

# Regulation: a lot of work still to be done

Statutory regulation is a thorny issue that will affect us all and probably sooner rather than later. **Ruth Caleb**, Chair of AUCC, lays out the situation thus far as it applies to the HE and FE sectors

In his song *The Future*, Leonard Cohen exhorts us to 'get ready for the future: it is murder'.<sup>1</sup> According to the reaction of some counsellors and psychotherapists, regulation by the Health Professions Council (HPC) threatens the very existence of our profession.

In October 2009, I responded to the HPC Consultation Paper on the Statutory Regulation of Counselling and Psychotherapy<sup>2</sup>, on behalf of AUCC. I had cascaded the Consultation Paper to all AUCC mailbases, requesting the opinion of AUCC members, and received 54 replies, all of which were considered and informed my answers to the consultation questions.

In this article here I would like to explain the reasoning behind my responses, and consider the future of our profession and the implications of regulation for further education (FE) and higher Education (HE).

## Overall concerns

There were two major issues that came out of your responses. Firstly,

counsellors and psychotherapists who work in FE and HE have the very serious concern that the HPC regulation is based on assumptions which evoked the medical model. The consultation paper was sprinkled liberally with medically-based terms such as 'prescribed', 'diagnostics', 'disorder', 'appropriate assessment techniques' and 'treatment' which are deemed inappropriate by most clients and practitioners of counselling/psychotherapy. There were also terms more usually used in business language, including 'specific management plans', 'implementation of treatment methods', 'timescales', and 'dysfunction'. It is strongly felt by most if not all of us that neither a medical nor business model is the appropriate model to use when regulating counselling and psychotherapy.

Secondly, of major importance to our context is the fact that counselling/psychotherapy in FE and HE should not be viewed just as a problem-based intervention, but should offer learning development,

empowering clients with skills that enable them to move through their personal, academic and working lives with increased emotional intelligence, self-esteem and confidence. There appeared to be no recognition of this whatsoever in the consultation paper and this forms a major problem even for those of us who would support the principle of regulation.

## The proposed differentiation between psychotherapists and counsellors

There were 49 common standards of proficiency for both counsellors and psychotherapists proposed by the Professional Liaison Group (PLG) with only three standards differentiating psychotherapists from counsellors. There would appear to be little or no evidence to substantiate the difference proposed, either in practice or training. For the most part, in terms of the FE and HE environment, differentiation between psychotherapists and counsellors is virtually non-existent in





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students and staff who rely on our support and whose client evaluations evidence its value. As the HPC-suggested levels of training (and consequently pay) for counsellors will be lower than for psychotherapists, a differentiation may eventually cause new counsellor posts to be advertised at a lower rate of pay than may currently be the case.

### Differentiation between different modalities

Most counselling services in HE and FE benefit from mixed modalities, with positive results being evidenced whatever the modality. Many practitioners believe that as counsellors we become less 'pure' in terms of orientation as we gain experience and contextualise our approach. If there is a differentiation between modalities, there is a danger that modalities would 'compete', and practitioners would be forced to choose one over the other, rather than develop and integrate theory and technique as time goes on, in a way that best supports the clientele in each context. Therefore I responded that the register should not differentiate between different modalities.

### Working with children and young people vs working with adults

AUCC works extensively with young people and many members work with children, especially but not exclusively in FE. Counselling and psychotherapy training enables practitioners to work appropriately with each individual, whatever their age, stage, ability/disability, ethnicity etc with respect, at the pace required by each client. Therefore I felt that it was important that AUCC does not support the absolute differentiation between practitioners qualified to work with children and young people and those qualified to work with adults.

If this differentiation did occur, many practitioners currently engaged in excellent therapeutic work with children and young people would be

the work that practitioners trained as counsellors and psychotherapists actually do. Therefore, on behalf of AUCC, I agreed with BACP that there is no difference in the work of counsellors and psychotherapists and I joined them in rejecting what I considered the totally arbitrary differentiations proposed.

AUCC counsellors all work with a hugely varied caseload, which incorporates problems and issues, from life events and transitional issues to serious mental ill health. In the FE and HE context, many counsellors work with students with moderate and severe mental health problems, and many practitioners who trained as psychotherapists work with transitional issues and life events.

Clients often raise their serious mental health concerns only once they are already engaged in their counselling and it would be unethical to stop their sessions merely because those of us who are regulated as counsellors are disabled from working with serious mental health difficulties

— similarly, if a practitioner who trained as a psychotherapist works with a client who raises focused life events that are supposed to be only the remit of counsellors. This would be a ludicrous situation, which not only denies the experience of counsellors and psychotherapists in our context to continue to work effectively with all the issues and emotions that beset our clients, but also implies that a client is nothing but a bundle of problems which can be 'treated' as different strands by different people.

Given the implied assumptions made by the HPC about the training received by counsellors and psychotherapists, the differentiations proposed in standards could actually put clients / patients at risk. Not all current psychotherapy courses train students in how to work with severe conditions, whereas some counselling courses do.

If posts that are advertised as 'counsellor' were unavailable to psychotherapists, and vice versa, a huge amount of experience and expertise would be lost to the

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unable to continue in their college or university. However it may be best practice for counsellors and psychotherapists who work with children to develop further expertise in this subject in their CPD.

### Length of the 'grandparenting' period

The grandparenting scheme offers a period to experienced practitioners who may not have the formal qualifications required for automatic regulation, when they may apply for regulation on the basis of their training and experience. The amount of work involved in applying for registration could be enormous. Many of the FE and HE counsellors, who responded about regulation, mentioned that they had enormous experience but less theoretical training than might be required for HPC regulation. A high proportion of them work full-time in a hugely pressured environment and much of their CPD occurs outside work time. Therefore on behalf of AUCC I supported a five-year grandparenting period, rather than the three years suggested by BACP.

### The required level of English language proficiency

AUCC believes that the profession of counselling/psychotherapy requires a deep understanding of the English language. In our profession, language is used not merely as a physical tool, but for the understanding of hugely complex and sensitive feelings. We work with the 'music behind the words' as well as the words themselves. I therefore suggested that it is a core skill which should be set at the same level of expertise as a speech therapist, i.e. level eight, rather than level seven, as recommended by the Consultation Paper and agreed by BACP.

### The threshold educational level for counsellors' and psychotherapists' entry to the HPC register

The HPC recommends that registration training levels would be level five (diploma) for counsellors and level

seven (Masters degree) for psychotherapists. I expressed to the HPC the fact that AUCC members have a range of views about this issue. Many excellent counsellors and psychotherapists who work in FE and HE trained in FE colleges feel that many good potential counsellors would be lost to the profession if training occurs purely in the HE sector. However, the majority of AUCC members who have responded to the consultation feel that the profession of counselling/ psychotherapy is enormously skilled, requiring a highly sophisticated level of theoretical training and practical experience.

For this reason I concluded that the future training of counsellors/

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psychotherapists for minimum level registration should be at level 6, i.e. graduate level. However, I added that AUCC values the role of FE in offering counselling skills and foundation courses which have been an important route into the profession, and would like to see the FE courses continue as pre-professional training for potential counsellors.

Several AUCC counsellors suggested

that if the HPC is absolutely determined to split the professions of counselling and psychotherapy, there could be a developmental career structure in which counsellors could take an additional training at MA or doctoral level which could lead to a psychotherapy qualification. Thus counselling and psychotherapy would not be two different professions but on a continuum of career development.

It also needs to be acknowledged that the core qualities required by counsellors/psychotherapists that have a positive impact on client improvement are building rapport, listening and demonstrating deep understanding of a client's issues and feelings. These are skills that neither a level five (diploma) nor level seven (Masters degree) training will necessarily develop.

### The future: a profession to be proud of

AUCC would like to see their proactive roles given emphasis as well as the reactive response to personal, emotional and mental health problems. In FE and HE, counsellors/ psychotherapists embed within their institutions, offering strategic, preventive and proactive initiatives, using the skills developed from their training and experience as practitioners. Above all, in FE and HE, counselling is a learning experience, as valid as academic learning, offering a relationship that will serve our students long after their studies are a memory, and retain staff who might have been at risk of leaving or of long-term ill health, at great cost to our colleges and universities.

Many of us would welcome regulation appropriate to our profession, which would stop untrained and unscrupulous individuals using the titles of counsellor or psychotherapist. I realise that some of you feel differently but it was my job to look to the future of our profession in our particular context. Having worked in our profession for over 25 years, I have fought in the past for my skills to be valued by management and

stakeholders who believed that counselling is no more than a cup of tea, the proffering of a tissue and an arm around a crying student. This attitude is on the wane and regulation should finally kick it off the field.

The recognition of the theoretical training and clinically supervised practice that make me fit to be a registered practitioner is a huge achievement in the development of our profession. So for me, and for many AUCC members who responded with their views about regulation, it is not a question of whether it should occur, but how and by whom.

### **Practitioners' voices have had an impact**

Leonard Cohen's lyric, if applied to the future of counselling in FE and HE, is wrong. There is a future, and we must continue to have our voices heard loud and clear. The voices of individual and organisational practitioners – 1,105 in all – seem to have had an impact. The hugely negative response to many of the recommendations, added to the fact that there is to be a general election, have meant that the original time frame is likely to be enormously extended. In its meeting summary of 10 December 2009, the HPC agreed that 'further work was required in some areas'. It also states: 'With regards to the conclusions around the structure of the register, Council agreed that further work around differentiation was required.'<sup>3</sup>

Watch this space! ■

*Ruth Caleb, AUCC Chair*

#### **References**

- 1 Leonard Cohen 1992 The Future on 'The Future' Album
- 2 <http://www.hpc-uk.org/assets/documents/10002387Callforideasfinalversion.pdf>
- 3 <http://www.hpc-uk.org/assets/documents/10002C0420091210CNLPUBCouncilmeetingsummaryDecember2009.pdf>