

STATES OF JERSEY



REGULATION OF THE PROFESSIONAL PRACTICE OF THERAPEUTIC COUNSELLORS (P.21/2025): COMMENTS

Presented to the States on 27th March 2025
by the Minister for Health and Social Services

STATES GREFFE

COMMENTS

1. The Minister for Health and Social Services recognises the importance of protecting those accessing therapeutic counselling services and is grateful to Deputy Coles for bringing this to the Assembly for consideration.
2. However, whilst the Minister will ensure that any problems surrounding therapeutic counselling services in Jersey are monitored, there is little evidence to suggest a need to apply much needed resources to the detailed work and engagement that would be required to assess the risk to Islanders posed by unaccredited counsellors, the application of a complex regulatory legal framework to the profession locally, or the costs incurred by both counsellors and the State on an annual basis. Therefore, the Minister does not support this proposition as it is not considered at all likely that regulation would be either proportionate, effective or value for money.
3. Decisions to introduce legislation to regulate any service should always be taken having considered and exhausted other policy solutions. At this stage, it would be disproportionate to reach straight for regulation: this view is supported by the [National Counselling & Psychotherapy Society](#) (NCPS), a prominent accrediting body for therapeutic counsellors in the UK.
4. The NCPS has raised concerns that regulation would not capture therapeutic counsellors who provide counselling services online to Islanders from around the world, something which is becoming increasingly commonplace. The body has also raised concerns about the efficacy of regulation by protecting the title of ‘therapeutic counsellor’, as there are many different titles in the field which unqualified practitioners could use instead (such as coach, hypnotherapist, etc.) to evade being registered.
5. At a time of huge demand for mental health support, it is important not to overburden the therapeutic counselling profession in Jersey and risk a reduction in these crucial services. The UK does not require counsellors to be regulated and we have little or no evidence to support a deviation from the UK’s policy. If Jersey becomes the only place where counselling services are regulated in the British Isles, this could have negative unintended consequences for the Island.
6. While the Minister asks the Assembly to reject Deputy Coles’ proposition (P.21/2025), on this basis, he proposes instead to deliver a public awareness campaign which would encourage the public to check a therapeutic counsellor’s credentials on an UK accrediting body’s register before engaging their services.
7. This is a proportionate, non-legislative policy approach to the issue which recognises, and seeks to mitigate, a potential risk to the public posed by unaccredited therapeutic counsellors in Jersey. The NCPS has also supported an awareness campaign as a more proportionate response to the presenting risk than a legal registration requirement.

Public Awareness Campaign

8. This campaign would aim to raise awareness of the risks of engaging the services of unaccredited therapeutic counsellors and encourage the public to check a practitioner's status on UK accrediting bodies' registers prior to engaging their services. As advised by the NCPS, the Minister considers that this would more proportionately and effectively mitigate the risk of harm to vulnerable people who seek counselling support.
9. This campaign would be aimed at the community in general but may target demographics who are more at risk, pending further research. The campaign would take place in Q4 2025 and involve:
 - a page created on www.gov.je with information relating to therapeutic counsellors and accrediting bodies;
 - government social media promotion featuring a call to action and signposting to the information page on www.gov.je;
 - posters and leaflets placed in the community (for example in GP surgeries, charities, etc);
 - some targeted ads (e.g. Google ads); and
 - engagement with local mental health organisations to raise awareness of the issue.

Financial and staffing implications

10. The campaign can be delivered by existing comms and policy officers. It is anticipated that approximately **£5,000**¹ would be required for asset design for social media and physical material, print placements, digital placements and translation work. This would ensure that the Government of Jersey is targeting and communicating the messages effectively with Islanders. This funding would be provided from the Cabinet Office budget.

Background

11. Therapeutic counsellors help clients explore their thoughts, feelings, and behaviours to develop a better understanding of themselves and others. They do not give advice or prescribe medication.
12. Under UK law, 'therapeutic counsellor' is not a protected title, and therapeutic counsellors are not legally required to register with a UK accrediting body in order to practise. Jersey legislation reflects this position. In both jurisdictions, anyone could call themselves a therapeutic counsellor regardless of their experience or qualifications.
13. There is no statutory regulator for therapeutic counsellors in the UK. However, there are several accrediting bodies² for therapeutic counsellors, the largest and most recognised of which are the [British Association of Counsellors and](#)

¹ Subject to quotes from approved suppliers.

² See the Professional Standards Authority website for a list of accrediting bodies: [Counsellor | PSA](#)

[Psychotherapists](#) (BACP), and the [National Counselling & Psychotherapy Society](#) (NCPS). These bodies are themselves accredited by the [Professional Standards Authority](#). The BACP and NCPS accredit practitioners based on requirements for training, professional codes of practice and continuous professional development. While these registers are voluntary, membership provides assurance about professional standards and is encouraged within the counselling profession, particularly by training providers.

14. The current position is that therapeutic counsellors are not required to register with a UK regulator, accrediting body or the Jersey Care Commission to practise in Jersey. This position aligns with that of the UK Government as well as the broader stance on professional registration in Jersey, where Jersey policy reflects UK policy as far as possible. The UK Government ‘will only consider statutory regulation of therapeutic counsellors where there is a compelling case on the basis of public safety’³. Nevertheless, in the time since Deputy Coles lodged his proposition, the Government has sought to consult with UK accrediting bodies to ascertain whether they would be willing and able to operate a registration system for Jersey-based counsellors.

Evidence Against Local Regulation

15. Like the UK, the position in Jersey accepts a level of risk to people seeking counselling services. However, when this was raised with the NCPS by the Government, it stated that ‘being contacted about a counsellor that isn’t qualified and has no registration with an accredited register is effectively unheard of, despite the prevailing myths around it’. There is currently no available data about complaints made against therapeutic counsellors in Jersey to firmly support the argument for regulation on the basis public safety.
16. While UK accrediting bodies investigate complaints against their members, this process is not legally binding. A body may choose to revoke a practitioner’s membership, but this does not prevent a practitioner from practising as a therapeutic counsellor and harming further clients. Requiring registration with a UK body and the Jersey Care Commission to practise as a therapeutic counsellor would, in effect, prevent practitioners who are struck off from the registers from practising as a therapeutic counsellor locally. However, a process would be required to set out how the UK bodies and the Commission would process registrations, work together to investigate complaints, and how decisions and appeals regarding registration would be made. Additional resource would almost certainly be required by the Commission and these accrediting bodies to this end, as there are eleven such bodies in the UK.
17. Given the size of Jersey as a jurisdiction, as well as the longstanding policy that Jersey will only require health and social care professionals that must register under UK law to register locally, it would be disproportionate to introduce further layers of regulation beyond what the UK already has in place. Requiring therapeutic counsellors to register with a UK accrediting body and the Jersey Care Commission would also set a precedent for other unregulated healthcare professions being regulated in a similar way in future.

³ [Why aren’t more professions regulated? | The HCPC](#)

18. Therapeutic counselling is often a part-time or voluntary role and is more informal than a psychotherapist or psychologist, for example, which is part of the appeal to some clients. The NCPS has suggested that formalising the profession through statutory regulation may not be appropriate. Indeed, the NCPS undertook a study which indicated a 20-30% loss of counselling provision if statutory regulation were introduced in the UK.

Conclusion

19. The Minister for Health and Social Services has provided these considerations in order to aid the debate of P.21/2025. The Minister does not consider that applying a complex legal framework to the therapeutic counselling profession in Jersey would be proportionate or effective. Members are urged to reject this proposition, as the Minister proposes to implement a public awareness campaign to mitigate any risk posed by unaccredited therapeutic counsellors on the Island instead of implementing regulation at this stage.