

Good Practice in Action 004
Commonly Asked Questions
Resource

Commonly asked
questions about
working in private
practice within
the counselling
professions



British Association for
Counselling & Psychotherapy

Working in private practice within the counselling professions

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This document is one of a suite of resources prepared by BACP to enable members to engage with the BACP *Ethical Framework for the Counselling Professions* (BACP, 2016). <http://www.bacp.co.uk/ethics/EFfCP.php>

Using commonly asked questions resources

BACP members have a contractual commitment to work in accordance with the *Ethical Framework for the Counselling Professions*. The *Commonly Asked Questions Resources* are not contractually binding on members, but are intended to support practitioners by providing general information on principles and policy applicable at the time of publication, in the context of the core ethical principles, values and personal moral qualities of BACP.

Specific issues in practice will vary depending on clients, particular models of working, the context of the work and the kind of therapeutic intervention provided. As specific issues arising from work with clients are often complex, BACP always recommends discussion of practice dilemmas with a supervisor and/or consulting a suitably qualified and experienced legal or other relevant practitioner.

In this resource, the word 'therapist' is used to mean specifically counsellors and psychotherapists and 'therapy' to mean specifically counselling and psychotherapy.

The terms 'practitioner' and 'counselling related services' are used generically in a wider sense, to include the practice of counselling, psychotherapy, coaching and pastoral care.

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1 Introduction

This resource focuses on key legal, ethical, safety and business requirements for practitioners already working in or contemplating working in private practice in the context of the counselling professions. Neither the list of questions nor their answers is intended to be exhaustive but, hopefully, it will assist you in addressing some of the more important issues arising from working independently as a practitioner.

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2 What is private practice?

Private practice is when a practitioner is self-employed and, for a fee, offers psychological therapy directly to clients either through self-referral or via a third party such as an Employee Assistance Programme (EAP) provider. Private practice enables clients to decide when, where, with whom and for how long they have therapy. Counselling is usually offered at a suitable venue, which could be situated within a practitioner's home or in rented premises. Private practitioners can be full or part-time self-employed and often develop a 'portfolio' income that might include activities such as private client work, statutory or charitable sector sessional counselling, clinical supervision of fellow therapists, and the delivery of training courses, workshops and lectures.

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3 Qualifications

3.1 *What qualifications and experience do I need for private practice?*

BACP members are committed to working to professional standards with the *Ethical Framework for the Counselling Professions* stating that: 'we must be competent to deliver the services being offered' (Good Practice, point 13). Practitioners need, therefore, before going into private practice, to consider whether they have gained both sufficient experience and training to enable them to undertake the challenge of working independently, running a business, and developing suitable policies to keep both themselves, and their clients, safe. Put simply, this would be by securing the best available qualification – diploma, graduate-level or post-graduate – as a therapist and the longest practicable period of practice (balancing the early requirement for an income with the need for experience before starting) after having qualified as a practitioner.

Employers and agencies who refer clients to practitioners (such as EAP providers), and insurance companies offering cover to private practitioners, often see BACP accreditation as a benchmark of professional competence, so it is recommended for those contemplating private practice. Further information on accreditation can be found at: <http://www.bacp.co.uk/accreditation/>

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4 Challenges

4.1 What are the challenges and benefits of working for myself?

Being self-employed can be very rewarding, enabling the practitioner to develop a portfolio of work, to adopt flexible working hours and, if preferable and if the setting is safe for the client and appropriate, to work from home. It also enables the practitioner, once established, to specialise in a specific field of work and/or to concentrate on a preferred modality or therapeutic approach.

As discussed in question 3, the practitioner contemplating private practice should be clear as to his or her competence to work in this way, and should also be clear about their ability to earn enough to meet immediate financial commitments and ongoing lifestyle aspirations. Generating an income from private practice can be erratic, particularly when first setting up in business and finding clients.

Proactive networking and marketing, backed up by an informative and professional website, should be extremely helpful. Technology is playing an increasing role in most people's lives and, indeed, gives the practitioner innovative opportunities to offer, for example, online and telephone counselling.

Private practice can be a lonely occupation, especially when working from home. Practitioners will need to develop their own strategies and policies for dealing with ethical, or administrative, dilemmas without the peer or organisational support generally provided in a salaried practitioner role. Resilience, resourcefulness and self-motivation are important, and effective supervision is essential (see question 8 for more information about supervision).

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5 What should clients expect from me?

Client wellbeing and safety are paramount. The *Ethical Framework for the Counselling Professions* states that we must as members 'put clients first' (Commitment 1) and that the practitioner must be trustworthy, have respect for the client's right to be self-governing, be committed to promoting client wellbeing, to avoiding harm, and be fair and impartial to all clients. You can download the *Ethical Framework for the Counselling Professions*, and *Good Practice in Action* resources at: <http://www.bacp.co.uk/ethics/EFfCP.php>

Practitioners are expected to make clients their primary concern while working with them, and to work to professional standards by practising within the bounds of individual professional competence and by keeping skills and knowledge up to date. The *Ethical Framework for the Counselling Professions* makes clear that we are committed to working to professional standards and that 'we must be competent to deliver the services being offered to at least fundamental professional standards or better' (Good Practice, point 13). Our commitment to clients is defined further in the *Ethical Framework* with commitments to building an appropriate relationship (Commitment 4), maintaining integrity (Commitment 5), and demonstrating accountability and candour (Commitment 6).

Clients will expect to engage with their practitioner in surroundings that are safe and conducive to the counselling process, and to be actively involved in reviewing progress on a regular basis. The therapeutic relationship should last no longer than necessary, and clients must retain the right to end whenever they feel it right or necessary. In accordance with the expectations of equality and diversity, the practitioner should – within the bounds of competence and field of work – be available to a wide range of clients.

For a summary of key elements of the Equality Act 2010, see:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85017/individual-rights1.pdf

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6 Must I contract with my clients?

Yes. The *Ethical Framework for the Counselling Professions* emphasises the building of an appropriate relationship and states that ‘we will give careful consideration to how we reach agreement with clients and contract with them about the terms on which our services will be provided’ (Good Practice, point 32).

Contracts, written and verbal, are binding between parties and, while it is neither a legal obligation nor a BACP requirement to issue a written contract to clients, BACP members are committed to ‘providing the client with a record or easy access to a record of what has been agreed’ (Good Practice, point 32d). It is suggested therefore that the contract be in a written format because it offers safety and clarity for both client and practitioner. Further *Good Practice in Action* resources are being developed in respect of contracting. These can be found at: <http://www.bacp.co.uk/ethics/newGPG.php>

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7 How do I keep myself, and my clients, safe?

Boundaries are essential, and can be ethical or administrative or an overlap of both. For example, contact between client and practitioner between sessions should ideally be limited to postponing or re-arranging an appointment.

A dual relationship whereby a practitioner is acquainted with a client in a way that extends beyond just therapeutic contact has the potential, at the very least, to be complicated. The *Ethical Framework* states that we will 'maintain appropriate professional and personal boundaries in our relationships with clients by ensuring that these boundaries are consistent with the aims of working together and beneficial to the client [and] any dual or multiple relationships will be avoided where the risks of harm to the client outweigh any benefits to the client' (Good Practice, point 33a). Friendship can potentially be detrimental to the therapeutic process and any suggestion of attraction, still less a sexual relationship, or using sexualised behaviour can be harmful to both a client's well-being (see the *Ethical Framework for the Counselling Professions*, Good Practice, points 34-37) and, ultimately, may end a practitioner's career.

A private practitioner needs to give serious consideration to matters of personal safety, especially when working alone at home. It is important for practitioners to develop their own guidelines and procedures to keep them safe. This could be, for example, with checks being made periodically by a third party or by having a process by which urgent assistance can be sought. The Suzy Lamplugh Trust offers useful guidance and information for lone workers: <http://www.suzylamplugh.org/training/lone-workers/>

An initial assessment session (some practitioners offer a free first half-hour or longer) is advisable so that the practitioner, and the potential client, can consider how they may be able to work together. The *Ethical Framework for the Counselling Professions* commits members to principles related to equality, diversity and inclusion and states that we should: 'make adjustments to overcome barriers to accessibility, so far as is reasonably possible, for clients of any ability wishing to engage with a service' (Good Practice 22e).

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8 How much supervision am I required to have?

Supervision is seen as 'essential to how practitioners sustain good practice' (*Ethical Framework for the Counselling Professions*, Good Practice, point 50). The amount of supervision needed will be dependent on the setting in which the practitioner works, their level of experience and case-load. Accredited counsellors are committed to having 1.5 hours per month as a minimum.

It is important that clients are made aware that their case may be taken, within the bounds of a confidentiality agreement, to a professional supervisor so as to maintain the quality of service they are receiving and to ensure the development and good practice of the practitioner. Further *Good Practice in Action* resources in respect of supervision can be found at: <http://www.bacp.co.uk/ethics/newGPG.php>.

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9 Concerns

9.1 *What must I do if a client voices concern about the therapy he or she is receiving from me?*

It is important that the practitioner listens carefully to a client's concerns and acts upon them as required. If it is an issue arising from therapeutic modality or a sense of disconnectedness with the practitioner or process, then the practitioner should discuss remedial action or, if necessary, signpost the client to ways in which another therapist can be found.

If, however, it is a complaint or grievance about their therapist as a practitioner, then it would be good practice to inform the complainant about the BACP Professional Conduct Procedure and the existence of further information on the BACP website at: http://www.bacpregister.org.uk/public/prof_conduct/ and also the 'Ask Kathleen service' where clients can discuss informally any concerns they have which can be accessed at: http://www.bacpregister.org.uk/public/prof_conduct/

It is the responsibility of all BACP members to fully understand the Professional Conduct Procedure and its associated protocols.

The BACP Professional Conduct Procedure can be downloaded at:

http://www.bacp.co.uk/admin/structure/files/pdf/12196_prof-conduct-procedure-sep13_web.pdf

It is also important that practitioners discuss any possible complaint with their supervisor and also with their insurance company.

The *Ethical Framework for the Counselling Professions* commits members to a duty of candour, which means if they realise that something has gone wrong they need to demonstrate accountability and candour and:

- a. take immediate action to prevent or limit any harm*
- b. repair any harm caused, so far as possible*
- c. offer an apology when this is appropriate*
- d. notify and discuss with our supervisor and/or manager what has occurred*
- e. investigate and take action to avoid whatever has gone wrong being repeated (Good Practice, point 47).*

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10.1 What should I charge private clients, and how should clients pay?

A practitioner's fee will probably, after some local research, reflect the 'going rate' in any given geographic area but – in acknowledging the long-haul to qualification and beyond – should also reflect a practitioner's individual experience and expertise.

BACP, in July 2015, surveyed members of the BACP Private Practice division and, out of the 427 respondents, 49% charged between £36-45 per session for therapy, with 27% charging more than that. As Martin Hogg points out, 'many counsellors charge more for corporate work, for work in private medical centres, or where they provide niche services' (Hogg, 2015).

There are several ways for clients to pay, and research and experience should lead to what works best for both the practitioner and their clients. Payment methods might include cash, cheque, bank transfer, smart phone apps facilitating bank payments, debit or credit cards, and card payments using an online payment tool such as PayPal. Note that card payments will often incur a fee to the practitioner.

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11.1 Is Employee Assistance Programme (EAP) work a useful option?

Yes. An EAP intervention helps businesses and employers to support employees who have personal or work-related issues that are impacting on productivity. Support to an employee can comprise face-to-face and telephone counselling – in particular short-term work of up to six sessions – and signposting to sources of information and advice and other EAP services such as workplace mediation.

Most EAP providers in the UK Employee Assistance Professionals Association (EAPA) require their network of counsellors to be BACP accredited or equivalent and familiar with the workplace context. You can find more information about EAPA on their website: <http://www.eapa.org.uk>. Documentation, record keeping and other protocols will differ with each provider, as will the number of sessions offered to clients and fees to practitioners tend to follow regional variations. Further information about EAP providers and workplace therapy can be found on BACP Workplace's website see: <http://bacpworkplace.org.uk>.

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12.1 What business overheads might there be, and is it better to work from home or elsewhere?

Business overheads for practitioners in private practice will include: public and professional indemnity insurances; professional membership fees; and supervision costs. Other costs may include: room hire; accountancy fees; equipment such as telephone, computer, secure filing cabinet, stationery, credit card reader; marketing; website design and maintenance; motoring and travel; CPD and training courses.

Such costs can amount to at least £6,000 each year and Rye (2011) has compiled a table illustrating the average number of weekly counselling sessions at different rates needed to generate a desired annual income after deduction of overheads. Rye notes that, 'we need to have an idea of what the costs of running our business are [and] how much we are paying out in order to be a counsellor' (Rye, 2011).

Renting premises or working from home is a decision based on personal preference, individual circumstance, and being able to offer a client an appropriate consulting room. The advantages of working from home can include lower overheads, flexibility in use of time between appointments, and being able to offset elements of household bills against taxable earnings, while disadvantages might include intrusiveness into home and family life, unexpected disturbances from family members, visitors or pets, and the need for a dedicated clutter-free counselling room. If considering working from home, it is important to check the provisions of home and contents' insurance policies to ensure that you are still covered, and to check whether there is an infringement of any mortgage or tenancy agreement.

Some of the advantages of renting a room might include informal support from others working in the same premises, a tidy and ready-furnished room for clients, and a clear separation of work from home. Disadvantages might include greater cost, having to pay rental for a whole or half day regardless of number of clients, and being tied to longer-term tenancy agreements.

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13.1 How do I register as self- employed and what are my obligations as regards payment of income tax?

Consult the HM Revenue and Customs (HMRC) website and register as self-employed to ensure payment of the correct Income Tax and National Insurance. As a 'sole trader' (there are options too to become a partner in a business partnership or to set up a limited company), a practitioner is required to keep records of business income and outgoings and to pay tax each year, usually in two six-monthly instalments.

While engaging the services of an accountant will add to overheads, the fee is itself deductible against taxable earnings and many practitioners find that the expertise, guidance and absence of 'hassle' when submitting an annual tax-return more than offset the outlay. If going down this route, shop around because fees will vary. The HMRC website gives details, among many topics, of tax deductible business expenses.

Business development advice is often available from a variety of sources including borough councils, banks and local business clubs.

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14 Must I have insurance?

Yes. The *Ethical Framework for the Counselling Professions* commits members to being 'covered by adequate insurance when providing services directly or indirectly to the public' (Good Practice, point 19). Professional liability insurance is essential, comprising both public liability – or third party – cover in case of injury to a client while visiting a practitioner, and professional indemnity cover in the event of being sued for malpractice. If working from home, some providers of household insurance will add public liability cover to an existing domestic insurance policy but they must be made aware of the number of clients likely to be seen at home, and your insurance premium may rise.

A number of companies specialise in insuring the work of those within the counselling professions and it is advisable to obtain a number of quotations and to look carefully at the details of the cover offered (for example, some companies offer a legal helpline and others do not) before purchasing. It is worth mentioning that car insurance cover that includes business usage is advisable, covering a practitioner when travelling to a workplace or a business or supervision appointment.

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15 Record keeping

15.1 What is required of me with regard to record keeping and data protection?

It is customary for practitioners to keep records of clients and their sessions. The Data Protection Act (1998) requires any individual or organisation processing personal information – including counselling professionals working within a private practice – to consider whether they need to register with the Information Commissioner’s Office (ICO). Failure to do so, when required, is a criminal offence. Registration can be done online at www.ico.org.uk. The ICO produces a number of informative booklets and guidance on who may need to register, and from its website homepage, after clicking ‘Register your organisation’, there is an option to do a quick online self-assessment to determine whether registration is required.

The *Ethical Framework for the Counselling Professions* commits members to ‘respect our clients’ privacy and dignity’ (Good Practice, point 21). Client confidentiality and the prevention of unauthorised disclosure of information that could identify a client is therefore an obligation for all practitioners.

Further *Good Practice in Action* resources are available in respect of record keeping, and legal resources in respect of breaching confidentiality. These can be downloaded at: <http://www.bacp.co.uk/ethics/newGPG.php>

Cyber security is a significant consideration in the digital age and the Data Protection Act (1998) states that:

appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

(DPA, principle, Part 1, point 7)

The ICO (Information Commissioner’s Office) offers helpful guidance in its publication *10 practical ways to keep your IT systems safe and secure*. This can be downloaded at:

https://ico.org.uk/media/fororganisations/documents/1575/it_security_practical_guide.pdf

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16.1 What is expected of me as regards continuing professional development (CPD), and must I do it?

All BACP registrants need to complete CPD, accredited members have to undertake a minimum of 30 hours per annum. It should be noted that a percentage of registrants will, each year, be selected for audit when renewing and will be asked to provide details of how their CPD meets the requirements of the BACP Register of Counsellors and Psychotherapists. The Register defines CPD as: 'any learning experience that can be used for the systematic maintenance, improvement and broadening of competence, knowledge and skills to ensure that the practitioner has the capacity to practise safely, effectively and legally within their evolving scope of practice. It may include both personal and professional development'.

Further guidance and templates can be found about a BACP Registrant's commitment to CPD and supervision at:

www.bacpregister.org.uk

Accredited BACP members have to renew accreditation annually and this also commits them to both CPD and supervision.

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17.1 What is a clinical will, and do I need one for private practice?

A clinical will, or therapeutic will, is a document detailing arrangements to be implemented in the event of a practitioner's death or serious incapacity. The aim of a clinical will is to minimise problems for clients, colleagues, referring agencies and supervisees in the event of a personal crisis, where therapeutic contracts are disturbed or ended prematurely.

Consequences arising from such a crisis can be considerable, and cause extreme difficulties for clients. By putting in place a plan whereby a trustworthy individual such as a supervisor can notify others as required, disruption can be minimised as far as is possible.

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The practitioner's supervisor will be a vital support for the private practitioner, and careful contracting will be needed to ensure that the practitioner is well supported.

BACP assists members in several ways including running conferences and networking events throughout the UK. New *Good Practice in Action* resources, Competence Frameworks and other guidance are available on the website. BACP also has an Ethics Helpdesk that can offer perspectives on ethical issues and signpost to relevant resources.

A new initiative by the BACP Private Practice division (<http://bacppp.org.uk>) has recently seen the spread of regional networking groups run for, and by, private practitioners in many parts of the country. Check out the BACP calendar of conferences and network events, regularly updated by the BACP Events team.

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