



Department  
of Health &  
Social Care

*From Maria Caulfield MP  
Parliamentary Under Secretary of State  
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Ms Rachael Griffin  
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28 March 2024

Dear Mrs Griffin,

Thank you for your letter of 17 October 2023, to the then Secretary of State for Health and Social Care, Steve Barclay about the death of Marnie Hill. I am replying as Minister with responsibility for mental health.

Firstly, I would like to say how saddened I was to read of the circumstances of Mrs Hill's death and I offer my sincere condolences to her family and loved ones. The circumstances your report describes are very concerning and I am grateful to you for bringing these matters to my attention.

The primary purpose of professional regulation is to protect patients and the public from harm by ensuring those providing healthcare are doing so safely.

The UK Parliament is responsible for the regulation of health and care professions in England and in Wales where provisions healthcare is devolved (though in practice, Department of Health and Social Care Ministers have not legislated to regulate professions in Wales without the agreement of Welsh Ministers).

The regulation of health and care professionals is a transferred matter in Northern Ireland and in Scotland is a devolved matter for health and care professionals who entered regulation after the passing of the Scotland Act 1998. There is an agreement in principle that issues relating to the regulation of healthcare professionals should be taken forward using a collaborative four-nation approach.

The UK Government is clear that the professions protected in law must be the right ones and the level of regulatory oversight must be proportionate to the risks to the public. Statutory regulation on its own can only mitigate the risk of harm, not eliminate it, and should only be used where the risks to public and patient protection cannot be addressed in other ways, such as through employer oversight, system regulation, or accredited voluntary registration.

The Government keeps the professions subject to statutory regulation under review. Bringing a profession into statutory regulation is a lengthy and costly legal process. It is restrictive by its very nature and can act as a barrier to entry and inhibit the flexibility of a profession to grow and develop to meet patient needs. Other important considerations that need to be addressed before bringing a profession into regulation including the impact on the profession, which body should regulate and the geographical extent of regulation across the UK. Failure to undertake this work before legislating to regulate a profession could lead to unintended consequences that run counter to public protection.

Between 6 January 2022 and 31 March 2022 the Department of Health and Social Care, on behalf of the UK Government and the devolved administrations, ran a public consultation seeking views on the criteria for determining when statutory regulation of a healthcare profession is appropriate. Further information about this consultation is available at:

<https://www.gov.uk/government/consultations/healthcare-regulation-deciding-when-statutory-regulation-is-appropriate>

While we believe that there is no immediate case to change the groups that are regulated, the consultation asked for views on how the powers to introduce and remove professions from regulation might be used in the future and:

- the proposed criteria to make decisions on which professions should be regulated;
- whether there are regulated professions that no longer require statutory regulation; and
- whether there are unregulated professions that should be brought into statutory regulation.

We will publish our response to this consultation in due course.

People should be able to expect good quality psychotherapy or counselling services, which bring about a positive impact on their mental health and recovery. Although counsellors are not subject to statutory regulation, there are other safeguards in place to support patient safety for people using counselling services.

Mental health professionals that are not subject to statutory regulation, including counsellors, can join voluntary registers accredited by the Professional Standards Authority for Health and Social Care (PSA). The Accredited Registers Programme provides assurance to the public when choosing and using health and care services by independently assessing organisations who register practitioners who are not regulated by law. The PSA accredits 12 voluntary registers of mental health professionals. These are available on the PSA website at [Find An Accredited Register | Professional Standards Authority](#)

To gain accreditation from the PSA, organisations must meet its eight Standards for Accredited Registers. These Standards require organisations to have a focus on public protection to have processes for handling complaints against practitioners; to set appropriate levels of education and training for entry to the register; to require registrants to undertake continuing professional development; and to understand and monitor the

risks associated with the practices of registrants. Any registrant who is removed from an Accredited Register for conduct reasons cannot join another Accredited Register.

Whilst there are no mandatory, national standards for counsellors, a framework for the training standards and practice requirements for counsellors and psychotherapists who work with adults has been developed and published by a group of professional bodies including the British Association for Counselling and Psychotherapy (BACP), the UK Council for Psychotherapy (UKCP), the British Psychoanalytic Council (BPC), the Association of Christian Counsellors (ACC), the Association of Child Psychotherapists (ACP), the Human Givens Institute (HGI) and the National Counselling Society (NCS). These bodies represent approximately 75,000 counsellors and psychotherapists in the UK.

The development of the framework – referred to as SCoPEd – involved mapping existing competencies, standards, training and practice requirements within counselling and psychotherapy using an evidence-based approach to identify the different and overlapping competences. This has resulted in a set of core competencies and practice standards that are now being considered by the professional bodies leading on SCoPEd, and by the counselling and psychotherapy professions more broadly.

In February 2023, the SCoPEd partners jointly announced they will be adopting the SCoPEd framework. Please see <https://www.bacp.co.uk/news/news-from-bacp/2023/8-february-scoped-adoption-announcement/> for further information on this announcement.

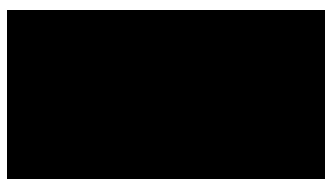
More information about SCoPEd, including FAQs, can be found on the BACP website at: <https://www.bacp.co.uk/about-us/advancing-the-profession/scoped/> .

All of the organisations utilising the SCoPEd framework are independent, representative bodies for the practice of counselling and psychotherapy. As such, they do not fall under Government oversight and therefore any decisions about the training standards and practice requirements for the professions they represent are a matter for those organisations and their members.

Finally, anyone undertaking or seeking employment within a health or care role, whether regulated or unregulated, will also be subject to employer checks. This may include a Disclosure and Barring Service (DBS) check in England or Wales or the equivalent check from Disclosure Scotland or Disclosure Northern Ireland.

I hope this response is helpful. Thank you for bringing these concerns to my attention.

Yours sincerely,



**MARIA CAULFIELD**