

## Comment on Shape Review Report Document (compiled by Benet Middleton)

Heward Wilkinson

### Preamble and Synthesis

The document below was written as a response and challenge to Benet Middleton's very useful document. My formulations evoked strong responses at the HIPC College Meeting 15.07.2014. The College felt the document was too personal and controversial to be put forward either as a HIPC position document, or even as a HIPC discussion document. But the College Meeting encouraged me to circulate it by all media possible before the Shape Assembly of 19.07.2014, because it was also felt that it had crystallised and clarified the alternatives and matters at issue.

The body of the document is therefore a little adversarial. In the synthesis, I attempt to put matters in more positive mode, and to remedy omissions..

### Synthesis

#### 1. The Organic-Pluralistic Modality Model of Structure

The Changes of 2009, and now the developments envisaged in Benet Middleton's Review, have alienated the Structure/Shape of UKCP from one organically based in the essence of Psychotherapy as an Educational Medium. This happened with the best intentions, but through a loss of vision (in which we all shared, including this writer). UKCP has since performed its Regulatory Function well, and developed Professional Services, but has structurally lost touch with the Educational Basis of Psychotherapy. That is based on Modality, or, if it goes Beyond Modality, does so in a way growing out of Modality. This is the Root or Soul of Psychotherapy which is lost in the Changes and the Review. Because of the Modality Wars, and the pressure towards Regulation, it is likely that UKCP was not ready in the 90s and early 2000s for its own brilliant Pluralistic Federal Concept. *Perhaps it now is!*

By expanding the Federal Colleges and Faculties concept, it would be possible to develop a degree of inclusion and participation for Consumers and Members of the Public that is not possible on the Miscellaneous basis of the current Shape, and Review model. It is also possible, by means which expand on suggestions of Benet Middleton, to envisage a Representative Democracy which would be more real than the abstract General Suffrage concept we have now.. The General Suffrage we have should be used as the Foundation of something more genuinely Representative (see point 3.).

#### 2. The Oligarchic Model

The Model presented in the Review recognises (though deplors) that the Board is the Executive Centre of an Oligarchy (see the Review's diagram reproduced below). This is an Oligarchy driven by deference to Charity Commission and Governmental Imperatives. Admirable as these may be – and there is much wisdom in the Charities Commission – these are not imperatives germane to Psychotherapy. So we have lost our unique Psychotherapeutic Structure and become like any other Charity, and homogenisation continues apace. The structure, whilst intelligible to Managerial Gurus, has been unintelligible to Psychotherapists. Put very bluntly, what is missing – is Psychotherapy.

#### 3. Possible Paths of Development using Benet Middleton's Framework

Whilst the Review reduces Colleges and Faculties to 'Areas of Interest where Members can develop specific Modalities', and disowns any attempt to consider Values and Strategy and Identity, in at least two major ways it makes crucial positive simplifying suggestions:

- I. It emphasises a 'looking over', as opposed to an Executive, role for the Board of Trustees. This would imply the possibility of a much smaller Board of Trustees and a separate Executive.
- II. It emphasises making the Psychotherapy Council genuinely Representative. This opens the way to the possibility of a genuine Representative Democracy at the heart of UKCP Governance.

## Comment Document as Presented to HIPC-UKCP

### Key Quotations from the Review Document

'Questions of the Strategic Direction of the Organisation are outside of the scope of this report.'

'At their heart is a question of UKCP identity which is beyond the scope of this report.'

'Psychotherapists are not UKCP's beneficiaries...'

### Introductory Comment

- i. Members of UKCP have been unable to make sense of the new Shape since its inception.
- ii. This very useful attempt to rationalise the system in this Shape Review Report makes it even more graphic why we cannot make sense of the Shape.
- iii. It is because, where the original structure of UKCP was grounded in principles congruent with Psychotherapy, the new Shape and the proposed rationalisation of it are grounded in Corporate and Oligarchic principles completely alien to psychotherapy.

### Principles of a UKCP Identity founded in Psychotherapy

- i. Psychotherapy is constituted by a spectrum of psychological approaches, within a professional or non-personal frame, directed towards both human creative development, and amelioration of human psychological distress, for many predicaments and client groups/modes, which are also based in fundamental understandings of human nature, drawing both from human biology and human culture.
- ii. The Colleges and Faculties are the natural, if complex, expression of this spectrum. This was the UKCP Project as originally conceived. Further structures are the integration and welding together of this spectrum into a whole.
- iii. As we shall see shortly, the Oligarchic Structure envisaged in the Shape Review Report *is essentially the abolition of the UKCP Project as originally conceived.*
- iv. The original structure needs extension to include participation by both consumers and members of the public, and to recognise the inevitable political, egalitarian, and socially reformist dimension of the Psychotherapy Field. *This can be done within the structure organically.*
- v. A fair and proportional voting system connected with a General Assembly or Parliament can be devised if there is the will. It would not be identical with the old AGM by any means but would have an Assembly aspect to it. The Report considers expanding the Psychotherapy Council to make it more representative. This would be one way to develop an Assembly for Public Accountability. This would be 'holding to account', as envisaged in the Review Report, from bottom up.
- vi. The Board of Trustees as envisaged within Charity Law could then be much reduced in size, and would be in effect a Constitutional Council with a power of veto, and would be exclusively non-executive and purely 'holding to account', as envisaged in the Review Report, from top down.
- vii. *Much work would need to be done to reconcile this with where we are now, but, as the principles are intelligible, it would be do-able.* In particular, the relationship of the Colleges and Faculties Committee structure with the Executive and Regulatory Functions would need to be thought out afresh. At present it is an organism largely cut off from its heart and circulatory base, struggling with a mix of semi-Regulatory and semi-Psychotherapy-Identity tasks.
- viii. To be sure the spectrum is also the basis of the tribalism and sectarian authoritarian cultism which is always a danger within psychotherapy; - and here emphatically ethics and an

ideal conception of public rights and values and the Regulatory Function – and so 'public interest' – does come into play.

### The Proposed Structure in the Review Report

The diagram on p. 10 of the document is very clear and useful, in the above sense. *Right at the centre* is the Board, with five arenas clustered around. There are 1. Sub-committees of the Board, 2. Regulatory Committees, 3. Accountability Forums (including the PC), 4. Policy areas (Including International), and 5. Members Interests (Including Colleges and Faculties).

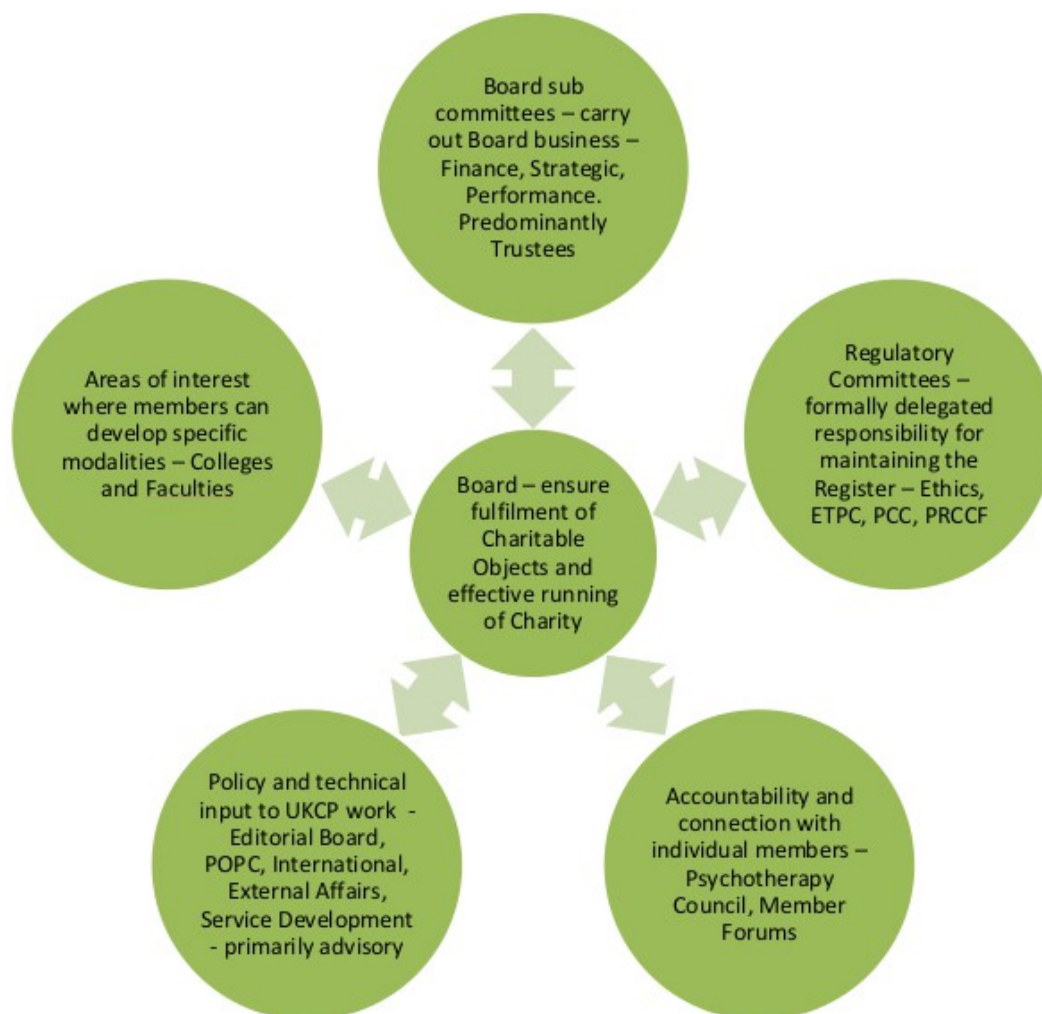


Figure 1 Conceptual model of primary roles of constituent parts of the governance structure

- i. This is clearly an Oligarchic Structure, as envisaged in normal Charity Law. The Oligarchy is primarily Appointed, with reference to Charity Law and Government Imperatives.
- ii. 'Governance' is the word of all work in this document.
- iii. Democracy exists somewhere on the margins in this, and Organisational Members are something of an embarrassment, as they mainly potentially constitute sources of Conflict of Interest.
- iv. There is an assumption that the 'public interest' is quite independently indefinable without reference to psychotherapy and the processes of psychotherapy, which is quite alien to anyone who is steeped in the psychotherapies, of whatever brand (though it is clear that some brands are nearer to being comfortable with Managerialism than others!).
- v. The idea that 'Government', constituted by politicians, lawyers, and Civil Service, is somehow able to define 'public interest', when psychotherapists are not, seems to me absurd and entirely mythological.
- vi. I am not against competent management, though being clearly more of an 'ethos and culture-creating' person myself. But I *am* against the concepts of publicly defined Oligarchy and Managerialism *defining* what the Identity of Psychotherapy is.
- vii. One cannot simply attempt to define *structure* without considering values and ethos, which is what this document does. It purports to be neutral but it imposes by default a set of values which are not those of psychotherapy.

If one reads the 'Summary of Recommendations', which follows (and hopefully the whole document if possible), in the light of the alternative model derived from the original concept of the UKCP Project, its fundamental alienness to the roots of Psychotherapy will I hope be clear, and the nature of the Oligarchy centred round an essentially Executive Board is obvious.

The opinions expressed in this Comment are my own, and offered partly as a clarification of implications, and partly as a catalyst for discussion.

(See below for Summary of Recommendations in Benet Middleton's Review.)

Heward Wilkinson  
July 2014

## 10. Summary of detailed recommendations

At its heart this report recommends that there needs to be greater clarity about the roles of the various parts of the structure and an outline conceptual model is offered for this. This then leads to a number of recommendations, the main ones being:

### *The Board*

Is legally the core of charity governance and to ensure it can meet its obligations it should:

- Ensure it has the right skills to fulfil its legal duties and the right process for acquiring those skills
- Develop an agreed strategy with performance indicators that allows it to monitor performance across the UKCP in a systematic way
- Regularly review its own performance
- Provide adequate induction and development opportunities for trustees

### *The Chair and Vice Chairs*

The Chair has a pivotal role between the Board and staff, to ensure this role works well:

- The Chair's role should be more clearly differentiated in the Articles of Association to distinguish between the Chair and CE roles
- A Vice Chair role should be created that is part of the Board and able to support and deputise for the Chair when required
- The existing Vice Chair roles could be delivered through either *Officer* or staff roles accountable to the Board

### *The Strategic Co-ordinating Committee*

Fulfils both the function of a subcommittee of the Board and a decision making body:

- Its role should be reviewed by the Board and either confirmed as a subcommittee of the Board operating within clear parameters laid down by the Board or consideration given to more frequent Board meeting that can undertake the work of the SCC
- If it is retained its membership should be based on its role as a sub-committee of the Board – and it is recommended its minutes should be made available to demonstrate transparency

### *The Psychotherapy Council*

Has the potential to make a positive contribution towards accountability to members and as a space to discuss new issues and ideas, but is not felt to be doing that currently:

- To do this it should more explicitly reflect the wider membership of the UKCP
- It should be clear how its deliberations are received by the UKCP more widely so its members understand how it contributes to the UKCP
- Should be viewed positively by all and promoted as a key part of the governance structure

### *Committees*

- A clear distinction between the primary roles of the different parts of the structure should be made, with a separation between those committee that are primarily advisory in nature and those which have delegated authority from the Board

- There should be a standardised Terms of Reference for the committees that makes clear their roles and reporting
- Where there is significant cross over consideration should be given to the ongoing need for them
- The work of the committees should be better co-ordinated and integrated with staff – particularly around planning
- The performance and review subcommittee should be more formally constituted

### *Colleges and Faculties*

- Given the demands on volunteers and the limitations on staff support, consideration should be given to rationalising the number of colleges and faculties
- There is a potential for a conflict of interest in colleges led by Organisational Members making decisions about new training establishments which should be addressed

### *Process issues*

- Levels of delegated authority should be made clearer and agreed by the Board
- It is strongly recommended that a clear and standard policy on conflicts of interest (including conflicts of loyalty) is developed for use across the governance structure. There are examples of policies available from other organisations – some links are provided in Appendix 3
- There should be clear reporting structures in place for Honorariums with the Performance and Review Committee being a possible place for this to be managed
- All minutes across the structure should be made available via some form of shared online workspace or extranet. Consideration should be given to how the Board could engage more effectively with other parts of the structure and how information might be provided in a condensed and regular format such as a newsletter for those who prefer less rather than more information
- Issues of accountability within the structure should be considered when deciding which of the recommendations in this report are implemented – that is accountability to all stakeholders not just Psychotherapists
- Identify how UKCP will understand and define the public interest and engage the public in doing this
- Increase the culture of consultation and openness

### *Memorandum and Articles of Association*

- The recommendations of the law firm Field Fisher Waterhouse should be implemented alongside any changes arising from this review