the UKCP (and other organisations) to be able to be kite-marked. Also of worry is that the government has given the possibility for the HPC to set up their own voluntary register for psychotherapists; they feel that competition between voluntary registers will be healthy! In effect, there will be competition between voluntary registers. So the HPC could disseminate propaganda that their register is superior to the PSA register, and the NHS for example may choose to employ HPC voluntary registered psychotherapists. I am not quite sure how this would stand legally, but it may be a possibility. Market forces win again.

If the PSA is to kite-mark the UKCP, what the UKCP sign up to is quite an important aspect to take note of. This is because it could affect the PA. How will affect the PA?

Well, I attended the last UKCP conference of regulation of psychotherapy on the 9th July of this year. There was a lot of talk of setting up a central complaints process in the UKCP when they become a voluntary register under the kite-mark of the PSA. This has implications of all member organisations

under the UKCP; what exactly I am unsure. It may mean that all complaints that might usually (at first) come via the PA, go straight to the UKCP and will be dealt with there. The PA would not be the first port of call for a potential complainant. This might have serious implications for the psychoanalytic process of complaint; does this bring in (another, more fearsome) the “Big Other” into the consulting room? There is not the space to discuss this here, but this needs serious thought. So this is the first *known* unknown; what will the UKCP be like under the PSA and how will this affect the PA?

Secondly, how will the HPC respond to the PSA? Will the HPC set up its own voluntary register? If they do will it affect employment opportunities for those under the PSA via the UKCP? The word on the street is that the HPC have not given up and are hatching a plan to present research that shows psychotherapists are a danger and in need of statutory regulation.

I have found the whole process of the regulation debate quite fascinating to watch over the last couple of years. It was striking to see the change in sentiment of UKCP membership from September 2010 to July of this year (see my report the “UKCP meet the HPC day” which can accessed here:

<http://hpcwatchdog.blogspot.com/2010/10/ukcp-meet-hpc-day-on-september-24th.html>

In November of last year I heard many UKCP delegates gushing at the prospect of being ruled by the HPC, of how good it would be, and how they wished it would happen quickly, and how it would be good for employment prospects. Many had no knowledge of the standards (i.e., medico-scientific) that they would have to adhere to which would be contrary to a psychoanalytic way of working. They also did not realise the terribly confrontational and ludicrous nature of the HPC’s fitness to practice procedures; i.e., one would be expected to correct negative transference if it occurred to forge a “good working relationship” with a patient. If one did not do this, one would fail the standard of being able to have a good working relationship with a patient. In other words, one would be a bad therapist if one could make a patient happy.

Fast forward nine months, the successful judicial review has happened, the command paper from the government has come out against HPC statutory regulation and PSA voluntary registers seem on the cards, and the mood of many of the UKCP membership has changed. I heard only two disgruntled delegates lamenting the demise of HPC statutory regulation. The mood was of general happiness that the PSA will be the regulator, albeit of a voluntary nature. However I was surprised by the lack of questioning of what the PSA might impose on them. It was similar to how I felt many did not question regulation by the HPC back in September 2010.

I feel we must be very questioning and very curious of what the PSA will come up with, how it will affect the UKCP, how it will affect the PA, and how it will affect the practice of psychotherapy; there are many *known* unknowns that will come our way in the near future and it will be wise to keep alert and active in the processes and decisions that will be made and to make our voices heard in response to whatever occurs or is proposed.