

Statement on Statutory Regulation in Counselling & Psychotherapies by Julia Evans,
20th January 2025

The following statement was sent to Ms Layla Moran MP, Chair of Health and Social Care Committee, with this introductory letter:

Dear Ms Moran,

The link being made between Statutory Regulation & Risk-Free Provision of Counselling & Psychotherapy

Attached please find a statement that is made in response to several newspaper articles in October 2024.

It is sent as this Committee examines government policy in the work of the Department of Health and Social Care and its associated public bodies.

It is understood that following the Parliamentary Question on 16th October 2024, answered on 12th November 2024 by 'not in this Parliament' that this statement is background information.

More generally, it is however related to your recent report on patient safety recommendations.

Thank you for your attention.

Yours sincerely,

Julia Evans
Lacanian Psychoanalyst

This paper is available at

www.LacanianWorks.org /5 Authors A-Z (Evans)

& in pdf form at www.LacanianWorksExchange.net /Authors by Date (January 2025)

Statement on Statutory Regulation in Counselling & Psychotherapies

Julia Evans

20th January 2025

In November 2024, articles were published in the *Guardian* & *The i* newspapers promoting statutory regulation for counsellors and psychotherapists – see Appendix 1. This present text examines the claims that it is imperative for statutory regulation for protected titles be put in place.

Here are some apposite headlines – see Appendix 1:

- All psychotherapists in England must be regulated, experts say, after abuse claims rise
- Exclusive: Lack of formal oversight means anyone can set up in practice and continue to work after misconduct cases, campaigners say ([2 Guardian] 19th October 2024 b)
- Good psychotherapists will welcome statutory regulation ([4 Guardian] Letters, 25th October 2024)
- MPs urge government to regulate UK psychotherapists and counsellors ([6 Guardian] 9th November 2024 a)
- MPs with experience in mental health say lack of statutory regulation leaves people vulnerable to harm ([6 Guardian] 9th November 2024 a)
- Rogue therapists struck off for sex with patients are still practising ([8 i-news] 24th October 2024 a)
- Investigation: *The i* paper's investigation has discovered therapists banned for serious misconduct are still offering services to vulnerable clients. It has prompted calls for urgent regulation ([8 i-news] 24th October 2024 a)

My name is Julia Evans. I first practised as a Psychologist for 30 years, then as a Lacanian Psychoanalyst from within London Society of the New Lacanian School of Psychoanalysis; that is, over 50 years of practice in all. In my practice I uphold the rule of law and the guidelines set out by the NLS¹. Formation as a Lacanian is a lengthy process and involves one's own analysis, seminars, work in groups called 'cartels', and supervision. Although a member of the London Society, I am not registered with the PSA (Professional Standards Authority – <https://www.professionalstandards.org.uk/home>). The following text is written from my own individual viewpoint and does not reflect any views that the New Lacanian School may or may not hold.

The cases reported in these articles (and at least two are from within the statutorily regulated medical profession) appear, on the evidence given, to be outside the practice of counselling or psychotherapy; that is, counselling or psychotherapy practice are not in use.

¹ For example, Guiding Principles for Any Psychoanalytic Act: 16th July 2006 (Rome): Éric Laurent, www.LacanianWorks.org / texts by date (July 2006) or <https://www.lacan.com/ericlaurent.html> or <https://iclo-nls.org/foundations/>

Currently there are three ways of practicing:

-as a member of one of the organisations registered with the PSA. Although registration is in place, non-registrants can practice with the title of counsellor or psychotherapist or psychoanalyst.

-as a member of an organisation not registered with the PSA.

-as a solo operator with no affiliations, though can call yourself coach, well-being consultant, counsellor or psychotherapist.

Psychologists, Art Therapists, and medical practitioners are statutorily registered, so it is illegal to use these titles unless you are registered.

So the questions are-

-How might these loopholes be closed so that there is not a repetition of these cases?

-Is this even possible in the internet age?

-Does the adage 'Caveat emptor' ('let the buyer beware') apply in these cases? From the Wikipedia website, we read that 'In the UK, common law requires that goods must be "fit for the particular purpose" and of "merchantable quality", per Section 15 of the Sale of Goods Act but this implied warranty can be difficult to enforce and may not apply to all products' (en.wikipedia.org/wiki/Caveatemptor). Hence, buyers are still advised to be cautious.

-And who are the interested parties?

There are no one certain answer to these questions. A risk-free environment cannot be provided or guaranteed. Is regulation necessary for counselling, psychotherapy and all the other comparable practices?

In what follows, these questions will be examined under the following headings:

- What is driving this push for regulation – a) media; b) the victims; c) their lawyers, together with the insurance industry; d) Members of Parliament; e) well-known commentators?; f) those organisations already in place?
 - What research has been done on the following – a) Is complete protection possible, the provision of a risk-free environment, or will cases keep occurring?; b) What is in place?; c) How is it working? Just how big is the 'rogue therapists' problem?; d) What happens elsewhere, in other countries?; e) What are the benefits and disadvantages of this change?
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What is driving this push for regulation

a) Media

This was reported in the *Guardian* and *The i* newspaper at about the same time, almost as if they were tipped off. The *Guardian* trawled and reported on 9th November 2024 that 'More than 100 people got in touch with the *Guardian* to share their concerns about therapists' (Appendix 1 [6 *Guardian*] 9th November 2024 a). This had been removed subsequently, probably following the Parliamentary Question on 12th November 2024; see Appendix 2.

Investigative work by journalists is of course essential. However, this link between the results of their investigation and their legislative solution is not evidence based. It is assumed as the one logical outcome.

b) The victims

From the newspaper reports, the cases can be divided into:

- difficulty in reporting a case to one of the registered organisations within the PSA (<https://www.professionalstandards.org.uk/home>);
- where those struck off both PSA registers and the BMA's (British Medical Association) register re-offend. One victim financed a private prosecution;
- where those never registered, but probably operating within a cover organisation, a religious establishment, etc., offend (Jimmy Savile used the NHS).

What ties these cases together is the difficulty in putting a case together. The successful complaint to the British Association for Counselling and Psychotherapy (BACP) involved recording the abuser and providing other testimony where a repetition could be seen. The police do not necessarily act on single cases. In the recent case of abuse by John Smyth within the Anglican Church, Hampshire Police were handed a copy of the Ruston Report into the abuse in September 2014, and only opened an investigation in 2017, after Smyth was the subject of a Channel 4 News report². So a private prosecution is a way through and would seem very far from ideal.

There is no proof that statutory registration improves this dire situation. It needs sorting, whilst remaining aware that it is possible that the complainant is not a victim of abuse, but trying for instance to ruin the practitioner's reputation and gain compensation from the insurers.

I would start in examining the idea of a separate safeguarding organisation, which takes self-referral cases from registered and unregistered practitioners, employing a number of case workers, who are paid to meet with the petitioner near where they live, and take a detailed case history of what happened. A case against the individual can then be built up. Also, there may be other ways forward, which will emerge following researching into this problem.

c) Lawyers together with the insurance industry

Law firms are reporting a surge in inquiries relating to abuse by counsellors or psychotherapists (Appendix 1 [2 Guardian] 19th October 2024 b) and so also are the insurance companies – all practitioners registered with PSA organisations are required to buy insurance; and I am told the insurance industry has an increase in claims of malpractice.

Now both use a financial model for managing these cases. For lawyers it may be payment on a successful prosecution, no win-no fee basis. For the insurance companies, they have a cost-limitation strategy in place. Most times, after a case has started, the insurer's lawyers, well versed in such cases, will see what the strength of the case is and settle before the trial goes to judgment. Whether the case is really of abuse is not relevant, as the insurers are protecting the amount they will have to pay out. I understand that word has got out that payouts of £25,000 and above are available to anyone with a good-enough story. So I suppose the lawyers' and

² Source, Orwellian take on who knew what and when - Press, by Andrew Brown, 22nd November 2024, Church Times

insurers' push to regulation increases their turnover, rather than being motivated by preventing and managing abusive practitioners.

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d) Members of Parliament

The following are quoted:

Rachael Maskell, a Labour MP and co-chair of the now defunct (November 2024) All-party Parliamentary Group on Mental Health, (Appendix 1 [2 Guardian] 19th October 2024 b)

Dan Poulter, a psychiatrist and former health minister (Appendix 1 [2 Guardian] 19th October 2024 b)

Alicia Kearns MP, shadow foreign minister (Appendix 1 [2 Guardian] 19th October 2024 b)

Dr Danny Chambers MP, the Liberal Democrats' mental health spokesperson (Appendix 1 [2 Guardian] 19th October 2024 b)

MPs from all main parties (Appendix 1 [11 i-news] 25th October 2024)

Labour MP Rachael Maskell, who chairs the All-party Parliamentary Group on Mental Health, told *The i* newspaper she would raise the issue of regulation with the Health Secretary, Wes Streeting, as it is 'absolutely crucial... if we are going to protect people'. (Appendix 1 [11 i-news] 25th October 2024)

So why are all these Parliamentarians claiming that the problem of abusive malpractice can be cured with Statutory Regulation? Is this based in a gut-feel rather than finding out what is the size and shape of the problem and any alternative ways forward? No, they appear to want to claim megalomaniac status. Because they are Parliamentarians, they are powerful people and of course can solve all difficulties with a wave of their statutory wand.

To be fair, Rachael Maskell MP (Labour, York Central) asked a parliamentary question on 16th October 2024; see Appendix 2. It was answered on 12th November 2024 by Karin Smith MP (Labour, Bristol South and Minister of State (Department of Health and Social Care)). The answer was not in this Parliament – so much for the megalomaniacal call for immediate action.

e) Well-known commentators?

In the articles, Alastair Campbell joins Ruby Wax and Dr Ranj Singh (Appendix 1 [11 i-news] 25th October 2024) to project their opinion that statutory regulation is the answer to malpractice. No evidence is given, and it is expected that they will be taken notice of, as they are very important people.

f) Those organisations already in place?

1) Amanda Williamson, therapist and campaigner (Appendix 1 [10 *i-news*] 24th October 2024 c). has conducted research with Phil Doré, and their research, published in a blog titled 'Unsafe Places', is quoted in *The i* newspaper. Both also gave written evidence to the Health Select Committee on 7th July 2016 titled 'Written Evidence Submitted by Unsafe Spaces Campaign' (PSA0008), urging that 'We would like the Health Select Committee to open up an inquiry into the regulation of counselling and psychotherapy.

The view of Unsafe Spaces is that "counsellor" and "psychotherapist" should become protected titles and these professions should be subject to a statutory regulator.'

(<https://committees.parliament.uk/writtenevidence/68802/html/>)

So both Williamson and Doré give the only solution as being a statutory regulator. The nature of their research appears not to be in the public domain. Some extracts from *The i* newspaper are given in Appendix 3.

2) BACP, the British Association for Counselling and Psychotherapy, is quoted in both the *Guardian* and *The i* newspaper. Extracts are reproduced in Appendix 4.

BACP's argument appears to be based on envy. Clinical psychologists and counselling psychologists are statutorily regulated, so psychotherapists and counsellors should be, too. Currently, there is an increase in complaints, and the complaint process is not legally binding. BACP has struck off 14 members in the past five years for serious misconduct, many of them involving male therapists abusing female patients. (In the past five years, the United Kingdom Council for Psychotherapy (UKCP) has terminated the membership of 12 therapists.) The BACP cannot legitimately monitor practice once they have ceased to be a member, so it is not known how many continue to work in the field. After five years, following the requirements of data protection laws, the BACP removes all details relating to a misconduct case from their website,.

The BACP is broadly supportive of the statutory regulation of the profession, though would wish to consult with other organisations.

There are many questions I would wish to raise regarding BACP's support of statutory regulation. Two of them, Where is the evidence that statutory regulation would handle the problem of 26 registered rogue practitioners better? Or would they just call themselves 'coaches'?

Moreover, who benefits from this legislative change? A guess would be the BACP and UKCP themselves *as bureaucracies*, both from the central administration which would require more and more expensive jobs, good for paying the mortgage; and they would also be the sole providers of these trades to the NHS market. Everyone else would be blocked out. But where is the evidence that the change to statutory registration would decrease the number of practitioners who act in a criminally abusive manner? Why is the current state of registration unsatisfactory?

3) The British Psychoanalytic Council (BPC) arranges a conference in order to promote their position that they are:

- 'focusing on its role as a regulator for the psychoanalytic community in the UK'

- and to ‘launch of the BPC’s revised ‘Standards of Conduct, Practice and Ethics’³, which will replace the Code of Ethics, setting out the minimum requirements expected of BPC Registrants in order to ‘protect members of the public’ and maintain confidence in the profession.’ (See Appendix 5 for further details.)

The BPC is so keen on being the sole provider of psychoanalysis that they claim to already be the sole regulator and provider of psychoanalysts. There are others registered within the UKCP and within organisations not registered with the PSA. But the BPC promises to absolutely protect members of the public and maintain total confidence in the profession. This promise is based on the BPC’s need to sew up the market in the provision of psychoanalysts, and thus exclude other traditions of psychoanalysis from practising. Once again, there is no research into what is in place now, what is working or not, and if there is need, what possibilities are available for new structures.

4) The UKCP (Appendix 6) states in its circular from its policy team (13th November 2024) that ‘(it) remains open to exploring the benefits of statutory regulation for psychotherapists where it can benefit both practitioners and their clients’. This is after they have sewn up the market in these forms of therapy with the other large organisations. This is Scoped being put into practice – see Appendix 7. This is a deliberate attack on the diversity of what is offered, in order to control the provision of treatments, on the basis of no evidence whatsoever except perhaps, greed.

Research

Background

This targeting of statutory regulation as the one solution to produce a risk-free treatment from all registered practitioners’ practice has been ongoing since at least the mid-1990s.

-The DoH (Department of Health) initiated an initial Scoping Project, with the BACP and the UKCP (Sally Aldridge & James Pollard, Project Co-ordinators). This is available to download from www.LacanianWorksExchange.net /Authors by Date (June 2005). The DoH proposed four objectives for the Scoping Project:

- 1) A map of existing training and qualifications in the fields of psychotherapy and counselling.
- 2) A map of the standards on which these programmes of training and qualifications are based.
- 3) A sample code of conduct and ethics based on existing codes and with regard to the HPC code of conduct, performance and ethics, for use by psychotherapy and counselling organisations which currently don’t have one.
- 4) A toolkit covering competences and processes (setting up a register; setting standards of competences for the practice of a branch of psychotherapy or counselling; setting standards of training; devising training within a system externally verified and accredited; adopting a code of conduct and ethics; adopting a system of ‘fitness to practise’ investigation and examination; devising requirements for continuing professional development, including how this will be assessed). The toolkit should draw on the experiences of the BACP

³ <https://www.bpc.org.uk/professionals/registrants-hub/requirements/standards-of-conduct-practice-and-ethics/>

and the UKCP, and should indicate where models and precedents already exist.

From p8-9 of the Scoping Project's recommendations: The joint BACP/UKCP research project has looked at existing training and qualifications, and the standards on which they are based; and codes of ethics and conduct, comparing these with HPC processes. The project has been undertaken within a limited time scale and has focussed on the areas already outlined. Further substantive work will need to be undertaken to ensure that an accurate representation is carried forward into proposals for statutory regulation.

The review recommends:

- 5.1. A deeper enquiry into the provision of training, its characteristics and the standards that are applied.
- 5.2. Research into student satisfaction levels in relation to training.
- 5.3. Further research into the distinctions within the field.
- 5.4. Research into the possibilities and difficulties entailed in linking training standards with external assessment frameworks.
- 5.5. Research into training and practice of those working with children and adolescents.
- 5.6. Consideration of the implications of including counselling and psychotherapy within the Framework for Higher Education Qualifications.
- 5.7. Research into the issues raised by the development of a core curriculum for psychotherapy and counselling.
- 5.8. Bringing registers and fitness to practice procedures to acceptable levels.
- 5.9. The establishment of a separate body to handle conduct processes for all, achieving best practice separation.
- 5.10. Further research into the scope of the professions beyond the framework of the professional associations.

So a number of questions are raised in this project about how a diverse set of practices are homogenised, and are not answered.

Professor John Fletcher (Appendix 1 [4 Guardian] 25th October 2024 Letters) states:

As this is voluntary regulation, it does not prevent anyone calling themselves a psychotherapist or counsellor. Only statutory regulation would protect the title. Many counsellors and psychotherapists would like to have their title protected, but not if it means the rich variety of therapeutic approaches, many of which are non-medical and not available from the NHS, get excluded in pursuit of the standardisation and manualisation that makes statutory regulation easier to implement. ...

He concludes:

'Any future statutory regulation needs to embrace and protect the diversity of therapeutic approaches, especially those outside the medical paradigm, that psychotherapy offers while ensuring optimum public protection'.

So there is a problem regulating non-medical practices as if they can be standardised to medical procedures, with fixed diagnoses and standardised treatments.

-This was further explored in a Judicial Review, the full transcript and judgement of which were published on 10th December 2010 (See Appendix 8).

From the Press Release of 12th December 2010:

Mr Justice Burton has given six psychotherapy and psychoanalysis practitioner groups permission to proceed with what he described as an ‘important’ judicial review challenge to proposals for their regulation by the Health Professions Council (HPC).

The groups’ barrister, Dinah Rose QC argued that the HPC had unlawfully ducked critical questions about whether psychotherapy and psychoanalysis should be regulated by statute and, more importantly, whether the HPC is fit for purpose in this context given its focus on the measurable outcomes of medical-style interventions. Their judicial review was ruled to have been brought without delay and was ‘clearly arguable’ in the judge’s view. Giving a short oral judgement, Mr Justice Burton went on to criticise the misleading nature of HPC statements. Practitioner groups had been led to believe the HPC were considering and would be reporting to the Department of Health on whether it should be the regulator in circumstances where this was apparently never planned or done.

In conclusion, it appears that at least two of the attempts to put statutory regulation in place without researching the costs and benefits of this change, have failed. It is necessary to prove the case before stampeding to the *one* solution.

Research – the questions which still need asking

Some of the questions which need asking are as follows:

- i) Is complete protection possible, is a risk-free environment possible, or will cases of abuse keep occurring? See below.
- ii) What is in place, and what is the scope of the legislation? Does it need to cover ‘coaches’, for example?
- iii) How is it working? How many ‘rogue therapists’ are there?
- iv) What happens elsewhere, in other countries?
- iv) What are the benefits and disadvantages of this change?

Research – more on i): Is complete protection possible, the provision of a risk-free environment possible, or will cases keep occurring?

‘I’ve got a terrible habit of going too far with everything’, the psychotherapist Rob Frazer texted his client. (Appendix 1 [8 *i-news*] 24th October 2024 a). Professor Andrew Samuels’ letter (Appendix 1 [5 *Guardian*] 30th October 2024) describes this as scoff-laws – those who misuse the title of counsellor, psychologist, doctor, psychotherapist etc. in order to carry out their own agenda – grooming, rape, fraud, and so on. They disregard the law/rules of the practice in which they masquerade, and put their own agenda in place.

The huge majority of human beings act within the law and frameworks of their holding organisation – thank goodness. However, there always will be, and there always was, a perverse minority who do not think any laws, rules or regulation applies to them. It is very difficult to detect them, for example, Dr Harold Shipman, Jimmy Savile and so on. If you stop them one way, they will find a way around, as is shown in the articles. So if you stop them practising as psychotherapists, why not rebrand as a coach or ...? One of the scoff-laws

in the texts has changed his name in his internet advertising. It seems not possible to eliminate those who refused to obey rules, so how is this situation best contained? In his letter to the *Guardian*, Professor Andrew Samuels' suggests:

Two things are needed:

- When someone is struck off for serious offences, the relevant registration body must make the decision known far and wide. They must pursue those scoff-laws who just open another website.
- And there needs to be a national campaign to alert the public: 'Psychotherapy may be of help to you. Ask any prospective psychotherapist with whom they are registered. If they are not in any way connected to the Professional Standards Authority, we suggest you look elsewhere.'

Whether these suggestions can be made to work needs research and amendments suggested to eliminate scoff-laws, who are rogue operators, re-offending.

Research – a further question

So there is a further question: what is the appropriate basis to examine how the law and regulation operate on the practices of counselling and psychotherapy?

Currently it appears from the articles to be impossible for a one-off complaint to be upheld. You need a recording or evidence of texts or more people with complaints against the practitioner. In addition, there is no way of policing the internet so people, with dubious backgrounds, set up sites and attract vulnerable clients into their honey-traps. This appears to be a tiny minority, and it needs tackling.

So currently the law in practice puts two obstacles in place:

- one person's unwitnessed testimony will not support the case to a successful prosecution. It must be verified in some way – text messages, recordings and other testimonies.
- the internet – advertising on the internet has helped those in private practice, both registered and unregistered, to attract clients. However, those struck off registers (PSA, BMA, etc) are also able to attract clients without having to disclose that they have been struck off. At the moment the BACP, takes down all disciplinary hearings' judgments after a period of time – i.e. after five years - so there is no trace on the internet of the offence.

This is confounded by the actions of insurance companies, who are not seeking to apply regulations, but to get to the most cost-effective solution for themselves. Apparently, this frequently involves coming to a settlement before any trial or hearing goes to judgment, and paying out on trivial charges.

So there are currently three levels of the implementation of the law:

- the application of the law in each holding organisation – those registered with the PSA will have to obey the PSA's guidelines;
- the insurance companies judge when to pay out and how much to pay out, so that their accounts continue to be in profit;

- if the courts get involved, it is on two levels – a private prosecution or the application of criminal law. (As stated in the texts, this is a growing income-stream for lawyers.)

What is the way through these two obstacles and three levels of law implementation?

Some tentative conclusions

Three solutions have been promoted:

- the imposition of statutory regulation, outlawing those who practise outside the PSA and thus reducing the choice of intervention, as statutory regulation is said to produce a risk-free, successful, standard of treatment, as in the ‘medical model’;
- the PSA advertises itself as the register of the practice of counselling and psychotherapy, with the PSA perhaps keeping an eye on internet advertising for those who have been barred from practising;
- my own suggestion – a series of UK-wide centres be established, where clients/subjects can go and register their complaint. A case against a counsellor/psychotherapist can then be built up and can be taken to the PSA, rather than to individual organisations. This would involve financing the employment of case workers and the PSA acting on complaints against all Counsellors and Psychotherapists whether registered or unregistered. Mediation should also be mandatory in non-criminal cases and if it fails the case goes to a hearing.

Unfortunately, the ONE solution of statutory regulation with putting control of the provision of ‘safe’ practitioners under the auspices of the PSA (BPC, BACP, UKCP, BPS & others), depletes the range of available therapies by outlawing those practitioners not registered with the PSA. It is not the risk-free easy option as it is made out to be in these newspaper articles.

The way forward should include much more research on what is available now – the positives and negatives, what alternatives could be put in place and what would be the effect of these alternatives – what new problems might they cause. What would this all cost? What is the best way forward so that the diversity of current provision, registered and unregistered, can be maintained?

Statutory Regulation is not the best or only solution to the problem of ‘rogue’ therapists & counsellors, and there is much more research needed to find the way forward which includes an easier route for client’s reporting abusive activity, bearing in mind that practitioners may be abused by client’s false reports, that does not diminish the range of available therapies & counselling.

Acknowledgements

This response to newspaper articles would not exist without the support of many of the members of the Alliance for Counselling & Psychotherapy - <https://allianceblogs.wordpress.com> & Alliance’s tweet: <https://x.com/alliance4cp/status/1853018548374753464?s=46> – who found the articles, references and commented on previous drafts. One member, Richard House, edited this paper for which I am very grateful, though of course the content remains mine.

Julia Evans, 20th January 2025.

Appendix 1

The *Guardian* texts

[1 Guardian] 19th October 2024-a

<https://www.theguardian.com/society/2024/oct/19/when-therapy-goes-wrong-the-problem-of-underqualified-psychotherapists>

When therapy goes wrong: the problem of underqualified practitioners

In the age of influencer therapists and mental health apps, experts say the public need to be better informed

By Rachel Hall

Sat 19 Oct 2024 06.00 BST

[2 Guardian] 19th October 2024-b

https://www.theguardian.com/society/2024/oct/19/psychotherapists-in-england-must-be-regulated-experts-say-after-abuse-claims-rise?CMP=Share_AndroidApp_Other&fbclid=IwY2xjawGAtOVleHRuA2FlbQIxMQABHcnRwmQmRmQQmliPV_uObMEcYD4GscBnVO0yatHZgpGRTgsdeTnVIZgXPg_aem_Dpo8ftQCcOAckDptZQ39vg

All psychotherapists in England must be regulated, experts say, after abuse claims rise

Exclusive: Lack of formal oversight means anyone can set up in practice and continue to work after misconduct cases, campaigners say

By Rachel Hall

Sat 19 Oct 2024 06.00 BST Last modified on Fri 1 Nov 2024 12.44 GMT

[3 Guardian] 19th October 2024-c

<https://www.theguardian.com/uk-news/2024/oct/19/i-was-completely-vulnerable-woman-tells-of-alleged-abuse-by-counsellor>

‘I was completely vulnerable’: woman tells of alleged abuse by ‘counsellor’

Sarah says she would have found it easier to file a complaint had therapy been better regulated

By Rachel Hall

Sat 19 Oct 2024 06.00 BST Last modified on Sat 19 Oct 2024 06.02 BST

[4 Guardian] 25th October 2024 Letters

<https://www.theguardian.com/society/2024/oct/25/good-psychotherapists-will-welcome-statutory-regulation#:~:text=Registrants%20of%20a%20PSA%2Daccredited,government%20and%20the%20psychotherapeutic%20professions.>

Good psychotherapists will welcome statutory regulation

Philippa Smethurst thinks regulation will give the profession greater standing, while *Sue Lieberman* says the issue is more complex with counselling. Plus letters from *Allison Alexander* and *John Fletcher* (JE recommends Fletcher’s letter)

[5 Guardian] 30th October 2024 *Andrew Samuels'* letter

<https://www.theguardian.com/society/2024/oct/30/why-i-would-counsel-against-statutory-regulation-of-psychotherapists>

Regulation of psychotherapists

To proceed would divide a profession that has only recently found a fragile unity via the Professional Standards Authority, writes Prof Andrew Samuels
Guardian Letters

Wed 30 Oct 2024 18.15 GMT

[6 Guardian] 9th November 2024-a

[https://www.theguardian.com/society/2024/nov/09/mps-urge-government-to-regulate-uk-psychotherapists-and-](https://www.theguardian.com/society/2024/nov/09/mps-urge-government-to-regulate-uk-psychotherapists-and-counsellors?utm_term=672f0bf58a0bfd1cd1e0f881ac825511&utm_campaign=GuardianTodayUK&utm_source=esp&utm_medium=Email&CMP=GTUK_email)

[counsellors?utm_term=672f0bf58a0bfd1cd1e0f881ac825511&utm_campaign=GuardianTodayUK&utm_source=esp&utm_medium=Email&CMP=GTUK_email](https://www.theguardian.com/society/2024/nov/09/mps-urge-government-to-regulate-uk-psychotherapists-and-counsellors?utm_term=672f0bf58a0bfd1cd1e0f881ac825511&utm_campaign=GuardianTodayUK&utm_source=esp&utm_medium=Email&CMP=GTUK_email)

MPs urge government to regulate UK psychotherapists and counsellors

MPs with experience in mental health say lack of statutory regulation leaves people vulnerable to harm

By Rachel Hall

Sat 9 Nov 2024 06.00 GMT

[7 Guardian] 9th November 2024 b

<https://www.theguardian.com/society/2024/nov/09/readers-share-bad-therapy-counselling-experiences>

‘A therapist shouldn’t be giving you hugs’: readers share bad counselling experiences

From inappropriate behaviour to encouraging patients to stop medication, reckless therapists can cause real damage

By Rachel Hall

Sat 9 Nov 2024 06.00 GMT

More than 100 people got in touch with the Guardian to share their concerns about therapists. Downloaded 9th November 2024. This sentence had been removed by 4 pm on 10th November 2024.

***The i* newspaper texts**

[8 i-news] 24th October 2024-a

<https://inews.co.uk/news/therapists-struck-off-sex-patients-practising-3331882>

Rogue therapists struck off for sex with patients are still practising

Investigation

The i newspaper’s investigation has discovered therapists banned for serious misconduct are still offering services to vulnerable clients.

It has prompted calls for urgent regulation

By Patrick Strudwick

Special Correspondent

24th October 2024 4:50 pm (Updated October 25, 2024 8:50 am)

[9 i-news] 24th October 2024-b

<https://inews.co.uk/news/sex-drugs-drunk-work-unregulated-therapy-3331900>

Sex with patients, drugs and drunk at work: ‘Wild West’ world of unregulated therapy Investigation

Therapists struck off for serious misconduct, including the sexual exploitation of vulnerable clients, are still operating

By Patrick Strudwick

Special Correspondent

24th October 2024 4:57 pm (Updated 6:11 pm)

[10 i-news] 24th October 2024-c

<https://inews.co.uk/news/gp-struck-off-sex-surgery-therapist-3332148>

GP struck off for having sex in his surgery is working as a therapist with new name

Exclusive

An investigation by *The i* newspaper into the unregulated world of therapy discovered Dr Thomas Plimmer, who was dubbed the ‘Dirty Doc’ and banned from being a medic after sexual misconduct allegations, is now working as a therapist

By Patrick Strudwick

Special Correspondent

25th October 2024 6:00 am (Updated 11:11 am)

[11 i-news] 25th October 2024 i-news

https://inews.co.uk/news/alastair-campbell-rogue-therapists-danger-patients-laws-3343844?srsIid=AfmBOoo6f3_ljsnRWUBj2V1n5hOmW-lhICLODFbXW1Dn_AV_RU097Ity

Alastair Campbell: Rogue therapists are a danger to patients – the laws we need

Exclusive

Alastair Campbell joins Ruby Wax, Dr Ranj Singh and MPs from all main parties calling for the Government to act after *The i* newspaper exposed how therapists struck off for serious misconduct are still seeing vulnerable patients

By Patrick Strudwick

Special Correspondent

25th October 2024 2:00 pm (Updated October 27, 2024 11:24 am)

Appendix 2

Parliamentary Questions Oct/Nov 2024

Counselling and Psychiatry: Regulation

[Show full question](#)

Question for Department of Health and Social Care

UIN 10097, tabled on 21st October 2024

<https://questions-statements.parliament.uk/written-questions/detail/2024-10-21/10097>

Downloaded 16th November 2024

Q > **Rachael Maskell (Labour, York Central)**

To ask the Secretary of State for Health and Social Care, whether he plans to regulate the (a) psychotherapy and (b) counselling professions.

To ask the Secretary of State for Health and Social Care, if he will take steps to prevent (a) counsellors and (b) psychotherapists from working if they are not on a voluntary register.

To ask the Secretary of State for Health and Social Care, what assessment he has made of the risks of (a) counsellors and (b) psychotherapists working without (i) statutory regulation and (ii) protection of title.

To ask the Secretary of State for Health and Social Care, what steps he is taking to help ensure that clinicians who have been found to have posed a risk to patients cannot set up as independent (a) psychotherapists and (b) counsellors.

To ask the Secretary of State for Health and Social Care, what steps he is taking to help ensure that (a) psychotherapists and (b) counsellors are subject to (i) professional supervision and (ii) continuous professional development.

A > **Karin Smith (Labour, Bristol South)**

The Professional Standards Authority for Health and Social Care (PSA) operates a voluntary registers programme, which provides a proportionate means of assurance for unregulated professions, that sits between employer controls and statutory regulation by setting standards for organisations holding voluntary registers for unregulated health and social care occupations.

Whilst statutory regulation is sometimes necessary where significant risks to users of services cannot be mitigated in other ways, it is not always the most proportionate means of ensuring public protection. Titles can only be protected for statutorily regulated professions.

The Government would encourage anyone accessing the services of independent psychotherapists or counsellors to establish whether a practitioner is registered with a voluntary accredited register through the PSA website. To meet the standards for PSA accreditation, an organisation must have a focus on public protection and robust processes for handling complaints against practitioners. The organisations accredited by the PSA are independent and do not fall under Government oversight, and any decisions about the

practice requirements for the professions they represent are a matter for employers and organisations and their members.

Individual employers are responsible for ensuring their staff are appropriately qualified and that they keep their skills and practice up to date.

This question is grouped with 4 other questions:

10096 <<https://questions-statements.parliament.uk/written-questions/detail/2024-10-21/10096/>>,

10097 <<https://questions-statements.parliament.uk/written-questions/detail/2024-10-21/10097/>>,

10098 <<https://questions-statements.parliament.uk/written-questions/detail/2024-10-21/10098/>>,

10099 <<https://questions-statements.parliament.uk/written-questions/detail/2024-10-21/10099/>>

Answered 12th November 2024

By **Karin Smyth** <<https://members.parliament.uk/member/4444/contact>>

(Labour, Bristol South)

answer<<https://members.parliament.uk/member/4471/writtenquestions>>

Appendix 3

Amanda Williamson, a psychotherapist who has been campaigning for regulation for over a decade after bringing a complaint against her own counsellor, described the situation as ‘the Wild West’. Research she conducted in 2016 found that nearly one in four therapists struck off from the BACP and UK Council for Psychotherapy between 2005 and 2015 were still practising in 2016.

Ms Williamson said: ‘What The *i* Paper has discovered shows that since our research [‘Unsafe Spaces’] came out, nothing has changed or improved. Voluntary regulation isn’t regulation. We need the Government to act urgently before more people get hurt.’ (Appendix 1, [8 i-news] 20241024 a i-news)

Nearly in one four of the 72 therapists struck off from the BACP and UKCP between 2005 and 2015 were still practising, according to the research conducted by Ms Williamson with mental health nurse Phil Doré. (Appendix 1, [9 i-news] 20241024 b i-news)

Appendix 4

The British Association for Counselling and Psychotherapy (BACP) requires a minimum level of training with recognised courses, and operates a complaint process that is not legally binding.

Clinical psychologists and counselling psychologists, and some other titles, are statutorily regulated but the term ‘psychologist’ is not protected. Psychotherapists and counsellors can

apply for accreditation at one of several bodies voluntarily. These include the British Association for Counselling and Psychotherapy (BACP), which requires a minimum level of training with recognised courses, and operates a complaint process that is not legally binding. (Appendix 1 [2 Guardian] 19th October 2024 b)

The BACP has reported an increase in complaints against its accredited therapists of 24 per cent since 2020, though not all of these will result in sanctions. [Most complaints](#) are about competence, breaching professional boundaries and offering medical diagnoses, for example of autism or narcissism.

The BACP would consider supporting statutory regulation provided that plans are made in collaboration with professional bodies and work for clients and therapists. Lisa Morrison Coulthard, its director of professional standards, said that in the mean time its accreditation offered some ‘confidence and reassurance’ for the public.

The BACP is also working with NHS England and the Professional Standards Authority on a framework for registrations and accreditations for psychological professions for NHS practice, which is intended to provide greater clarity for the public. (Appendix 1 [2 Guardian] 19th October 2024 b)

It was also amended on 23rd October 2024. An earlier quotation said that the BACP ‘has long supported statutory regulation of the profession’, whereas in fact the organisation’s view is that it would consider supporting statutory regulation, provided that plans are made in collaboration with professional bodies and work for clients and therapists. (Appendix 1 [2 Guardian] 19th October 2024 b)

The BACP, Britain’s largest professional psychotherapy organisation, has struck off 14 members in the past five years for serious misconduct, many of them involving male therapists abusing female patients. However, the BACP confirmed to *The i newspaper* that it does not know how many of the therapists it has expelled are still practising.

A spokesperson said: ‘Our remit only extends to the period when therapists are BACP members and so once someone is outside of our membership, we can’t legitimately monitor their practice. Therefore, we don’t have any data for this.’ After five years, the BACP removes all details relating to a misconduct case from their website, preventing the public from checking whether or not their therapist has been struck off.

The BACP, which is broadly supportive of statutory regulation of the profession, told *The i newspaper* that it was due to ‘data protection’ laws, and that to keep the information online ‘may disproportionately harm a member’s ability to move on from past decisions’. (Appendix 1 [8 i-news] 20241024 a *i-news*)

Two of Britain’s largest professional organisations for therapists – the British Association for Counselling and Psychotherapy (BACP) and the Association of Christians in Counselling (ACC) – called the findings of *The i newspaper*’s investigation ‘distressing’ (Appendix 1 [9 i-news] 20241024 b *i-news*)

In the past five years, the UKCP has terminated the membership of 12 therapists. The BACP says they have withdrawn the membership of 14 therapists but is unaware how

many are still practising.

‘Once someone is outside of our membership, we can’t legitimately monitor their practice. Therefore, we don’t have any data for this’, the BACP told *The i*. ‘As a professional body operating in an unregulated industry, our public protection remit only extends as far as our current members.’

(Appendix 1 [9 i-news] 20241024 b i-news)

Currently, there is a voluntary scheme run by the Professional Standards Authority (PSA) which accredits private professional bodies such as the British Association for Counselling and Psychotherapy (BACP). But counsellors and therapists do not need to be members or be accredited to any organisation to treat and charge patients. Because ‘therapist’ and ‘counsellor’ are not protected titles (like doctor), anyone can call themselves a therapist or counsellor without any training or qualifications.

(Appendix 1 [11 i-news] 25th October 2024)

Appendix 5

<https://www.bpc.org.uk/event/ppnow-2024/>

Downloaded 6th December 2024

Psychoanalytic Psychotherapy Nov 2024

Organised by:

The British Psychoanalytic Council

23rd November 2024

Time: 09:00 – 18:00

Price: £30 – £170 (deadline for in-person tickets is midnight on 12th November / deadline for online tickets is midnight on 20th November)

Description

Psychoanalytic Psychotherapy Now 2024 Psychoanalysis, ethics, regulation & the law; tensions and interactions

This year’s PP Now conference marks the culmination of several years of concerted effort by the BPC, focusing on its role as a regulator for the psychoanalytic community in the UK. It also coincides with the launch of the BPC’s revised [Standards of Conduct, Practice and Ethics](#), which will replace the Code of Ethics, setting out the minimum requirements expected of BPC Registrants in order to protect members of the public and maintain confidence in the profession.

But how is it possible to provide standards and guidance for practitioners of ‘the impossible profession’ without becoming superego-ish and formulaic? Can guidelines be constructed that are helpful when confronted with the unconscious, and avoid killing the spontaneity and freedom so fundamental to this method? Might it be possible that proper regulation can actually enhance psychotherapeutic training and practice, to the benefit of both therapists and patients?

Our speakers will help us to explore an ethical stance as a state of mind rather than simply a set of rules, and how we can make this state of mind an integral part of our approach to the work.

Appendix 6

UKCP

Circulated on Thursday 14th November 2024

Updates from our policy team

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Calls for statutory regulation

There have been calls in the media for the statutory regulation of ‘therapists’. UKCP has written to the health secretary to request a meeting on the matter. The letter detailed the role of UKCP in regulating the profession and the high standards of members.

As previously stated by UKCP CEO, Jon Levett, if the UK government were to explore the possibility of the statutory regulation of psychotherapists and counsellors, it would be vital that this included full collaboration with the relevant recognised professional bodies. Engaging with members to inform the debate, UKCP remains open to exploring the benefits of statutory regulation for psychotherapists where it can benefit both practitioners and their clients.

Appendix 7

Alliance for Counselling & Psychotherapy Newsletter – SCoPEd and a new APPG? : 31st October 2019: Julia Evans. See www.LacanianWorks.org / 5 Authors texts A–Z (Evans or Index of Julia Evans’ texts) or <https://web.archive.org/web/20220903135347/https://lacanianworks.net/2019/10/alliance-for-counselling-psychotherapy-newsletter-scoped-a-new-appg/>

Against UK political moves towards statutory legislation and locking out the clinics of all practitioners who do not comply: 17th March 2019: Julia Evans. See www.LacanianWorks.org / 5 Authors texts A-Z (Evans or Index of Julia Evans’ texts) or <https://web.archive.org/web/20210917034039/http://www.lacanianworks.net/?p=12319>

Newsletter against the BACP, BPC and UKCPs’ SCoPEd project: 8th February 2019: Alliance for Counselling & Psychotherapy, compiled by Julia Evans. See www.LacanianWorks.org / 5 Authors texts A-Z (Evans or Index of Julia Evans’ texts) or <https://web.archive.org/web/20190218144744/http://www.lacanianworks.net/?p=12311>

Appendix 8

Initial Scoping Project 2005

Interim Report to Department of Health on Initial Mapping Project for Psychotherapy and Counselling by Sally Aldridge & James Pollard (BACP/UKCP Project Co-ordinators)

<https://LacanianWorksExchange.net> / Authors by date (June 2005)

Availability of Judicial Review Proceedings – 10th January 2011

<https://psychoanalysis-cpuk.org/judicial-review-proceeding/>

Full Transcript of Judicial Review Proceeding

https://psychoanalysis-cpuk.org/cpuk/wp-content/uploads/2019/06/JR_FullTransript.pdf

Mr Justice Burton's Judgment

<https://psychoanalysis-cpuk.org/cpuk/wp-content/uploads/2019/06/JRJudgement.pdf>
