



Psychotherapy & Counselling  
Federation of Australia

# Executive Summary of Discussion Paper

## Best practice self-regulatory model for psychotherapy and counselling in Australia

Prepared by the Psychotherapy and  
Counselling Federation of Australia (PACFA)

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## **DEVELOPING A BEST PRACTICE SELF-REGULATORY MODEL FOR PSYCHOTHERAPY AND COUNSELLING IN AUSTRALIA**

### **Summary**

The Psychotherapy And Counselling Federation of Australia, Inc, (PACFA) is a self-regulating professional peak body, comprising more than forty of the major professional associations for counselling and psychotherapy in Australia. It represents several thousand individual practitioners and many different modalities. A decade long consultative process among practitioners, educators and member associations has resulted in the setting of rigorous minimum standards for professional and ethical practice which all member associations agree to apply to the granting of full membership status in their associations. The PACFA Register of practitioners sets a higher standard for independent practice and, like its member associations, requires annual proof of professional indemnity insurance, and declarations about maintaining competencies through ongoing professional development, and whether or not there are outstanding or proven complaints against them.

This Discussion Paper has been prepared under a project funded by the Victorian Department of Human Services to further develop and strengthen PACFA's innovative professional self-regulation model. It provides a review of key issues for self-regulation and explores the options available to PACFA. The key issues for discussion include:

- Structure and function of Registration Board
- Eligibility criteria for registration
- Registration application procedures
- Ethics and Complaints handling
- Promotion of the Register

This discussion paper outlines key issues for the development of a self-regulatory model for the counselling and psychotherapy within Australia. Each section offers relevant information followed by **recommendations** or "**What are your views**" text boxes. The recommendations are proposed changes or strategies for the development of PACFA's self-regulatory model and the text boxes ask for your feedback on specific aspects of these proposals. Submissions and responses regarding the recommendations are sought from member associations and individuals **by April 16, 2004**.

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## **12 Key Recommendations**

### Recommendation 1

That self-regulation is the most appropriate model of regulation for the professions of psychotherapy and counselling at this time in Australia.

### Recommendation 2

That PACFA promote its role as an independent peak body serving a self-regulatory function within the whole field. As part of this self-regulatory function it would establish a model for the Registration of Counsellors and Psychotherapists that has a relatively independent, accountable and transparent structure, which reports annually to the Management Committee, and through the Management Committee to the Council, as well as to relevant government bodies.

### Recommendation 3

It is proposed that the Registration Board consist of 7 members; comprising 1 chair and 4 psychotherapy and counselling professionals who are eligible for registration by the Board, as well as 1 lawyer or legal representative, and 1 lay individual.

### Recommendation 4

It is recommended that an expert group (perhaps the Executive Committee of PACFA) nominate a range of suitable individuals within the specified categories, checking their availability and willingness to serve in this capacity. These nominations could then be reviewed by one or more key external independent eminent person(s) or committee (to be defined), who would select the required members from the nominees.

### Recommendation 5

The Chair of the Board would be appointed based on experience and skills in running a Registration Board and chairing its meetings and thus have:

- a sound knowledge of the profession of counselling and psychotherapy;
- good skills in chairing meetings;
- a thorough knowledge of principles of procedural fairness and natural justice; and
- an ability to achieve consensus and resolve conflicts.

### Recommendation 6

That the Registration Fee be increased to \$150 per annum, payable annually; and that the Registration Board aim to be self-funded within two years.

### Recommendation 7

It is proposed that the training standards document include the following: a brief overview of standards for both MA membership and Registration; A more detailed statement of training standards for both; Definitions of "minimum hours required", "client contact hours" and "supervision".

### Recommendation 8

It is proposed that PACFA should establish and promote minimum standards of training and experience for Register supervisors, and distinguish between needs of trainees and experienced therapists.

### Recommendation 9

It is proposed that the Registration Board appoint an ad hoc Complaints Committee for each specific case when necessary. The Complaints Committee will hear the details of the complaint via the Case Officer and will conduct, as deemed appropriate, mediation, investigation or other processes. The processes available to the Complaints Committee at this point need further discussion. The Complaints

Committee will make a ruling based on the investigation and recommend actions or sanctions to the Registration Board

**Recommendation 10**

It is also proposed that the Registration Board be responsible for receiving appeals about decisions or processes of Complaints Committees, and when necessary appointing an Appeals Committee ad hoc to conduct the appeal.

**Recommendation 11**

It is proposed that the Registration Board establish official protocols with other relevant Registration Boards (e.g. Psychologists Board, Medical Board) and the Health Services Commissioners Office (or the like) in each state or territory, to formalize the processes of exchanging information regarding rulings on complaints.

**Recommendation 12**

It is proposed that PACFA establish a new committee/function to address Public Education with respect to Register standards, and the meaning of registration, as well as undertaking broader public education functions, to enable the public to make informed decision about counselling and psychotherapy services.

## **Self-Regulation Of Psychotherapy And Counselling In Australia**

Self-regulation generally involves the formation of a professional incorporated body or association (i.e. PACFA) with voluntary membership, supported by voluntary standards and codes of practice, and a recognised and accredited body of knowledge (Bensoussan & Myers, 1996, 213-214 cited in Carlton, 2003). It is the recommended regulatory structure when the implications of non-compliance with its standards of practice by members of a profession are not catastrophic (Office of Regulatory Reform, 1995; cited in Carlton, 2003).

The effectiveness of self-regulation relies on voluntary compliance by members of the group and works best when there are sufficient 'sanctions within the industry to require compliance' (Office of Regulatory Reform, p.27; cited in Carlton, 2003).

This raises the need for broad consultation and consensus gaining processes in order to define the optimal self-regulatory model and build support and commitment for its implementation and maintenance. Some counsellors and psychotherapists are registered as psychiatrists, psychologists, doctors, nurses, etc., and are therefore already subject to statutory regulation. The majority of counselling and psychotherapy practitioners, however, are not subject to statutory registration requirements in any state or territory and there are no barriers to entry to the profession. Law does not restrict use of the titles 'counsellor' and 'psychotherapist', and practitioners using these titles have varied levels and types of training and expertise. The range of therapeutic activities incorporated within these practice definitions is broad, as illustrated by the profile of PACFA's member associations (MA). In the wider field beyond PACFA MAs, the potential range of standards is even greater.

One of the main purposes of self-regulation is to provide greater protection for the public through the profession achieving consensus about and monitoring standards of training and practice. To achieve this end, it is highly desirable that the self-regulation process does in fact encompass the whole field, rather than having factions with considerable differences in structure, process and terminology, each making competing claims. Such a situation makes it much more difficult for the public to be able to make informed choices.

In order to encourage the establishment of suitable self-regulatory arrangements that will provide public protection, the Department of Human Services has provided funding to PACFA to develop a model(s) for self-regulation of psychotherapists and counsellors to support safe, high quality practice that incorporates principles of independence, inclusiveness, transparency and accountability. The project will explore the potential to gain wider consensus on self-regulation within the counselling and psychotherapy profession as well as considering the development of self-regulatory models for wider application to other health sector professions that are not subject to statutory regulation.

### **Recommendation 1**

That self-regulation is the most appropriate model of regulation for the professions of psychotherapy and counselling at this time in Australia.

## **Current Structure of PACFA**

Currently PACFA operates via its Council, Management Committee and Executive Committee (see Figure 1).

The Council is made up of 2 delegates from each MA and thus currently comprises approximately 80 members. The Management Committee is elected from, and by the Council, and is currently made up of 10 members including the four chairpersons of

the Standing Committees. The Executive Committee meets at times when the Management Committee cannot, and directly communicates with the Management Committee regarding PACFA business.

### **The PACFA National Register**

PACFA has established a centralised National Register of approved counsellors and psychotherapists, which is published on its website and maintained on a weekly basis. The requirements for admission to the Register are more rigorous than for membership of MAs, as the national Register serves as recognition that registrants are approved as appropriately qualified and experienced to engage in independent practice. The minimum training standards level set for registration was determined through extensive consultation over several years and acknowledges the diverse pathways through which current professionals have been trained.

The process of assessing register applications involves extensive documentation of training, qualifications, supervision, supervised work experience, supervisors' reports, as well as declarations about ethical practice, whether complaints have been laid or

To date, applications have been slower than hoped, but the number of registrants has more than doubled in the past year with over 200 members now on the PACFA Register. Some reasons for the slow submission of applications include issues to do with length and complexity of the application form, perceived lack of incentive to be on the register, cost, and uncertainty about eligibility.

Details of the history of PACFA, its functions, member organisations and register of practitioners are available on the website: <http://www.pacfa.org.au>.

### **Proposed Restructure of PACFA**

It is proposed that the PACFA Standing Committees be restructured, to establish a larger and more independent Registration Board, which is more in line with the role and function of a statutory registration board. This would require prescribing the composition of the committee to ensure external members and a spread of expertise, and a more accountable functioning of the Board. It would also require clearly defined and transparent Complaints handling processes.

This would focus the PACFA Management Committee more clearly on its role in policy development, professional education and research, and advocacy on behalf of the profession. The primary functions of PACFA would be Professional Education and Training; Communication and Public Education; Research and Policy Development; Consultation and Advocacy. These core functions would serve the Registration Board by playing an active role in setting and reviewing standards, developing policy, considering the need for course accreditation etc.

Two options for restructure are discussed and presented figuratively. The first is a refinement of the current model where the Registration Board is accountable within the PACFA structure. The second option involves establishing a more independent and broader Body to govern the Register.

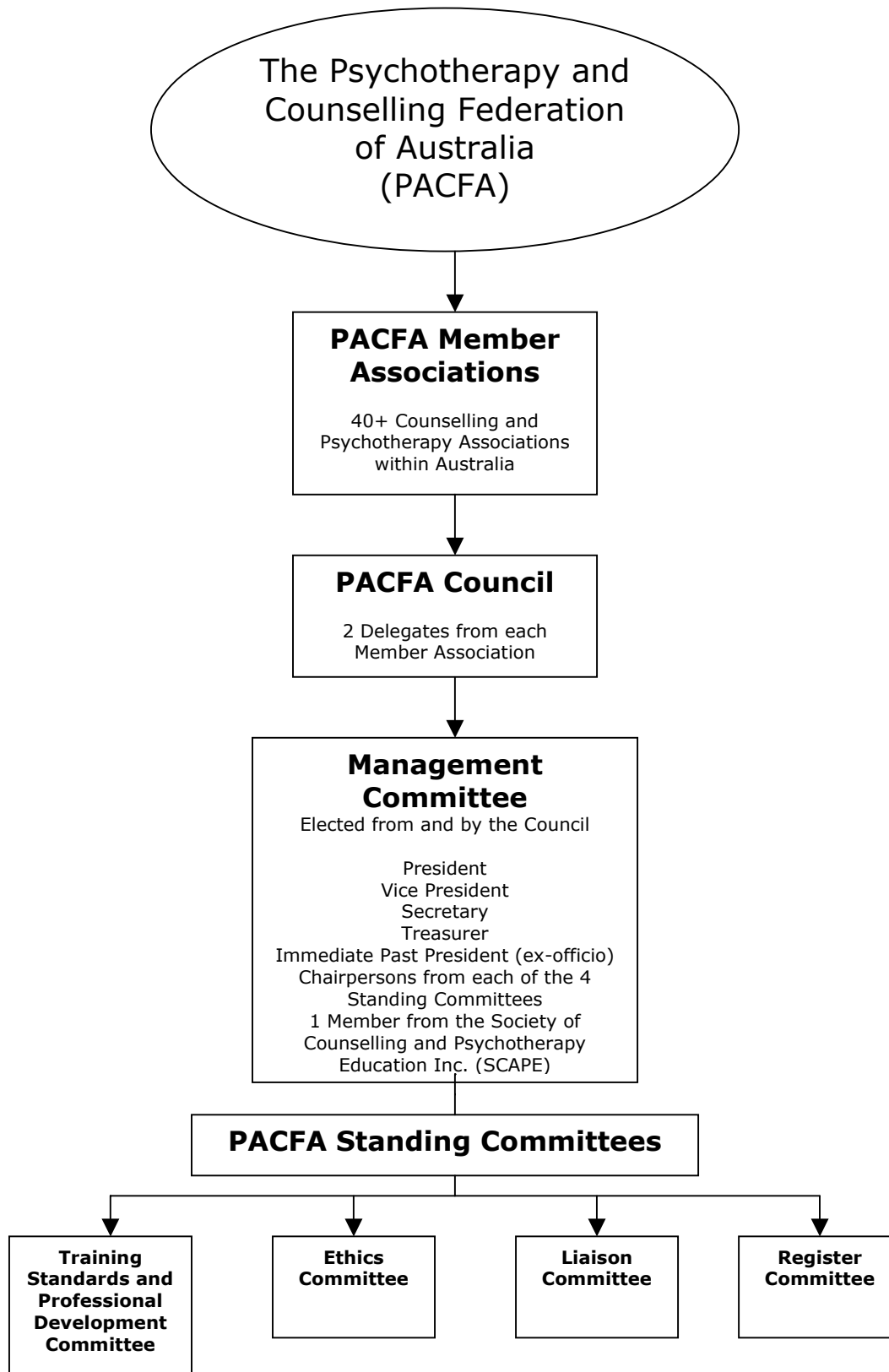


Figure 1: Current structure of PACFA as a self-regulatory body for Psychotherapy and Counselling in Australia

**Model 1) The Registration Board as part of PACFA**

Figure 2 illustrates the Registration Board as a Standing Committee of PACFA. This model proposes that the Registration Board be a part of PACFA, accountable to the Management Committee, yet the Register itself becomes more autonomous and the board becomes a regulating body. The composition of the Board would be prescribed with wider lay and legal representation to achieve greater independence and accountability. This model would suggest that the Registration Board appoint a Complaints Committee, a Complaints Case Officer and an Appeals Committee when necessary. The committee members and case officer would be members of PACFA and accountable to the Registration Board. The structure and function of the complaints committee and the complaints process is discussed in full in the section "Ethics and Complaints Handling".

### ***Model 2) The Registration Board as Independent of PACFA***

Figure 3 illustrates the Registration Board as an independent, national body, regulating all counsellors and psychotherapists within Australia. This model suggests that any counsellors or psychotherapists, who meet the training standards and ethics criteria of the Australian National Register, would be eligible to join the Register and thus be regulated by a national body. Under this model, the Registration Board could be made up of representatives from the major counselling and psychotherapy organizations within Australia (namely; PACFA associations, the Australian Association of Career Counsellors (AACC), the Australian Board of Certified Counsellors (ABCC), the Australian Counselling Association (ACA)) and other bodies within Australia. The Registration Board and Register would operate independently of the affiliated organizations yet be accountable to them. It is proposed that the Registration Board appoint a Complaints Committee, a Complaints Case Officer and an Appeals Committee when necessary. The structure and function of the complaints committee and the complaints process is discussed in full in the section "Ethics and Complaints Handling".

#### **Recommendation 2**

That PACFA promote its role as an independent peak body serving a self-regulatory function within the whole field. As part of this self-regulatory function it would establish a model for the Registration of Counsellors and Psychotherapists that has a relatively independent, accountable and transparent structure, which reports annually to the Management Committee, and through the Management Committee to the Council, as well as to relevant government bodies.

### **Role And Function Of Registration Boards**

Under the Victorian model (Carlton, 2003), there are a number of core functions a professional register should perform:

- to register suitably qualified persons and/or persons meeting approved competency standards;
- to investigate complaints about, and inquire into, the conduct, ability to practise and professional performance of persons registered by the board;
- to regulate the standards of practice of the profession in the public interest;
- to issue guidelines about appropriate standards of practice;
- to collect data on workforce issues and monitor practice patterns; and
- to carry out other functions as determined by the Board in consultation with relevant bodies

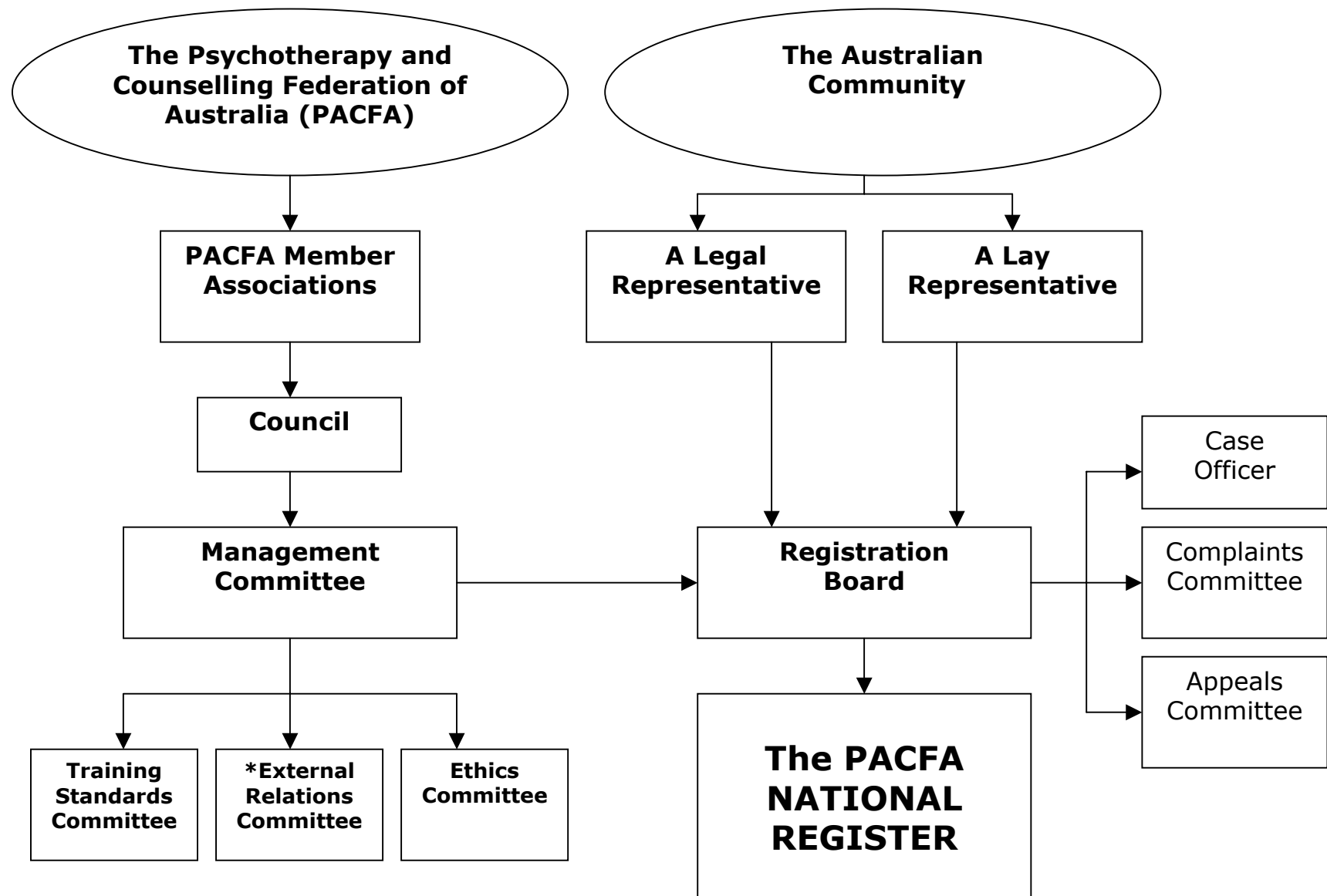


Figure 2: **Model 1:** Proposed Structure of the Registration Board as part of PACFA. \*The External Relations Committee is discussed later.

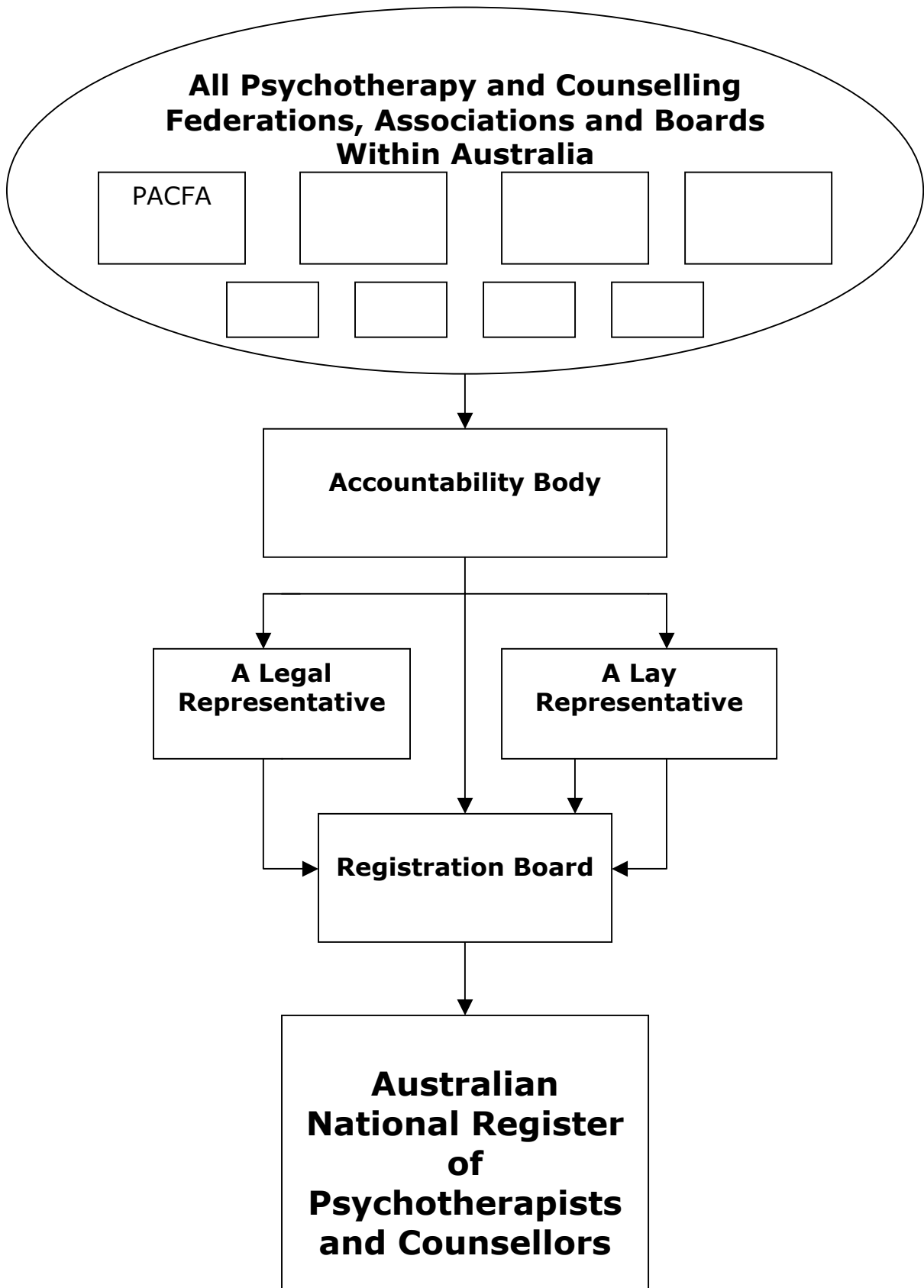


Figure 3: **Model 2:** Proposed Structure of the Registration Board as Independent of PACFA

## Membership Of Board: Size And Composition

Existing statutory registration boards generally have between 7 and 12 members. In Victoria, all boards have two members who are not registered practitioners, and one member who is a lawyer. All appointments to registration boards are made by an independent authority, eg. the Victorian Governor in Council, on the recommendation of the Minister for Health. To preserve independence of functioning of the Board, members are neither elected nor nominated by stakeholders. All boards must cover the cost of members' sitting fees from registration fees paid by registrants.

There is the expectation that the chairperson be a senior professional in the fields of psychotherapy or counselling.

### Recommendation 3

It is proposed that the registration board consist of 7 members; comprising 1 chair and 4 psychotherapy and counselling professionals who are eligible for registration by the Board, as well as 2 lawyer or legal representative, and 1 lay individual.

### Recommendation 4

It is recommended that an expert group (perhaps the Executive Committee of PACFA) nominate a range of suitable individuals within the specified categories, checking their availability and willingness to serve in this capacity. These nominations could then be reviewed by a key external independent eminent person (to be defined), who would select the required members from the nominees.

### Recommendation 5

The Chair of the Board would be appointed based on experience and skills in running a Registration Board and chairing its meetings and thus have:

- a sound knowledge of the profession of counselling and psychotherapy;
- good skills in chairing meetings;
- a thorough knowledge of principles of procedural fairness and natural justice; and
- an ability to achieve consensus and resolve conflicts.

## Budget For The Board

In order to establish the register, PACFA needs to generate approximately \$80,000.

Table 2: Estimated Cost of Running the Register for 1 Year.

<b>Register Requirements</b>	<b>Estimated Cost Associated</b>
Sitting Fees	\$5,000
Administration	\$25,000
Assessor	\$12,500
Website design/maintenance	\$20,000
Equipment	\$10,000
General Consumables	\$7,000
<b>Total Estimated Cost</b>	<b>\$79,500</b>

## Registration Fee

Currently, the renewal for registration fee is \$110 per year, well below the administrative costs involved. Table 4 provides a comparison of registration fees across a range of professional bodies. The general trend is that the fewer members, the greater the fee because of the large administrative costs in establishing and maintaining all the register processes.

Table 3: Costs of Registration for Victorian Registration Boards and PACFA.

<b>Professional Association</b>	<b>Number of Register Members</b>	<b>Application Fee</b>	<b>Initial Registration Fee</b>	<b>Annual Renewal Registration Fee</b>
Chinese Medicine Registration Board of Victorian	604	150	500	475
Chiropractors Registration Board of Victoria	1026	N/A	350	300
Dental Practice Board of Victoria	3041	N/A	330	330
Medical Practitioners Board of Victoria	17,092			
Nurses Board of Victoria	73,492	N/A	120 (2004)	80 (2004)
Optometrists Registration Board of Victoria	873	N/A	240	224
Osteopaths Registration Board of Victoria	270	N/A	632	530
Pharmacy Board of Victoria	4,768	N/A	206.50	171.10
Physiotherapists Registration Board of Victoria	3,813	N/A	150	95
Podiatrists Registration Board of Victoria	715	N/A	330	260
Psychologists Registration Board of Victoria	4520	N/A	336	336
PACFA	175	137.50	110	110

Based on number of registered members, PACFA is most comparable to the Osteopaths Registration Board. As illustrated, the registration fee for an osteopath is \$632, considerably higher than PACFA's current fee of \$110.

#### Recommendation 6

That the Registration Fee be increased to \$150 per annum, payable annually; and that the Registration Board aim to be self-funded within two years.

### Training Standards For Registration

Currently, PACFA defines four training pathways for joining the national Register. This was designed to cater for the large numbers of current professionals who would not have undertaken a standard course meeting the more recently agreed PACFA training standards. However, experience suggests that the varying requirements for these pathways are confusing to many professionals wanting to understand their eligibility, as well as to assessors. Furthermore, there are considerable differences in the level of training across the 4 pathways, which is inconsistent with the concept of a minimum level of training.

#### Recommendation 7

It is proposed that the training standards document include the following: a brief overview of standards for both MA membership and Registration; A more detailed statement of training standards for both; Definitions of "minimum hours required", "client contact hours" and "supervision".

### Supervisor requirements

Some associations have a clear set of criteria for determining or accrediting supervisors. Most associations do not. There needs to be a clearer definition of who qualifies as an acceptable supervisor. This might involve some combination of the following criteria: a minimum standard of training, years of experience as a counsellor or psychotherapist, amount or type of training as a supervisor, experience as a supervisor, and supervision of supervision.

#### Recommendation 8

It is proposed that PACFA should establish and promote minimum standards of training and experience for Register supervisors, and distinguish between needs of trainees and experienced therapists.

## Ethics and Complaints Handling

With the introduction of a Registration Board comes the need for a Complaints Committee and an official protocol for lodging and processing complaints against Registered practitioners. Even though two options regarding the structure of the Registration Board have been proposed, the structure of the Complaints Officer, Complaints Committee and the Appeals Committee for the Registration board does not differ for the two options. If the Registration Board does however become independent of PACFA, it will then be necessary to introduce an additional Complaints Committee for PACFA in order to handle any complaints lodged against MA members not on the Register, and which the MA is unable to process.

### The Roles of the Case Officer, Complaints Committee and Appeals Committee.

The structures within the complaints handling procedure are the aforementioned Case Officer, Complaints Committee and Appeals Committee, all of which are appointed by the Registration Board when necessary.

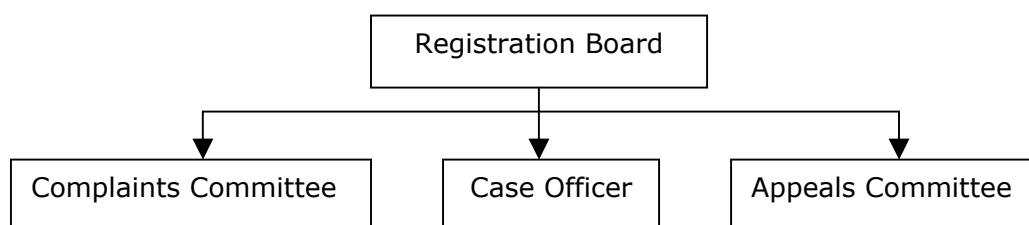


Figure 4: Proposed Structure of the Complaints Handling Process

It is proposed that the Registration Board appoint a Case Officer to every inquiry regarding a complaint. If an official complaint is made without an initial inquiry, a case officer would also be assigned to that complaint. The role of the Case Officer is to communicate with the complainant and recipient in an informal manner and establish the context of the complaint and its details. If possible, it is suggested that the Case Officer be given the power to mediate an agreed upon resolution. If no resolution can be met, the Case Officer will be required to present the case to the complaints committee, and recommend a course of action such as additional mediation, detailed investigation or other processes.

#### Recommendation 9

It is proposed that the Registration Board appoint an ad hoc Complaints Committee for each specific case when necessary. The Complaints Committee will hear the details of the complaint via the Case Officer and will conduct, as deemed appropriate, mediation, investigation or other processes. The processes available to the Complaints Committee at this point need further discussion. The Complaints Committee will make a ruling based on the investigation and recommend actions or sanctions to the Registration Board.

The Appeals Committee will be independent from the Complaints Committee and responsible for reviewing all the material presented, to further investigate the case if deemed appropriate and rule on the basis of all the material received. In terms of the powers of the Registration Board, the Appeals decision is final. The processing of Complaints and the outcomes available is briefly illustrated in Figure 5. The powers, outcomes and sanctions available need to be determined more thoroughly.

#### Recommendation 10

It is also proposed that the Registration Board be responsible for receiving appeals about decisions or processes of Complaints Committees, and when necessary appointing an Appeals Committee ad hoc to conduct the appeal.

## A Complaints Committee for PACFA

The previous section outlined the structure of the Complaints Committee in relation to the Registration Board. If the Registration Board is developed as independent from PACFA (as discussed in pages 14-17), PACFA will still need to develop a similar

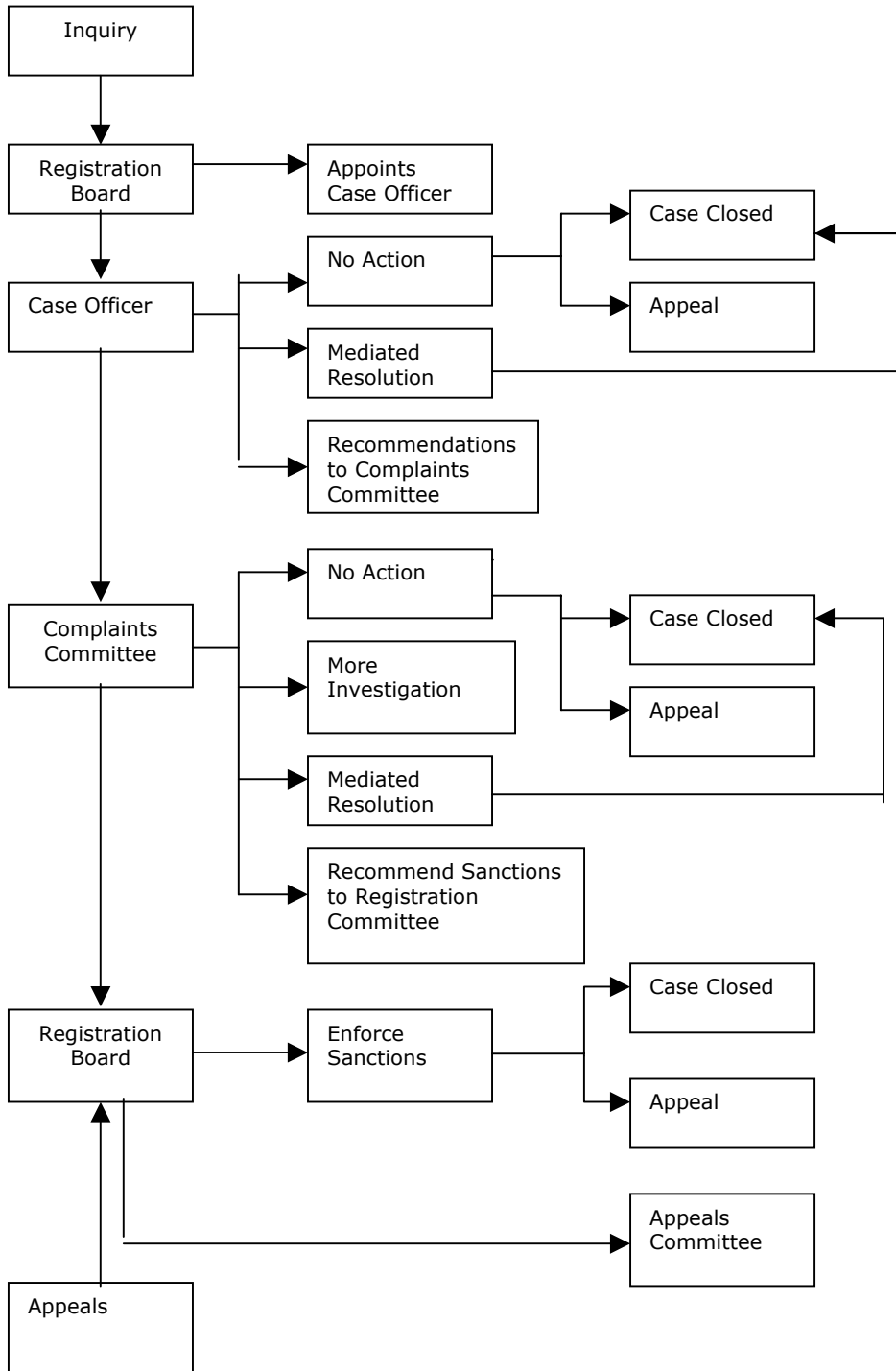


Figure 5: Proposed Complaints Handling Procedure and Associated Outcomes

structure in order to process complaints against PACFA MAs. It is proposed that the PACFA complaints procedure follow a similar structure to the one already outlined.

The differences however would be that the Ethics Committee would be responsible for receiving the initial inquiry and appointing a Case Officer, Complaints Committee and Appeals Committee when necessary. The process of handling the complaints and the roles of the Case Officer, Complaints Committee and Appeals committee would function in the same way already described however the Ethics committee would ultimately enforce the sanctions. This model for a PACFA ethics committee is represented in figure 6.

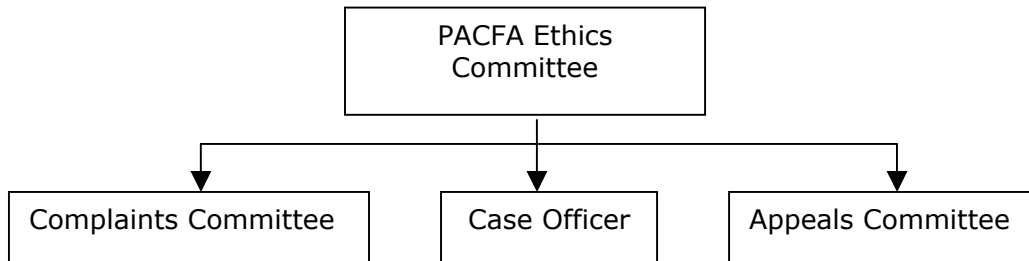


Figure 6: Proposed Structure of the Complaints Handling Process if the Registration Board is independent of PACFA

### **Protocols with Government Health Service Commissioners**

Until a Registration Board is developed, it is difficult to determine what powers of investigation or sanctions will be made available to the Board.

#### **Recommendation 11**

It is proposed that the Registration Board establish official protocols with other relevant Registration Boards (e.g. Psychologists Board, Medical Board) and the Health Services Commissioners Office (or the like) in each state or territory, to formalize the processes of exchanging information regarding rulings on complaints.

### **Promotion of the National Register of Psychotherapists and Counsellors**

The success of the Registration Board, Complaints Committee and the Register will depend greatly on the public and professional awareness of them. Two possible recommendations are:

#### **Recommendation 12**

It is proposed that PACFA establish a new committee/function to address Public Education with respect to Register standards, and the meaning of registration, as well as undertaking broader public education functions, to enable the public to make informed decisions about counselling and psychotherapy services.