

PsyPraxis - the Changing Context

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The big idea written into the circuitry of the HPC is that Professional organisations have vested interests which render them unfit to be given statutory power, and unfit to conduct their own regulation. Only an organisation free from vested interests is capable of dealing objectively with regulation says the One with the big idea.

This assumes that there are other kinds of organisations that do not have vested interests. Thus a central and longstanding problem is dismissed at a stroke. This blind spot at the heart of the HPC is identical to that which gives prejudice its energy. It gathers together a set of people and separates them from other people through the application of a negative characteristic. Written into the law is the idea that professionals are not to be trusted to regulate themselves; HPC functionaries are.

Before 2001 it was enough for politicians to say, 'we don't think these professionals are ready to be handed statutory power'. A strong reason for this was the lack of a coherent body of knowledge to bind the field into one. Now, it is said: we can make the field into one by defining it as a threat to the public, and can create a new statutory body to police them.

The HPC appeared as the one organisation incapable of corruption. The benefactor of its virtue was The Public whose vigilance against sinful aspects of itself was needed to make the thing work.

The idea that the HPC is incapable of corruption is linked to the idea that it cannot think for itself but gets its instructions from something unnamable and powerful. This might explain why the professional links to the HPC are largely shrouded in mystery. There are three sacred tomes: Standards of

Proficiency, Standards of Education and Training, and Standards of Conduct, Performance and Ethics.

Any problems associated with these three great questions are swept aside with a combination of strategies: consult legal advisors; appoint friendly panels of experts; set up bureaucratic procedures each of which are somehow not of their own invention nor subject to their influence.

Each of these routines can be seen at work in any of fitness to practise hearings. Today's example is of a complaint that was prevented from entering the process. This is part of the picture that rarely gets exposed, but it is nevertheless instructive for once more revealing the way that the HPC interprets its mission and reveals what it considers a sin.

It is worth holding in mind the recent case of psychologist and Council member Malcolm Cross (an excellent report of which is posted on the hpc watchdog blog, written by [Bruce Scott](#)). The contrast reveals the working assumptions about the nature of The Public the HPC feels it worth protecting, the kind of sin that it needs to protect the public from, and also, the potential for vested interests to make themselves felt.

The setting, as usual, is the NHS. An employee suspects he is about to be downgraded when a manager re-writes his job description. There is a specific clause forbidding unilateral changes, and he suspects the manager is trying to avoid a redundancy situation. He complains to a more senior manager who sits on the paperwork and does nothing about it. The employee (who does not belong to a trade union) engages a lawyer and puts a complaint into the Trust. He is vindicated

and the managers are prevented from breaking the law. A few weeks later an incident arises at work and the two managers use it to effectively get rid of the thorn in their side. So he complains to the HPC that the two managers are acting unprofessionally – the main contention was their intention to break the law by rewriting the job description and failing to activate a grievance.

If Dr Cross's dinner time antics register as a possible harm to the public, why does this case not also make the HPC alarm ring?

Here is what the HPC said: "I ... understand that both complaints were closed on the basis that the concerns you raised were not considered to relate to the registrants' fitness to practise as registered professionals."

The letter is signed by the Head of Case Management who explains that someone else has given her to understand that, following due process, they have judged the actions are nothing to worry about. She continues:

"Please be advised that your complaints were closed following legal advice from the HPC's legal advisor. The complaints were not considered by a Panel of the Investigating Committee."

There is something curious in the form of the letter. In a Humpty Dumpty way she writes: legal advice was gotten from the legal advisor. In repeating the phrase she avoids saying who is actually responsible here, and conjures up the mystery of He whose name cannot be spoken. The repetition effectively creates a screen behind which we may not go. We have to trust that this manager has the experience and wisdom to know that this ok, but we know nothing about her nor how she's been put to the test. The legal advice also stops the complaint from entering the formal process – it does not go in front of the Panel of the Investigating Committee (populated by registrant professionals and lay people recruited and trained through the HPC).

She continues:

"I am of the view that the complaints you made against X and Y do not raise public protection issues ...

His point was that they were trying to override the law to achieve their own, local, agenda, and might have used the power of the institution to damage his (already) less powerful position.

"I am satisfied that your complaints were investigated fully and dealt with appropriately ...

Investigated fully? It was legal advice from the legal advisor, not Investigation by the Investigation Panel.

... "Should you remain dissatisfied with the HPC's decision to close your complaint, it is open to you to make a complaint via the HPC complaints process."

The convolutions do not inspire confidence, nor does it help to discover the complaints manager is another HPC employee.

"You should address your complaint to: Mr Greg Ross-Sampson, Director of Operations, HPC..."

Presumably Mr Gregg Ross-Sampson will go to the same legal advisor for legal advice and catch our complainant in the same infernal loop.

This complaint has many aspects, and the situation remains in dispute. One of the complications is that the complainant discovered that the manager he was complaining about was the Chair of his professional organisation. He now suspects that this position in the hierarchy coupled with his liaison with the HPC has effectively scuppered his complaint. The promise of protection was offered, and this public was disappointed. No ameliorating mechanisms were put into play.

Andrew Marr nailed the problem within the first few minutes of Easter's Start the Week (BBC R4, Monday, 4 April 2010). In conversation with the Archbishop of Canterbury, Marr said 'it seems to me that the core of the problem is that of being an

institution, because every institution wants to protect itself as an institution'. This, of course, is not news (Max Weber, eg, said much the same thing about a century ago), but perhaps more interesting is that Marr was talking not only to Rowan Williams, but also to Philip Pullman whose new book (The Good Man Jesus and the Scoundrel Christ) novelises exactly this dilemma. "What we are talking about is the difference between the institution and the essence," said Marr. Rowan Williams thought a central theme of Pullman's books was the question of the 'price you pay for transmitting, in institutional terms, the message'. Pullman thinks the price too high, Williams thinks it isn't.

Prof Mona Siddiqui tried to elaborate on this difference by reminding everyone that these differences of opinion exist amongst the religious. For example, the Suny and Shia sects of Islam have almost opposite relationships with bureaucratic structure. Unfortunately, her point was lost as soon as Marr asked: 'Is it possible to have an effective religion without a huge bureaucracy? To which Williams replied: 'you need some way of recognising from generation to generation that you are talking about the same mission'. The question became: 'does the religion, does the structure, have enough in it to rein the people back from less relevant ends?'

David Baddiel (whose new film *The Infidel* – directed by Josh Appignanesi) is out this week), said the urge to institutionalise, and the tendency to split and form schisms can also be found amongst atheists.

Mona Siddiqui raised the question of love by distinguishing between institutional expressions of religion (which give context and reference points for people to make sense with), and the creation and exploitation of sacred leaders. Again, the point was left when Pullman set off on a slightly different tack: 'there is always an original visionary who speaks about a time that will be coming soon when heaven will be fulfilled and earth will be full of plenty.

Of course it doesn't happen, so an institution is set up in order to validate the vision'. He could have been speaking of politics.

Both Marr and Williams picked up the thread and talked about rules, codes, tick boxes, and the collection of scores to 'prove' the truth of the vision. Williams thought 'this is one of the things that the gospels do try to undermine', and a bizarre wager was made when the Writer pessimistically bet on Bureaucracy to always trump Literature, and the Archbishop (optimistically) backed Literature to triumph over Bureaucracy.

Baddiel thought that the function of Bureaucracy was to inject the greater truth into the story and noted how some people could then cash in on the power. Williams thought that this was too instrumental a version, and gave people too much intentionality. It is not, he said, really the way a lot of these things start out. But he might have conceded it was the way that a many things proceeded, especially when cut off from the original plot.

But then a pearl of wisdom was dispensed. The Archbishop said: 'something happens that releases an explosion of puzzles, more than language can cope with, which leads to a very complicated period. This', he said, 'is when you begin to see the start of bureaucracy'

He could have been speaking of a pregnancy, a terrorist attack, the triggering of a psychosis, or the conception of the HPC.

The Department of Health is now waiting on the election to know the future regulatory policy. They will advise any new Gov to commission an Impact Assessment before drafting a Section 60. Institutions who are worried that UCL or NICE will win this contract are advised to write to Stuart.griffiths@dh.gsi.gov.uk and make their concerns known.

The Professional Liaison Group for Counselling and Psychotherapy will reconvene on 12th May. To reserve a place to observe: Colin.bendall@hpc-uk.org