



February 17th 2011

Statement from the Alliance for Counselling and Psychotherapy on the Government's Command Paper, 'Enabling Excellence: Autonomy and Accountability for Healthcare Workers, Social Workers and Social Care Workers' (Cm 8008)

GOVERNMENT ABANDONS STATUTORY REGULATION IN FAVOUR OF NEW VOLUNTARY APPROACH

The Government yesterday published its Command Paper 'Enabling Excellence', which provides further detail of how proposals in the recent Health and Social Care Bill affecting counselling and psychotherapy are to be implemented. The Alliance for Counselling and Psychotherapy is delighted to see that, with the exception of herbal medicine (as required by EU law), the Government is not proposing to extend statutory regulation to any further professions. Thus the state regulation of counselling and psychotherapy by the Health Professions Council (HPC) and the legal protection of the titles counsellor and psychotherapist – as proposed by the previous government and consistently opposed by the Alliance – will not now go ahead.

Instead, a voluntary system for unregulated professions will be developed under the umbrella of the new Professional Standards Authority (previously the Council for Healthcare Regulatory Excellence: CHRE). Rather than a costly and intrusive system requiring compulsory registration and the monitoring of thousands of individual practitioners, the new approach will be based on 'quality assurance' of voluntary registers, such as those already held by many organisations in a number of fields. Under certain circumstances, existing statutory regulators will also be empowered to set up voluntary registers, though it is as yet unclear whether they will do so. The Government's rationale for this substantial shift in policy echoes many of the arguments put forward by the Alliance, recognising that the case for across-the-board statutory regulation has not been made, and that its imposition would constitute a disproportionate and inappropriate response:

"Regulation of the health and social care workforce is sometimes necessary where there are significant risks to people using services which cannot be mitigated in other ways. However, in recent decades compulsory blanket statutory regulation of the health and social care workforce in England has too often been seen as the first resort, rather than the last, in deciding how best to assure safe, effective and respectful care. Where regulation has been extended, there has not always been a robust and transparent case made based on the level of presenting risk."

(http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_124374.pdf p. 16)

The Government has also clearly taken account of the potential negative impact that statutory regulation could have in the voluntary and lower paid sectors, where many counsellors in particular work:

"If regulation of this type were to continue to be extended to all groups where the previous administration had made commitments to introduce regulation, an additional 1.3 million workers (many of whom are in relatively low paid support roles) would be obliged by law to pay registration fees in order to continue to pursue their livelihoods."

(*ibid.*, p. 16) (note: the paper states that this figure includes counsellors and psychotherapists)

The Command Paper goes on to say that:

"For the overwhelming majority of occupational and professional groups which are not currently subject to statutory regulation and which are generally not 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) [such as counsellors and psychotherapists – Alliance note] the assumption will be that assured voluntary registration would be the preferred option." (*ibid.*, p. 18)

The Alliance welcomes the Government's change of direction, awaits with interest further details of the voluntary registration model, and looks forward to making a significant contribution to making the new arrangements work effectively to enhance accountability across the field. We recognise the key role that ministers Anne Milton and Lord Howe have played in this policy change, and are hopeful that this may herald a more flexible and consensual approach, not only with regard to regulatory policy, but also in other areas of concern such as the National Institute for Clinical Excellence (NICE) guidelines and the limited range of therapies which are currently available within the Increasing Access to Psychological Therapies (IAPT) programme. The Alliance will continue to argue strongly, as it has done since its inception, that it is neither appropriate nor helpful, for the public or for practitioners, that the Health Professions Council continues to involve itself in this field. The Alliance has always believed that a counterweight was needed to the centralising, standardising and protectionist tendencies which all professions tend to exhibit, and which were exemplified by, and a key driver of, the HPC project. To the contrary, as people who work therapeutically with the human condition, we stand for diversity, responsibility, autonomy and innovation.

Finally the Alliance wishes to thank its many supporters for their much-valued role in helping to bring about this notable change of policy.

Contact: info@allianceforcandp.org web: www.allianceforcandp.org