

Regulation and the independent therapist

Justine Oldfield-Rowell interviews BACP chair **Nicola Barden** for clarification on just how regulation might affect independent therapists

In my column Up Front in the last issue of *The Independent Practitioner* I made the statement that at the recent annual conference Sally (Aldridge) had said that ‘the “title” to be used hasn’t been decided, but that it would only apply to those within the health service, so if you work outside there – as an independent – your work won’t be affected. If your title clashes with the NHS title you would have to change your title.’ This has caused some confusion and in an attempt to clear this up I interviewed Nicola Barden, chair of BACP.

JOR: Was I wrong then?

NB: I’m afraid that this is certainly something that Sally would not have said. Regulation may seem health-focused because it will be within the Health Professions Council, but it does not relate only to those working in the NHS. Statutory regulation covers anybody who uses the regulated title. We don’t at the moment know exactly what the title will be, but let’s say it is ‘counsellor’ and/or ‘psychotherapist’. Anyone who calls themselves a counsellor or psychotherapist without being on the HPC’s register, once it opens, will be breaking the law. Regulation is focused on what clients need. To a client it makes no difference if they see a volunteer, a private practitioner,

a workplace counsellor or someone in the NHS. From their point of view they need to know that they are seeing a person they can expect to be competent, and about whom they can complain if something unethical occurs. This is why the HPC does not take any account of where we work or how many hours we might do or how much we charge – they simply want to protect the public.

Technically, people could call themselves something different – for example ‘support worker’ – and carry on without breaching the law, and counselling agencies could likewise become ‘support centres’. But this is never something that we could recommend. It is neither ethical nor advisable. The purpose of regulation is to provide an improved level of protection to the public, and this will not happen if people simply find a way around it. As an Association I cannot think that we would support such an approach, and it would actually deprive clients of the protection offered under the HPC if members practise outside regulation.

JOR: Even for those who do not work for the NHS or EAPs?

NB: It really isn’t a question of the NHS versus Others. All employers will be bound by the title, as will all those who are self-employed or

work on a voluntary basis. This is of course very difficult for some people, particularly smaller voluntary sector agencies who cannot afford fully qualified counsellors. We are bringing these difficulties to the attention of the HPC.

JOR: What do you recommend for AIP members – what action should they be taking now?

NB: At the moment we know that being on a professional body register – in our case having BACP accreditation – is the safest route. We know that many members would qualify for accreditation but, for various reasons, have never applied. My best advice is to make it a priority to go through the accreditation process. The Professional Standards Department at BACP have been working hard to make the process more accessible and straightforward, so if you haven’t taken a look at it for a while now is a good moment to do so; it might look more manageable than you think.

Other ways of getting on to the HPC register will open up during the ‘grandparenting’ period, which is usually a transitional time of two to three years between the register opening and then closing again, after which time the only way on will be through an HPC approved course. However, we do not yet know the

details of any 'grandparenting' arrangements, and the cost is likely to be in the region of £440, which is considerably more than the circa £40 required simply to transfer from the BACP (or other professional body) accredited register.

JOR: A great many of the AIP division are already accredited and keen to move into a regulated profession, but there are also members who are not accredited and not interested in becoming accredited. These members work purely privately and thus are not affiliated with a body that will require regulated status. The fear held by such members – that they won't be allowed to work unless regulated – offers a horrendous vision, particularly as many work from home so that they can offer a service at a cost affordable to those on low/no income. In other words, it's those not 'in employment' who have the concerns. I am keen to reassure them – with accurate information.

NB: You can reassure them that they will be able to access the HPC register, and that there will be some time for them to do whatever it is they need to do either to become appropriately qualified, or to demonstrate that they already are, in order to gain HPC registration. They can do this through gaining BACP accreditation, or waiting to see what the 'grandparenting' arrangements are to see if they will fit them. The HPC currently expects to open their register in 2010/11, so there is plenty of time to gain accreditation through one of the routes available, and the doors to grandparenting will close around 2011/13. The accreditation door will close at the moment the HPC register opens – everyone gets transferred in one great swoosh – which is why you do need to think about that a bit earlier. Accreditation itself will continue, but will no longer be related to the HPC register.

Your members are right in that they will have to be regulated to work; but the HPC's aim is to include everybody not to exclude them. We will make public any further information we have about what this may mean in practice as things are constantly developing. The worst thing any member can do is shut their eyes to regulation and think it won't apply to them. If you practise, it will apply. But BACP is involved as closely as possible in representing the good practice of our members to the HPC, along with all the concerns and difficulties of regulating this creative profession that has grown up in so many different ways. ■

AIP training conference

The executive team began the task of conference planning for 2008 before the 2007 conference, in order that the best speakers and venue could be identified and booked. We know, from feedback given at the last conference and from previous questionnaires, that 'supervision' is your hot topic. And as you know, our strategic plan from 2007 to 2009 focuses on professionalism as the day of regulation comes ever closer. It is with that in mind that we invite you to make suggestions to help shape the day. If you have previously experienced dynamic speakers who would be good for the conference, please tell us.

We need to hear from you as soon as possible, so that we can move forward with the shaping of the day and identifying of speakers and workshops. Contacting us couldn't be easier. Just look on page 1 and you will see the contact details of all your executive team members.

Clarification

In an article in the winter 2007 issue of *The Independent Practitioner* about postpartum depression, the author Sara Walters stated that 'postpartum depression is a biological illness caused by enormous changes in hormone levels after a baby is born'. This statement should have been attributed to its source: Maternal depression and disrupted attachment, Diana Lynn Barnes, conference session La Leche League of Southern California/Nevada area conference May 2002. Apologies for this omission.

Visit the AIP website: www.aiponline.org.uk

Have you looked at our website lately? There are strands of interesting topics to which you can contribute – or you can start your own. This is an excellent way to lessen the isolation and keep in touch with your colleagues. A possible strand, offered by Janet Dandy: 'Do other counsellors working from home put any Christmas trimmings in the counselling room? I don't, but have had clients comment that they think I should.' Or: 'client' or 'patient'? What is your preference? What do you think of 'plient' as a compromise?

bulletin board

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