

Attendees:

Antony Townsend – Board member and Deputy Chair of Authority (Chair of Appeal Panel); Renata Drinkwater – Board member; Alan Clamp – Chief Executive Officer; Natasha Wynne – Secretariat

Notes

1. Declarations of interest

1.1 There were no declarations.

2. Introductory remarks (Chair)

2.1 The Chair set out the grounds for the appeal.

2.2 The Chair clarified that the legal advice to the Authority was that the additional evidence submitted by the National Counselling Society/National Hypnotherapy Society (“the Societies”) since the August Accreditation Panel could not be considered at this point. Therefore, the present Panel could not undertake a thorough examination of this evidence. A new Panel may be convened in future to resolve this. This was accepted by the present Panel.

3. Consideration of appeal, and Authority response

3.1 The Panel commended both the Societies and the Accreditation Team for the clarity of the documents they had each prepared.

Condition Three

3.2 The Panel noted the Accreditation Team’s suggestion that Condition Three could be restated as a recommendation and agreed that there was good evidence of the Societies’ efforts to resolve this issue.

Conditions One and Two

3.3 The Panel considered the Societies’ reference to informal legal advice that it would be dangerous for them to go beyond the ASA guidance, and their suggestion that the Conditions should be amalgamated, simplified and not be interim. Though the Panel expressed sympathy with the Societies’ position, they agreed with the Accreditation Team that the imposition of conditions

was reasonable and justified given the evidence available at the time of the previous Accreditation Panel.

- 3.4 The Panel agreed that an appropriate way to address the Societies' understandable concerns would be to promptly convene a new Panel to look at the new material. With respect to the timeframe, the Panel hoped that the Societies would cooperate with the Authority to do so to consider the additional evidence and facilitate a quick resolution.
- 3.5 The Panel considered whether Condition Two required the Societies to go beyond the Advertising Standards Authority (ASA) guidance, as stated in the appeal, but did not agree: the condition permitted the Societies to take other guidance into account, but did not require it. Similarly, the Panel did not feel that describing a position statement as 'interim' (as per Condition One) was confusing or would require the Societies to undertake significant research. It was suggested that all position statements are in effect interim because they are likely to be superseded by future evidence or events.
- 3.6 Panel members felt it would be reasonable for the Societies to issue a statement to acknowledge the ASA guidance, whilst also citing the National Institute for Health and Care Excellence (NICE) guidance and clarifying that the research landscape is continually developing. This statement should imply that the position is current but will be kept under review, as is good practice for position statements.
- 3.7 The Panel noted that the Accreditation Team have agreed to remove wording from the report that suggested that the Societies' auditing was insufficient.

Recommendations for the Accreditation Team: ASA

- 3.8 The Panel encouraged the Accreditation Team to think about how to engage with the ASA to ensure their guidance was up-to-date, and whether further guidance for registers may be appropriate. A Panel member referenced ongoing conversations between the team and both NICE and the ASA.

4. Panel decision

- 4.1 While the Panel was sympathetic to the Societies' position, they concluded that Conditions One and Two were not disproportionate, unreasonable or unnecessary, and were consistent with the approach taken by the Authority with other registers. Conditions One and Two were therefore upheld.
- 4.2 The Panel agreed that Condition Three should be downgraded to a recommendation.

5. Impact assessment

5.1 No additional comments.