

Conversion Practices Legislation in England, Wales and Northern Ireland

The Central Question

Can a democratic society legitimately rely upon a professional framework that recognises only one contested professional philosophy, excludes professionally accountable alternatives, fails adequately to recognise pastoral care provided outside the regulated healthcare system, and restricts the availability of lawful support for individuals who freely seek help consistent with their own preferences, beliefs, values and life goals?

The IFTCC believes this is the central question raised by the proposed conversion practices legislation in England, Wales and Northern Ireland. It should be answered before either the UK Parliament or the Northern Ireland Assembly creates new criminal offences or further restricts lawful therapeutic and pastoral practice.

1. Our Position

The International Foundation for Therapeutic and Counselling Choice (IFTCC) opposes the proposed conversion practices legislation in England, Wales and Northern Ireland because both legislative proposals rely upon a recognised professional framework that no longer reflects the full range of professionally reasoned opinion in this field. As a result, they risk making one contested therapeutic philosophy the effective standard by which lawful therapeutic and pastoral practice is judged.

We unequivocally reject abuse, coercion, degrading treatment and manipulation. Such practices have no place in ethical counselling, psychotherapy or pastoral ministry and are already subject to criminal, civil and professional sanction. The central question is therefore not whether abuse should be prohibited: it already is.

The real question is whether Parliament and the Northern Ireland Assembly can safely legislate on the assumption that one contested professional philosophy should define legitimate therapeutic or pastoral practice, while assuming that philosophy is inherently safe and giving insufficient attention to the risk of abuse where unwanted affirmative interventions occur without an individual's free and informed consent.

2. A Common Concern

Both legislative proposals distinguish legitimate from illegitimate therapeutic interventions by reference to recognised professional standards. Yet, in this field, the recognised professional landscape has been profoundly shaped by the UK Memorandum of Understanding on Conversion Therapy. That framework has, for many years, promoted one professional understanding of sexuality and gender while excluding professionally reasoned dissenting approaches. This has resulted in professionally reasoned dissent becoming largely absent from recognised professional structures. For example, even those supporting the ban say exploratory therapy is essential and must not be prohibited – yet this protection is absent from the current text of the bills. Legislatures should not therefore mistake the absence of recognised dissent for the absence of professional disagreement.

The practical consequence is that some individuals cannot reasonably expect the recognised professional framework to provide services directed towards the therapeutic goals they freely seek. These include individuals who experience conflict concerning their sexuality or gender, who do not identify as LGBT, or who have left an LGBT identity. They also include those who voluntarily seek support to reduce unwanted same-sex attraction or address gender-related distress in accordance with their own preferences, beliefs, values or faith. At the same time, both proposals give insufficient recognition to pastoral care provided outside the regulated healthcare system, including that offered by churches, ministries, Christian organisations and other faith- or non-faith-based pastoral settings. In doing so, they

privilege one professionally recognised model of care while marginalising another long-established sphere of voluntary support.

3. England and Wales

The England and Wales Draft Bill raises additional concerns. While recognising certain regulated healthcare interventions, it also introduces civil powers capable of restricting lawful practice before any criminal offence has been established. These provisions have the potential to restrict lawful practice without any finding of criminal liability. The proposed Conversion Practice Protection Orders risk creating a significant chilling effect upon counsellors and providers of pastoral care outside the regulated healthcare system engaged in lawful, voluntary and ethically governed support. These provisions require particularly careful parliamentary scrutiny.

4. Northern Ireland

The Northern Ireland Bill adopts a different legislative approach but raises many of the same foundational concerns. It relies upon recognised professional frameworks. The Assembly should carefully consider whether the present professional landscape reflects genuine professional plurality or whether it has become aligned with one contested professional philosophy to the exclusion of others. In doing so it assumes that the existing professional landscape provides a sufficiently neutral benchmark of legitimate practice. It also fails to recognize pastoral care outside the regulated healthcare system.

The practical effect is to create a coercive affirmative approach when an individual is not seeking it and has not consented to it, placing an individual at risk of abuse, of intervention that is ineffective and inappropriate for them, or of foregoing care. It casts suspicion upon the ability of individuals who freely seek support consistent with their religious beliefs, values or life goals to make meaningful therapy choices and give meaningful informed consent to them.

5. The IFTCC Contribution

For more than three years, the IFTCC has been developing international standards of education, ethics, safeguarding, supervision and professional accountability for practitioners working in this field. This work will continue whether or not either Bill proceeds.

The IFTCC has pursued these standards because we believe professional competence, ethical accountability and public confidence should characterise all responsible therapeutic and pastoral practice, whether provided within or outside the regulated healthcare professions. Responsible governance is not a concession to legislation; it is a hallmark of good professional practice.

Professional disagreement should not become the basis for legislative exclusion, nor should one contested professional philosophy become the sole measure of lawful care. The IFTCC therefore calls upon Parliament and the Northern Ireland Assembly to answer the fundamental question posed at the outset of this statement: whether legislation creating new criminal offences or further restricting lawful therapeutic and pastoral practice can properly rely upon a professional framework that no longer reflects the full range of professionally reasoned opinion in this field.

The IFTCC stands ready to contribute constructively to that discussion through its ongoing work in education, ethics, safeguarding, supervision and professional accountability.

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