

*Letters for the next issue of S&S should be sent to the Editors by
21st April 2011 - Eds.*

Dear Editors.

I should like to thank Tricia Scott and Jocelyne Quennell for the clarity of their arguments in favour of statutory regulation by HPC. I have been increasingly uneasy at the apparent siding of S&S with those who are against regulation. Sadly, my first experience of Humanistic Psychology (or what claimed to be Humanistic Psychology) proved to me that relying on an individual's ethical standards without accreditation does not protect the public.

In the early 90s I picked up a leaflet advertising a course in Humanistic psychology and counselling. This course ran for 3 terms leading to a certificate in Humanistic Counselling, or, if a second year was completed, a diploma. The evening venue was a community mental health day centre and the one weekend a term took place at a reputable local authority owned premises. Naively I thought this gave the course some credibility even though it soon became apparent that the "Institute" consisted solely of the course leader. With an impressive number of letters after their name, most of which I now realise were qualifications relevant to another professional discipline and I knew nothing of UKCP. or BACP.

The course consisted of a variety of humanistic practices such as psychodrama, empty chair work and an open group, which sometimes became a slanging match with put-downs and even bullying. When I tried to protest I was told that I did not have the right to impose my middle class values on the group and, to my shame this silenced me. The counselling element seemed to be some kind of co-counselling but there was no real teaching and the only feedback was in our pairs. There was never any observer, not even the leader, since, as there was an odd number of course participants they worked as one half of a pair, usually with the same course member.

The end of the course was a weekend residential at which we awarded each other a certificate or diploma without having any criteria. I was disturbed to

learn that people were intending to set up their own practices and the place of supervision had never been mentioned.

During that weekend it became evident that the group leader had pressurised a member of the group, who had revealed that her marriage was in difficulty, into a sexual relationship. I and another group member protested that this was unethical, but were firmly told by the others that we were all adult and could make our own choices. One of the course members later told me that the same situation had arisen the previous year.

Since neither the course nor the leader were accredited nor required to be, there was nothing to prevent the course continuing to run for some more years. Several years later I ran into a fellow course member who told me that the group leader and the female trainee involved had split up and she had committed suicide. I do not know if the two events were directly related but it is clear that her vulnerability was exploited and that if there had been a register of humanistic practitioners the leader would have been struck off. I recognise that regulation cannot absolutely prevent abuse but it can prevent a recurrence.

Name and address supplied.

Dear Self & Society

I refer to Tricia Scott's article (A fork in the road for the psychological therapies? Self & Society V38 N2), in which she says she wants to listen to those in the field who have the same aims that she does (i.e. the continued survival of their beliefs and ways of working), yet who are opposed to HPC regulation.

There are many claims that need to be addressed, but I shall restrict myself to two in order to bring one vital point to the fore.

The first relates to the confusion around the terms state and statutory regulation. It is perhaps not surprising that there is confusion here – the HPC is itself unclear about its status. Those who attended the Confer Conference (January 2010) will recall the CEO (Mr Marc Seale) saying that he was a 'grey suit' doing whatever the Government told him to do. This, together with the fact that the HPC was produced through political will (not in response to a demand from any group of practitioners) and statutory instrument, suggests that the HPC is indeed envisioned by the State in order to regulate on its behalf. The organisation has not come about due to the tireless efforts of enthusiasts trying to win support for a cherished idea, quite the contrary in fact.

Picking up another line of argument we can see that the CEO wrote to the Secretary of State just a month previous to the aforementioned conference, advising him that the HPC was able and ready to regulate the field of counselling and psychotherapy (subject to a bit more work on standards). This suggests that, even though created by and for political ideas, the HPC nevertheless has a responsibility to undertake further work and to advise the Secretary of State on any points of difficulty. We know that the field of counselling and psychotherapy presented more points of difficulty than did any of the other professions. These were very present in the original call for ideas and were repeated throughout the process in various ways, culminating in an unprecedented 1,000 replies to the consultation in 2009. We might suppose that the HPC 'listened' to these replies, but so far there is still no evidence that it has heard what was said – hence the ongoing and ever-growing problems in the field.

It was much easier to understand the situation relating to power and responsibility before 2001, because statutory power was transferred to the body that was already undertaking the regulation of a field. The regulation at that time was being done by the organisation that had grown out of an effort by the practitioners to make a coherent field of practice. This, I believe, was what Tricia Scott had been campaigning for, so I don't know why she hasn't noticed the difference. The HPC isn't, as she suggests, a 'more modern' approach, it is a different idea altogether the nature of which becomes clearer as we scrutinise it more closely.

The High Court hearing on Friday 10 December 2010, gave this question a good listening to. Arguments around the nature of the responsibility of the HPC to the Secretary of State (and to the field which it still hopes to regulate) were made explicit. The QC carefully exposed the way in which the HPC was contributing to the confusion. In the press release from the solicitors, Bindmans, you can read that 'barrister Dinah Rose QC argued that the HPC had unlawfully ducked critical questions about whether psychotherapy... should be regulated by statute and, more importantly, whether the HPC is fit for purpose in this context.... Giving a short oral judgement, Mr Justice Burton went on to criticise the misleading nature of HPC statements.'

The UKCP sent a Trustee (a lay member, with legal expertise) to witness the event. She reported that 'there was considerable and detailed discussion about whether in acting as it did, [the] HPC was simply conducting a feasibility study to assess its capacity to regulate psychotherapists and counsellors, as opposed to undertaking a broader exercise of making recommendations about statutory

regulation of those professions. The judge concluded that the claimants were entitled to believe that it was the latter and not the former (despite HPC's argument to the contrary) in view of the evidence presented to the court.' The evidence in question was the ambivalence the HPC displayed on important points; sometimes demonstrating itself as an active agent with its own agenda, sometimes claiming to be a passive instrument of the State. In one instance, letters were produced written by Mr Seale within a month of each other that advanced first one, then the other idea. When the Judge turned to the HPC's solicitor, he said he would need a 'knockout point' from him. None of the arguments made by the HPC that day were successful (see the report from UKCP, the press release from Bindmans and my own report for the Alliance for Counselling and Psychotherapy at <http://hpcwatchdog.blogspot.com>).

What is the difference between 'the *capacity* to regulate' the profession and *actually* regulating it? The HPC is equivocating in this split hair, saying that it was simply assessing whether or not it had the capacity to take on the numbers (which even now seem in question). This was translated as 'whether the buildings are big enough, and if there are enough photocopiers'. Not only is this a spurious splitting of the real question (i.e. of keeping the field of practice on the right side of safe), but the HPC seemed to be using it merely to dodge and weave. As Dinah Rose put it, the HPC suddenly noticed that the work involved to actually tackle the problems of regulating this field was substantial, and instead of owning this, ducked it.

The most important point of the court case was to reveal that the HPC's word falls short. This is pertinent to the second point I want to make.

The question of whether or not the HPC has a mediation process: in an HPC Council meeting (2009) I heard Council members asking each other, 'why is there no mediation here at the HPC?' The answer was: 'well, yes, it is written into the law as a possibility, but it can only happen at the end of the Fitness to Practice process, when no-one ever wants it, and it no longer has any value'. To change it, one must change the law. This would run counter to the idea that provides the HPC with an identity: that of protecting the public by eliminating people from its register.

Perhaps readers will remember those adverts that the HPC produced in its first advertising campaign. Photos of men and women in false noses and silly outfits with captions asking 'Can you trust your health professional? Is he really what he says he is?' How ironic.

If you want to know what HPC regulation really is and what the impact is likely to be on the field, then you have to engage with the reality, not the sales patter. Unfortunately, there's little sign that Tricia Scott is getting beyond the various ploys of the HPC. She even adds a few herself. The idea that group therapy sessions were violent occasions followed up with a blood mopping session is presented as evidence of the need of HPC regulation. No. Either this is some kind of nostalgic story of lost enjoyment, or it is reason to report someone to the police for actual bodily harm. Tricia notes that she couldn't find any ethics in her field in those days, and that now it is clear that they have failed to regulate themselves. These extraordinary claims are good reason *not* to delegate state power to the field. But more important perhaps is to notice what HPC regulation really represents. Instead of taking responsibility for herself, and being rewarded with power from Government, she admits that she can't and asks for a 'regulator' that will tell her what to do. Regulation has changed its meaning.

If this is what you call 'stepping up to the mark', or 'joining the 21st century' you may well embrace the HPC. If you suspect twaddle and self-interest you may want to stay away.

Yours faithfully,

Janet Low

Needed for project – video / audio recordings and transcripts of therapy sessions.

I am doing a small piece of informal research into therapist use of language in therapy, and collecting material in the form of video and/or audio recordings or transcripts of therapy sessions. I am looking for examples from the span of modalities represented in UKCP. If you can help, and would like to discuss whether your recording of a therapy session may be relevant for this project, please email me at ac@integralfocus.co.uk – please do not send any material at this stage. Complete client and therapist confidentiality and anonymity is assured. Alexandra Chalfont.