

# Alliance Newsletter

## *Where are we up to with the HPC?*

Compiled by Janet Low

### **In Brief:**

- In spite of the overwhelming response to last year's public consultation, the HPC gave the go-ahead to the DH to proceed with drafting the legislation (**Section 60, of the Health Act 1999**). They also convened a little group of their own insiders to look at the generic standards in the light of all the fuss, and these have just emerged and are buried on the HPC website (**HPC Education and Training Committee**, March 2010, Enclosure 6). Marc Seale suggested there would be a new, more representative **PLG** convened (perhaps in April or May) which would be instructed to define Psychotherapy and Counselling. Earlier this week at the Sussex Counselling debate in Brighton HPC rep Di Waller said that they weren't recruiting more members to the PLG but might arrange little groups of extras to join in as and when. The HPC Workplan for the PLG is posted on their web under Council Meeting, 25 March, enclosure 11.
- In the meantime, UKCP, BACP and BPC are working away behind the scenes to try to make the **HPC FTP** procedures fit for our practice, though, as we know, the structure of the beast is against them (see below, No6).
- Several organisations have launched the first steps of a **Judicial Review** (news report below), and a new play on the subject is on the verge of performance.
- **And the Alliance has published a brochure explaining what to do if you want to take up Principled Non Compliance to the HPC: Alternative Practitioner Accountability (attached to this email).**

### **What can you still do to help:**

1. We need to **keep up the pressure and to tell MPs, prospective election candidates**, and the DH that this form of regulation is badly thought through, inappropriate, and will lead to real de-regulation of practice. Even if you have already written and been beaten back with bland DH bureaucratic sound-bites, please do write again. This really does have an effect and helps enormously in the overall picture. Try to discover the names of the prospective election candidates and get in early with your questions for them.

2. **Write to Stuart Griffiths**, Professional Standards Directorate, Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UB to impress upon him the seriousness of your opinions. He has been given the task of drafting the Section 60, and has already received many letters from all kinds of interested people in the field. We have written and spoken to him on the phone, and our impression is that he would rather write us off as marginal. We need to keep up the pressure and let the DH know that we are **STILL** lawful members of this society and have serious arguments to put forward! Please write to him on your own behalf and let him know that we are genuinely participating in the process and that our views must be taken into account.

3. Many of us have contributed £100 to the fighting fund for the **Judicial Review**. The pressure this puts on the HPC cannot be overstated: if the courts accept the JR, then the S60 process won't be able to continue until at least the end of the year. That's right while this is in progress, there *can't* be a section 60. If you pledged some money to the fund, please do go ahead and pay. Although The Alliance per se is not one of the instructing organisations, many of us have made a personal pledge, and would urge you to do so too. More details of this process follow here:

#### **Update on the JR by Darian Leader**

*For more info please email [darianleader@hotmail.com](mailto:darianleader@hotmail.com)*

The Judicial Review is now in its first stage. Documents prepared by Dinah Rose QC and John Halford of Bindmans have been sent to the High Court which point to the illegality of the HPC's process so far. It had been charged with assessing the regulatory needs of counselling and psychotherapy and whether its own system was capable of accommodating this field, yet proceeded as if this was a foregone conclusion. Despite stating several times unequivocally that it had not made any attempt to study these questions, HPC could then write to the Department of Health in December 2009 claiming that it had in fact done so. Attempts to query this contradiction proved fruitless. The JR papers discuss and document this, as well as other major failures in the process, which indicate that the HPC did not approach its work in a rational or fair way. Alternative models of regulation were not given proper consideration despite being repeatedly brought to HPC's attention. Key questions about the nature of the talking therapies were ignored, and hardly any of the HPC's criteria for regulating professions, such as homogeneity of knowledge base or practice, are applicable to our highly diverse field.

The first set of documents will be scrutinised by the courts and a decision taken as to whether a JR can go ahead. The instructing organisations are The Association for Group and Individual Psychotherapy, The Association of Independent Psychotherapists, The Centre for Freudian Analysis and Research, The College of Psychoanalysts-UK, The Guild of Psychotherapists and The Philadelphia Association. We are now waiting for this decision, which will probably take a few months. If the decision is in our favour, then the second stage of the process will begin, with detailed study of our case. This would usually last for several months, so that effectively it would be very unlikely that a Section 60 order regarding HPC's recommendations of itself as the regulator could go ahead. It would also be of great importance for politicians across the parties to realise that all is not well in the HPC process and that there really is something different about the talking therapies.

Thanks to everyone for their donations, which we have often been unable to acknowledge as the cheque or transfer comes without the sender's details. Needless to say, they are all very much appreciated and enable the legal challenge to move forward. Quite a few people who pledged money in December haven't yet sent their contribution, so please do if you're able to. The best method is by transfer to JR Fighting Fund, Lloyds Bank, Sort Code 30-00-04, Account 02101964 or send cheques made out to JR Fighting Fund to Pine Cottage, Thornden Wood Road, Herne Bay, Kent CT6 7NZ.

Details will be posted on [www.psyreg.co.uk](http://www.psyreg.co.uk), but the legal process does mean that so far we can't post much info as the other side has to agree notes, which so far they haven't done. We will post a note when this happens regarding a rather jaw-dropping meeting between the instructing organisations and the HPC which took place in early February. Now, it seems the two things to wait for are the court's decision as to whether we can proceed, and the Department of Health's response to legal notification that the HPC process has become subject to litigation. More to follow soon!

### **Other things of interest:**

1. Further actions in the person-centred community: an open letter, signed by over 160 practitioners called on the **British Association for the Person-Centred Approach (BAPCA)** to oppose regulation by HPC and to support principled non-compliance. The organisation's Coordinating Group are now taking the following proposals to their AGM this month: that BAPCA assertively opposes regulation by HPC; that BAPCA follow a multi-track approach to regulation; that a working party be formed to lead a consultation regarding the implications for the person-centred approach of statutory regulation and other civic accountability systems. You can read the letter online:

<http://www.bapca.org.uk/uploads/files/BAPCA%20Open%20Letter.pdf>

And the response by the co-ordinating group of the BAPCA is here:

<http://www.bapca.org.uk/uploads/files/Future%20of%20BAPCA.CGResponse.pdf>

2. A number of members of the British Association for Counselling and Psychotherapy, (including Fellows of the organization like **Windy Dryden, Brian Thorne, Jean Clark, Colin Feltham, John Rowan and Ernesto Spinelli**) sent an open letter to the chair seeking clarification of BACP policy regarding principled non-compliance with HPC and possible transfer without consent of members personal details to the state appointed regulators database. The joint letter was published in Therapy Today and you can read it here:

<http://www.therapytoday.net/article/show/1666/>

BACP Chair Lynne Gabriel's response is also online here:

<http://www.therapytoday.net/article/show/1667/>

3. Discussion documents circulating on email groups indicate that counsellors and psychotherapists working in **further and higher education** have been considering how principled non-compliance/alternative professional accountability might work in their sector. Please do get in touch if you would like to know more about this specific campaign. [info@allianceforcandp.org](mailto:info@allianceforcandp.org)

4. Inside the Houses of Parliament the **Merits of Statutory Instruments Committee** is already very aware of stakeholders' concerns over the regulation of psychologists and therapists. Currently it has no scope to influence the development of the legislation, its remit only runs once the instrument has been laid before Parliament. However as soon as the Order is laid, if it is laid, the Committee has said it will be very interested to hear our views on the proposals. Julia Evans is keeping close watch on the work of this key committee and will tell us if the document appears.

5. **Debates and meetings:** Earlier this week a debate at Sussex Counselling in Brighton heard several people tell Di Waller that they were unable to trust the HPC. Alliance rep, Janet Low, asked Di to try to ensure that hearts did not harden at the HPC but to leave a space open for dissent. Julia Evans, Guy Gladstone, Richard House, Darian Leader, Jennifer Maidman, Janet Low, Denis Postle, Andy Rogers, Andrew Samuels and Nick Totton have all been broadcasting, writing and speaking in meetings, over the last few weeks, trying to maintain a space in which people can continue to think clearly about the effects of HPC regulation.

6. **HPC FTP.** This week saw HPC Council Member Malcolm Cross (Counselling Psychologist) put through the mill in the HPC FTP process. After a 2 day hearing the panel took 6 hours to decide that the case was not well founded (and therefore threw it out) but by then the three journalists present had published the 'allegations' in the national newspapers. Guilty even when proven innocent this is how it's done. Two Alliance members present – and coming soon at [www.hpcwatchdog.blogspot.com](http://www.hpcwatchdog.blogspot.com)

For national news coverage see:

<http://www.telegraph.co.uk/health/healthnews/7449822/Psychologist-tried-to-kiss-male-colleague-in-front-of-wife.html>

And London news here:

<http://www.thisislondon.co.uk/standard/article-23816104-university-psychologist-cleared-over-drunken-sex-act-joke-with-colleague.do>

7. A pro-HPC group called Integrating Social Responsibility into Psychological Therapies (ISRPT) has been welcomed by the BPC. The group have called themselves INTEGRITY. It is not clear who is behind this initiative. The Alliance have contacted them via their website with a view to debating the issues, and also asking them who they are. However, thus far it would appear that Integrity's founders prefer to ignore the invitation, and to remain anonymous.

8. On the Anniversary of the **Convention on Modern Liberty**, the British Museum hosted a debate entitled 'Ethics in a time of Crisis' chaired by Guardian Journalist Madeleine Bunting, and the Guardian published a pamphlet under the same title with a foreword from Philip

Pullman. Oliver James, Camila Batmanghelidjh, Rowan Williams, Aditya Chakraborty, Diane Coyle Richard Reeves, Jesse Norman, and many others are leading a public debate in response to the changing context in which we find ourselves. See: <http://www.guardian.co.uk/commentisfree/series/citizen-ethics>

9. There is a great deal of support for our campaign from the world of theatre and film, and a special reading **of a new play** about the clash between the values of psychotherapy and those of the HPC will take place on April 9th. '**Therapy**' is written by Josh Appignanesi, whose new film 'The Infidel' opens in April, and directed by Matthew Lloyd, whose recent production of 'Duet for One' at the Almeida was highly acclaimed. It is a hilarious satire, drawing on a detailed knowledge of the current debates while at the same time being accessible to those from outside our field. Richard Schiff from 'The West Wing' will play the anti-HPC therapist, and the rest of the casting is being done later this week. The cast will certainly include some terrific actors, and we would encourage you to reserve your seats as soon as possible. The reading will take place at a West End venue, again to be confirmed this week, and proceeds will go towards the JR Fighting Fund. Tickets are 20 pounds, and can be reserved by phoning 0845 838 0829.