

BY EMAIL

Dr Michael Davidson
myklrob@hotmail.com

24 March 2015

Dear Dr Davidson,

Complaint about us

I write in response to your email dated 18 February 2015. In your email you raise several complaints about the Authority. The basis of these complaints is that you believe the Authority is discriminating against people by 'debarring registers containing professionals who practise conversion therapy', forcing people to 'seek informal support' from unregistered therapists; that the Authority 'closes the door to organisations seeking a register' and that the Authority misleads people by not acknowledging that conversion therapy is not illegal in the UK.

In order to respond to your complaints it would be helpful to summarise the Accredited Registers programme. The programme was established by the Professional Standards Authority under the Health and Social Care Act 2012 and provides assurance on the standards of voluntary registers. To be accredited under the programme the organisation that holds the register needs to meet standards set by the Authority in the following areas: governance, setting standards for registrants, education and training, managing the register, providing information and handling complaints. A voluntary register differs from a statutory register because practitioners are not obliged to be registered in order to practise.

Accreditation does not assess or validate the efficacy of a particular therapy. The Authority will not test whether or not a particular therapy has better results than other therapies. The Authority does not hold any register, or accredit individuals.

The Authority, as a statutory body, has to comply with the equality duty (Public Sector Equality Duty or "the general equality duty") contained in the Equality Act 2010 when assessing applications for accreditation. The duty covers all the protected grounds set out in the legislation: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion and belief and sexual orientation.

The intention of the general equality duty is to ensure that a public authority must, in the exercise of its functions, have due regard to three main aims:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard, means consciously thinking about the three aims of the general equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies as well as how they develop, evaluate and review policies and guidance.

Your complaints

In consideration of the equality duty we have had regard to the respected body of professional opinion from the Royal College of Psychiatrists and the British Psychological Society who consider that this form of therapy is potentially harmful. Indeed, all the major Counselling and psychotherapy organisations in the UK have committed to rejecting the use of conversion therapy. Whilst the Authority does not evaluate the efficacy of any particular therapies, we do not consider that offering conversion therapy to service users is compatible with the duty to eliminate discrimination and harassment towards gay people or people who are perceived to be gay.

Furthermore, sanctioning this form of therapy indirectly through accreditation would not, we consider, foster good relations or promote understanding between those individuals who identify as gay and those who do not, or those who are perceived to be gay or of another sexual orientation.

We agree that those who were formerly of one sexual orientation and now identify with another, or those who are perceived to be of a certain sexual orientation are protected from unlawful discrimination pursuant to the Equality Act, but we do not consider this issue supports your complaint.

Therefore, we disagree with your complaint that the Authority contributes to discrimination against individuals. We consider that the opposite is true. The Accredited Register programme serves to protect the public from exposure to harmful or potentially harmful practices. We therefore consider that the Authority standards 2, 6 and 7 are engaged.

In respect of standards 3 and 5 this is a voluntary programme and therefore it is for the organisation which holds the register to decide whether they wish to apply for accreditation with us or not. They are under no obligation to do so. An organisation is within its rights to decide that they cannot agree with our position and choose not to apply for accredited status. This does not prevent them from holding a voluntary register. Therefore we do not agree that we are debarring registers containing professionals who practise conversion therapy from existing or directly or indirectly preventing access to service users who may be motivated, religiously or otherwise to address their feelings

You request an explanation as to the basis of the Authority's policy position in confirmation that we are not pursuing a 'political agenda'. The Authority's January statement and policy position is underpinned by its standards and its legal duty to have due regard to the aims of the general equality duty pursuant to the Equality Act 2010.

We do not discriminate against people seeking any therapy. Furthermore we do not 'force' people to seek support from an unregistered professional; individuals are free to choose whether or not to use a practitioner on an accredited register or to seek support from a practitioner on a register not accredited by the Authority.

With regard to your third complaint that the Authority's statement is misleading to the public, since the public are free to choose their own therapist, we disagree that it is necessary to comment on the legality of the therapy.

Addressing your complaint with regard to the application of standard 6 we recognise that conversion therapy is not unlawful in the United Kingdom but we do not consider that our statement is misleading.

Your requests to the PSA

You have also made three requests of the Authority. With regards to requests one and three, as we have already explained we do not hold an opinion or position on the effectiveness or efficiency of conversion therapy. As we have already explained we do not review the efficacy of any therapy. Therefore, we are not unable to provide you with any scientific evidence or peer review articles we reviewed, as we have not, nor do we intend to reach any decision on the efficacy of conversion therapy.

In relation to request two, we have set out above the reasons why we believe that the accreditation of any register which permits conversion therapy is not compatible with our legal duty under the Equality Act 2010.

If you remain dissatisfied with the handling of your complaint, you have the right to ask for an internal review in line with our 'How to complain about us' policy, a copy of which is provided with this response. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Harry Cayton
Chief Executive
Professional Standards Authority
157-197 Buckingham Palace Road
London
SW1W 9SP

Yours sincerely



Suzanne Dodds
Governance and Compliance Manager