

Counsellors and Psychotherapists (Regulation) and Conversion Therapy Bill

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Provide that the Health and Care Professions Council be the regulatory body for counsellors and psychotherapists; to prohibit conversion therapy; to make consequential provision for the protection of children and adults; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Regulation of mental health practitioners

(1) Section 60 of the Health Act 1999 (regulation of health professions, social workers, other care workers etc.) is amended as follows.

(2) After section 60(2)(ca) insert the following paragraph—

“(cb) the professions regulated by the Counsellors and Psychotherapists (Regulation) and Conversion Therapy Act 2019,”.

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2 Conversion therapy: prohibition

(1) It shall be an offence for any person to practice, or to offer to practice conversion therapy.

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(2) In this Act, “conversion therapy” is any form of therapy which demonstrates an assumption that any sexual orientation or gender identity is inherently preferable to any other and attempts to—

(a) change a person’s sexual orientation or gender identity, or

(b) suppress a person’s expression of sexual orientation or gender identity.

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(3) A person guilty of an offence under this section shall be liable to a fine not exceeding level 5 on the standard scale.

3 Registration of counsellors and psychotherapists

- (1) Counsellors and psychotherapists (“registered persons”) shall be registered by the Health and Care Professions Council (“the Council”).
- (2) Schedule 3 to the Health and Social Work Professions Order 2001 is amended in accordance with subsection (3). 5
- (3) In paragraph 1, at the end of the definition of “relevant professions”, insert “counsellors and psychotherapists”.
- (4) The Council must make provision in rules for—
 - (a) the qualifications required to be a registered person,
 - (b) information to be contained on the register, and 10
 - (c) the registration process.

4 Offence of pretending to be a counsellor or psychotherapist

- (1) A person who is not a registered person who—
 - (a) pretends to be a counsellor or psychotherapist, or
 - (b) takes or uses any name, title, addition or description implying falsely that the person is a counsellor or psychotherapist (or otherwise so implying that the person has the right to provide counselling or psychotherapy services), 15
 is guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable to a fine not exceeding level 5 on the standard scale. 20

5 Code of conduct

- (1) The Council shall prepare and publish a code of conduct (“the code”) for registered persons.
- (2) Agreement to abide by the code shall be a condition of admission to the register maintained by the Council under the Health and Social Work Professions Order 2001 (“the register”). 25
- (3) The code must prohibit registered persons from—
 - (a) grooming any person for unlawful or inappropriate sexual activity, including where such activity amounts to an abuse of a position of trust on the part of the registered person; 30
 - (b) engaging in sexual activity with a patient or client;
 - (c) exercising coercive control over a patient or client or attempting to remove their autonomy.
- (4) The code must set requirements for registered persons to practice evidence-based therapy. 35
- (5) Where a patient or client complains to the Council that a registered person has breached the code, the Council must investigate that complaint.
- (6) A registered person found by the Council to have breached the code shall be subject to disciplinary action by the Council, which may include temporary or permanent removal from the register. 40

- (7) A registered person found by the Council to have breached the terms of the code arising from the provisions of subsection (3) must be permanently removed from the register.

6 Rules

- (1) Rules made under this Act do not come into force until approved by order of the Privy Council. 5
- (2) Any power of the Privy Council to make orders under the provisions of this Act is exercisable by statutory instrument.
- (3) Any statutory instrument containing an order of the Privy Council under any provision of this Act is subject to annulment in pursuance of a resolution of either House of Parliament. 10

7 Commencement, extent and short title

- (1) This Act comes into force at the end of the period of 6 months beginning with the day on which it is passed.
- (2) Sections 1, 3, 5, and 6 and this section extend to England and Wales, Scotland and Northern Ireland. 15
- (3) Sections 2 and 4 extend to England and Wales only.
- (4) This Act may be cited as the Counsellors and Psychotherapists (Regulation) and Conversion Therapy Act 2019.

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To provide that the Health and Care Professions Council be the regulatory body for counsellors and psychotherapists; to prohibit conversion therapy; to make consequential provision for the protection of children and adults; and for connected purposes.

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