

STATEMENT IN RESPONSE TO HOWARD MARTIN

Professor Andrew Samuels

Personal message to Howard Martin, extracted from the Q&A section, below:

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Stop. Think. Mediate. Allow us to address the issues and end this saga. Bring family, friends and supporters, or an advocate or a journalist - but don't let this invitation drop. You can come and see me at UKCP or in my consulting room if you prefer - just contact me on andrew@andrewsamuels.net

Howard Martin has accused me of lying, being a close personal friend of Derek Gale, a supporter of Derek Gale in connection with the HPC case, and a supporter of his work (with an implication that I work along the same lines). His latest letter to the Trustees and Chief Executive of UKCP (which was not sent to me) accuses me (libellously) of 'supporting [Gale's] desire to carry on exploiting his clients'. Hence, I am alleged to be part of an abusive cult, as this is what Howard Martin alleges is what Derek Gale was operating.

After my election as Chair of UKCP, Howard Martin began writing about me on the internet. I tried to make contact with him with a view to explaining what had happened from my angle. I hope everyone reading this realises that here was no reason for me to do this and colleagues advised me not to. However, I did feel that he was entitled to some sort of an explanation and then (I imagined) there might be some kind of mediation between Howard Martin and UKCP. Well, as I shall show, things got muddled. On this occasion, I am the victim of a warm heart and trusting nature.

You don't have to be a conspiracy theorist to grasp that, by now, the issue has much to do with finding a new avenue to attack those psychotherapists who have doubts about HPC as the regulator. Not surprisingly, common ground had been made between Howard Martin and the supporters of HPC in the profession.

With regard to Derek Gale, these are the facts: after they contacted me to discuss it in 2007 prior to a preliminary hearing, I provided his solicitors with a letter that they could present to HPC. The letter was dictated to me over the phone and I thought this was a standard procedure. It is an open letter stating that, *if HPC's tribunal decided to impose a sentence on Derek Gale that involved mandatory clinical supervision, I would be willing to undertake this*. I made it clear that I would be working on HPC's behalf, not as a private supervisor, and that I would anticipate being required to supply a professional audit of Derek Gale's working practices.

I understood from Derek Gale's solicitors that this work would be undertaken as part of a team. The remark about Derek Gale's lawyer being 'nasty and exploitative' that I posted on the internet was too extreme, and I apologise for that. It was occasioned by my finding back in 2007 that there was actually no team of potential supervisors, only me. I did feel let down by this but as the hearing did not pursue the mandatory supervision option I have never pursued the matter and am not interested in it now.

During the 2007 hearing, I received a telephone call from Derek Gale's solicitors saying that the HPC panel wanted to know if, as part of a mandatory supervision for HPC, I would actually and permanently be in the room with Derek Gale and his client(s). I said I could not possibly spare the travel time to Essex, and I would not in any event sit in the room where a psychotherapist was working. This is not a usual supervisory practice in my modality of psychotherapy. The disappointment of the solicitor is neither here nor there. The point is that they were clearly discussing mandatory supervision as an option.

The situation changed between the two hearings in 2007 and 2009. When asked again if I was still willing to do supervision of Derek Gale on behalf of HPC, I refused. The list of charges had grown and I became ever more concerned. I am not sure why some of the charges were then suddenly withdrawn.

It was not professionally unreasonable to say I would do supervision if (and only if) HPC instructed that this was to be included in their sanctions. It is something that they are entitled to impose. In the event, they did not impose this particular sanction and, having read the transcript of the final hearing in 2009, I think this was the right decision. Derek Gale was simply too aberrant. At the time I said that I would be prepared to offer supervision, this was as part of a hypothetical scenario; the full extent of Derek Gale's wrongdoing was not known.

I have tried to set the record straight but it is much easier to position me as some sort of loose no-good rather than as the senior, concerned practitioner I was trying to be. And these events took place before I was elected Chair of UKCP. I repeat: it is not unusual either for HPC or psychotherapy organisations generally to impose mandatory supervision as part of a package of measures, usually carried out by very experienced practitioners. I have done that kind of work quite often.

I think that Howard Martin should applaud those senior members of a profession who are prepared to support the regulatory authorities when supervision needs to be imposed. Of course, as in this case, sometimes the wrongdoing is so apparent and serious that it would be irresponsible to consider any practice, even with supervision. That was my position at the time of the second, full hearing in 2009.

As regards Derek Gale, I have never 'supported' him, whether in 2007 or in 2009. Others did; I did not. Therefore it is defamatory to suggest otherwise. Derek Gale has not sought to shelter behind me and has made it clear that I am neither a 'supporter' nor a personal friend of his.

What people need to remember is that there were *two* hearings, one in 2007 (a preliminary hearing) and the final one in 2009. Everything that is contained in the letter from me to HPC refers to 2007 when the full range of the allegations was not known.

By the time of the 2009 full hearing, I did indeed refuse to offer putative HPC-mandated supervision, or to make a statement to the hearing in support of Derek Gale. Hence I was not lying to Howard Martin in what he calls Statement 1 because I thought it was 2009 we were talking about. In statement 2, I actually use some of the phrases you will see re-used in this statement to show that there is no lie here. When I realised Howard Martin wanted to talk about 2007 as well as the much more dramatic and widely-reported 2009 hearing that everyone followed avidly, I quite naturally wrote about the supervision offer.

I have to ask, why would I be so stupid to lie about the idea of mandatory HPC supervision in 2007? There'd be no reason for me to do it and, moreover, it was I who had made contact for the human and professional reasons mentioned above. I honestly think there was a muddle between Howard Martin and me and, as he himself realises, I could not log on properly to the website and was relying on an intermediary.

There is one apparently minor point that I think needs clarifying. The letter from me to HPC has no date on it. I don't think anyone is suggesting that it refers to anything other than the 2007 hearing. But I now have concerns that there will be allegations to the contrary.

So, in response to Howard Martin's internet campaign of accusations of lying, I say that I have not lied. At one point I got confused about his questions and whether they were about the 2007 hearing and the 2009 hearing, Howard Martin himself seemed to confuse the two hearings. But there is no big mystery, and no wild lies and deceptions; I have done my best to explain everything here in this statement. If there was any substance to all this, if I had committed any serious professional breach, then we would not be handling things in this way.

I will now proceed to answer Howard Martin's questions as best I can. I do not expect to satisfy him but the questions do at least give me the chance to express myself more freely than in my statement thus far.

Questions for Andrew Samuels with regards to his role in the HPC / Derek Gale interim suspension hearing of 17th December 2007.

1. Andrew, you have claimed that you made an offer to supervise Derek Gale if the HPC requested you to do so as part of their sanctions for the lifting of Derek Gale's suspension (Statement Two). Considering that Derek Gale was at the time also suspended by the UKCP and UKAHPP on the grounds that he (in Mike Bowen's words) "posed a threat to the public" do you with hindsight have any regrets about undermining the work of your colleagues in the UKAHPP and UKCP ethics committees?

My understanding was that, if HPC had lifted the suspension, and allowed Derek Gale to practice under a package of disciplinary measures, then UKCP and UKAHPP would in all likelihood have fallen into line and downgraded their suspensions to conditions for supervised practice.

A suspension is not a conviction. I continue to see nothing wrong, and much right, in making a wholly reputable professional offer which was not, repeat not, something I was *arguing* for. It was an offer of a professional service that was not taken up.

No-one from the UKCP or UKAHPP ethics committees has contacted me about this to protest. The codes of ethics and practice of both organisations by no means rule out rehabilitation via a package of measures, including mandatory supervision.

I would just add here that I would generally expect such packages also to include mandatory personal therapy, an agreement not to function in a leadership role in the profession, an agreement not to work with certain categories of client, and a time frame for the entire process. There are usually arrangements for confidential reports from the mandatory supervisor or supervisors, and, sometimes, from the mandatory therapist. There is always a further hearing should the offender wish to have the terms of his disciplinary package lifted. But, as I say above, sometimes it is so serious that such a package is not indicated.

2. Since you have acknowledged that in 2007 you were willing to take instruction from, report back to and fully co-operate with an HPC interim suspension panel with regards to lifting Derek Gale's suspension (Statement Two) why do you now consider that those same panels and procedures would not be appropriate for either yourself or other psychotherapists and counsellors?

This is a rather opaque and tricky question, worthy of Jeremy Paxman. I think you are saying something like this; '*Back in 2007, you had enough respect for HPC's system to co-operate with it. Yet now you don't have much time for HPC's Fitness to Practise system. Gotcha! Caught you in a contradiction.*'.

Isn't your question illogical? At that time, my offer was surely not intended to represent an evaluation by me of anything to do with HPC at all. You know that as late as 2006 and maybe into 2007 none of the major professional psychotherapy and counselling organisations were supporting HPC. They all wanted a Psychological Professions Council. Now they do support HPC. Are they caught in a contradiction too?

3. You have often stated that you do not believe that the HPC has high enough qualification standards yet in December 2007 you were willing to work with the HPC to enable Derek Gale to continue to practise. As you were no doubt aware at the time Derek Gale has no qualifications or training in any form of psychotherapy whatsoever and his claimed diploma in drama therapy is unverified. With hindsight do you not think your time would have been better spent petitioning the HPC to stop them allowing Derek Gale to continue practising rather than supporting his desire to carry on exploiting his clients?

Your last sentence is libellous. I have in fact got a collection of libellous statements you have made about me and they are with my solicitors. Nothing that I have done could possibly be described by any reasonable person as 'supporting [Gale's] desire to carry on exploiting his clients'. I think you should withdraw that remark unreservedly and immediately or face the consequences.

When you started gunning for me, it made me genuinely anxious. I remain worried that this onslaught will ruin my professional reputation and see me cast as an abusive, cult therapist. I am also worried about being taken to task at UKCP. I could even lose my job – though I agree that this is no concern of yours, even if it may be a goal. It is not difficult to imagine people in UKCP who don't care for me or my policies putting pressure on the complaints department to have me investigated, suspended, removed from office.

Something I don't understand is how HPC registered someone with no proper qualifications. This is news to me. Surely state regulation is supposed to stop this kind of thing?

Yes, I personally think the entry thresholds for HPC's register(s) of counselling and psychotherapy are scandalously low. Others do too and I think this is going to be a problem going forward.

4. You proposed to supervise Derek Gale from his notes once a week and to report back to the HPC any concerns you had without any intention of sitting in on any of his workshops or sessions. Do you still consider this to be an appropriate method of supervision for suspended therapists accused of very serious assault on their clients and that this method offers an

appropriate level of protection for the clients and public?

I have already addressed the question of 'why supervision?' in many respects (see above). Some psychotherapists, particularly systemic family psychotherapists, do use direct supervision methods, with video, one-way screens, and occasional entry into the therapy room by a supervising person. I do not.

I am not saying mandatory supervision *always* is indicated, of course, which is why I didn't agree second time round. Do you think that there are no circumstances in which mandatory supervision is indicated? Or that there should be no possibility at all of rehabilitation for guilty offenders? Not with respect to Derek Gale, but universally?

5. Your friend and colleague in the Alliance, Professor Brian Thorne, who at a later date personally supported Derek Gale at an HPC hearing, has recently stated in the Times Higher that he still considers that Derek Gale was “misguided” but acted with “integrity”. Do you support this position? Do you too believe that Derek Gale was “misguided” but acting with “integrity”?

I think Brian Thorne has been brought into this because of his anti-HPC stance as much as for anything else. For some, the primary aim is to bring about HPC regulation at any cost.

Questions for Andrew Samuels with regards to public statements made concerning his offer of supervision of Derek Gale.

1. Since your election as Chair you have made various public statements that have instigated questioning of your personal integrity that has led to accusations that you are a liar. Do you feel that this in anyway undermines your position of authority in negotiations and discussions with the HPC and other parties?

I would rephrase this disingenuous question as follows: *'Have you noticed how people who support HPC have dishonestly and ruthlessly used whatever material they can generate to attack you, Andrew, so as to promote the cause of HPC?'*

Sure I have noticed this. I'd have to be a moron not to. I am a liar, a cult therapist who abuses his clients. I have a forked tongue, cloven hooves and a tail. I am an unsuitable person to be Chair of UKCP. Oh, almost forgot, *I am not someone whose critique of HPC should be taken seriously.*

The attempt to discredit me doesn't alter the fact that there are thousands of psychotherapists and counsellors out there who have serious doubts about HPC as the regulator.

2. What role did your friend and colleague in the Alliance, Richard House, have in the issuing of your claim that your offer to supervise Derek Gale was an “urban myth” in a statement to the Timesonline comment column of December 13th 2009 (Statement One)?

I am crap at computers so I specially asked him to post it. I think this was one reason why there was the muddle that has led to the accusation of lying. I was reading extracts from the *Times* website on a Blackberry and was not aware of the flow of the discussion. I won't do that again.

3. Why did you make this “urban myth” statement only to contradict yourself days later when public disclosure of the transcript of the hearing revealed it to be completely untrue?

I have explained in my statement above that there were two hearings. Be honest, you, too, were not completely sure which one we were arguing about.

4. You subsequently claimed in a public statement issued through the Mental Nurse website (Statement Two) that counsel for Derek Gale misrepresented your offer of supervision and implied he behaved disreputably in doing so. The transcript of the hearing compared to your written submission (Statement Three) reveals that in fact counsel conveyed (almost to the letter) what you had agreed with Derek Gale to undertake. Do you now apologise for, and withdraw, your potential libel against Derek Gale’s counsel?

I have explained what annoyed me. I had imagined there would be a team of supervisors but the only name put forward was mine. I think my language was too strong and I apologised for it but I was trying to convey that I was acting in good faith. I thought there would be a team.

Please don't think that attempts to stir things up always work. I got involved in contacting you because I wanted to set the record straight and because I could see that nothing was settled for you by the HPC hearing. This is all too often the case after psychotherapy ethics cases as anyone who has been on an ethics committee knows. If the recent and tragic press reports are true, then we will be ever further from resolution. I wanted (and want) to see if we could bring matters to an authentic close via mediation.

I would still sit down at a table with you, either as a leader of the profession, or as a bog-standard Jungian analyst, or as a man. What do you say? I first contacted you because I was aware that you had been writing to UKCP and elsewhere for some time prior to my election about ongoing unsettled issues following the Derek Gale case. I felt, on empathic grounds, that I should try to contact you.

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5. With the issuing of these statements and considering their contradictory nature have you in fact made your position as chair untenable? Have you undermined your own integrity to the point whereby you have made the UKCP a laughing stock?

Let me once again rephrase this question thus: *'If we succeed in getting rid of you as Chair, will the chances increase that HPC's plans for regulation will survive without the critique they need for the purposes of improving them?'*

My answer: Yes. Yes. Yes, that is what this is about. I don't think UKCP, or the wider profession, will fall for it. Even people who are caught in a negative passion in relation to me, and would love to see me cut down, will not be completely happy to see me silenced by smears, innuendos and libels.

I want to add for the record a note of UKCP's policy with regard to independent statutory regulation.

Many members support HPC and, as HPC is the current frontrunner to be the regulator, we negotiate constructively yet assertively to improve what is on offer for our members and, we believe, for the public.

We have several concerns that HPC's mission to protect the public will come unstuck in the case of psychotherapy and counselling. For example, HPC's Fitness to Practise system will deter complainants from coming forward, particularly if the nature of the complaint involves sexual misconduct. As in rape cases, many victims will not want to be heard in public.

In addition, UKCP respects the fact that many members do not intend to register with HPC and we cannot but respond to that situation.

UKCP also is aware that a third group of members, again substantial in numbers, would support independent statutory regulation – but not by HPC.

UKCP – and its chair – are responsible and serious. We are engaging, sometimes in perplexity, with some complicated issues at the public policy level. In a way, it is not surprising to find that, given this complexity and the variety of opinions that exist, some will want to cut through the complexity and influence the debate by targeting a prominent participant in it.

**Professor Andrew Samuels
February 2010**