

UPDATE ON STATUTORY REGISTRATION

In October 2004, Government approved the publication of the Health and Social Care Professionals Bill 2004. This Bill allows for the Statutory Registration of 12 professions, including psychologists. Brian Hughes and I attended a briefing session on 27 October, organised by the Department of Health and Children. At that stage, the Department was unable to give a timeframe for the introduction of the legislation.

Progress since has however been quite rapid. The Bill was debated in the Seanad on the 9th November and at Committee Stage in the Seanad on 18th and 19th November. Those interested in following the debate can do so at

<http://debates.oireachtas.ie/DDebates.aspx?Dail=29&Type=SEN>

A copy of the Bill is available at

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2004/4304/b4304s.pdf>. Access is also available through the PSI website at http://www.psihq.ie/whats_new.asp#41.

The following structure is proposed in the Bill:

Health and Social Care Professionals Council

A Health and Social Care Professionals Council will be established. The aim of the Council will be to ‘protect the public by promoting high standards of professional conduct and professional education, training and competence among registrants of the designated professions’

Council will consist of

- One elected member per registered profession
- 12 others
 - One representative of the management of the public health/social care sector

- One representative of the management of a voluntary/private organisation in the health/social care sector
- One representative of third level educational establishments involved in the training and education of the registered professions, nominated by Minister for Education and Science
- 9 representatives of the interest of the general public, appointed with the consent of the Minister for Enterprise, Trade and Employment (members of advocacy/service user groups)

The functions of Council include overseeing and co-ordinating the activities of Registration Boards, providing administrative support to boards and committees, establishing committees of inquiry into complaints against registrants, making decisions regarding disciplinary sanctions and dealing with refusal to grant/restore registration.

Registration Boards

A Registration Board will be established for each profession, with responsibility for the establishment and maintenance of a register of members. Each Board will, among other functions, establish and maintain the register for that designated profession, issue certificates, give guidance regarding ethical conduct, accredit third level training and make recommendations to Council re sanctions to be imposed on registrants

Each Board will also have the power to make bye-laws in relation to a number of issues, including qualifications necessary to allow a practitioner to be registered, procedures for establishing divisions within registers, requirements for Continuing Professional Development, development of a Code of Professional Ethics and accreditation of courses.

Each Registration Board will consist of

- 6 persons to be appointed by Minister on election by registrants of a profession

- 3 to be registrants who are practitioners
- 2 to be registrants who are managers of services provided by that profession
- 1 to be a registrant engaged in education and training of that profession
- 7 persons to be appointed by the Minister
 - 1 to be representative of the management of public health/social care sector
 - 1 to be representative of the management of a voluntary/private organisation in health/social care sector
 - 1 to be representative of third level educational establishments in the State involved in the education and training of designated professions
 - 4 to be representative of the interest of the general public, appointed with the consent of the Minister for Enterprise, Trade and Employment

As there will not be a register from which members can be elected, the Minister for Health and Children will appoint the 6 registrants to the first Registration Board.

Complaints Procedure

The Bill contains a detailed Section in relation to Complaints, Inquiries and Discipline.

The Council will have a central role in relation to the complaints procedure. This will allow it to build up an expertise in the area which individual Registration Boards would not be in a position to achieve. It will also allow Council to bear the costs relating to this area. This had been a source of concern for a number of professional bodies as it was possible that a protracted legal action could absorb all of the financial resources of a Registration Board.

Council will establish three Committees to deal with complaints.

Preliminary Proceedings Committee

All complaints received by Council will be referred to a Preliminary Proceeding Committee which will decide if and what further action is required. This may include referral of the complaint for mediation or other informal means, which is a positive approach to include.

Health Committee

Any hearing held by the Health Committee shall not be held in public, unless the registrant so requests.

Professional Conduct Committee

The Committee will investigate all complaints referred to it by the Preliminary Proceedings Committee. All of the Committees have the powers and privileges that are vested in a Court of Judge of a Court.

Provisions for grandfathering onto the Register

This is the Section of the Bill that has raised the greatest number of concerns among members to date. Under the terms of the grandparenting clause set out in the Bill, any person, who at any time in the 5 years prior to the introduction of Statutory Registration, was engaged in the practice of psychology can apply for membership of the Register within a two year period. The criteria listed are as follows;

- (i) Holds a recognised University degree or diploma obtained with first or second class honours in which psychology was taken as a major subject in that subject OR
- (ii) Successfully completes an assessment of professional competence set by the board in accordance with any guidelines issued by the Council.

Concerns have already been expressed to the Department of Health and Children in relation to these criteria, and the Department has undertaken to review same and has asked for our advice on the matter.

Next Steps

This is, by necessity, a summary of the 62 page Bill. Council is eager that members have an opportunity to input their views and to facilitate this, a dedicated email address has been established, statreg@psihq.ie. Many thanks to those who have already taken the time to review the Bill and have forwarded their views to us.

The Divisions and Special Interest Groups have been asked for their views, as have the Board of Professional Conduct and the Membership, Qualifications, Registration Committee.

The Department of Health and Children has agreed to meet with the Society to discuss the Bill. However, the Department has made it clear that, as the Bill has been approved by Government, it does not have the authority to change any of its provisions. Any amendments at this stage can only be made at Committee Stage. At present, Council is planning how best to effect a lobbying campaign.

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