



President's Column

GETTING IT WRONG IN THE END?

Given that Statutory Registration has been so elusive, and for so long, I think the subject merits a further outing this month. It appears that there is reluctance amongst many of our community to mention it as a reality because of the number of times it has been imminent. Perhaps superstition and psychology can go together. So here goes then, and if this puts a jinx on it, you can tell me I should not have mentioned the war.

It really looks like the Health and Social Care Professionals Bill 2004 could become law by Christmas. I offer this speculation based on the speed of the legislative process in the case of this Bill. Perhaps the need for a 'good news' piece of legislation to be passed through the Dail plays some part in the hurried process. As with last month, I refer you to the CEO's column for detail of our involvement in recent events regarding same.

Of even greater concern to me are the inherent difficulties which the state registration council and board will face, from a register which could be overblown with under-qualified registrants, when trying to set proper levels of qualification in the near and far future.

The hurry I refer to came in the form of a single morning's consideration of the Bill at the Select Committee stage. This stage usually takes weeks but not this time. Now we are at the Report Stage and it is even more difficult to get an amendment passed. There is no doubt that a momentum has been built around this legislation which, in its procedural haste, is only allowing for strongly expressed concerns to be noted, and dismissed.

The Department of Health & Children's objections to our proposed amendment have been clearly stated in correspondence and these bear some scrutiny. Our request for inclusion of a postgraduate degree in the grandparenting clause has been met with only two interrelated objections. The first involves concern around "discriminating between the qualifications required of psychologists practising in the public sector and those in the private sector." As colleagues have pointed out, this 'discriminating' is already Departmental policy, since any applicant for a post (at Senior level) must now possess a postgraduate degree, while those already employed pre-2002 are not required to have a postgraduate qualification for the same post. For the Department to discriminate between psychologists from within but insist that the same modern standard should not be applied to those without, offers the public a two-tier system of protection. Neither does this view seem complementary to those in private practice.

The second objection not only follows from the first but is probably at the crux of this issue. You guessed it, fear of litigation. The Department has clearly expressed its fear of legal challenge to Section 91 of the Bill. We know the world is a dangerous place and we must protect ourselves from the inherent expensive unpredictability resulting from contact with jurisprudence. There is, however, a great difference between protecting ourselves through best practice and discarding the continuous professional development of psychology which PSI has encouraged over the years, simply to avoid challenge.

As with all new criteria, there are concerns around inclusion, or more accurately, exclusion. This is a concern based on a particular interpretation of grandparenting. It should be noted that Section 91 uses the term "transition" throughout. The concept of transition does not imply either/or exclusively but clearly incorporates a time and process element. If we consider "transition" to be an exclusively either/or process then the only safe way to be all inclusive is to set the bar at the lowest possible level, namely an undergraduate with one day's (why not one hour's?) experience. Where does such action leave the development of the profession, but going backwards? As such, grandparenting becomes amnesty, which is a mechanism of dubious democratic pedigree, lying towards the negative end of expediency.

Surely the proper use of grandparenting is as a mechanism which seeks not to disadvantage those who do not fit the present definition of standard but can prove their competence by way of historic fact. Are there any of our members (or others) out there who became practitioners, through supervised experience, who could not easily attest to their competence by such a route? I think not. It must be asked then, why does the DoH&C insist on the conjecture of future problems without giving due credit to the competence of the Bill's registration council and registration board to justly assess qualifications and competence? Why also project such conjecture to those outside the public sector when its own experience of employment of psychologists has not led to legal difficulties?

While we await answers to the above, legislation is imminent. Regardless of grandparenting issues, it will take some time (perhaps some years) for the registration board to furnish us with bye-law regulations. In the meantime, we must decide on some aspects of our own identity. One of the more specific functions within PSI has been to advocate further professional development through the promulgation of our voluntary register. In the near future, the question will be what happens to this register? Should it fall or should it change in identity and purpose? Council has sought to be proactive in this regard by setting up a review of PSI registration. Made up from members of MQRC and Council, the group will first report to Council on the issues involved and give recommendations for further action. One of the possible considerations is the feasibility of setting up functional registers. While there is presently much to formalize regarding discussion of this issue, members may wish to forward their views to me, to the CEO, or indeed, to the IP.

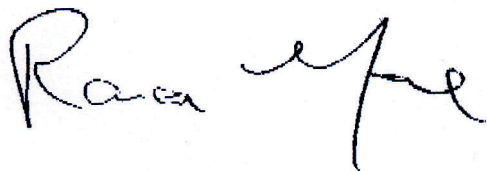
In the spirit of conjecture, let me ask one further question. What do we do with state registration if it is bestowed upon us with Schedule 3 as it is presently formulated? Do we associate with a process that allows (conservatively estimated) over 1000 people, with undergraduate qualifications and no training, to practise? By passing the Bill into legislation without amendment to Section

91, any previous reluctance to call oneself a psychologist will be replaced by a state-sponsored temptation to practise on an unsuspecting public.

Of even greater concern to me are the inherent difficulties which the state registration council and board will face, from a register which could be overblown with under-qualified registrants, when trying to set proper levels of qualification in the near and far future. I fear that this will force the board to be required to justify the creation of proper standards because the legislation did not get it right from the beginning and thereby, got it wrong in the end.

Whatever your thoughts on this issue (or others) why not come to the Annual Conference and express your views directly to Council and to other members? Where better to air those views, find out who supports what policy and sample the disparate and exciting research and developments in our discipline? Among other things, it is the annual reminder of how far the profession has developed and why we must defend progress from the vicissitudes of expediency. I hope to see you there.

Ronan Yore
President
pres@psihq.ie



Are you a Fellow or Associate Fellow of the Society?

If you are a Fellow or Associate Fellow of the Society, you should by now have received a letter from us asking permission to list your details on the website and/or in print format. Unfortunately, our records prior to 2002 are incomplete. We would therefore ask that, if you have not received such a letter, you would contact the PSI office so we may ascertain whether you wish to be included in this listing.

Sheila Kennedy
Office Manager



Message from the CEO

Again this month I am returning to the subject of Statutory Registration. Recent columns have generated some queries from members and on the basis that there may be more than one member with the same query, I'll address these in this column.

One query related to a fundamental issue – what is grandparenting?

Grandparenting provisions refer to transitional arrangements included in legislation and usually make provision for those already practicing in a profession. Criteria for grandparenting onto a register are normally different than those used to process applications for membership of a register once the regulatory systems are established.

This is also the case with the Health and Social Care Professionals Bill 2004. As I outlined previously, the Bill as currently worded will allow a 2-year window of opportunity for those with an undergraduate qualification alone, who have practised at any time over the previous 5 years to apply for grandparenting and thus gain membership of the register of statutorily registered psychologists.

The wording as currently proposed is as follows;

A recognised University degree or diploma obtained with first or second class honours in which psychology was taken as a major subject and honours obtained in that subject.

Members have asked for clarification on this matter, and yes, it is the case that the Bill will apply this very basic criterion for grandparenting. A person who graduated with an undergraduate qualification, say 20 years ago, and who practiced as a psychologist for a day at any time in the five years prior to the introduction of registration would qualify to be grandparented onto the register of psychologists. The Department of Health and Children argue that risks to the public will be minimised as these 'psychologists' will be subject to the rigours of the fitness to practice structures. However, a complaint must be received in relation to a practitioner before any investigation can be triggered. So how does a member of the public know that their treatment is now of an appropriate level? Most clients have an innate trust in their professional and believe that s/he is practising in an appropriate manner. I have also seen reluctance amongst those dissatisfied with the treatment by a practitioner to pursue what they perceive to be a lengthy and distressing process of complaint.

Other members have expressed the view that the Society is being overly restrictive in seeking to tighten up on the proposal above. They have asked us to enquire if Society registration can be linked to Statutory Registration. This is not a possibility. Advice received by Government is to the effect that a statutory regulatory system must be, and be seen to be, independent of any professional body. The Competition Authority made a strongly worded submission to

the Minister for Health and Children, warning of the dangers of professional bodies having what could be seen as undue influence in a system of statutory regulation. Indeed, the submission goes as far as stating that 'the rationale for such a sweeping reform... is weak.'

The Society has therefore sought to work with the Department to ensure that standards for entry to the register were protected while at the same time, ensuring that members of the Society would not be disadvantaged by our proposal. This balance, I think, has been achieved in our submissions to the Department that proposed the following wording would apply to the grandparenting of psychologists:

A recognised University degree or diploma obtained with first or second class honours in which psychology was taken as a major subject and honours obtained in that subject and, for persons employed as psychologists in the public sector, sufficient qualifications as required for such employment at the time of recruitment, or otherwise a recognised postgraduate qualification in applied psychology

As the President has set out above, the Department continues to raise concerns about our proposal. In the meantime, we have written to all TDs, outlining our concerns and asking for their support at the next stage of the legislative process, ie Report Stage. We have specifically written to the Tánaiste again, but as before, she has not engaged with us. A meeting with each of the main opposition spokespersons on health has been requested. We continue to be in regular communication with officials within the Department. Another stage of the lobbying process has seen the Society contact 44 advocacy groups working in the area of disabilities. Each of these groups lobbied Government in relation to Disabilities Act, and their attention has been drawn to the implications of having inappropriately qualified practitioners involved in the completion of assessments under Part 2 of the Act.

Contact is ongoing with the press, and this has already resulted in an interview by the Irish Times with the President. This article was published in the Health Supplement of the Times on 25th October.

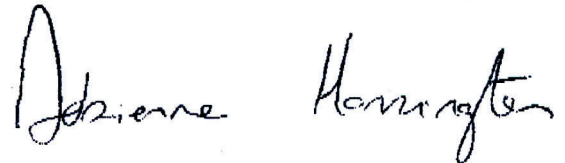
It must be borne in mind that the Society's proposals do not seek to exclude those without a postgraduate qualification from the regulatory system. The Bill allows for those without the accepted qualification to apply for grandparenting onto the register by the following means

'(ii) successfully completes an assessment of professional competence set by the board in accordance with any guidelines issued by the Council,

and as the President sets out, it would be expected that any registered member of the Society would experience little difficulty in satisfying such a criterion.

I would like to finish by reiterating the President's invitation to all members to attend the General Meeting on Saturday 19th November at 3.15pm. It is essential that the views of members are heard as we move into a situation where Statutory Registration becomes a reality.

Adrienne Harrington
Chief Executive Officer
ceo@psihq.ie



Diary for 2006

Please be advised that your 2006 PSI diary will be sent to you later this month.

Adrienne Harrington
Chief Executive Officer